



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

05 NOVEMBER 2012

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 OCTOBER 2012

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION

Current Status of the Old Gas Works in Lithgow - Councillor Ticehurst

Current Status of the Pottery Plaza DA Lithgow - Councillor Ticehurst

Parking for Tourist Caravans and Large Recreational Vehicles in the Lithgow LGA Towns and Villages - Councillor Ticehurst

Update on Councils Investment Prospectus - Councillor Ticehurst

Current Status of the former Lithgow RSL Property - Councillor Ticehurst

Current Status of the Hungry Jacks DA GWH Lithgow - Councillor Ticehurst

Current Status of the LCC Draft Footpath Trading Policy - Councillor Ticehurst

2012 Council Christmas Display and Activities - Councillor Ticehurst

Classify Bells line of Road as a National Transport Grid Road - Councillor Hunter

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports

Environment and Development Reports

Operation Reports

Community and Strategy Reports

Finance Reports

COMMITTEE MEETINGS

TALC - 18 October 2012

Sports Advisory Committee - 15 October 2012

Disability Access Committee - 30 August 2012

Crime Prevention Committee - 8 October 2012

Youth Council Committee - 25 September 2012

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

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NOTICE OF MOTIONS

ITEM-1 NOTICE OF MOTION - 05/11/12 - CURRENT STATUS OF THE OLD GAS WORKS IN LITHGOW - COUNCILLOR M TICEHURST

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current status of the overdue remediation and proposed future sale and use of the former Gas Works / Council owned land in Mort Street, Lithgow?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current status of the overdue remediation and proposed future sale and use of the former Gas Works / Council owned land in Mort Street, Lithgow.

**ITEM-2 NOTICE OF MOTION - 05/11/12 - CURRENT STATUS OF THE
POTTERY PLAZA DA LITHGOW - COUNCILLOR M TICEHURST**

REFERENCE

Previous Lithgow City Council DA approval.

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current status of the DA for the previously proposed new construction of “Pottery Plaza” on the old Pottery Estate, a development consisting of four Cinemas, Food Court, Retail Shops, a Supermarket, a Restaurant and some Bulky Goods retailing (totalling approximately 9,100 square metres of gross floor area) with parking for the development is proposed at grade and below the main buildings with vehicle access off Kirkland Link?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current status of the DA for the previously proposed new construction of “Pottery Plaza” on the old Pottery Estate, a development consisting of four Cinemas, Food Court, Retail Shops, a Supermarket, a Restaurant and some Bulky Goods retailing (totalling approximately 9,100 square metres of gross floor area) with parking for the development is proposed at grade and below the main buildings with vehicle access off Kirkland Link.

ITEM-3 NOTICE OF MOTION - 05/11/12 - PARKING FOR TOURIST CARAVANS AND LARGE RECREATIONAL VEHICLES IN THE LITHGOW LGA TOWNS AND VILLAGES - COUNCILLOR M TICEHURST

REFERENCE

Editorial of the Running Board Rag.

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at a future Council Meeting on the current status of what is currently available or proposed for the parking of Tourist Caravans and Large Recreational Vehicles in the Lithgow LGA Towns and Villages?

ATTACHMENTS

1. Attached Editorial of the Running Board Rag.

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at a future Council Meeting on the current status of what is currently available or proposed for the parking of Tourist Caravans and Large Recreational Vehicles in the Lithgow LGA Towns and Villages?

**ITEM-4 NOTICE OF MOTION - 05/11/12 - UPDATE ON COUNCILS
INVESTMENT PROSPECTUS - COUNCILLOR M TICEHURST**

REFERENCE

Media Launch of the Lithgow City Council's 36-page Investment Prospectus 16 June 2011. http://council.lithgow.com/media/2011/110609_launch.html

Lithgow City Council's 36-page Investment Prospectus.
<http://archive.lithgow.nsw.gov.au/documents/LithgowInvestmentProspectus.pdf>

COMMENTARY

The Lithgow City Council's 36-page Investment Prospectus, designed to encourage investment in the Lithgow Local Government Area by highlighting Lithgow's attributes and potential investment opportunities was launched on Thursday 16 June, 2011.

- Q.** Could the General Manager now, after more than 15 months since the launch of the 36-page Lithgow Investment Prospectus, provide a report to the Council, Councillors, ratepayers and residents on what has been the success or otherwise of the prospectus?

RECOMMENDATION

THAT the General Manager now, after more than 15 months since the launch of the 36-page Lithgow Investment Prospectus, provide a report to the Council, Councillors, ratepayers and residents on what has been the success or otherwise of the prospectus?

**ITEM-5 NOTICE OF MOTION - 05/11/12 - CURRENT STATUS OF THE
FORMER LITHGOW RSL PROPERTY - COUNCILLOR M TICEHURST**

REFERENCE

<http://lithgow.ljhooker.com.au/8KSF9X>

<http://lithgow.ljhooker.com.au/8KUF9X>

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current condition of the property 'Hoskins Court' and the status of the DA for the now vacant former Lithgow RSL property on the corner of Hayley Street and Hoskins Ave Lithgow?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current condition of the property 'Hoskins Court' and the status of the DA for the now vacant former Lithgow RSL property on the corner of Hayley Street and Hoskins Ave Lithgow.

ITEM-6 NOTICE OF MOTION - 05/11/12 - CURRENT STATUS OF THE HUNGRY JACKS DA GWH LITHGOW - COUNCILLOR M TICEHURST

REFERENCE

Lithgow City Council DA 008/11.

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current status of the DA for the new Hungry Jacks on the corner of the GWH and Caroline Ave, Lithgow?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current status of the DA for the new Hungry Jacks on the corner of the GWH and Caroline Ave, Lithgow.

**ITEM-7 NOTICE OF MOTION - 05/11/12 - CURRENT STATUS OF THE LCC
DRAFT FOOTPATH TRADING POLICY - COUNCILLOR M
TICEHURST**

REFERENCE

Council Resolution 12 – 158 made at the Ordinary Meeting of the Lithgow City Council on 14 May 2012.

COMMENTARY

At the Ordinary Meeting of Council on 14 May 2012, the Council as a whole resolved to:

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 Draft Policy be provided to local businesses in Lithgow, Portland and Wallerawang and a copy also be provided to Lithgow Business Association seeking their comment.

