



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

14 MAY 2012

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 23 APRIL 2012

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION - NIL

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

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

COMMITTEE MEETINGS

Lithgow Indoor Aquatic Centre Meeting Minutes
Sports Advisory Committee Meeting Minutes
Lithgow Flash Gift Committee Meeting Minutes

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>4</u>
<u>ITEM-1</u>	<u>GM - 14/05/12 - REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW</u>	<u>4</u>
<u>ITEM-2</u>	<u>GM - 14/05/12 - CODE OF CONDUCT REPORT - COUNCILLOR MARTIN TICEHURST</u>	<u>10</u>
<u>ITEM-3</u>	<u>GM - 14/05/12 - QUARTERLY PERFORMANCE REPORT ON 2011/12 TO 2014/15 MANAGEMENT PLAN FOR THE PERIOD 1 JANUARY TO 31 MARCH 2012</u>	<u>15</u>
	<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>	<u>19</u>
<u>ITEM-4</u>	<u>ENVIRO - 14/05/12 - COALPAC CONSOLIDATION PROJECT CULLEN BULLEN</u>	<u>19</u>
<u>ITEM-5</u>	<u>ENVIRO - 14/05/12 - ANALYSIS OF DOG ATTACKS 201011</u>	<u>23</u>
<u>ITEM-6</u>	<u>ENVIRO - 14/05/12 - FOOTPATH TRADING POLICY</u>	<u>25</u>
<u>ITEM-7</u>	<u>ENVIRO - 14/05/12 - CULLEN BULLEN - ALLOCATION OF DEVELOPER CONTRIBUTIONS - SEALING OF ROAD ADJACENT TO MERV CRANE PARK</u>	<u>27</u>
	<u>OPERATION SERVICES REPORTS</u>	<u>29</u>
<u>ITEM-8</u>	<u>OPER - 14/05/12 - OPEN TENDERING - PROCURMENT OF ROAD BASE AND BITUMEN SEALING CONTRACT SERVICES</u>	<u>29</u>
<u>ITEM-9</u>	<u>OPER - 14/05/12 - CENTROC LOCAL GOVERNMENT PROCUREMENT</u>	<u>31</u>
<u>ITEM-10</u>	<u>OPER - 14/05/12 - TENDERS FOR THE DESIGN AND CONSTRUCTION OF HASSANS WALLS BOARDWALK</u>	<u>35</u>
<u>ITEM-11</u>	<u>OPER - 14/05/12 - WATER REPORT</u>	<u>37</u>
<u>ITEM-12</u>	<u>OPER - 14/05/12 - PROTECTION OF THE ENVIRONMENT LEGISLATION AMENDMENT 2012</u>	<u>43</u>
	<u>COMMUNITY AND STRATEGY REPORTS</u>	<u>44</u>
<u>ITEM-13</u>	<u>COMM - 14/05/12 - SOUTH LITTLETON HALL</u>	<u>44</u>
<u>ITEM-14</u>	<u>COMM - 14/05/12 - ADVENTURE PLAYGROUND INVESTIGATION</u>	<u>48</u>
<u>ITEM-15</u>	<u>COMM - 14/05/12 - LITHGOW HISTORY AVENUE PROJECT</u>	<u>53</u>
<u>ITEM-16</u>	<u>COMM - 14/05/12 - TREE REMOVAL PROPOSAL FOR ESKBANK HOUSE AND MUSEUM</u>	<u>56</u>

<u>FINANCE REPORTS</u>	<u>59</u>
<u>ITEM-17</u> <u>FINAN - 14/05/12 - COUNCIL INVESTMENTS HELD 30 APRIL 2012</u>	<u>59</u>
<u>ITEM-18</u> <u>FINAN - 14/05/12 - WATER STANDPIPE CHARGES: HISTORY AND PROPOSED CHARGES FOR 2012/13</u>	<u>62</u>
<u>ITEM-19</u> <u>OPER - 14/05/12 - LITHGOW INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MINUTES - 3 MAY 2012</u>	<u>66</u>
<u>ITEM-20</u> <u>OPER - 14/05/12 - SPORTS ADVISORY COMMITTEE MINUTES 30 APRIL 2012</u>	<u>68</u>
<u>ITEM-21</u> <u>COMM - 14/05/12 - LITHGOW FLASH GIFT COMMITTEE MEETING MINUTES - 16 APRIL 2012</u>	<u>70</u>
<u>BUSINESS OF GREAT URGENCY</u>	<u>72</u>

GENERAL MANAGERS REPORTS

ITEM-1 GM - 14/05/12 - REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

REPORT FROM: GENERAL MANAGER – ROGER BAILEY

SUMMARY

Following submissions in relation to the review of the Model Code of Conduct for local councils in NSW the Division of Local Government has prepared:

- Proposed amendments to the Model Code of Conduct
- Proposed new procedures for the administration of the Model Code
- Proposed amendments to the Local Government Act 1993 and Local Government (General) Regulation 2005

Further submissions are now being called by the Division on these. Submissions on the Model Code of Conduct are to be made by 26 June 2012.

COMMENTARY

Last year, at the request of the Minister for Local Government, the Hon. Don Page MP, the Division of Local Government issued a discussion paper that outlined the issues that had been raised about the operation of the Model Code. Following this a total of 122 submissions were received by the Division in response. Lithgow City Council made such a submission to the Division on this matter.

A reform proposal with respect to the Model Code and the misbehaviour provisions of the *Local Government Act 1993* (the Act) has now been prepared that includes:

- Proposed amendments to the Model Code
- Proposed new procedures for the administration of the Model Code
- Proposed amendments to the Local Government Act 1993 and Local Government (General) Regulation 2005

The Division is now seeking comment on the technical detail of the proposed changes with submissions to be made in writing by **Tuesday, 26 June 2012**.

The submission prepared and submitted by **Lithgow Council** included the following areas of concern:

1. Providing a prompt mechanism to deal with serious and/or serial offenders
2. A review of the current institutional arrangements to bring about a faster process for the dealing with matters that go before the Pecuniary Interest and Disciplinary Tribunal (PIDT)

3. Capacity for longer suspensions to be issued by the Division of Local Government
4. Findings of Conduct Committees/Sole Reviewers becoming 'Final' rather than making recommendations to Council
5. Dismissal provisions for individual Councillors who are either repeat offenders or whose conduct is such that dismissal is warranted
6. Penalties that are enforceable
7. More cost efficient system

In preparing the reform proposal the Division has had regard to the following needs identified in the submissions received:

- For councils to be ultimately responsible for the management of complaints about the conduct of their officials.
- To put in place a framework for managing such complaints that is rigorous, cost-effective and promotes public confidence.
- To ensure that only those matters that warrant investigation are investigated and that alternative resolution strategies are available for those matters that do not warrant investigation.
- For all councils, regardless of their size and location to be able to access a pool of independent and suitably qualified persons to undertake investigations where they are warranted.
- To provide greater clarity and certainty in relation to the procedural requirements of the code at the same time as allowing flexibility.
- To ensure the code has more “teeth”.
- To ensure that rights are adequately protected and that appropriate checks and balances are in place.
- To put in place adequate protections and disincentives to prevent the misuse of the code.
- To minimise the exposure of councils to costly appeal processes in the Courts.
- To remove the current obstacles to the more effective exercise of the Division’s powers under the misbehaviour provisions of the Act and to provide it with more options for managing misbehaviour.
- To make the penalties that may be applied by the Chief Executive and the Pecuniary Interest and Disciplinary Tribunal in relation to misbehaviour more effective in deterring and managing such conduct.

The Division is intending to split the Model Code into two instruments:

- A Model Code of Conduct for Local Councils in NSW (comprising solely of the prescribed standards of conduct), and
- Procedures for the Administration of the Model Code (comprising of the procedural requirements of the Code) (referred to below as the “Model Code procedures”)

In relation to the standards of conduct prescribed under the Model Code the Division is proposing the following changes:

- In the interests of simplicity and clarity, to remove the “context” section of the Model Code. This is largely educational material and does not constitute enforceable standards of conduct. This will now be incorporated into the better practice Guidelines to the Model Code that will be developed separately.
- Prohibit binding caucus votes that prevent councillors from exercising their discretion. However councillors will still be permitted to meet to discuss council business ahead of meetings;
- Refine the provisions relating to the disclosure of reportable political donations to align them with subsequent amendments to the relevant legislation and to eliminate loopholes;
- Include provisions to address the loss of quorum arising from compliance with requirements under the code;
- Expand the prohibition on the acceptance of cash to include cash-like gifts;
- Amend the provisions relating to relationships between council officials to allow councillors to provide information to the Chair of the audit committee, to prohibit staff from participating in political activities that interfere with their duty to serve a council in a politically neutral manner and to allow councillors to discuss the general manager’s performance with him or her;
- Remove loopholes in the provisions that relate to the use of council resources for election purposes; and
- Create a new class of standards relating to the maintenance of the integrity of the code of conduct. Breaches of these standards will be dealt with by the Division under the misbehaviour provisions.

Proposals made in the Position Paper about the disclosure of gifts and benefits of nominal value, councillors meeting with developers or objectors, councillors and staff discussing industrial policy matters and guidance on the application of the code to contractors and volunteers will **not** be included in the revised Model Code. They may, however, be made as better practice suggestions in the Guidelines to the Model Code.

In relation to the Model Code procedures the Division is proposing to make the following changes:

- Councils will be able to establish their own panels of conduct reviewers or to establish regional panels
- An option will be created to allow councils to use conduct reviewers from a panel established by a prescribed organisation
- The selection process and criteria for conduct reviewers will be prescribed
- To limit the misuse of the procedures to deal with non code of conduct matters “Code of conduct complaint” will be a defined term
- Complaints must be made within 3 months
- General Managers and Mayors will no longer have any role in the management of complaints about councillors or the General Manager beyond the initial receipt of complaints. General Managers and Mayors will however retain the option to resolve complaints informally at the outset should they choose to do so, but this will be at their discretion.

- Councils will be required to nominate a member of staff other than the General Manager to be a complaints coordinator for the purposes of providing administrative support for the code. This will ensure complaints are dealt with at arms length from the General Manager and Mayor.
- The process for dealing with complaints about councillors and General Managers will be simplified. Where the current code prescribes a 3-tier process, (ie preliminary assessment by the General Manager or Mayor, investigation by a conduct reviewer and determination by the council), under our proposed changes, complaints will be dealt with from start to finish by a conduct reviewer at arms length from the council.
- Preliminary assessment of complaints will be undertaken by independent conduct reviewers
- Limited provision will be made for the Division of Local Government to undertake a preliminary assessment role for a council in relation to complaints made by or about a person where the number or nature of complaints made by or about the person imposes an undue cost burden on the council or impedes the effective administration of the council's code
- A time limit will be imposed on the preliminary assessment of complaints
- Conduct reviewers will only be permitted to investigate a matter where they are satisfied the alleged conduct is sufficiently serious to warrant investigation and cannot be resolved by alternate means
- Provision will be made for the use of conduct review committees of three persons to investigate matters in limited circumstances
- The investigation process including procedural fairness requirements will be more clearly prescribed
- Councils will no longer make a determination that there has been a breach of the code. Determinations will now be made by the investigator
- Investigation reports will no longer be dealt with in the public domain. The only investigation reports that will be reported to council will be those recommending the imposition of a more severe sanction (eg censure)
- An amendment to section 10A of the Act will be sought to permit councils to consider investigation reports in closed meetings
- Councils' role in relation to code of conduct matters will be limited to imposing more severe sanctions (eg censure) where such sanctions have been recommended by the investigator. Councils will have limited discretion in the imposition of a sanction
- Lesser sanctions (eg training or counselling) will be implemented by the general manager or, in the case of a complaint about the General Manager, by the Mayor
- Where a person has a sanction imposed on them, they will have a limited right to request a review of the determination by the Division

The Division has also advised that it does **not** propose to proceed with the proposal made in the position paper to prescribed regional groups of councils. Instead it will be left to individual councils to determine how to configure their local arrangements for the administration of the code in a way that best suits their needs.

The Division also does **not** propose to proceed with the proposal made in the position paper for councils to nominate a neighbouring General Manager to undertake the preliminary assessment of complaints. As stated above, this role will now be undertaken by independent contracted conduct reviewers.

As foreshadowed in the position paper the Division is also seeking amendments to the Act to simplify and streamline the process for taking action under the misbehaviour provisions. Amendments to the Act to change the term “misbehaviour” to “misconduct” to more accurately reflect the nature of the conduct dealt with under those provisions.

Amendments to give the Division more options for managing misbehaviour under the Act are being sought and the misbehaviour provisions will no longer focus simply on “suspension” as the sole form of action available for misbehaviour but will also refer to a broader range of options known collectively as “disciplinary action”. Amendments will also confer on the Division the option of “calling in” code of conduct matters so that they may be dealt with under the misbehaviour provisions instead of a council’s code of conduct. The amendments will maintain the existing two avenues for seeking disciplinary action to be taken against councillors under the misbehaviour provisions. These are:

- Action by the Chief Executive, Local Government as delegate of the Director General, Department of Premier and Cabinet
- Action by the Local Government Pecuniary Interest and Disciplinary Tribunal

Under the proposed amendments, the sanctions available to the Chief Executive will be strengthened to include suspension for up to three months.

The sanctions available to the Tribunal will be strengthened to align with those available for breaches of the pecuniary interest provisions of the Act. Under the proposed amendments, the Tribunal will be able to **disqualify** a councillor from holding civic office for up to 5 years for misbehaviour.

Under the proposed amendments, the Chief Executive and the Tribunal may take into consideration previous incidents of misbehaviour in imposing these sanctions.

The Division is now wishing to ensure that the proposed changes are workable and will provide for the more effective and efficient administration of the code of conduct and is seeking views on the proposed changes. In particular on the following:

- Do you agree with the proposals? If not why not?
- Is there anything unclear about our proposed drafting?
- If so, how could it be said more clearly?
- Is there anything we have missed?
- Are there any loopholes?
- Does any of our proposed drafting carry potential unforeseen consequences?

Submissions are to be received by **Tuesday, 26 June 2012**.

POLICY IMPLICATIONS

NIL at this stage

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. DLG Circular 12-10 Review of the Model Code of Conduct for Local Councils – Request for Submissions on Consultation Draft
2. DLG Review of the Model Code of Conduct for Local Council in NSW

RECOMMENDATION

THAT Council authorise the Mayor and Deputy Mayor to make a submission in relation to the review of the Model Code of Conduct for local councils in NSW.

**ITEM-2 GM - 14/05/12 - CODE OF CONDUCT REPORT - COUNCILLOR
MARTIN TICEHURST****REPORT FROM: GENERAL MANAGER – ROGER BAILEY**

SUMMARY

The purpose of this report is to provide Council with the findings of the investigation following a matter being brought to the General Manager's attention under the Code of Conduct with respect to Cllr Martin Ticehurst. The report relates to Councillor Ticehurst's conduct at the Council meeting held on 5 March 2012

COMMENTARY

The Report, by the independent Conduct Reviewer Mr Ian Woodward of Storey and Gough, concerns an alleged breach of the Lithgow City Council's Code of Conduct by Councillor Martin Ticehurst

A Conduct Reviewer was appointed in accordance with the provisions of the Code to conduct an enquiry. This enquiry assesses the complaint made against the Councillor that he has failed to comply with Council's decision and thereby breached Clause 6.4 of the Code.

This Report concerns alleged breaches of the Lithgow City Council's Code of Conduct ("the Code") by a Councillor in his official capacity at a Council Meeting on 5 March, 2012 which was adjourned to 19 March, 2012 ("the 5 March Meeting") due to lack of quorum.

Generally the complaint is that Councillor Ticehurst called a member of the public a "*boofhead*" during a debate in the Council Chambers at the 5 March Meeting and failed to withdraw the comment and apologise to that person when asked to do so by the Mayor.

Additionally, when the Councillor failed to apologise for the remark he left the Council meeting and encouraged Councillor McGuinness to leave with him, thereby knowingly reduced the numbers of councillors below quorum so that the Council could no longer conduct its business.

The Reviewer found that there is a prima facie breach of the Code of Conduct (Clause 6.4) in that the Councillor did not comply with the Council Resolution of 30 May, 2011 requiring him to take action, namely sent a letter of apology as a result of that breach. The following factors have been taken into account by the Conduct Reviewer when recommending a course to be taken under the Code:

- The breach is considered to be serious;
- The breach is not the first by the Councillor (he has been previously censured on 3 occasions this Council term and suspended twice);
- Contrition has not been expressed;

- The breach arises out of an action sought by Council Resolution to deal with earlier breach of the Code;
- The findings and recommendations will withstand the test of public interest and public scrutiny.

The Conduct Reviewer reports:

On the evidence available I make a finding that Councillor Ticehurst called a member of the public a “boofhead” at a public Council meeting on 5 March 2012 and that such a word was used in a disparaging way and amounts to “verbal abuse”. It is not expected that an elected council official will engage in name calling during a Council meeting. Should there be an “accidental” or provoked outburst then it is expected that there would be an immediate withdrawal of the comment and an apology. A withdrawal and apology have not been forthcoming from Councillor Ticehurst.

Calling members of the public disparaging names and engaging in verbal abuse, demeans the office of Councillor and constitutes an act of disrespect. The Code of Conduct prescribes limits to the tone and content of debates and obliges Councillors to remain within those limits. Councillors should not transgress those limits and should remain civil and reasonable during council debates.

*It is important that the community has confidence in the elected members and in the capacity of the Council to undertake its responsibilities with a degree of decorum. To do otherwise is to show disrespect to others and bring the Council into disrepute. A message must be sent to the community that the council does not accept such behaviour and an apology for disparaging remarks is entirely appropriate. I therefore make a prima facie finding that Councillor Ticehurst breached **Clauses 6.1 and 6.3** of the Code by making the disparaging remark.*

*On the evidence I find that Councillor Ticehurst failed to withdraw the remark and apologise to the member of the public contrary to the request from the Mayor. I find that this was disrespectful and a prima facie breach of **Clause 6.3** of the Code. It is recognised that in the heat of a debate some infraction of the Code may occur and an apology may go some way to remedy the situation. In this case the Councillor has not apologised.*

*On the evidence I find that Councillor Ticehurst deliberately encouraged Councillor McGinnes to leave the 5 March Council Meeting knowing that the number of Councillors would fall below quorum once he and Councillor McGinnes left. I find this to be a prima facie breach of **Clauses 6.1 and 6.3** of the Code in that it was improper; was detrimental to the pursuit of the council charter; and, showed lack of respect to the other councillors remaining at the meeting prepared to continue with Council business.*

Further, on the evidence I find that Councillor Ticehurst failed to leave the council meeting on 19 March despite being requested to do so by the

*Mayor and only left when escorted by the NSW Police. I find this to be a breach of **Clauses 6.1 and 6.3** of the Code as it brings the Council into disrepute by contravening meeting procedure thereby requiring the Police to be brought in and, shows disrespect for the office of the Mayor.*

The Conduct Reviewer has made the following finding and recommends:

1. *I have made a finding that there have been prima facie breaches of the Code of Conduct (Clauses 6.1 and 6.3) in that the Councillor:*
 - *called a member of the public a disparaging remark;*
 - *failed to withdraw the remark as requested by the Mayor on 5 March, 2012;*
 - *knowingly encouraged the number of Councillors to be reduced below quorum such that council could not continue its business on 5 March, 2012;*
 - *failed to withdraw the remark and apologise as requested by the Mayor on 19 March, 2012;*
 - *failed to obey a direction of the Mayor to voluntarily leave the Council meeting on 19 March, 2012 and required the assistance of the NSW Police.*
2. *The following factors have been taken into account when recommending a course to be taken under the Code:*
 - *The breaches are considered to be serious;*
 - *The breach is not the first by the Councillor (he has been censured on 3 previous occasions on this term of council and suspended twice)*
 - *Contrition has not been expressed – the Councillor was asked to apologise at the resumption of the meeting on 19 March 2012 and failed to do so.*
 - *The breach represents repeated conduct*
 - *The breach impacts upon the reputation of the Council as to how it conducts its debates in public*
 - *The actions of the Councillor compromised the capacity of the council to exercise its functions efficiently by the reduction of the number of councillors taking part on 5 March 2012*
 - *Opportunities have been given for the Councillor to attempt to remedy the situation by withdrawing the comment and apologising however he has not accepted this offer and has refused such requests*
3. *In the circumstances I **recommend that Council resolve** the following:*
 - (i). *Councillor Ticehurst has breached the Code of Conduct in that his actions at the Council meeting on 5 March 2012, which resumed on 19 March 2012, brought the Council into disrepute (Clause 6.1) and he showed a lack of respect (Clause 6.3) for others in that:*
 - *he called a member of the public a disparaging remark at the Council meeting on 5 March 2012;*
 - *he failed to withdraw the remark as requested by the Mayor at the meeting on 5 March 2012;*
 - *he knowingly encouraged the number of Councillors to be reduced below quorum such that council could not continue to conduct its business at the meeting on 5 March 2012;*
 - *he failed to withdraw the remark as requested by the Mayor at the continuation of the 5 March 2012 meeting on 19 March 2012;*

- *he failed to obey a direction of the Mayor to voluntarily leave the Council meeting on 19 March 2012 and was required to be escorted from the meeting by the NSW Police.*
- (ii). *Council censure Councillor Ticehurst for breaching the Lithgow Code of Conduct.*

Council may now either:

- adopt the recommendation of the Sole Conduct Reviewer;
- amend the recommendation of the Sole Conduct Reviewer; or
- reject the recommendation of the Sole Conduct Reviewer.

If Council adopts the recommendation of the Conduct Reviewer and finds a prima facie breach of the Code of Conduct by Councillor Ticehurst and censures him then Council may request that the Director General of the Division of Local Government initiate the process for suspension of Councillor Ticehurst from Civic Office.

The Sole Conduct Reviewer's report is shown as ATTACHMENT 1 for consideration by Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Not known at the time of writing the report.

LEGAL IMPLICATIONS

The investigation has been conducted in accordance with the Local Government Act 1993 and the Council's Code of Conduct.

ATTACHMENTS

1. Report by the Sole Conduct Reviewer.

RECOMMENDATION

THAT Council resolve:

1. That Councillor Ticehurst has breached the Code of Conduct in that his actions at the Council meeting on 5 March 2012, which resumed on 19 March 2012, brought the Council into disrepute (Clause 6.1) and he showed a lack of respect (Clause 6.3) for others in that:
 - he called a member of the public a disparaging remark at the Council meeting on 5 March 2012;
 - he failed to withdraw the remark as requested by the Mayor at the meeting on 5 March 2012;
 - he knowingly encouraged the number of Councillors to be reduced below quorum such that council could not continue to conduct its business at the meeting on 5 March 2012;

- he failed to withdraw the remark as requested by the Mayor at the continuation of the 5 March 2012 meeting on 19 March 2012;
 - he failed to obey a direction of the Mayor to voluntarily leave the Council meeting on 19 March 2012 and was required to be escorted from the meeting by the NSW Police.
2. To Censure Councillor Ticehurst for breaching the Lithgow Code of Conduct.

ITEM-3 GM - 14/05/12 - QUARTERLY PERFORMANCE REPORT ON 2011/12 TO 2014/15 MANAGEMENT PLAN FOR THE PERIOD 1 JANUARY TO 31 MARCH 2012

REPORT FROM: FINANCE MANAGER C FARNSWORTH

REFERENCE

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

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

Min No 11-457: Ordinary Meeting of Council 21 November 2011

Min No. 12-39: Ordinary Meeting of Council 13 February 2012

SUMMARY

This report provides the Quarterly Performance Report on the 2011/12 to 2014/15 Management Plan for the period of 1 January to 31 March 2012 with a recommendation that the adjusted **deficit** of \$32,661 be noted.

COMMENTARY

The March 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
December Quarter	72,019	71,965	54
March Quarter	74,218	74,251	-33

The revised March quarter of the 2011/12 Management Plan has been adjusted as detailed in the following table and the major change is the Council's acceptance of the RMS Additional Local Roads Funds of \$200,000 which was required to be matched by a contribution from Council of \$200,000. This has been achieved without cutting capital Operations programs.

The review for the December quarter of the 2011/12 Management Plan noted that rural roads had rapidly deteriorated due the extreme wet weather conditions from Sept to Dec, mainly due to flood damage. Additional expenditure of \$130,000 was required and the additional funds have been addressed in this review by adjusting the Capital Operations program. A further report will be presented to a future meeting of Council in relation to this.

2011/12 Quarterly Budget Variations

Budget			Variation (\$'000)
Variations >	\$4,000 Reported		
Executive	Inc: Increase	Sundry Income	11,000
	Inc: Increase	Interest	30,000
Tourism	Exp: Increase	Flash Gift: Special Events	-11,000
	Inc: Increase	Flash Gift: Special Events	11,000
Environment	Inc: Decrease	Enforcement: Parking /Animals	-24,000
Development	Inc: Decrease	DA Fees / Bld Certificates	-75,000
Waste	Exp: Increase	Waste Depot Maintenance	-40,000
	Exp: Decrease	Waste Collection Costs	52,000
	Exp: Decrease	Lith Extend Life	264,000
	Inc: Increase	To Waste Reserve: Programs altered	276,000
Operations	Exp: Increase	Urban Rds: Sealed	-24,500
	Exp: Increase	Rural Rds: Sealed / Unsealed (Flood)	-57,000
	Exp: Decrease	K & G to offset Rds	15,500
	Exp: Increase	General additional WOC	-60,000
	Inc: Increase	General additional WOC	60,000
	Inc: Increase	RFS – Hazard Reduction	12,000
	Exp: Decrease	Swimming Pool Maint / Kiosk	14,540
	Inc: Decrease	Swimming Pool Entry / Kiosk	-36,000
	Exp: Increase	Sports fields	-10,000
	Exp: Decrease	Transport / Depot Blds	5,500
	Exp: Decrease	Toilets Blds	27,000
Oper: Capt	Exp: Increase	RMS – Additional Local Rds	-400,000
	Inc: Increase	RMS – Additional Local Rds	200,000
	Exp: Increase	State Govt: Flood Damage	-500,000
	Inc: Increase	State Govt: Flood Damage	500,000
	Exp: Increase	State Govt: Flood Damage – Wolgan	-297,000
	Inc: Increase	State Govt: Flood Damage – Wolgan	297,000
	Exp: Increase	Comm Bld Part: Grant 3 Little / Tank	-15,000
	Inc: Increase	Comm Bld Part: Grant 3 Little / Tank	15,000
	Exp: Increase	Comm Bld Part: Grant Union theatre	-100,000
	Inc: Increase	Comm Bld Part: Grant Union theatre	50,000
	Inc: Increase	Comm Bld Part: Grant Union (Res)	50,000
	Exp: Decrease	Main St Reconstruction / Resurfacing	50,000
Water	Exp: Decrease	Water Treatment	107,000
	Exp: Decrease	Pumping Stations	22,000
	Exp: Decrease	Mains & Services	8,000
	Exp: Increase	Assets – Revaluation	-50,000
Water Capt	Exp: Decrease	Mains Portland	20,000
	Exp: Decrease	Mains Lithgow	52,000
	Exp: Decrease	Sth Bowen Trunkline	50,000
	Exp: Decrease	Other Capt Water	48,000
	Exp: Decrease	Water Quality	22,000
	Exp: Decrease	Reservoir Cathodic Protection	39,800
	Exp: Increase	Clarence Transfer: Grt	-90,000
	Exp: Increase	Fluoridation: Grt	-58,000

	Exp: Increase	Water Env Enhance	-55,000
	Exp: Increase	Drought Relief	-8,000
Wastewater	Exp: Decrease	Wastewater WOC	13,000
	Inc: Decrease	Wastewater WOC	-13,000
Wastewater Capt	Exp: Decrease	Wang Desludge	13,000
	Exp: Increase	Port Desludge	-13,000
	Exp: Increase	Mains Wang / Port	-6,000
	Exp: Decrease	Lithgow Mains	36,500
	Exp: Increase	Integrated Water Manage	-7,000
	Exp: Increase	Other Capt Wastewater	-10,000

2011/12 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original			
- General	44,339	44,339	
- Water	7,502	7,502	
- Sewerage	14,620	14,620	
September Quarter			
- General	47,590	47,432	192
- Water	8,252	8,252	
- Sewerage	15,618	15,618	
December Quarter			
- General	47,590	48,056	54
- Water	8,252	8,252	
- Sewerage	15,657	15,657	
March Quarter			
- General	49,365	49,398	-33
- Water	8,305	8,305	
- Sewerage	16,548	16,548	

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications as reported in the March 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 January – 31 March 2012

RECOMMENDATION**THAT:**

1. The deficit of \$32,661 for the 2011/12 to 2014/15 Management Plan as detailed in the Quarterly Performance Report for the period 1 January to 31 March 2012 be noted;
2. Council authorise the variations to the Council budget as outlined in the report; and
3. The Council notes that the Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2014/15 Management Plan has been reviewed and the financial position of Council is satisfactory.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-4 ENVIRO - 14/05/12 - COALPAC CONSOLIDATION PROJECT CULLEN BULLEN

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-329 - Ordinary Meeting of 22 August 2011
Min No 11-488 - Ordinary Meeting of 12 December 2011
Min No 12-131 - Ordinary Meeting of 23 April 2012

SUMMARY

To provide an update to Council on the recent community meeting between the residents of Cullen Bullen, Coalpac and Council.