MOVED: Councillor G Danaher **SECONDED:** Councillor W McAndrew.

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on the current status of the previous publicly exhibited and now long outstanding Draft Policy 5.4 Footpath Trading Policy.

ITEM-8 NOTICE OF MOTION - 05/11/12 - 2012 COUNCIL CHRISTMAS DISPLAYS AND ACTIVITIES - COUNCILLOR M TICEHURST

REFERENCE

Council Resolution 12 – 03 made at the Ordinary Meeting of the Lithgow City Council on 23 January 2012

COMMENTARY

At the Ordinary Meeting of Council on 23 January 2012, the Council as a whole resolved to:

THAT:

1. Council form a Committee to provide a promotional plan for 2012 to include Christmas/New Year lights and other promotions through 2012 which can include Easter, Celebrate Lithgow, Lithgow Flash Gift and any other notable events. The Committee is to consist of representatives from Delta, Lithgow Business Association and other similar groups. A report be prepared further detailing membership and terms of reference.
2. To increase the shop front up-grade to the facade grant to up to \$2,500 on a 50/50 arrangement for 2012. The increase in funding is to apply to any applications received after 23 January 2012.

MOVED: Councillor G Danaher

SECONDED: Councillor W Marshall.

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at THIS Council Meeting on the current status of Council resolution 12 – 03; that Council form a Committee to provide a promotional plan for 2012 to include Christmas/New Year lights and other promotions through 2012 which can include Easter, Celebrate Lithgow, Lithgow Flash Gift and any other notable events.

**ITEM-9 NOTICE OF MOTION - 051/11/2 - CLASSIFY BELLS LINE OF ROAD
AS A NATIONAL TRANSPORT GRID ROAD - COUNCILLOR C
HUNTER**

COMMENTARY

At the meeting of Hartley District Progress Association held on the 20th October a motion was passed with a large majority to lobby the Federal Government to classify Bells line of road to a national transport grid road that would qualify it for federal funding in order to enable some safety and enhancements to be undertaken.

RECOMMENDATION

THAT Lithgow City Council lobby the Federal Government to classify Bells Line of road to a National Transport grid road.

GENERAL MANAGERS REPORTS

ITEM-10 GM - 05/11/12 - LOCAL INFRASTRUCTURE RENEWAL SCHEME

SUMMARY

Council has requested a report in relation to opportunities to apply for funding under the NSW State Government's Local Infrastructure Renewal Scheme (LIRS) this report provides that information.

COMMENTARY

At the Council meeting held on Monday 15 October 2012 Council resolved (12-384):

***THAT** Council investigate making application for funding under the NSW Local Government Renewal Scheme.*

The NSW Government in its 2011-2012 budget provided a total of \$70 million over five years for the implementation of the local infrastructure backlog policy. The Local Infrastructure Renewal Scheme (LIRS), which provides an interest subsidy to fund council infrastructure backlog borrowing, is a key component of this policy.

Round one of the Scheme saw a variety of projects approved, ranging from buildings and road renewals, over bridge replacements and swimming pool rejuvenation to major airport reconstruction works. Overall, the scheme recommended 84 projects put forward by 64 Councils and adding up to a total cost of \$439 million to go ahead subject to TCorp approval.

Round two of the scheme is now open for Local Infrastructure Renewal Scheme (LIRS). The program is designed to provide an interest subsidy to assist those councils with legitimate infrastructure backlogs to cover the cost of borrowing. The subsidy aims to provide an incentive to councils to make greater use of debt funding to accelerate investment in infrastructure backlogs and augment funding options already available to councils.

An additional \$30million has been committed to the scheme in its 2012-2013 Budget to support a second round. As a result, \$63.5 million is now available to support both backlog infrastructure projects as well as projects providing enabling infrastructure for new housing development. The second round of the scheme will provide a 3% interest subsidy (down from 4%) on loans taken out to undertake these projects.

A council may submit an application for a maximum of two separate projects. In this case, each project will be assessed as a separate application, but the Assessment Panel will take into consideration the council's capacity to service debt on the two projects.

Through the Council's Section 94A Plan Council has identified a number of projects into the coming years. These projects have planned funding for them thus Council already has the identified funding available in the coming years capable of repaying the loan.

In broad terms the types of projects available under the section 94A Plan include:

1. Roads
2. Drainage
3. Recreation Facilities
4. Emergency Services
5. Community Facilities (Theatre upgrades and amenity improvements)

The projects are:

APPENDIX A DETAILED WORKS SCHEDULE						
Project Description	Map Reference	Total Estimated Project Cost	Section 94 A Contribution	Other Funding Contribution	Timing or Threshold for Expenditure	Pooling Priority
	To be Completed					
# Roads / Traffic Management / Drainage Facilities (Rural and Urban)						
Rural Roads Construction						As per Operation/Delivery Program
Glen Alice Road	2(7)	\$300,000	\$150,000	\$150,000	12/13	
Glen Davis Road	2(6)	\$600,000	\$150,000	\$150,000 \$150,000	13/14 22/23	
Rydal/ Hampton Road	2(4)	\$1,200,000	\$150,000 \$150,000 \$150,000 \$150,000	\$150,000 \$150,000 \$150,000 \$150,000	14/15 17/18 19/20 20/21	
Cox's River Road	2(2)	\$600,000	\$150,000 \$150,000	\$150,000 \$150,000	15/16 21/22	
Sodwalls/Tarana Road	2(5)	\$300,000	\$150,000	\$150,000	16/17	
Brown's Gap Road	2(1)	\$300,000	\$150,000	\$150,000	18/19	
Rural Roads Rehabilitation						As per Operation /Delivery Program
Magpie Hollow Road	2(3)	\$200,000	\$50,000 \$50,000	\$50,000 \$50,000	12/13 22/23	
Cox's River Road	2(2)	\$300,000	\$50,000 \$50,000 \$50,000	\$50,000 \$50,000 \$50,000	13/14 16/17 20/21	
Rydal/Hampton Road	2(4)	\$200,000	\$50,000 \$50,000	\$50,000 \$50,000	14/15 19/20	
Brown's Gap Road	2(1)	\$100,000	\$50,000	\$50,000	15/16	