COMMENTARY

At its Ordinary Meeting of 22 August 2011 the Council resolved as follows:

THAT:

- 1. A submission stating the Council position of supporting the underground basis and the underground basis be made to the State Government; and*
- 2. A public meeting be held in Cullen Bullen to allow for residents to discuss this matter, with the Department of Planning and Coalpac invited to attend.*

In relation to No. 1, correspondence was forwarded to the NSW Department of Planning & Infrastructure on 8 September 2011, however No. 2 was deferred until the Environmental Assessment was on exhibition.

On 24 April a public meeting was held at Cullen Bullen hall to discuss the potential implications of Major Project 10_0178 submitted to the Department of Planning and Infrastructure for the consolidation and expansion of Cullen Valley and Invincible Coal Mines at Cullen Bullen.

The meeting was chaired by Gerard Martin and enabled members of the community to publicly raise their concerns with the project to Council and Coalpac. This meeting was attended by approximately 144 members of the community, the majority of which were local to the Cullen Bullen area.

As part of the meeting Council supplied each attendee with a “Your Views” handout, which provided people with the opportunity to give Council feedback on the following issues:

- a) whether they supported the proposal,
- b) whether there were particular areas of concern relating to the proposal,
- c) whether they thought any particular conditions should be imposed if the project was to be approved, and
- d) if contributions were paid what they thought the money should go towards.

Each handout was sequentially numbered and placed in locked boxes. They were available for acceptance up until 27 April 2012. Only one example of an attempt to compromise the process was found whereby one form had been photocopied nine times. The photocopied surveys were not considered. A compilation of the issues raised is attached to this report.

In summary, of the 87 'Your Views' handouts received back, 28 strongly opposed the proposal, 8 opposed the proposal, 19 supported the proposal, 21 strongly supported the proposal and 11 were unsure.

The public were given an opportunity to list particular areas of concern to them, relating to the proposal. A summary of the concerns are:

- Loss of habitat
- Devaluation of homes
- Water quality
- Visual impact
- Dust
- Noise
- Blasting
- Proximity to town centre
- Health concerns
- Damage to homes
- Traffic
- Hours of operation
- Damage to cemetery
- Local employment
- Access to bushland
- Contributions money

If the project is approved, the public were asked to provide particular conditions that they would like to see imposed. A summary of the conditions are:

- Stringent noise & dust & water quality monitoring
- Restricted hours of operation
- Restricted hours for blasting
- Immediate rehabilitation of forest
- Buffer zone around town centre
- No coal transportation on the Castlereagh Highway
- Contributions money to be spent entirely on Cullen Bullen
- Increased local employment
- Better assessment system for damaged homes

The final question on the 'Your Views' handout was asking the public if contributions were paid what they thought the money should go towards. Three options were provided, being Sewerage for Cullen Bullen, Roads & footpaths for Cullen Bullen and Roads in the surrounding area as well as two additional lines for alternative suggestions. The public were asked to rank the options from 1-5 in order of importance, however the majority of handouts were returned with the favourable options simply 'ticked'. As such, each vote has been counted as 'one'. The votes are as follows:

- Roads & footpaths for Cullen Bullen - 66 votes
- Sewerage for Cullen Bullen - 59 votes
- Roads in the surrounding area - 45 votes

Alternative Suggestions

- Hall - 7 votes
- School - 5 votes
- Pedestrian crossing - 5 votes
- Enhancement of landscape - 4 votes
- Roadside clean up - 4 votes
- Improved water supply - 3 votes
- Local organisations - 3 votes
- Recreational facilities - 2 votes
- Skate Park - 2 votes
- Air Conditioners/Air Purifiers for homes - 2 votes
- Indoor Sporting Facility - 2 votes
- State Forest facilities - 2 votes
- Visitor Picnic Area - 2 votes
- Street lighting - 2 votes
- Offsets for habitat loss - 2 votes
- Double glazing for homes - 1 vote
- Visitor Information Centre - 1 vote
- Pipe Work - 1 vote
- Oval & Speedway - 1 vote
- Fuel rebates - 1 vote
- Heritage Walk - 1 vote
- Public Toilets - 1 vote

A copy of a petition handed to Member for Bathurst Paul Toole has also been provided to Council. A copy of this petition has been provided, due to potential privacy issues, to Councillors only. The petition contains 251 signatures with 120 signatures from Cullen Bullen; 99 from elsewhere in the Lithgow Local Government area and 32 from outside the LGA.

FINANCIAL IMPLICATIONS

Coalpac has indicated that they are willing to negotiate a Planning Agreement with Council *under Section 93F* "to facilitate the provision of additional services for the forecast increase in demand on existing services due to the Project." However this process has not been finalised.

LEGAL IMPLICATIONS

As the proposal was originally declared a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority. Although Part 3A has now been repealed, it still exists for projects that were already declared major Projects.

Council officers are now undertaking an assessment of the project to enable Council to provide written feedback to the Department on the proposal.

ATTACHMENTS

1. Petition – confidential for Councillors only
2. Table of results from handouts
3. Notes from the meeting

RECOMMENDATION

THAT:

1. Council prepare a submission to the NSW Department of Planning & Infrastructure indicating its overall position as not objecting to the proposal but highlighting appropriate controls that need to be put in place, particularly in regard to noise, dust, blasting and a regime of building inspections 'pre' and 'post' blasting.
2. The issues of concern raised at the public meeting and the “your views” survey relating to noise, dust, blasting, and independence of structural building assessments be specifically included in Councils submission to the Department of Planning and Infrastructure.
3. A copy of all “your views” surveys and compilation of results be attached to Council’s submission.
4. The views put forward in the “your views” survey in relation to the preferred allocation of any developer contributions be taken into consideration at the appropriate time.
5. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement for the development.

ITEM-5 ENVIRO - 14/05/12 - ANALYSIS OF DOG ATTACKS 201011**REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

SUMMARY

To advise Council of an analysis of dog attacks for the year 2010/2011 provided by the Division of Local Government.

COMMENTARY

Circular 12-04 has been provided to Council by the Division of Local Government. The Circular advises of the release of the “Dog Attack Report” for the period 2010/11 which provides an analysis of information related to dog attacks which has been provided to the Division of Local Government by local councils. The report indicates that there was a 17% increase in the number of attacks reported by councils between 2009/10 and 2010/11. The Circular indicates that whilst council compliance with dog attack reporting requirements may have contributed to this increase, other relevant factors may include:

- increasing public awareness of the importance of reporting dog attacks to councils, and
- substantial increase in the number of dogs kept as pets (8% increase since 2009/10).

The report provides that the prime characteristics of attacks have remained largely unchanged since 2009/10. This includes the most common injury outcome on people (no injury), the most frequent action taken against attacking dogs (destruction), and the most frequent actions taken against the owners of attacking dogs (further investigation, followed by issuing a warning).

The number of attacks in the Lithgow Local Government Area for the same period increased from 7 reported attacks in 2009/2010 to 23 attacks in 2010/2011. Whilst some of the abovementioned reasons for the apparent increase may also apply, it is still a significant figure. Council Rangers deal with such situations in an efficient manner and whilst unfortunate, the destruction of the offending animal is often the outcome. The information has to be provided to the community in relation to dog ownership responsibilities and a further media campaign is to be undertaken.

LEGAL IMPLICATIONS

No specific legal issues other than Council’s responsibilities and powers under the Companion Animals Act.

ATTACHMENTS

1. Division of Local Government Circular 12-04

RECOMMENDATION

THAT the report in relation to an analysis of dog attacks be noted.

ITEM-6 ENVIRO - 14/05/12 - FOOTPATH TRADING POLICY**REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

REFERENCE

Min No 12-68 - Ordinary Meeting of 5 March 2012

SUMMARY

To advise Council of a proposed update of Footpath Trading Policy for public consultation.

COMMENTARY

At its Ordinary Meeting of 5 March 2012, Council resolved that a review of Policy 5.4 be undertaken urgently, including a review of the public liability amount with notification letters being sent to business owners.

Notification was subsequently sent to commercial property owners and business proprietors in the Lithgow, Wallerawang & Portland CBD areas. A review has been undertaken of the Policy and the redrafted Policy is attached to the business paper. Features of the proposed updated Policy include:

- Outlining under what set of circumstances, the occupier of a business premises must apply to Council to display goods or conduct restaurant dining on Council's footpaths
- Outlines the process for approval and renewal of footpath trading approvals
- Outlines the insurance requirements for placing items on Council's footpaths
- Outlines how variations to the Policy, in certain circumstances, may be sought with an application for approval
- Outlines that the Policy does not apply to special events such as Celebrate Lithgow
- Outlines where goods and restaurant seating and tables may be placed on the footpath and what clearances are required to maintain the public thoroughfare
- Outlines the dimensions for advertising signage
- Outlines the requirements for disposal of litter and cleaning the footpath, particularly in association with restaurant dining

The fees associated with footpath trading, which will be separate to the Policy, are proposed as follows:

Application for approval - \$120

Application for annual renewal - \$95

Application for annual renewal (1 sandwich board only) - \$50

The fees proposed are put forward to be very simple and are somewhat less than other Councils which often also charge rental on a per square metre or per lineal meter basis and/or charge for the number of tables and chairs placed on the footpath.

It is proposed, that the revised Policy be placed on exhibition and that it be provided to local businesses and the Lithgow Business Association for comment prior to being presented back to Council for final consideration.

In relation to insurance cover, Council's insurer recommends that Council not accept amounts less than \$20 million unless there are sound objective reasons for doing so. This advice is tending towards a higher limit (\$20 million) as indicated as potential losses and court awards have been known to exceed \$10 million in some cases.

Council's policy with Statewide contains a reasonable care clause. The implications are if it is deemed that Council has accepted a lower limit of liability in the face of high risk then it could be that Statewide has an avenue to decline indemnity.

POLICY IMPLICATIONS

The draft Policy 5.4 Footpath Trading is proposed to replace the existing Policy 5.4 Footpaths - Use of Public Footpaths for Restaurant Seating and Display of Goods. The new Policy represents an attempt to simplify the situation for business proprietors.

FINANCIAL IMPLICATIONS

The proposed fees & charges associated with Footpath Dining are outlined in the body of this report.

LEGAL IMPLICATIONS

Section 125 of the Roads Act provides a regime where a person may seek an approval to use a footway for restaurant purposes and Section 126 of the Roads Act outlines how a Council may authorise the holder of an approval to erect and maintain structures on a footway. Section 139A of the Roads Act provides for Street Vending. Section 68 of the Local Government Act requires approval in relation to the 'exposure' of any article on any part of the road or outside a shop window or doorway abutting the road.

ATTACHMENTS

1. Draft Policy 5.4 - Footpath Trading

RECOMMENDATION

THAT:

1. The Draft Policy 5.4 Footpath Trading as attached to the business paper be placed on public exhibition for a period of 28 days.
2. The proposed charges of \$120 for an approval; \$95 for an annual renewal or \$50 for one sandwich board only be also placed on public exhibition for a period of 28 days and comments sought.
3. The Draft Policy and proposed fees be provided to local businesses in Lithgow, Portland & Wallerawang and a copy also be provided to Lithgow Business Association seeking their comment.

ITEM-7 ENVIRO - 14/05/12 - CULLEN BULLEN - ALLOCATION OF DEVELOPER CONTRIBUTIONS - SEALING OF ROAD ADJACENT TO MERV CRANE PARK

REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To seek Council's approval to allocate \$17,598 remaining from developer contributions in relation to Invincible Colliery on the road adjacent to Merv Crane Park at Cullen Bullen.

COMMENTARY

Correspondence has been received from Cullen Bullen Tidy Towns following a meeting between the General Manager and Group Manager Operations. Cullen Bullen Tidy Towns have requested that the balance of developer contributions made by Invincible Colliery be expended on the road adjacent to Merv Crane Park. It would be proposed that this road be sealed. Previously in relation to the allocation of developer contributions from mining developments in the Cullen Bullen area, Council has sought expressions of interest from the community. Various contributions have been allocated to the Cullen Bullen Hall, the public toilets, Merv Crane Park, St Brendans Church and Cullen Bullen Public School. From a total amount of \$138,752.55, an amount of \$17,598 remains outstanding.

It is considered a reasonable expenditure of these funds to be allocated to sealing the road as requested by Cullen Bullen Tidy Towns.

FINANCIAL IMPLICATIONS

Previously the amounts allocated from contributions via Invincible Colliery have been allocated as follows:

Expenditure

Public Toilets/Park - \$63,556.67
Tidy Towns/St Brendans Church - \$4,459.85
Hall - Ladies Toilets - \$26,337.00
Park Landscaping/Fencing - \$1,550.00
Hall - Reclining/Sarking - \$20,271.24
Tidy Towns - St Brendans Church - \$1,980.00
Public School - Shade Cover - \$3,000.00

LEGAL IMPLICATIONS

Section 94 of the Environmental Planning & Assessment Act relates to local infrastructure contributions. Such contributions have been collected through the NSW Department of Planning in relation to three development consents issued through the Department. Contributions associated with these consents total some \$138,752.55.

ATTACHMENTS

1. Correspondence from Cullen Bullen Tidy Towns dated 27 February 2012

RECOMMENDATION

THAT an amount of \$17,598, being the remaining amount from Section 94 Contributions contributed through Invincible Colliery, be allocated to the sealing of the road adjacent to Merv Crane Park, Cullen Bullen.

OPERATION SERVICES REPORTS

ITEM-8 OPER - 14/05/12 - OPEN TENDERING - PROCURMENT OF ROAD BASE AND BITUMEN SEALING CONTRACT SERVICES

REPORT BY: WORKS MANAGER - CHRIS SCHUMACHER

SUMMARY

This report provides information on the intent to proceed with 'Open Tendering' for the renewal of both the following 3 year contracts due to expire 30th June 2012.

1. The supply of 'Road Base' 3 year Contract and
2. The supply of 'Bitumen Sealing Services' 3 year Contract

COMMENTARY

Council is required by s55 of the Local Government Act to invite tenders by one of the following methods:

- (1) The Open Tendering Method (s167) or
- (2) The Selective Tendering Method (s168).

Presently Council has contracts for the supply of road base and bitumen sealing services under a 3 year contract arrangement and pursuant to s167 of the Local Government (General) Regulation 2005, for the procurement of goods and services.

The two above contracts are set to expire on the 30th June 2012 and will require Council to invite suitably qualified contractors or suppliers to submit quotation for specific goods or service relating to the tender contracts.

As part of Councils construction and maintenance operations it is necessary for Council to acquire such services and materials for the maintenance and capital works associated with road works.

The Open Tendering Method (s167) is proposed to renew both contracts for an additional 3 year term, allowing all interested parties to tender for a proposed contract following public advertisement. This would mean that Council will advertise for new tenders for a minimum of 21 days, on closure make assessment of tenders for suitably qualified and fair value for money contractors for a new 3 year period commencing from 01 July 2012 to 30th June 2015.

Estimated expenditures on an annual basis includes \$250,000 for roadbase and \$400,000 for bitumen sealing subject to proposed roadworks programmes over the next three years

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council invite 'Open Tenders' for the Supply of both Road Base and Bitumen Sealing Services (3 Year Term), pursuant to s167 of the Local Government (General) Regulation 2005.

**ITEM-9 OPER - 14/05/12 - CENTROC LOCAL GOVERNMENT
PROCUREMENT****REPORT BY: WORKS MANAGER - CHRIS SCHUMACHER**

REFERENCE

Council report to the Ordinary Meeting 21st November 2011. Min No. 11-465

SUMMARY

The report is to update Council regarding the outcome of the Centroc/LGP tender to procure a new electricity contract as part of a regional tender with other Centroc member Councils. The contract is due for renewal June 30 2012 and the results of the recent tender are very competitive.

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 2011.

Fifteen (15) Central NSW Councils (CENTROC) and twelve (12) other NSW Councils (Participating Councils) gave authorisation to Local Government Procurement (LGP) to tender on their behalf for the supply of electricity. The first stage of this tender process, Large Sites – Buildings, Facilities, Street Lighting and Green Power was issued on Tuesday 10 April 2012 and closed on Friday 27 April 2012. The process was a closed tender utilising the panel of electricity retailers that was established from a previous 'Expression of Interest' (EOI). LGP then provided information on the tender response for Council comment prior to LGP determining an outcome to the process. All Participating Councils were to formally respond by the deadline of 10:00am Thursday 3rd May 2012.

The attached 'Summary Evaluation and Analysis Report for the Supply of electricity covers the responses received for Buildings and Facilities, Unmetered Street Lighting and green power. (Small Tariff site responses are still under evaluation and will be subject to a 2nd and separate analysis. LGP indicated that it had received very competitive bids for the supply of electricity for the Centroc Group of Councils. Despite market prices rising and regular negative press publicity regarding the electricity market generally, the bids lodged with LGP demonstrated significant reductions over benchmark pricing previously identified in early 2012.

The technical evaluation was initially performed by Trans-Tasman Energy Group Ltd (TTEG) and the detailed report reviewed and interrogated by LGP followed by the 'Tender Evaluation Working Group' comprising of several nominated representatives of Centroc Councils.

Summary of Bids

Tenderer's bid for the following categories:

Tenderer	Large Sites	Street lighting	Green Power
AGL	YES	YES	YES
TRUenergy	YES	YES	YES
Origin Energy	YES	YES	YES
ERM Energy	YES		
COzero			YES

Large Sites > 160 MWh

The most competitive offer was received from ERM. The benefits over the benchmark pricing provided to councils (27 March 2012) as the basis for tender comparison and acceptance are set out in the table below.

Large Sites (>160 MWh p.a)			
Price component (c/kWh)	Peak	Shoulder	Off-Peak
Max per benchmark price	8.8842	8.8842	3.3623
Tender Result Average (ERM 3 year offer)	5.4919	5.9199	2.6410
% Difference	38%	33 %	27%

NB: Note that prices shown do not include the effect of carbon tax.

It is estimated that the current expenditure on electricity supply for these sites is in excess of \$400,000 per annum. Adoption of the recommended tendered prices could result in a saving of approximately \$120,000 before the impact of the carbon tax. .

Street lighting

The most competitive offer was received from AGL. The benefits over the benchmark pricing provided to councils (27 March 2012) as the basis for tender comparison and acceptance are set out in the table below.

Public Lighting			
Price component (c/kWh)	Peak	Shoulder	Off-Peak
Max (as per price acceptance forms)	8.8	8.5	4.5
Tender Result Average (AGL 3 year Offer)	3.4746	3.8160	3.213
% Difference	59%	55%	29%

NB: Note that prices shown do not include the effect of carbon tax.

Current expenditure on street lighting charges totals \$390,000.

Green Power

COzero has offered extremely competitive 'Green Power' energy rates. This is detailed in the Evaluation and Analysis Report accompanying this letter.

Other Considerations

1. All tendered rates included the LGP administration fee which is paid by the electricity retailer.
2. ERM and AGL provided offers with only 6 day pricing validity periods, expiring Thursday 3 May 2012.

Summary of Recommendations

It is recommended that power categories be awarded as follows:

<u>Power Category</u>	<u>Recommended Tenderer</u>
Buildings and Facilities	ERM Energy
Street Lighting	AGL
Green Power	COzero

Note: Results indicate that the submitted tender rates (c/kWh on the average Carbon Exclusive equivalent prices for Peak, Shoulder and Off-Peak energy component) 27% to 59% below the Maximum Price Acceptance Form rates (approved by Councils) and also Councils current rates.

Conclusion

LGP strongly endorses the participating Councils proceed as a group with the recommended offers. This will provide significant price advantages over other current market prices and will provide a buffer against potential high increases in the medium term. The project will also enable all participating councils to have a common end date, ensuring that when re-approaching the market in 3 years, the group will be even more viable as a market force.

LGP reminds participants that its decision in regard to the tender outcome will be in accordance with its Prescription under the Local Government Act 1993. Councils can proceed to retail electricity contract without needing acceptance of tender by the elected council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council's current annual electricity expenditure exceeds \$150,000 and in accordance with the Local Government Act Tender Regulations, the Local Government Procurement on behalf of all Centroc Councils has achieved best value in purchasing for all Central NSW Councils.

Results indicate that the submitted tender rates (c/kWh on the average Carbon Exclusive equivalent prices for Peak, Shoulder and Off-Peak energy component) are 27% to 59% below the Maximum Price Acceptance Form rates (approved by Councils) and also Councils current rates.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. LGP – Executive Summary Evaluation and Analysis Report for Supply of Electricity for Large Sites; Building and Facilities, Unmetered Street Lighting and Green Power for Participating NSW Councils.

RECOMMENDATION

THAT Council note the acceptance of ERM Energy, AGL and COzero as successful tenderers for electricity supply for the period 01 July 2012 to 30 June 2015 through the recent LGP/Centroc Group tender

ITEM-10 OPER - 14/05/12 - TENDERS FOR THE DESIGN AND CONSTRUCTION OF HASSANS WALLS BOARDWALK**REPORT BY: OPERATIONS MANAGER IAIN STEWART**

SUMMARY

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

COMMENTARY

The proposed Hassans Walls Boardwalk is to commence at the existing Carpark at Hassans Walls Lookout, then run south for approximately 80-100m, finishing at a viewing platform. The Boardwalk will provide disabled access to Hassans Walls Lookout and improve safety for all visitors. It is anticipated that this facility upgrade will promote the usage of Hassans Walls for both Locals and Tourists.

Whenever a Council is required by s55 of the Local Government Act to invite tenders, Council must decide which of the following methods is to be used.

- (a) the open tendering method.(s167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (s168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(s169)

The preferred method of procurement, due to the nature of the specific works to be undertaken, being the design and construction of an environmentally sensitive boardwalk, is the selective tendering method pursuant to s168.

Following an Expressions of Interest period, Council received submissions from the following 17 companies:

1. Australian Prestress Services
2. Walker Pty Ltd
3. Engineering & Strategic Project Management Pty Ltd
4. Australian Built Urban Designs
5. Dura Composites
6. Emerdyn Pty Ltd
7. Steelworks Engineering
8. Zadro Pty Ltd
9. Outdoor Structures Australia
10. Wagner Pty Ltd
11. Scully Pty Ltd
12. Fleetwood Urban

13. Mano Architects
14. Moodie Outdoor Products
15. Central West surveying and Civil
16. Quality Management & Construction Pty Ltd
17. Ian Rufus working with Epcon Developments

Companies were assessed based on their experience in Project Management, demonstrated experience in similar projects, whether they were able to meet the Design and Construction project requirements, and information regarding the materials they intended to use in construction of the Boardwalk.

The following five companies displayed impressive experience in both the design and construction of boardwalks in environmentally sensitive areas, and it is intended to invite these companies to submit tenders:

1. Australian Built Urban Designs
2. Steel Works Engineering
3. Wagner Pty Ltd
4. Scully Pty Ltd
5. Fleetwood Urban Pty Ltd

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

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

ITEM-11 OPER - 14/05/12 - WATER REPORT

REPORT BY: GROUP MANAGER OPERATIONS, IAIN STEWART

REFERENCE

Min No 11-208: Ordinary Meeting 30 May 2011

SUMMARY

This report provides an update on various water management issues as per Minute Number 10-03.

COMMENTARY

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

CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON

Farmers Creek Dam #2 capacity on Monday 30th April was 100%. Oberon Dam capacity on Monday 30th April was 91.7%.

CURRENT WATER USAGE FROM EACH SUPPLY

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption) and the volume transferred from the Clarence Transfer System for 2011/12.

Table 1 - Oakey Park Monthly Output and Clarence Transfer

Month Total	Oakey Park WTP (ML)	Clarence Transfer (ML)
July	149	0
August	119	0
September	112	0
October	105	0
November	118	0
December	109	0
January	113	0
February	99	0
March	138	0
April	166	0
May		

June		
2011 Monthly Avg	124	3
Rolling 12 Month Total	1,486	33

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
March	4,453	0
April	5,527	0

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

Week Ending	Oberon Dam Level	Oberon Dam Volume in ML	Oberon Dam % Corrected for Carryover	Total Use	Total Carryover balance
					35.7
4/07/2011	53.09%	23763	51.68%	2.96	66.9
11/07/2011	53.39%	23897	51.44%	2.96	98.1
18/07/2011	53.51%	23951	50.99%	14.666	117.7
25/07/2011	54.05%	24193	50.97%	18.289	133.6
1/08/2011	54.29%	24302	50.75%	12.763	155.0
8/08/2011	54.59%	24438	50.48%	12.693	176.5
15/08/2011	54.84%	24547	50.15%	12.976	197.7
22/08/2011	56.25%	25180	51.06%	13.072	218.8
29/08/2011	57.07%	25544	51.36%	11.09	241.9
5/09/2011	57.32%	25657	51.25%	12.329	263.8
12/09/2011	57.32%	25657	51.18%	14.284	283.7
19/09/2011	57.95%	25940	51.75%	15.039	302.9
26/09/2011	57.89%	25911	51.64%	17.528	319.5
3/10/2011	58.91%	26369	52.60%	14.029	339.7
10/10/2011	59.75%	26745	53.39%	12.242	355.6
17/10/2011	60.07%	26890	53.70%	13.429	355.6
24/10/2011	60.14%	26920	53.76%	15.337	355.6
31/10/2011	60.40%	27037	54.01%	13.327	355.6
7/11/2011	60.33%	27007	53.92%	14.764	355.6
14/11/2011	60.33%	27007	53.91%	16.121	355.6
21/11/2011	60.33%	27007	53.89%	13.834	355.6
28/11/2011	62.59%	28016	56.14%	13.033	355.6
5/12/2011	62.79%	28106	56.33%	13.602	355.6
12/12/2011	63.13%	28257	56.65%	13.572	355.6
19/12/2011	63.13%	28257	56.64%	12.527	355.6
26/12/2011	63.80%	28560	57.29%	0	355.6
2/01/2012	63.87%	28591	57.33%	28.352	355.6
9/01/2012	63.80%	28560	57.24%	11.305	355.6
16/01/2012	63.53%	28439	56.97%	13.588	355.6
23/01/2012	63.40%	28378	56.83%	12.5	355.6

30/01/2012	63.46%	28408	56.90%	13.654	355.6
6/02/2012	63.94%	28621	57.37%	16.279	355.6
13/02/2012	64.21%	28744	57.65%	16.411	355.6
20/02/2012	64.28%	28774	57.72%	15.188	355.6
27/02/2012	64.56%	28897	57.99%	12.865	355.6
5/03/2012	79.99%	35805	73.42%	12.461	355.6
12/03/2012	85.99%	38491	79.42%	12.517	355.6
19/03/2012	88.20%	39482	81.64%	13.028	355.6
26/03/2012	89.33%	39985	82.76%	13.685	355.6
Total				518.3	

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG guideline values were exceeded in April. Total Coliforms exceeded recommended levels 2 times. Chlorine dosing was increased at the Oakey Park Water Treatment Plant in order to maintain higher residuals throughout the Lithgow distribution system.