Project Description	Map Reference To be Completed	Total Estimated Project Cost	Section 94 A Contribution	Other Funding Contribution	Timing or Threshold for Expenditure	Pooling Priority
Glen Alice Road	2(7)	\$200,000	\$50,000 \$50,000	\$50,000 \$50,000	17/18 21/22	
Glen Davis Road	2(6)	\$100,000	\$50,000	\$50,000	18/19	
Drainage Improvements						As per Operation/Delivery Program
Falnash/Green St Portland	3(6)	\$120,000	\$60,000	\$60,000	12/13	
Falnash St	3(6)	\$120,000	\$60,000	\$60,000	13/14	
Extension Estate Lithgow	3(2)	\$360,000	\$60,000	\$60,000	14/15	
			\$60,000	\$60,000	15/16	
			\$60,000	\$60,000	16/17	
Glanmire Reserve	3(1)	\$120,000	\$60,000	\$60,000	17/18	
Methven St/Wrights Rd Lithgow	3(3)	\$120,000	\$60,000	\$60,000	18/19	
MR 531 Portland	3(4)	\$120,000	\$60,000	\$60,000	19/20	
Cullen Bullen Village	3(8)	\$120,000	\$60,000	\$60,000	20/21	
Capertee Village	3(7)	\$120,000	\$60,000	\$60,000	21/22	
Rydal Village	3(5)	\$120,000	\$60,000	\$60,000	22/23	
Pedestrian and Mobility Upgrade		\$439,000	\$62,000	\$62,000	13/14	As per Operation/Delivery Program
Great Western Highway – Col Drewe Drive			\$50,000	\$50,000	14/15	
South Bowenfels to Dunns Corner			\$50,000	\$55,000	15/16	
			\$50,000	\$60,000	16/17	
Open Space and Recreation Facilities						
* Lithgow Aquatic Centre Re-Development Stage 2	1(1)	\$2,600,000	\$1,300,000	\$1,300,000	17/18	As per Operation/Delivery Program
Adventure Playground Stage 1 Stage 2 Stage 3	TBA	\$700,000	\$150,000	\$150,000	21/22	As per Operation/Delivery Program
			\$150,000	\$150,000	22/23	
			\$50,000	\$50,000	23/24	

Project Description	Map Reference To be Completed	Total Estimated Project Cost	Section 94 A Contribution	Other Funding Contribution	Timing or Threshold for Expenditure	Pooling Priority
# Emergency Services						
Rural Fire Service Control Centre Upgrade - Modifications to current building	1(2)	\$120,000	\$120,000	Nil	12/13	As per Operation/Delivery Program
Civic, Community and Cultural Facilities						
Union Theatre Upgrade	1(8)	\$300,000	\$50,000 \$100,000	\$50,000 \$100,000	12/13 13/14	As per Operation/Delivery Program
Lithgow CBD Amenities	1(3)	\$300,000	\$150,000	\$150,000	13/14	As per Operation/Delivery Program
Endeavour Park Lithgow Amenities	1(6)	\$250,000	\$125,000	\$125,000	14/15	As per Operation/Delivery Program
CCTV Cameras Main St Lithgow	1(4)	\$40,000	\$10,000 \$10,000	\$10,000 \$10,000	13/14 14/15	
Crystal Theatre Portland Stage exit system and stage improvements	1(7)	\$400,000	\$200,000	\$200,000	23/24	As per Operation/Delivery Program

Bearing in mind that under the Plan the funding of these projects is based upon 50% from general Council Revenue and the remaining 50% from Section 94A funding.

The Guidelines indicate that preference will be given to projects or groups of projects with a total cost of at least \$1 million. This amount may comprise, for example:

a single project/program (e.g. a park, a library, a single road segment);
a group of different but related projects (e.g. redevelopment of community facilities clustered in a single location);
a group of projects of a similar nature that can be packaged as a single program (e.g. small road projects in different sites within the local government area which require major periodic renewal).

The Program is being administered by the DLG.

Applications for Round 2 of the LIRS funding is available online between 1 November 2012 and 31 December 2012.

It is intended that decisions on applications will be made by mid May 2013.

If successful in securing the funding then Council will need to commence the project within 12 months after the signing of the LIRS Agreement.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. NSW Local Infrastructure Renewal Scheme - Guidelines - Round Two

RECOMMENDATION

THAT Council make application under the Local Infrastructure Renewal Scheme for Stage 2 of the Lithgow Aquatic Centre project for the sum of \$2.6M.

SUMMARY

For the effective management of Council delegations need to be continued for the General Manager.

COMMENTARY

Council is required, under Section 380 of the New South Wales Local Government Act (1993), to review its delegation of functions during the first 12 months of each term of office.

Council may delegate certain functions to the general manager, this delegation must be made by a council resolution (ss 377-381). However Council cannot delegate the functions set out in section 377(1) of the Act.

Under the Act the general manager may in turn sub-delegate a function delegated by the council (s378). However, the general manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

Where functions are delegated to the general manager to perform on behalf of a council, it is important for the council to ensure there are policies in place to guide the decision making. Such policies of council should kept under regular review. Most Council policies will be presented to Council for review over the coming months.

Where authority to make a decision is delegated this does not remove a council's authority to make a decision, e.g. the calling in of development applications.

The relevant sections of the Act include:

355 How does a council exercise its functions?

A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- (e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).

377 General power of the council to delegate

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

- (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders which are required under this Act to be invited by the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

378 Delegations by the general manager

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.

- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).

POLICY IMPLICATIONS

As outlined in the report.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

As outlined in the report.

RECOMMENDATION

THAT Council delegate to the General Manager, Roger William Bailey, the authority to exercise all discretionary functions that Council is capable of delegating and is not prohibited from so doing under section 377 of the Local Government Act, 1993, and also excluding any specific functions which Council has, by resolution, reserved to Council.

SUMMARY

This report is for Council to give consideration to the granting of Delegations of Authority to the Mayor and Deputy Mayor to assist them in performing their roles with Council.

COMMENTARY

Section 226 of the Local Government Act 1993 outlines the role of the Mayor. Section 226 provides:

The role of the mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

These additional proposed delegations for the **Mayor** are:

1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.

2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

3. Temporary General Manager

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.