Fish River Water Scheme Water Quality Summary

The FRWS is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG guideline values were exceeded in April. Total Coliforms exceeded recommended levels 3 times. An intensive residual chlorine sampling program continued in Wallerawang and Lidsdale and adjustments were made to the chlorine booster station to improve residuals for potable water customers in the Lithgow villages. For most of April the Lithgow villages were supplied with water from Oakey Park WTP.

Current Water Restrictions Update

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

Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in April with Council receiving 1 application for a household appliance rebate and no applications for a water tank rebate.

Fish River Water Scheme

3.7km of pipelines has been replaced at the Fish River Water Supply in an \$8 million project being managed by State Water Corporation.

Oberon Dam Storage

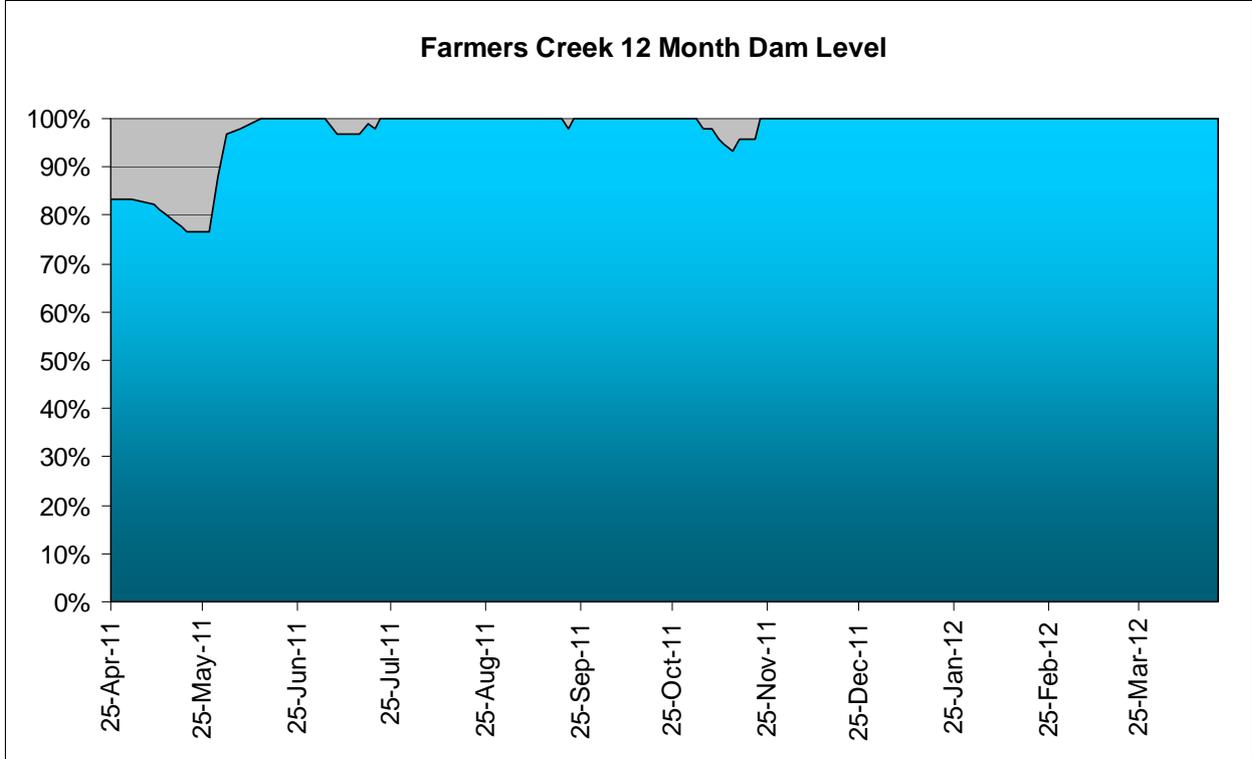
Total rainfall at Oberon Dam from 1 July 2011 to 31 March 2012 has been 776.7mm. This is equal to 121% of the mean rainfall for July to March. Oberon (Spring Bank Station No. 63063), which is a BOM station, has registered a total of 847.4mm of rainfall from July to 31 March 2012. This is about 131% of the mean rainfall for July to March period at this station. Of the total about 324mm fell in Feb and March 2012.

A total of about 2,509 ML of inflows flowed into Oberon Dam in 2009-10. Inflows to Oberon Dam in 2010-11 were about 22,555 ML. Inflows to Oberon Dam from July to March in 2011-12 have been about 18,692 ML.

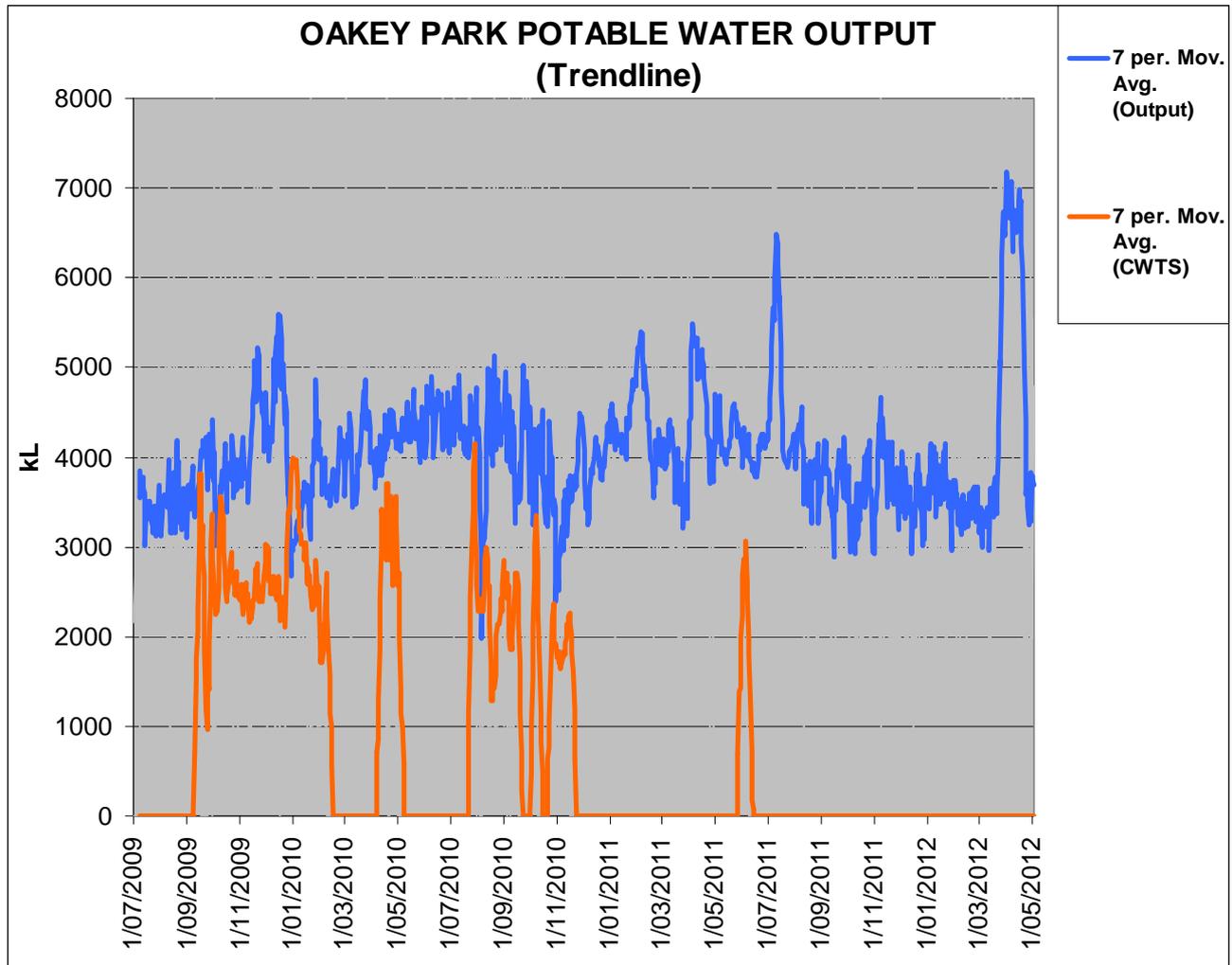
FARMERS CREEK DAM 12 MONTH LEVELS

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

Graph 2 Farmers Creek Dam #2 over 12 Months



Graph 3 Trends in Oakey Park WTP Production and Clarence Water Transfer Scheme Use



FARMERS CREEK DAM #2 STORAGE OUTLOOK

The national outlook for April to June 2012 shows the following:

- large parts of eastern Australia more likely to have a wetter season
- southeast SA, western and central Victoria, and Tasmania more likely to have a drier season

This outlook is mostly due to warmer than normal waters over the Indian Ocean.

Routine Dam inspections continued throughout April.

ALTERNATE WATER SOURCES UPDATE

The Lithgow villages and Marrangaroo Zone are currently being supplied from FRWS.

RESERVOIRS

Some modifications have been made to South Bowenfels Reservoir in order to better seal the walls and joints. This is progressing towards final commissioning.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS
NIL

LEGAL IMPLICATIONS
NIL

RECOMMENDATION

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

**ITEM-12 OPER - 14/05/12 - PROTECTION OF THE ENVIRONMENT
 LEGISLATION AMENDMENT 2012**

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Advice has been received concerning changes that have been made to the Protection of the Environment Operations (POEO) Act 1997 which will impact all Environmental Protection Licence (EPL) holders in NSW

COMMENTARY

Lithgow City Council holds a number of Environmental Protection Licences issued by the Environmental Protection Authority (EPA) under the POEO Act.

Following the introduction of the Protection of the Environment Legislation Amendment (POELA) Act 2011 (which came into effect 6 February 2012) changes have been made to the POEO Act 1997. These changes largely affect the way Council is required to report and manage pollution incidents.

A new requirement for all EPL holders is to prepare and implement a Pollution Incident Response Management Plan (PIRMP) for each EPL that they hold. The EPA has stated the plans must be in place by 1 September 2012. Failing to implement a PIRMP in the event of a pollution incident could result in significant penalties of up to \$2,000,000 for corporations and \$500,000 for individuals.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the changes that have been made to the Protection of the Environment Operations (POEO) Act 1997 and the requirement for Council to prepare Pollution Incident Response Management Plans for all its licensed sites by the 1st September 2012.

COMMUNITY AND STRATEGY REPORTS

ITEM-13 COMM - 14/05/12 - SOUTH LITTLETON HALL

REPORT BY: ACTING GROUP MANAGER COMMUNITY AND STRATEGY – MATTHEW JOHNSON

REFERENCE

Min No 568	Ordinary Meeting of Council held 14 June 1994
Min No 50	Ordinary Meeting of Council held 13 January 1997
Min No 11-452	Ordinary Meeting of Council held 1 November 2010
Min No 11-480	Ordinary Meeting of Council held 21 November 2011
Min No 11-510	Ordinary Meeting of Council held 12 December 2011
Min No 12-77	Ordinary Meeting of Council held 5 March 2012
Min No 12-101	Ordinary Meeting of Council held 26 March 2012
Min No 12-139	Ordinary Meeting of Council held 23 April 2012

SUMMARY

This report advises Council on progress with renovation of the South Littleton Hall by Lithgow Mens Shed and the outcomes of a recently undertaken community survey of South Littleton residents. This report further recommends that a lease be developed with Lithgow Mens Shed for exclusive use of the South Littleton hall for a further period of four (4) years followed by a review.

COMMENTARY

At the Ordinary Meeting of Council held 23 April 2012 (Min12-139) Council resolved

THAT Council:

1. *Notes the minutes of the South Littleton Hall Renovation Committee meeting of 3 April 2012;*
2. *Notes that a community survey is being undertaken of South Littleton residents to determine their views on future use of the hall and that a community open day was held at the hall on Saturday 21 April 2012;*
3. *Congratulate the members of Men's Shed for their hard work on the hall; and*
4. *Authorise a further \$2,000 for the completion of the kitchen.*

1. Works Progress

As reported to Council on 23 April 2012, restoration work on the hall is nearing completion with kitchen works being the only significant works remaining. Council resolved at the Ordinary Meeting of Council held 23 April 2012 (Min 12-139) to allocate a further \$2,000 for this purpose.