4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

5. General Manager's Performance Review

In conjunction with the Deputy Mayor the authority to conduct the performance reviews of the Acting General Manager. The outcome of such reviews are to be reported to Council.

The additional proposed delegations for the **Deputy Mayor** are:

1. Function of the Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

2. General Manager's Performance Review

In conjunction with the Mayor the authority to conduct the performance reviews of the Acting General Manager. The outcome of such reviews are to be reported to Council.

These additional functions are practical delegations which assist the smooth functioning of the Mayoral office. Such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

POLICY IMPLICATIONS

As outlined in the report.

FINANCIAL IMPLICATIONS

As outlined in the report.

LEGAL IMPLICATIONS

Council is limited in the functions that can be delegated. This is provided for in Section 377 of the New South Wales Local Government Act 1993.

RECOMMENDATION

THAT Council, in addition to the functions outlined in Section 226 of the New South Wales Local Government Act 1993, delegate the following:

1. To the Mayor of Lithgow City Council:

a. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.

b. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are

available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

- c. Temporary General Manager**
In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.
 - d. General Manager – Leave**
Authority to approve applications for holidays and leave of absence to the General Manager.
 - e. General Manager’s Performance Review**
In conjunction with the Deputy Mayor the authority to conduct the performance reviews of the Acting General Manager. The outcome of such reviews are to be reported to Council.
2. To the Deputy Mayor of Lithgow City Council:
- a. Function of the Mayor**
The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.
 - b. General Manager’s Performance Review**
In conjunction with the Mayor the authority to conduct the performance reviews of the Acting General Manager. The outcome of such reviews are to be reported to Council.
3. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

SUMMARY

This information is provided as a result of Council's request for a report in relation to the relocation of the Senior Citizens group.

COMMENTARY

Council passed the following resolution at the 15 October 2012 Council meeting in relation to the relocation of the Senior Citizens group:

12-342 RESOLVED

THAT:

- 1. The General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the Council Meeting on the recent relocation of the Senior Citizens Rooms from the Hoskins Building in Lithgow to the Masonic Building in Lithgow.*
- 2. The Council urgently investigate the recently advertised Public Tender Sale of the former Masonic Building at 206-208 Mort Street Lithgow by Councils Property Agents, LJ Hooker Lithgow to see why it would not be suitable for future use as both a new Council public hall and a current facility for both our current Senior Citizens Group and other local community groups and organisations.*
- 3. Council hold an urgent on site meeting at the former Masonic Building in Mort Street Lithgow with both the Senior Citizens Group and other interested local community groups and organisations.*

The Lithgow Senior Citizens group meets on a Thursday and Friday afternoon and consists of approximately 30 members. Ideally they are seeking an exclusive area to accommodate their members in participating in group activities, including indoor bowls. To play indoor bowls a room of 11 metres plus in length is required. It is understood that currently up to nine members participate in indoor bowls.

The group were previously located at the Hoskins Building located in Mort St Lithgow and were requested to relocate following the decision by Council to enter into a lease with the University of Western Sydney (UWS).

Council officers first met with the Seniors group in the second half of 2009 when the possible UWS development of the Hoskins building was first proposed to inform them of the proposal and to assure them that Council would assist them if and when their relocation was required. The need to find alternative premises for the Seniors was also a recommendation of the Lithgow Ageing Strategy.

Shortly following confirmation in December 2011 that the UWS proposal would proceed, Council officers met with the Seniors group to discuss options for their relocation. During January and February 2012 a number of options were considered including the Hermitage Hall, Historical Society hall, Vale Hall, Red Cross Hall, Fatima Hall and

Lithgow Information and Neighbourhood Centre. These facilities were either considered not available at the required times, were too small or too far from the centre of town.

The Civic Ballroom supper room was then considered however it was found that it was often unavailable when the Civic Ballroom was booked for major functions.

Following this, Council officers assisted the Seniors to negotiate a lease on the Masonic Lodge hall in Mort Street and Council provided \$5,000 financial assistance towards meeting rental costs.

Since the Masonic Lodge has been listed for sale, Council officers have made further inquiries in respect of Lithgow Workmen's Club, Club Lithgow and Lithgow Information and Neighbourhood Centre. These three organisations have suitable space for card playing but do not have the space for carpet bowls. Further, the Seniors would be required to pack up their equipment after each session.

An inspection of the Masonic Building, a property located at 206-208 Mort Street, Lithgow took place on Friday 19 October 2012.

The premises consist of:

- Ballroom/auditorium
- Approximately 850sq metres of floor space
- Boardroom and separate offices
- Carparking

Tenders have been called for the purchase of the building and these close on Friday 16 November 2012 at 5.00pm.

No valuation has been obtained of the property however one would have to imagine that a reasonable value of the building would have to be in the order of \$500,000 plus. Rates and charges for the building would consist of \$8,000 per annum and another \$2,500 - \$3,500 per annum for insurance. A further \$10,000 per annum should be allocated for general maintenance and a further more significant amount should be allocated for major maintenance. Allocations would also be needed for other ongoing costs such heating and water. The heating costs would be significant for such a large area.

On the afternoon of Friday 19 October 2012 inspections were held of other buildings to possibly house the group, these included the old pool entry at the Lithgow Pool and the vacant Council premises at 160 Mort St, Lithgow. Both of these buildings would require works to accommodate the group to the standard that it is seeking. Neither of these premises were considered suitable by the representatives of the Lithgow Senior Citizens group at the time of the inspection.

Other venues have been mentioned including the possible leasing of premises in general Lithgow CBD other alternatives may include the Lithgow Workies Club or Club Lithgow.

Conclusion

The Lithgow Senior Citizens group has approximately 30 members requiring a location to operate from on a Thursday and Friday afternoon each week. A building the size of the

Masonic Building would be far too large for a single group to operate from and if the building was acquired by Council then other alternative uses would have to be identified for the building.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council presently does not have the funds allocated for the acquisition of the facility. Should the Council decide acquire the property then the funds would have to come from one of the following sources:

1. Reduce expenditure in other areas
2. Utilise accumulated surpluses
3. Borrow and then reduce expenditure in future years in other areas to allow for the repayments
4. Combination of the above

LEGAL IMPLICATIONS

Should Council wish to consider the acquisition of this property then it should move into Closed Council under Section 10(A)(2)(c) and/or 10A(2)(d)(ii) of the New South Wales Local Government Act 1993:

10A Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (ii) confer a commercial advantage on a competitor of the council, or

Also, should Council wish to progress to making a tender for the building it should also consider the requirements of the Division of Local Government 'Capital Expenditure Guidelines' December 2010 and circular 10-34.

RECOMMENDATION

THAT Council:

1. Take NO action to acquire the Masonic building located at 206-208 Mort St, Lithgow; and
2. Assist the Lithgow Senior Citizens group in facilitating a new location in which they may operate from.

SUMMARY

To assist with the effective operations of Council a number of committees have been appointed. This report outlines the terms of reference for the operations of those Committees.

COMMENTARY

A council can form committees and determine their functions, powers, membership and voting rights. Membership of a council committee is not restricted to councillors. At its last meeting Lithgow Council appointed a number of committees to assist it with the management of its business.

A council committee could be advisory in nature or it could have decision making powers delegated to it by Council via section 355 of the Act provided that Council does not delegate to the committee any functions set out in section 377.

This report proposes to establish the functions of each committee. The council can change those functions from time to time (cl.261 of the Regulations).

Advisory committees or sub-committees are common and usually have the power to make recommendations but not to make decisions, though it is proposed that some committees will have minor decision making powers.

The recommendations of advisory committees can assist a council in making informed decisions on complex matters. Alternatively, committees may be given power to spend council monies on certain matters.

The Terms of Reference for the Committees also provide guidelines on how to conduct their meetings and other related issues.

Council has established the following committees:

- Environmental Advisory
- Operations (Works)
- Traffic Advisory Local (TALC)
- Sports Advisory
- Indoor Aquatic Centre
- Internal Audit
- Lithgow Tourism Advisory
- Lithgow Flash Gift
- Economic Development Advisory
- Community Development
- Youth Advisory
- Lithgow Crime Prevention

- Disability Access
- Blue Mountains Crossing
- Crystal Theatre
- Union Theatre
- Meadow Flat Hall

Terms of Reference are now proposed for those committees and are set out in the attachments.

POLICY IMPLICATIONS

As outlined in the report.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

As outlined in the report.

ATTACHMENTS

1. Terms of Reference for each of the Council Committees

RECOMMENDATION

THAT Council adopt the Terms of Reference for each of the following Council Committees:

- Environmental Advisory
- Operations (Works)
- Traffic Advisory Local (TALC)
- Sports Advisory
- Indoor Aquatic Centre
- Internal Audit
- Lithgow Tourism Advisory
- Lithgow Flash Gift
- Economic Development Advisory
- Community Development
- Youth Advisory
- Lithgow Crime Prevention
- Disability Access
- Blue Mountains Crossing
- Crystal Theatre
- Union Theatre
- Meadow Flat Hall

SUMMARY

Council has requested an update on the situation with the Zig Zag Railway this report provides that information.

COMMENTARY

At the its meeting held on Monday 15 October 2012 Council resolved (12-344):

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an updated report at the next Council Meeting on the current and proposed future status of the historic and iconic tourist attraction Zig Zag Railway at Clarence. The report is to include the following;

1. Will the board of the Zig Zag railway make the full report that was handed down by the Minister for Transport recently into the reasons by ISSR closed the railway down?
2. Why didn't Zig Zag railway apply for funding to rectify problems already highlighted associated with the viaducts and tunnels on the existing infrastructure and also allow funding to seal and landscape the car park which is 20 years overdue
3. In a recent story aired on Prime News (Last Wednesday) Zig Zag Railway claimed that if they didn't get \$50,000 from either the government or member's to assist complete the accreditation documentation required by ITTSSR the railway may never open. If they are short of dollars:
 - Why is ZZR buying road/trail track vehicles from New Zealand and transporting them to Australia
 - Why is ZZR leasing from Queensland Railways two carriage and paying to transport them to Lithgow by road transport when they have carriages they own which could be worked on?

As many are aware the Independent Rail Safety Regulator (ITSR) has done an audit of the Zig Zag as a result the Board of Zig Zag Railway voluntarily suspended tourism operations.

ITSR is the rail safety regulator for NSW and assists the Director General of Transport for NSW in bus safety regulation. It also has a promotion and advisory role to encourage industry adoption of better practices in safety management.

ITSR is an independent statutory body which operates as part of the NSW Government's transport portfolio. It was established on 1 January 2004 and its Chief Executive report directly to the Minister for Transport.

ITSR also works in partnership with Transport for NSW and Roads and Maritime Services, the regulatory authority for ferry safety, to deliver a coordinated approach across the transport modes in NSW.

Following this matter previously being raised in Council on Monday 30 August 2012 a meeting was held with representatives from the Zig Zag Railway and Council along with the State Member, Paul Toole. Following this meeting the Board of Zig Zag Railway held meetings with the Minister for Transport.

More recently a meeting was held between representations from Zig Zag Railway and Council. This meeting occurred on Monday 22 October 2012. It was indicated that Zig Zag were working towards reinstating operations, albeit limited.

Following the above resolution the Zig Zag Railway was contacted and responses provided to the Council resolution.

1. The report prepared for the Minister for Transport confirmed for the Minister that there were 151 "Non Compliance" issues with Zig Zag's administration of their compliance with the 2008 Rail Safety Act. A copy of the original report from the rail regulator can be made available to the Council on request. The rail safety act is applied equally to voluntarily run rail operators and RailCorp and with considerable regulatory enthusiasm.
2. Zig Zag applied for funding to rectify the erosion of the pointing between the sandstone lining blocks in a section of the tunnel on the Middle Road of the Zig Zag. Zig Zag has also developed a plan for the continuing maintenance of the viaducts and tunnels. The funding for the pointing repair was received from Heritage NSW and was a \$ for \$ grant. The work is underway and funding for the Zig Zag dollars is secure. The tunnels and viaducts are listed on the State Heritage register and are state government assets. We hope for continuing financial support from the state government in the future care and maintenance of these assets. Zig Zag has asked for help on numerous occasions to re-seal the carpark and improve the facilities. Grant funds have always been scarce and grants are very narrow in their focus. On Thursday last the federal government announced the next round of the RDAF grants, aimed at communities of less than 30,000. The last round's successful applicants were all local councils and we hope that a joint approach from Council and Zig Zag could be considered.
3. The comment re the lack of funds may have been an out of context quote? The cost of compliance with the rail safety legislation is considerable and it will stretch Zig Zag's fast dwindling reserves to employ the experts engaged to nurse the volunteers through the compliance process.