The hall has undergone a major refurbishment both inside and out with a high quality of workmanship by Mens Shed volunteers including: a new amenities bock has been constructed at the rear of the building, incorporating a disabled access toilet; new windows have replaced previous shutters; the interior has been relined, painted and

fitted-out; storage room has been upgraded; disabled access has been provided to hall; the exterior has been painted; electricals and plumbing have been upgraded, and; a new entrance step and railing installed.

2. Community Survey

A community survey was letterbox dropped by Council officers to approximately 550 residences on 4th and 5th April 2012 within the area bounded by Fourth Street, Bayonet Street, Great Western Highway, Beaufort Street and Finlay Avenue. A stamped return envelope was included with the survey to facilitate the return of as many completed surveys as possible by the 27 April 2012 closing date. Copies of the survey were also provided at the South Littleton Hall open day held on Saturday 21 April 2012 for interested residents to complete and an online version was provided on Council's website.

Number of Responses

85 completed surveys were received by Council with respondents strongly in favour of continuing use of the hall by the Mens Shed.

Future Sole Use by Mens Shed

Of 84 responses to question 5, "Would you be happy for the Mens Shed to continue to solely occupy the hall?", 81 people (96.5%), state they would be happy for the Mens Shed to continue to solely occupy the hall while 3 people (3.5%) state they would not be happy with this.

Of the 50 responses to question 5b, "How long would you be happy for the Mens Shed to continue to solely occupy the hall?", 47 (94%), state they would be happy for the Mens Shed to use the hall indefinitely/long term/for as long as they want etc.

Hall Expansion and Playground Relocation

Of the 67 responses to question 6, "Do you have any objection to future expansion of the hall on the site?", 65 people (97%), say they have no objection.

Of the 66 responses to question 10, "Would you have any objection to the playground being relocated within the site to accommodate a possible future expansion of the hall?", 59 people (89%), state that they have no objection and 7 people (10.6%), state that they do object.

Other Uses of the Hall

The survey sought responses on other potential uses of the hall.

Of the 100 respondents to question 1 (multiple answers were permitted), "What types of activities do you think the current hall is suitable for?", 40 respondents (40%), state that the hall is suitable as a Mens Shed. Respondents also identified a range of other potential uses including general community activities, senior groups, children's activities, dancing, arts and crafts playgroups etc.

Of the 65 responses to question 2, "Are you currently involved in any of those activities elsewhere in Lithgow?" 8 people (12%), state yes and 57 people (88%), state no. 5 people state they would like to relocate their current activity to the South Littleton Hall.

Of the 29 responses to question 4, “What types of activities do you think the current hall is not suitable for?”, the most common answer is parties and functions with alcohol.

Of the 69 responses to question 7, “Does your household use the adjoining children’s playground area?”, 18 people (26%), state that they use the playground with the majority being weekly or monthly use.

Of the 66 responses to question 10, “Would you have any objection to the playground being relocated within the site to accommodate a possible future expansion of the hall?”, 59 people (89%), state that they have no objection and 7 people (10.6%), state that they do object.

7 people indicate that they would interested in being part of a Council led management committee to operate the hall, (question11).

3. Conclusion

A community open day and sausage sizzle was held at the hall on Saturday 21 April to showcase the hall to the local community and to demonstrate some of the woodworking activities of the Mens Shed. The open day was well attended with those present reporting how impressed they are with the transformation of the hall and expressing their gratitude to the Mens Shed members.

Community survey responses are strongly in favour of continuing and long term use of the hall by the Mens Shed and demonstrate a high level of appreciation of the work of the men in renovating a formerly derelict facility.

A number of other potential uses for the hall have been identified by the community which could be considered for the future. The hall cannot accommodate both Mens Shed and other users, as there is insufficient space to store Mens Shed tables and equipment after use. Further, it would not be practical or safe to do so due to the range of powered equipment used by the Mens Shed.

Although not an issue raised by survey respondents, there are safety issues associated with the parking of Mens Shed members’ vehicles on the reserve due to the narrowness of East Street. This issue will need to be addressed in the formulation of a lease with the Mens Shed and through possibly excising a portion of the reserve for dedicated parking, to be shared with other users of the reserve and playground.

In conclusion, the renovation of the South Littleton Hall by Lithgow Mens Shed members has been a great success from a number of perspectives. Lithgow has an ageing population and an increasing number of men of retirement age who are looking for ways to connect with and mentor other men and to contribute to the community. Mens Sheds offer these opportunities and are well recognised for the benefits they offer men in terms of both physical and mental health.

It is recommended that a lease be developed with Lithgow Mens Shed for exclusive use of the South Littleton hall for a further period of four (4) years with continuation after that time subject to a further community survey and review by Council. It is further recommended that a further report be brought to Council in the near future concerning options for management of carparking issues associated with the reserve.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- \$16,500 in Community Building Partnership Funding has been fully expended.
- \$16,500 in Regional and Local Community Infrastructure Program funding has been fully expended.
- Of the \$10,000 Council funding for the project, \$1,225.60 remains as at 1 May 2012.
- Council resolved at the Ordinary Meeting of Council held 23 April 2012 (Min 12-139) to authorise allocation of a further \$2,000 for completion of the kitchen. This will leave a total of \$3,225.60 in remaining funds.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

The reserve on which the South Littleton Hall is located is classified operational in accordance with Council resolution 568, from the Ordinary Council Meeting of 14 June 1994 and as such, no Plan of Management is required prior to entering a lease with a potential user group.

ATTACHMENTS

1. Mens Shed Survey pro-forma
2. Map of survey area.

RECOMMENDATION**THAT:**

1. Council develop a lease with Lithgow Mens Shed for exclusive use of the South Littleton hall for a period of four (4) years until 30 June 2016 with continuation after that time subject to a further community survey and review by Council.
2. A further report be brought to Council in the near future concerning options for management of carparking issues associated with the reserve.

ITEM-14 COMM - 14/05/12 - ADVENTURE PLAYGROUND INVESTIGATION

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Minute 11-470 of the Ordinary Meeting of Council held 21 November 2011

SUMMARY

At the Ordinary Meeting of Council held 21 November 2011 (Minute 11-470), Council resolved:

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;*
3. *Notes that following adoption of a site by Council, a detailed design with costings will be developed; and*
4. *Seeks community input into the proposal for a possible location for the adventure playground.*

This report details the further investigations that have been undertaken and recommends a shortlist of sites for Council's consideration.

COMMENTARY

Further assessment has been undertaken of potential sites that allow for development of an adventure playground of sufficient scale that offers a range of play and recreation experiences for different age groups and which could become a premier recreation facility for both the local community and visitors to Lithgow. Consideration has also been given to identifying a site that is linked to other recreational facilities and which encourages adventure playground users to experience other recreational and cultural facilities within the town.

Assessment criteria used include:

- Population catchment, including proximity to child and youth populations and areas of potential population growth
- Ability to attract external visitation
- Availability of sufficient land – note that Bathurst adventure playground is about 1.2 hectares in size and Blayney adventure playground is slightly larger
- Good linkage to other recreational facilities
- Positive economic benefits for the whole town
- Safe location and low risk of vandalism
- Availability of existing facilities including toilets and power
- Good parking and no traffic constraints
- Adequate shade

- Sufficient but not excessive site slope to facilitate play features
- Site readiness

Of the five potential sites that were included in the initial assessment, three have been subsequently excluded as follows:

Blast Furnace Park

This site offers great potential for linking the adventure playground with the iconic heritage features of the site, with the Lake Pillans wetland and with nearby heritage facilities including Eskbank house and would form part of the Lithgow History Avenue heritage trail. There are safety issues associated with the site however and potential for conflict between the site's heritage values and the playground. Further, there are no utilities nor toilet facilities on the site.

Hermitage Flat

This site, although close to the Farmers Creek corridor and nearby sporting fields, was excluded due to its relative distance from population catchments and the lack of utilities and toilet facilities. The 2010 Open Space and Recreation Needs Study undertaken for Council by Ross Planning recommended that the Hermitage site be protected for potential use as a sports park to meet future need.

Queen Elizabeth Park

Queen Elizabeth Park offers a great deal of potential in relation to proximity to population catchments, proximity to the aquatic centre/showground precinct and to commercial areas and the availability of services and toilets. Limited available land, limited parking and the potential for conflict with the heritage values of the park are significant constraints however.

The remaining two sites are proposed for Council's consideration:

Endeavour Park



Endeavour Park has considerable advantages due to its prominent location, available land, proximity to population catchments, visibility for visitors and tourists, availability of parking and toilets (although toilets require considerable upgrade) and the slope offers opportunities for creative playground design. Negatives include that it 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. Connection to other recreational facilities and to the CBD could be addressed to some extent through signage, a noticeboard and development of a cycleway connected with the CBD and Farmers Creek corridor.

The 2010 Open Space and Recreation Needs Study recommended that both Endeavour Park and Queen Elizabeth Park be upgraded to district level standard including the significant installation of play and picnic opportunities. A district level standard is a large size park (generally 5ha-10 ha in size) that provides a range of facilities and activity spaces to cater for large groups and a range of users. They may service several suburbs or a whole town and are well known destinations for people within their catchment.

Aquatic Centre/Showground/Sporting Fields Precinct



The Aquatic Centre/Showground/Sporting Fields precinct is centrally located and an adventure playground would contribute to creating a recreation hub that includes the aquatic centre, showground, sporting fields and skate park. This precinct is well linked to the Farmers Creek corridor and to the Lithgow CBD. This site also offers the opportunity for sharing of amenities including toilets, seating and parking between facilities.

Site options within this precinct include:

- Land at the top of the aquatic centre site where the current amenities block and carpark are situated which will be surplus once stage 1 of the Aquatic Centre upgrade is complete, although it is unclear if there will be sufficient residual land.

- Land on the edge of Watsford Oval adjoining George Coates Drive subject to consideration of conflicts with cricket and other users of the oval.

There may be parking and traffic constraints on these sites.

The 2010 Open Space and Recreation Needs Study recommended that an adventure park be established in this precinct following adoption of a masterplan for the site. Land availability, parking and traffic constraints and other matters could be further investigated through development of the masterplan which is scheduled for the 2012/13 year.

Conclusion

As detailed in the 21 November 2011 Council report, an adventure playground can have significant social, economic 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.

Support was given in Council's 2011 Community Satisfaction Survey for the establishment of an adventure playground with a few respondents asking that it be located in Wallerawang or Portland, thereby making greater use of existing facilities such as at Lake Wallace.

Lithgow Youth Council has also stated its support for an adventure playground.

Endeavour Park has sufficient available land as well as parking and amenities, although these will require upgrade. This site has high visibility for visitors to Lithgow and passing highway traffic however it is not well linked to other facilities and the CBD. The risk of vandalism at this site is a further matter for consideration.

The Aquatic Centre/Showground/sporting fields precinct offers a more central location than Endeavour Park, is better linked to other recreational facilities and to the CBD and provides the potential to share parking and toilet amenities with other facilities within the precinct. The Open Space and Recreation Needs Study, adopted by Council in 2010, recommended establishment of an adventure playground in this precinct following development of a masterplan. The Open Space Study also recommended that both Endeavour Park and Queen Elizabeth Park be upgraded to district level standard including installation of significant play and picnic opportunities to meet the demands from the broader range of users (large families, play for different age cohorts etc).

An adventure playground could be developed sooner at Endeavour Park than at the Aquatic Centre/Showground /sporting fields recreation precinct due to works in progress as part of the stage 1 aquatic centre upgrade, the need to determine the availability of sufficient land within this precinct and the scheduled development of a masterplan. Given however that no funds have been earmarked by Council for adventure playground construction until 2021/22, no decision on site is required in the near term. Council will be in a better position to determine a site once the recreation precinct masterplan is completed. Further, as a detailed design would need to be site specific, it is recommended that the \$50,000 allocated by Council in 2011/12 for adventure playground design be held over until a specific site is determined.

Council may also wish to give consideration in this process to planning for smaller upgrades to recreation facilities in Wallerawang and Portland as recommended in the Open Space Study:

- Development of a district park, preferably at Saville Park, to build on its existing assets and central location and including an adventure playground.
- Development of an adventure playground at Lake Wallace

POLICY IMPLICATIONS

Council has previously adopted the 2010 Open Space and Recreation Needs Study which recommended that an adventure park be established in the Aquatic Centre /Showground/Sporting Fields precinct following adoption of a masterplan for the site. The Open Space Study also recommended that both Endeavour Park and Queen Elizabeth Park be upgraded to district level standard including the significant installation of play and picnic opportunities.

FINANCIAL IMPLICATIONS

Council has allocated \$50,000 in the 2011/12 budget for the investigation and detailed design of an adventure playground.

Funds have been allocated in the draft 2012/13 budget for development of a masterplan for the sportsground/aquatic centre precinct.

Council's draft Section 94A Contributions Plan includes an allocation of \$350,000 Section 94A funds over a 3 year period from 2021/22 to 2023/24 with a matching amount of funding to be sourced elsewhere for construction of an adventure playground. No other funds have been allocated by Council before 2021/22 for this purpose.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

RECOMMENDATION

THAT Council:

1. Notes the above report on investigations into site options for an adventure playground.
2. Gives further consideration to the selection and funding of a preferred site for an adventure playground following completion of the Aquatic Centre / Showground/ Sporting Fields precinct masterplan in 2012/13.

ITEM-15 COMM - 14/05/12 - LITHGOW HISTORY AVENUE PROJECT

**REPORT BY: ACTING GROUP MANAGER COMMUNITY AND STRATEGY –
MATTHEW JOHNSON**

SUMMARY

This report provides information on development of the Lithgow History Avenue heritage walk along Inch Street Lithgow between Bridge Street and Blast Furnace Park, funded by Xstrata Coal.