The Zig Zag is attempting to import a road rail vehicle from Japan via New Zealand to facilitate access to the tunnel roof and portals which are being repaired with the Heritage Funds. The vehicle is fitted with a lifting work platform which will facilitate access to signals and other trackside structures. The vehicle is a one off, is available at a very good price and has only 25,000kms on the

clock besides s being a 1994 built truck. Funds for the purchase were raised by volunteers selling scrap metal.

The two carriages have been offered by Queensland Railways Heritage Manager for a peppercorn rental. They are accredited and ready to run and in excellent condition. When we re-commence operations we will require more capacity than currently available and there will not be funds or time (or staff) to overhaul carriages in our fleet. This is the most sensible and economical way of providing passenger carrying capacity.

It should be noted that the Zig Zag Railway is a not for profit co-operative with an elected board of directors.

The Board has indicated that it is happy to supply the Council with a copy of their regular electronic newsletter. It has been further indicated that Individual council members are also welcome to apply for membership.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter from Zig Zag Railway dated 20 October 2012

RECOMMENDATION

THAT Council note the report in relation to the Zig Zag Railway.

REFERENCE

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

SUMMARY

Council has received a request from the Portland Golf Club for financial assistance. The Portland Golf Club is seeking a loan of \$150,000 to allow it complete a subdivision of land that would allow Club operations to continue.

COMMENTARY

At the Council meeting held on Monday 3 September 2012 Council resolved (12-314):

THAT Council authorise the General Manager to meet with members of the Board of the Portland Golf Club to determine what assistance, if any, can be provided and that this be reported to Council.

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

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

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

From these funds there remains \$9,000. Council provided the funds mainly to assist with maintenance around the Club that could not be done with the equipment that the Club possessed, e.g. a long arm mower or jetpatcher. These unspent funds remain in Councils budget.

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

The blocks are presently unserviced and the consent requires that these parcels be serviced before the individual parcels may be separately titled. It may be possible for allotments to be sold 'from the plan' prior to their registration as separate allotments, however the Club would need to obtain its own advice in this regard. The Club does not

have the financial capabilities to service all of the allotments fully and is therefore attempting to stage the work to enable it to sell some and then progress to the next stage and the modified consent is designed so this staging may occur.

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

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

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

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

A grant of \$10,000 would therefore be proposed to the Club. In addition to this other avenues should be explored to help determine the future of the Club, e.g. community support to increase patronage or exploring the amalgamation of clubs to assist with management.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Council is required to comply with Section 356 of the New South Wales Local Government Act. This would be either to provide a grant to the club or a loan. This section provides:

356 Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) **A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at**

least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.

- (3) However, public notice is not required if:
- (a) the financial assistance is part of a specific program, and
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

ATTACHMENTS

1. Letter from Portland Golf Club - 26 September 2012

RECOMMENDATION

THAT Council:

1. Assist the Portland Golf Club in exploring opportunities for the ongoing management and operations of the Club;
2. Advertise a proposal to provide a grant of \$10,000 to allow the Portland Golf Club to continue operating; and
3. Re-confirm that in-kind funds of \$9,000 are available to assist it with maintenance.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-17 ENVIRO - 05/11/12 - ESKBANK RAIL HERITAGE CENTRE - THE WOLGAN VALLEY WILDERNESS RAILWAY

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of an invitation to have representation on two external bodies being the Eskbank Rail Heritage Centre the Wolgan Valley Wilderness Railway.

COMMENTARY

At its Ordinary Meeting of 15 October 2012 Council requested that a report be provided on Council participating in the Eskbank Rail Heritage Committee and Wolgan Valley Committee. Correspondence was subsequently sought and provided from COC Limited, which incorporates the Eskbank Rail Heritage Centre & Wolgan Valley Wilderness Railway, to ascertain the background and functions of these external bodies. Copies of this correspondence is attached which includes an invitation for a Councillor and perhaps a Senior Council officer to join each committee. As each of these committees has the potential to achieve tourism and flow on economic development outcomes it would not be unreasonable for Council to be represented. It is suggested that a Councillor be appointed to each of these external committees.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Correspondence from the Eskbank Rail Heritage Centre the Wolgan Valley Wilderness Railway.

RECOMMENDATION

THAT Council:

1. Appoint a Councillor to the Eskbank Rail Heritage Centre Committee; and
2. Appoint a Councillor to the Wolgan Valley Wilderness Railway Committee.

ITEM-18 ENVIRO - 05/11/2012 - LISTING ON THE STATE HERITAGE REGISTER - PORTLAND CEMENT WORKS PRECINCT, WILLIWA STREET, PORTLAND - RAFFANS MILL AND BRICK BOTTLE KILNS PRECINCT, CARLON ROAD, PORTLAND

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of the State Heritage listing of the Portland Cement Works Precinct at Williwa Street, Portland, Raffans Mill and Brick Bottle Kilns Precinct at Carlon Road, Portland.

COMMENTARY

Advice has been received from the NSW Heritage Council that it has recommended listing the above places on the State Heritage. The Minister for Heritage, the Hon, Robyn Parker MLA, has subsequently directed the listing of the above heritage items on the State Heritage Register. The items were listed due to their heritage significance to the people to of the State of New South Wales. The details of the items, including the statement of significance, can be viewed on SHR via the Heritage Branch website at www.heritage.nsw.gov.au by selecting *Search for heritage listings*, then *State Heritage Register*.

Heritage listing allows sympathetic development of heritage items through an approvals process. Attached to the business paper is the Heritage Council publication, "Heritage Listing Explained – What it means for you", to assist in understanding the impact of State Heritage listing.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Maps of Portland Cement Works Precinct and Raffans Mills and Brick Bottle Kilns Precinct
2. Copies of NSW Government Gazettes No. 80 & 82
3. Heritage Listing Explained – What it means for you

RECOMMENDATION

THAT the report regarding the State Heritage listing of the Portland Cement Works Precinct, Raffans Mill and Bottle Kilns on the Portland Cement Works site be noted.