COMMENTARY

Background

Council's 2008 Cultural Plan recommended development of a cultural precinct within Lithgow, around the key landmarks of Hoskins Church, Lithgow Courthouse, Hoskins Memorial Institute, Eskbank Station, Eskbank House, Blast Furnace Park and Lake Pillans as well as buildings along the top of Main Street.

Subsequently in 2010 and with funding from Xstrata Coal, Council engaged Artscape Consultants to further develop the cultural precinct study concept. Artscape noted the lack of visual amenity and inadequacy of directional and interpretive signage within the precinct, particularly along Inch Street to Eskbank House, Blast Furnace Park and Lake Pillans meaning that visitors to the town miss the opportunity to explore key heritage sites within the area.

The Lithgow History Avenue concept has been developed to address the lack of directional and interpretive signage as a means of drawing visitors through the cultural precinct. This area encompasses the first land grants (Eskbank Estate in 1842); the development of coal mining (Eskbank Colliery, 1860s); the coming of rail to the valley (1860s) and the development of steel making technology on Eskbank Estate. The steel and coal enterprises located on this site have rightly been referred to as the cradle of industry in Australia. The cultural precinct is therefore representative of social and cultural history, as well as built heritage.

Lithgow History Avenue is intended to honour that history and heritage, whilst providing public art that draws locals and visitors to the area. The project is intended to bring visitors from the top end of Main Street, past Eskbank Station, which will soon be refurbished, to Eskbank House, the Blast Furnace and Lake Pillans.

Proposed Design

Council has engaged a local designer and blacksmith to design the specific concept. The design style is based on industrial construction techniques of the late 19th and early 20th century involving angle iron, flat plate and hot rivets as can be seen dramatically in the Sydney Harbour Bridge and more modestly in older railway architecture and industrial buildings. By using angle iron, steel plate and rivets, a style of industrial design reminiscent of the steel works era is developed. All text is engraved on brass plates which is again reminiscent of the era.

The walk is approximately 1.2 km. Beginning at the corner of Inch and Tank Streets, the corner of the Workies Club, there is a piece of sculpture which introduces the walk and the guide posts which are spaced at irregular intervals by the side of the footpath on the north side of Inch Street. The guide posts lead the viewer through a period of Lithgow's history from the first European settlement through the establishment of a large industrial centre to that centre's decline, all in less than a hundred years. At the corner of Inch and Bennett Streets a second sculptural work provides the option of either turning left into Eskbank House or continuing along Inch Street where more markers will guide the walker to Blast Furnace Park.

By continuing along Inch Street the walker passes more markers, goes under the bridge and crosses the road into Blast Furnace park. The long flat grassed area is the site for large sculpture. Initially the walker will see bits of iron structure rescued from around the park, but in time this will be joined by specifically commissioned work.

The walker then has the option of walking on to the ruins and Lake Pillans.

If the walker takes the Eskbank House option they will walk through the gates of the house to visit the museum. Consideration has been given in the design to the option of continuing through a decorative wrought iron gate just north of the house and out onto the rail formation (behind the milk depot) and across the disused railway bridge to Blast Furnace park. This option is subject to resolution of bridge ownership, cost and safety considerations and could be considered as a future stage if these issues can be satisfactorily resolved.

The following map shows the route of the walk along a formed footpath, starting at the corner of Tank and Inch Streets and continuing to Blast furnace Park, including the possible detour via Eskbank House and the disused railway bridge which are proposed for further investigation.

Figure 1 Proposed Route



POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Xstrata Coal has provided \$100,000 for implementation of the History Avenue walk and Council has allocated a further \$30,000 in addition to \$8,357 remaining from the Cultural Precinct Study, a total of \$138,357. This will be sufficient for completion of the main route. Completion of the Eskbank House and disused railway bridge option is subject to further investigation and costing.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Photos of History Avenue Walk design concepts

RECOMMENDATION

THAT Council note development of the Lithgow History Avenue project.

ITEM-16 COMM - 14/05/12 - TREE REMOVAL PROPOSAL FOR ESKBANK HOUSE AND MUSEUM**REPORT BY: ACTING GROUP MANAGER COMMUNITY AND STRATEGY – MATTHEW JOHNSON**

SUMMARY

Council has been approached by Endeavour Energy with a proposal to remove at their cost, a large number of Cypress trees along the Inch Street frontage of Eskbank House & Museum. This report recommends that Council endorse this proposal.

COMMENTARY

Endeavour Energy has written to Council seeking approval to remove the trees which have grown inside powerline clearances and which it considers are posing a risk to the Endeavour Energy network.

There are 57 Golden Cypress trees, some up to a height of 15 meters, which appear to date from the 1960's. At various times, the trees have been pruned back from powerlines by Endeavour Energy and its predecessors. The trees have also been underpruned many years ago from the ground up to a height of approximately 1.5 meters which has diminished the aesthetic qualities of the trees and their value as a screen for the Eskbank House garden.



There are a number of mature eucalypts between the Cypress trees and Eskbank House which are not of concern to Endeavour Energy and will remain.

A Site Analysis and Landscape Strategies Study undertaken for Council in 1998 by Rosanne Paskin recommended *removal of the Cypress trees to reveal the existing eucalyptus specimens planted in the late 1960's so as to re-instate the southern Inch Street boundary into a grove of mature eucalypt trees, consistent with past plantings.*

Integrated Design Consultants, who prepared the Eskbank House Conservation Management Plan for Council in 2011 has provided advice on this matter. *Integrated Design supports removal of the Cypress trees as they are not historically significant and their removal will reinstate the former open boundary to Inch Street including views of a number of Eucalypts within the Eskbank House grounds. Removal of the trees will improve visibility and support interpretation of the site however a plan for replacement boundary fencing to provide a frame to the site is required.*

Integrated design also state that due to the possible location of archaeological materials related to the former gate and path entrances, a heritage architect should be present during removal of the trees at both ends of the Cypress hedge. Endeavour Energy will be advised of this requirement.

Lithgow Tidy Towns have been consulted about this proposal and advises that they have no objection to removal of the trees. They have asked if Council would however plant trees along the railway embankment similar to those already planted by Tidy Towns over several years. This request has been forwarded to Council's Recreation Supervisor for consideration.

Council's Recreation Supervisor supports the proposal to remove the trees.

Planning has been undertaken for replacement of the current chain wire fence on the Inch and Bennet Street boundaries with new heritage fencing more in keeping with the heritage values of the site and which will help to frame the site as requested by Integrated Design. The draft 2012/13 budget includes an allocation of \$45,000 (50% grant funded) for new heritage fencing.

Endeavour Energy have advised that they will, at their expense, remove all 57 trees including grinding of stumps and removal of all waste. They anticipate that this work will be undertaken within 2 months of Council's approval.

POLICY IMPLICATIONS

Council's Policy 10.15 Removal of Trees from Public Land, Clause 3 requires that residents are to be consulted prior to removal where the tree(s) are part of a theme. The Cypress trees are not considered to form part of a theme so this clause does not apply.

FINANCIAL IMPLICATIONS

The full cost of removal of trees, stumps and waste will be met by Endeavour Energy.

The draft 2012/13 budget includes an allocation of \$45,000 (50% grant funded) for new heritage fencing on the Inch and Bennet Street boundaries.

LEGAL IMPLICATIONS

The NSW Native Vegetation Act 2003 does not apply to land in urban areas.

ATTACHMENTS

1. Letter from Integrated Design
2. Email from Lithgow Tidy Towns

RECOMMENDATION

THAT Council authorise the removal of all 57 Golden Cypress trees along the Inch Street boundary of Eskbank House and Museum by Endeavour Energy at Endeavour Energy's cost and subject to a heritage architect being on site during the removal of the trees at both ends of the hedge.

FINANCE REPORTS

ITEM-17 FINAN - 14/05/12 - COUNCIL INVESTMENTS HELD 30 APRIL 2012

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)
Min No 11-474:	Ordinary Meeting of Council 21 November 2011 (Oct 2011)
Min No 11-501:	Ordinary Meeting of Council 12 December 2011 (Nov 2011)
Min No 12-28:	Ordinary Meeting of Council 23 January 2011 (Dec 2011)
Min No 12-50:	Ordinary Meeting of Council 13 February 2012 (Jan 2012)
Min No 12-98:	Ordinary Meeting of Council 26 March 2012 (Feb 2012)
Min No 12-136:	Ordinary Meeting of Council 23 April 2012 (Mar 2012)

SUMMARY

To advise Council of investments held as at 30 April 2012 in the 2011/12 financial year.

COMMENTARY

Council's total investment portfolio, as at 30 April 2012 when compared to 31 March 2012, has decreased by \$3,488,108.63 from \$18,402,713.55 to \$14,914,604.92.

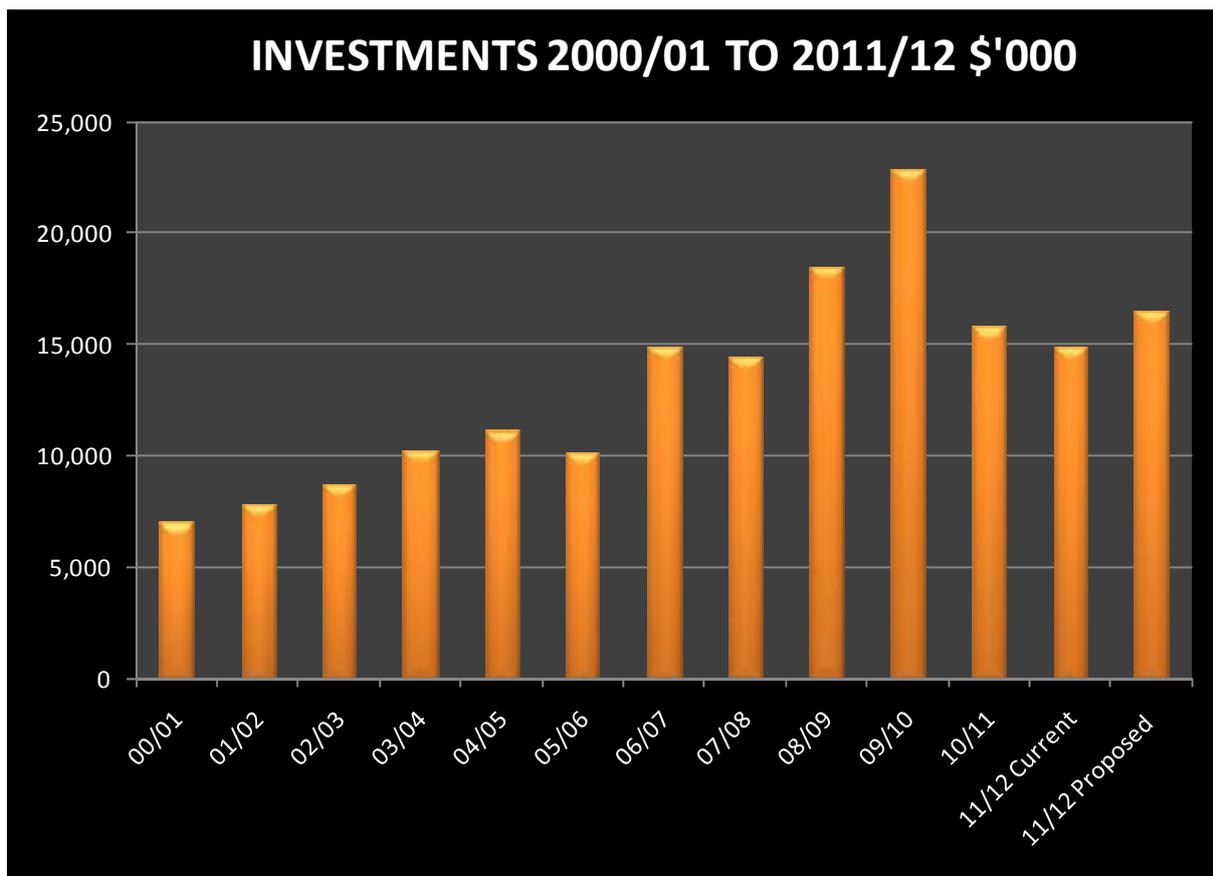
INVESTMENT REGISTER 2011/12								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.03.12	VALUE 30.04.12	% OF TOTAL
ANZ	TD	12.03.12	11.06.12	91	5.51	828,010.36	828,010.36	5.55%
		10.02.12	10.04.12	60	4.93	504,167.12	0.00	0.00%
		01.03.12	30.05.12	90	5.40	500,000.00	500,000.00	3.35%
CBA	On Call				4.20	1,618,801.35	133,441.13	0.89%
		30.03.12	30.04.12**	30	4.84	502,173.97	0.00	0.00%
		29.02.12	30.04.12**	60	5.33	500,000.00	0.00	0.00%
		01.03.12	30.04.12**	60	5.32	250,000.00	0.00	0.00%
IMBS	TD	27.02.12	28.05.12	91	5.75	1,107,363.30	1,107,363.30	7.42%
	TD	28.02.12	29.05.12	91	5.70	734,182.61	734,182.61	4.92%
	TD	14.03.12	14.06.12	92	5.80	1,044,525.74	1,044,525.74	7.00%
NAB	TD	06.02.12	06.06.12	120	5.82	1,097,827.44	1,097,827.44	7.36%
	TD	25.01.12	25.07.12	180	5.91	1,000,000.00	1,000,000.00	6.70%
	TD	24.04.12	23.07.12	90	5.55	500,000.00	507,138.36	3.40%
WESTPAC	TD	08.01.12	08.04.12	90	5.60	284,780.24	0.00	0.00%
	TD	08.01.12	08.07.12	180	5.80	569,560.51	569,560.51	3.82%
	TD	30.01.12	30.05.12	120	5.89	1,156,955.66	1,156,955.66	7.76%
	TD	12.01.12	11.07.12	180	5.80	250,000.00	250,000.00	1.68%
	TD	12.03.12	12.06.12	90	5.67	405,484.93	405,484.93	2.72%
ST GEORGE	On Call				4.25	21,165.20	21,165.20	0.14%
		04.01.12	04.07.12	180	5.94	522,047.36	522,047.36	3.50%

	TD	19.04.12	19.10.12	180	5.75	832,927.30	857,565.97	5.75%
	TD	12.03.12	12.10.12	214	5.91	506,930.96	506,930.96	3.40%
	TD	10.02.12	09.08.12	180	5.78	504,347.95	504,347.95	3.38%
	TD	16.02.12	18.05.12	92	5	502,471.51	502,471.51	3.37%
	TD	25.01.12	25.07.12	180	5.83	1,000,000.00	1,000,000.00	6.70%
SUNCORP	TD	08.02.12	08.05.12	90	5.55	1,158,990.04	1,158,990.04	7.77%
	TD	24.04.12	24.07.12	91	5.55	500,000.00	506,595.89	3.40%
			TOTAL			18,402,713.55	14,914,604.92	100.00%
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.31	2,750,000.00	2,750,000.00	

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

** Three CBA investments for \$1,252,173.97 matured on 30 April 2012. The CBA were requested to add the investments to the CBA 'on call' investment account but matured the investments to Lithgow City Council's General Fund A/c which reduced the investment total as at 30 April 2012.

On the graph below historical and current investments are shown for 2011/12 to 30 April 2012.



POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 30 April 2012 is \$522,130.34 of an estimated \$550,802.00 shown in the 2011/12 Management Plan. Interest is paid on the maturity date of the investment.

LEGAL IMPLICATIONS

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

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

RECOMMENDATION

THAT Investments of \$14,914,604.92 for the period ending 30 April 2012 be noted.

ITEM-18 FINAN - 14/05/12 - WATER STANDPIPE CHARGES: HISTORY AND PROPOSED CHARGES FOR 2012/13

REPORT FROM – FINANCE MANAGER C FARNSWORTH

REFERENCE

Questions From the Public Gallery: Council Meeting 23 April 2012
 Min 09-09: Council Meeting 27 January 2009 – Clr Hunter QWN Standpipes
 Min 09-296: Council Meeting 13 July 2009 – Water Standpipes
 Min 10-392: Council Meeting 20 Sept 2010 – New Metered Standpipes

SUMMARY

To advise Council of charges for use of the metered water standpipe and water consumed with a recommendation that Council consider any submissions received in relation to the 2012/13 Fees and Charges prior to the adoption of the 2012/13 Operation and Delivery Program.

COMMENTARY

At the Council meeting of 23 April 2012 the following question was asked by a commercial water carter:

QUESTIONS FROM THE PUBLIC FORUM

At 7:09 pm Members of public gallery were invited to participate in the Public Forum Session.

2. PF – 23/4/12 – COMMERCIAL WATER CARTER

The commercial water carter raised his concerns with regards to the increase in charges to water supply for portable water advising Council that this will have a severe impact on his small business. He asked how Lithgow Council can justify the annual increase of approx 600% taking his charge to \$24,000 which will have to be passed on to his customers.

The Mayor informed that he could make an appointment to discuss his concerns with the Finance Manager and General Manager. The Mayor further explained that should the budget be resolved tonight it would go on public exhibition and encouraged that a submission be made.

BACKGROUND

COUNCIL MEETING: 27 January 2009

Councillor C Hunter submitted a Notice of Motion requesting that Council's water standpipes be fitted with water meters, to allow water carting contractors to be charged at a more equitable rate than the present fixed charge for yearly access.

RECOMMENDATION

THAT Council water stand pipes be fitted with water meters, to allow water carting contractors to be charged at a more equitable rate, than the present fixed charge for yearly access.

09-09 RESOLVED

THAT Council:

- 1. Refer the changing methods and regimes for Council's water standpipes to the Draft Management Plan for 2009/10.*
- 2. Examine what other Councils may do in similar situations.*

COUNCIL MEETING: 13 July 2009

Council received a report from the Group Manager Regional Services, Mr Andrew Muir, detailing how other councils are managing water standpipes.

From 21 councils contacted, 12 used an automated management system allowing water to be accessed through a 'smart' key card which is linked to an electronic account and water is purchased through a prepayment on the card.

09-296 RESOLVED

THAT Expressions of Interest from interested persons be called for the provision of a metered automated water standpipe management system.

COUNCIL MEETING: 20 September 2010

Council received a report from the Group Manager Regional Services, Mr Andrew Muir, advising that a new metered standpipe had been installed to improve efficiency and accounting of water.

10-392 RESOLVED

THAT:

- 1. The report on the new metered standpipe be received.*
- 2. A proposed additional cost for issuing an electronic card and replacement cost of \$50 be advertised in the Lithgow Mercury for a period of 28 days.*
- 3. The fee not be charged to Bush Fire Brigades.*
- 4. A report be provided back following the 28 day notification period.*

REPORT

Following the question for the public gallery at the Council meeting of 23 April 2012 the General Manager and Finance Manager met with the concerned commercial carter on Tuesday 24 April 2012. As a result of the meeting the following information is provided to Council.

A metered standpipe was introduced in 2010/11 to replace the existing standpipe situated in Barton Street, Lithgow. The old standpipe did not have a backflow prevention device and thus had the potential to contaminate drinking water. In order to minimise the risks associated with water quality, and ensure that Council has knowledge of the outflow of water from the standpipe, a new metered standpipe was ordered and installed by 'Tyco Flow Control.' The system uses 'smart card' technology for dispensing water accurately and maintaining water usage records.

As a key requirement of the NSW Government Water Demand Management Best Practice Guidelines, Council was required to understand how and when water is being consumed, by all consumers, including water that flows out through standpipes.

Below are the adopted fees and charges for access to Council's standpipe from 2008/09 to the proposed charge for 2012/13.

STANDPIPE: FEES & CHARGES					
Standpipe Charges (Inc GST)	2008/09	2009/10	2010/11	2011/12	2012/13
Commercial Carter: Per Year	3,300.00	3,635.00	3,729.51		
Commercial Carter: Per Quarter	850.00	935.00	959.31		
Casual User : Water usage + access	1.10	1.76	2.67		
Daily Access for metered water standpipe: (Charged daily when in possession of card)		5.00	5.50	5.70	6.00
Water Usage			2.67	2.90	3.00
Standpipe Key Card (Deposit - refundable)				50.00	52.00
Installation of Cards from 06.7.10					

From 2008/09 to 2010/11 a commercial cater was charged approximately \$3,300 to \$3,700 per year irrespective of the quantity of water taken. It is assumed water was delivered on a regular basis to customers in outlying areas, who are not connected to the town supply, and they would have been billed for cartage but not a per kl charge for water.

In comparison consumers connected to the town supply would have paid an access charge, for the supply of water on their rate notice, and a quarterly per kl usage charge.

An example of annual charges paid by a commercial water carter is summarised below:

EXAMPLE STANDPIPE CHARGES: Commercial Carter							
KL	2008/09	2009/10	2010/11	2011/12		2012/13: Estimated	
Used from Standpipe				Usage	Daily Card	Usage	Daily Card
Not Metered: Unlimited	\$3,300						
Not Metered: Unlimited		\$3,635					
Not Metered: Unlimited			\$3,635				
7,558 kl/yr				\$ 21,920	\$ 2,080	\$ 22,674	\$ 2,190
7,558 kl/yr	\$3,300	\$3,635	\$3,635	\$ 21,920	\$ 2,080	\$ 22,674	\$ 2,190

As previously mentioned as a key requirement of the NSW Government Water Demand Management Best Practice Guidelines, Council must know how and when water is being consumed, including water that flows out through a standpipe and it must meter and charge all customers supplied.

Council is not involved in accounts issued by a commercial carter but it is assumed that since 2011/12 the charge from them is for cartage and water purchased. It may be argued that in the past, prior to the standpipe being metered, that Council was subsidising private business.

The Draft 2012/13 to 2021/22 Operations & Delivery Program, which includes the Fees & Charges for 2012/13 is currently on exhibition and submissions, including those made in relation to standpipe charges will be received up until 24 May 2012.

POLICY IMPLICATIONS

Draft 2012/13 to 2021/22 Operations & Delivery Program: Fees & Charges

The document is currently on exhibition and submissions to the draft will be received until 24 May 2012.

FINANCIAL IMPLICATIONS

2012/13: Income from access and usage of water from standpipe charges

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council notes the report on Water Standpipe Charges.

COMMITTEE MEETINGS

ITEM-19 OPER - 14/05/12 - LITHGOW INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MINUTES - 3 MAY 2012

REPORT FROM: LEANNE KEARNEY – ASSETS AND PROJECT ENGINEER

SUMMARY

This report details the Minutes of the Lithgow Indoor Aquatic Centre Advisory Committee Meeting held on 3 May 2012.

COMMENTARY

At the Lithgow Indoor Aquatic Centre Advisory Committee meeting held on 3 May 2012, there were various items discussed by the Committee, including.

1. Construction Progress Report / Tour of the Site; and
2. Variations;

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Advisory Committee has recommended that Council accept and approve variations totalling \$36,428.17 (ex GST) for Rainwater Tank (\$10,289.09 (ex GST)), Stormwater and Sewer Design Amendments (\$10,609.10 (ex GST)), and Entrance Turnstiles (\$15,529.98 (ex GST)). These variations can be funded through expenditure allocated for contingencies for this project (\$58,938.35 (ex GST)).

Acceptance of the Advisory Committee's recommendations will result in a total of \$36,428.17 (ex GST) being expended from the contingency allocation, leaving a total of \$22,510.18 (ex GST) remaining for any additional variations.

A saving of \$3,340.00 (ex GST) has been identified during a review of the lighting layout for the amenities, and reduces the original contract price from \$1,804,641.00 (ex GST) to \$1,801,301.00 (ex GST).

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Lithgow Indoor Aquatic Centre Advisory Committee meeting of 3 May 2012.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Aquatic Centre Working Party meeting held on 3 May 2012
2. Approve Variation 3 for Rainwater Tank (\$10,289.09 ex GST), Variation 4 for Stormwater / Sewer Design Amendments (\$10,609.10 ex GST), and Variation 5 for Entrance Turnstiles (\$15,529.98 ex GST), to be funded from Council's allocation for contingencies.
3. Note the saving of \$3,340.00 (ex GST) made from amending the lighting layout in the amenities, reducing the total contract cost to \$1,801,301.00 (ex GST).
4. Commence planning for an official opening in August 2012, with an open day to be held in November 2012 to celebrate the 50th anniversary.
5. Seek expressions of interest from the community for suitable use of the existing entry and amenities buildings, and for Council to proceed with demolition of these buildings in the 2012 / 2013 financial should no satisfactory use be proposed.
6. Note the information in relation to Council's submission for funding through CENTROC for solar heating for the 50m pool.

ITEM-20 OPER - 14/05/12 - SPORTS ADVISORY COMMITTEE MINUTES 30 APRIL 2012

REPORT BY: ASSETS AND PROJECTS ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 30 April 2012 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 30 April 2012, there were eight (8) 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 for March 2012
- Booking Requests
 - Lithgow District PSSA (Touch Football Trials)
 - Portland Colts Junior RLFC (Training and Competition) and
 - Lithgow High School (Under 16 CHS Rugby League Knockout)
- Lithgow Storm Junior RLFC – New Members
- General Business including:
 - Magnetic Name Plates for Rugby League Teams
 - Tony Luchetti Sportsground Lighting Repairs
 - Lithgow City Tennis Courts Security Fencing Repairs
 - Cricket Sight Screens at Conran Oval, Lithgow
 - Fencing Repairs at Conran Oval, Lithgow
 - 2012 LJ Hooker Reg Cowden Memorial Sport Star of the Year Awards Presentation Evening
 - Wallerawang Indoor Sports and Recreation Centre Vegetation Maintenance and
 - Lockable Gates – Cricket Training Wickets at Watsford Oval, Lithgow

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 30 April 2012.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee meeting held on Monday, 30 April 2012.

**ITEM-21 COMM - 14/05/12 - LITHGOW FLASH GIFT COMMITTEE MEETING
MINUTES - 16 APRIL 2012****REPORT FROM: EVENTS CO- ORDINATOR – ROBERT PARK**

REFERENCE

Min No 11-286:	Ordinary Meeting of Council 11 July 2011
Min No 11-287:	Ordinary Meeting of Council 11 July 2011
Min No 11-449:	Ordinary Meeting of Council 31 October 2011
Min No 12-29:	Ordinary Meeting of Council 23 January 2012
Min No 12-142	Ordinary Meeting of Council 23 April 2012
Min No 12-143	Ordinary Meeting of Council 23 April 2012

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 16/4/2012.

COMMENTARY

At the Lithgow Flash Gift Committee Meeting held on 16/4/2012, various items were discussed by the Committee including:

- Chairman's report on operation of the 2012 Lithgow Flash® Gift Carnival.
- Report from NSW Athletic League
- Report from Little A'S
- Lithgow Triathlon Report
- Financial Report including that the 2012 Lithgow Flash® Gift Carnival made a preliminary profit of \$5,150.55 and that the Lithgow Flash Gift Committee recommends that Council allocates a donation of \$300 to Lithgow Rotary for their assistance on the day.
- Report on the Produce and Artisan Markets
- Report on the Sports Expo

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Lithgow Flash Gift Committee recommends that Council allocates a donation of \$300 to Lithgow Rotary.

LEGAL IMPLICATIONS

Local Government Act NSW 1993.

ATTACHMENTS

1. Minutes from the Lithgow Flash Gift Committee meeting held on 16 April 2012

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Lithgow Flash Gift Committee held on 16 April 2012.
2. Allocates a donation of \$300 to Lithgow Rotary for their assistance on the day.

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.*