**ITEM-19 ENVIRO - 05/11/12 - CENTENNIAL COAL - SPRINGVALE COLLIERY
BORE 8 DEWATERING FACILITY**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To update Council on a Major Project that has been submitted to the Department of Planning and Infrastructure (the Department) seeking a modification to development consent s91/06569/001 to allow for additional surface mine dewatering facility at the Centennial Coal Springvale Colliery.

COMMENTARY

Current operations

Springvale Colliery (Centennial Coal) operates near Wallerawang, located opposite the Wallerawang Power Station on the Castlereagh Highway. The principal components of the existing operations are an underground coal mine (longwall mining extraction methods) producing up to 3.4 million tonnes per annum along with an overland conveyor system and coal preparation plant. It also operated various remote mine services infrastructure within the Newnes State Forest on the Newnes Plateau including ventilation shafts, dewatering bores and associated pipes and cabling (including Springvale-Delta Water Transfer Scheme).

Proposal

Centennial Coal proposes to seek a modification to the development consent S91/06569/001 under Section 75W of the *Environmental Planning and Assessment Act 1979* to allow for the construction and operation of an additional surface mine dewatering facility (Bore 8) and ancillary infrastructure, including an underground cable, water pipeline and access track, to be located within the Newnes State Forest on the Newnes Plateau.

Bore 8 will be a fenced compound with a final footprint of 3200m² and will house four boreholes installed with submersible pumps, an associated switchroom and a sump. An access track and ancillary infrastructure corridor to Bore 8 totalling approximately 3.5 km in length and 10 m wide will also be established, utilising an existing track approximately 3 m in width. The 11 kV cables and water transfer pipelines will be buried in the infrastructure corridor alongside the access track within the 10 m wide corridor.

The Project will require clearing of approximately 4 ha of vegetation; however, 2.34 ha of the cleared area will be partially rehabilitated following completion of construction. Bore 8 is required to facilitate the progress of coal extraction further to the east of existing workings at Springvale, so that water levels in the mine can be kept at safe and manageable levels, reducing operational risk associated with water management. The bore will form a critical part of Springvale's existing dewatering system as longwall mining progresses. Water pumped out of the underground workings at Bore 8 will be transferred via predominantly trenched pipelines to Wallerawang Power Station.

Director-General Requirements were not issued for the modification. However, the Environmental Assessment prepared in support of the proposed modification relied on the environmental assessment considerations formalised with the Department of Planning and Infrastructure in December 2011.

Status

The proposal has been placed on exhibition from the 13 October 2012 to the 29 October 2012 at Lithgow City Council Administration Centre, Wallerawang Library and Department of Planning and Infrastructure Information Centre and the exhibition information was placed in the Lithgow Mercury.

FINANCIAL IMPLICATIONS

The capital investment value of the project is \$6.5 million. The modification application is a Part 3A modification and is not an application whereby a contribution under that plan may be applied. As the development is part of an overall development (Springvale Colliery) there may be some question as to whether it is appropriate to pursue contributions by way of a Voluntary Planning Agreement (VPA). However, Centennial Coal do have a number of current and upcoming projects where contributions via a VPA may be appropriate and it is proposed to hold discussions with Centennial representatives in this regard.

LEGAL IMPLICATIONS

As the proposal falls within Clause 75W- Modification of Minister's approval, of the *Environmental Planning and Assessment Act 1979* with the Department of Planning and Infrastructure to be the consent authority. Council officers will be undertaking an assessment of the documents submitted and will make a submission to Department of Planning and Infrastructure.

ATTACHMENTS

1. Site Plan.

RECOMMENDATION

THAT the report on the Centennial Coal Springvale Colliery Bore 8 Dewatering Facility be noted.

**ITEM-20 ENVIRO - 05/11/12 - CENTENNIAL COAL - ANGUS PLACE
COLLIERY VENTILATION SHAFT**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To update Council on a Major Project that has been submitted to the Department of Planning and Infrastructure (the Department) seeking a modification to development consent 06/0021 to allow for a new Ventilation Facility and ancillary development.

COMMENTARY

Current operations

Angus Place Colliery (Centennial Coal) operates near Lidsdale, on Wolgan Road. The principal component of the existing operations is an underground coal mine (longwall mining extraction methods) producing up to 4 million tonnes per annum.

Proposal

Centennial Coal proposes to seek a modification to the development consent 06/0021 to allow for the construction and operation of a Ventilation Facility and ancillary infrastructure, to be located east of the existing colliery in the Newnes Forest. The total amount of land clearing would directly impact approximately 17.3ha and is wholly contained within a number of Environmental Study Areas (ESA's) for the proposed infrastructure.

The proposed Ventilation Facility Project (the project) has a total area of approximately 472ha comprises of:

- Development of underground roadways from the eastern extent of longwall 910 to the proposed Ventilation Facility;
- Development of underground roadways eastwards of the Ventilation Facility to undertake trial mining. Approximately 709,575 tonnes of coal would be extracted over a period of 3.5 years as a result of the trial mining. This would be part of the approved production limit of 4 million tonnes per annum (Mtpa) from the colliery;
- Construction and operation of a Ventilation Facility consisting of both upcast (exhaust) and downcast (intake) shafts, an air compressor station, emulsion mixing and supply plant, various services boreholes, electrical substation, self-bunded diesel storage tank, back-up generator, internal roadways and hardstand area, spoil emplacement area, water management control ponds, fire controls (including Bushfire Asset Protection Zones), security fencing and miscellaneous buildings;
- Construction of a new access track from Sunnyside Ridge Road to the Ventilation Facility;
- Establishment of a 66kV/11kV electrical substation (including Bushfire Asset Protection Zone and security fencing situated off Sunnyside Ridge Road (runs north south within the Project Application Area and is a public unsealed road surrounded predominantly by forest); Construction and operation of a switchyard

facility and security fencing (including access track) in a separate location to the Ventilation Facility (see attachment 1);

- 66kV trenched electrical power supply from existing powerline (running adjacent to Blackfellows Hands Road and Sunnyside Ridge Road) via a proposed switchyard and to the proposed substation following Sunnyside Ridge Road; and
- 11kV trenched electrical power supply from the proposed substation to the proposed Ventilation Facility along Sunnyside Ridge Road and the proposed new track to the Ventilation Facility.

Whilst Part 3A has now been repealed, the original approval was issued under this assessment. Therefore, this application is a Part 3A Modification of consent under 75W Modification of Minister's approval of the *Environmental Planning and Assessment Act 1979*. The Director General's Requirements (DGRs) for the Environmental Assessment (EA) were issued January 2012.

Status

The proposal has been placed on exhibition from the 16 October 2012 to the 7 November 2012 at Lithgow City Council Administration Centre, Wallerawang Library and Department of Planning and Infrastructure Information Centre and the exhibition information was placed in the Lithgow Mercury.

FINANCIAL IMPLICATIONS

The capital investment value of the project is \$53 million. The modification application, which is a Part 3A modification, was lodged prior to the introduction Council's Section 94A Contributions Plan and is not an application whereby a contribution under that plan may be applied. The former Section 94 Contributions for Coal Related Development only triggered a contribution where full time equivalent staff positions were created. As the development is part of an overall development (Angus Place Colliery) there may be some question as to whether it is appropriate to pursue contributions by way of a Voluntary Planning Agreement (VPA). However, Centennial Coal do have a number of current and upcoming projects where contributions via a VPA may be appropriate and it is proposed to hold discussions with Centennial representatives in this regard.

LEGAL IMPLICATIONS

As the proposal falls within Clause 75W- Modification of Minister's approval, of the *Environmental Planning and Assessment Act 1979* with the Department of Planning and Infrastructure to be the consent authority. Council officers will be undertaking an assessment of the documents submitted and will make a submission to Department of Planning and Infrastructure.

ATTACHMENTS

1. Site Plans.

RECOMMENDATION

THAT the report on the Centennial Coal Angus Place Ventilation Facility Project be noted.

ITEM-21 ENVIRO - 05/11/12 - FINALISATION OF VOLUNTARY PLANNING AGREEMENT - COALPAC CONSOLIDATION PROJECT

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Minute No 12-151 Ordinary Meeting of Council 14/5/2012.

SUMMARY

To advise Council of the status of a Voluntary planning Agreement with Coalpac Pty Ltd.

COMMENTARY

At its Ordinary meeting of 14 May 2012, in relation to a report on the Coalpac Consolidation Project, Council resolved that “The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement for the development.”

The attached draft Voluntary Planning Agreement was subsequently negotiated with Coalpac. The features of the Agreement, which will only come into effect if the Coalpac Consolidation Project is granted consent, are:

- Coalpac will contribute an amount of \$0.07* per tonne of coal sold per annum for each Financial Year subject to the initial fixed payments and allocation percentages set out below.
(* Increases with CPI)

	Column A	Column B	
Relevant Payment Period	Capital Works Contribution Fixed Payment or Allocation %	Public Purpose Contribution Fixed Payment or Allocation %	Total Payment
Within 60 days after the grant of the Project Approval	\$50,000	\$25,000	\$75,000
Within 60 days of the first Financial Year end that falls after the grant of the Project Approval	\$75,000	\$50,000	\$125,000
Within 60 days of each subsequent Financial Year end for the remainder of the Term	75% of the Contribution Calculation	25% of the Contribution Calculation	Total of Column A plus Column B for a relevant year

- The Capital Works contribution refers a contribution to go to the design, approval and construction of a reticulated sewerage system consisting of the construction of a sewerage treatment plant (or transfer of sewerage to an existing facility), the installation of mains, manholes, pumping stations (if necessary) and sewer junctions to enable existing premises at Cullen Bullen to connect to this.
- Public Purpose Contributions means the monetary contributions provided by Coalpac to be used for a public purpose as defined in section 93F(2) of the Act (eg public amenities and public services) to be administered by a Community Trust which will encompass the Mine's Community Consultative Committee.

The draft Planning Agreement was placed on public exhibition and as a result one submission was received. The submission raised the following:

- The agreement is between Coalpac and Lithgow Council but Council will only have one representative on the Community Consultative Committee. This means Council will have no control of funds.

Comment: Whilst Council will not have full control over the allocation of the public purpose contributions, it will have 100% control over 75% of funds collected, ie the Capital Works Contribution to be utilised for the proposed sewerage scheme.

- Why is there a need for Council to negotiate an agreement now before a decision has been made on the project?

Comment: The statutory system which allows the negotiation of planning agreements provides for negotiation and exhibition of the draft agreement either before or in conjunction with a development application.

- There has been a new Council elected.

Comment: The new Council now has the ability to peruse the draft VPA as negotiated. What has been negotiated represents a good outcome for the community of Cullen Bullen. The proponent is keen to finalise the agreement and the Department of Planning is also keen to have the VPA finalised prior to determination of the application.

Under the circumstances it is reasonable to finalise the agreement as soon as possible.

POLICY IMPLICATIONS

Policy 7.12 – Planning Agreements applies.

FINANCIAL IMPLICATIONS

Should approval be granted Coalpac is seeking to produce up to 3.5 million tonnes per annum of 'product coal' over a 21 year mine life. All product coal is potentially saleable depending on contracts in place and other markets. At a rate of \$0.07 per tonne of coal sold, this has the potential to produce significant revenues for both the sewerage project and other community projects. Including the up front contributions to be paid within 60 days of the project approval and within 60 days of the end of the first financial year,

contributions of approximately \$3.9 million for the sewerage scheme and \$1.3 million for other community projects could be theoretically collected. However, it must be stressed that this is only if approval is granted; all product coal is sold; maximum production levels are quickly achieved; and maximum production levels are consistently maintained for the life of the project.

LEGAL IMPLICATIONS

The legislative basis for Voluntary Planning Agreements is incorporated in the Environmental Planning and Assessment Act (Sections 93F – 93L) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H).

ATTACHMENTS

1. Draft Voluntary Planning Agreement between Lithgow City Council and Coalpac Pty Ltd.
2. Submission received on the draft Voluntary Planning (private details deleted)

RECOMMENDATION

THAT the Voluntary Planning Agreement between Lithgow City Council and Coalpac Pty Ltd. In relation to the Coalpac Consolidation Project be formally endorsed.

**ITEM-22 ENVIRO - 05/11/12 - ROAD RENAMING - SUBMISSIONS RECEIVED
FOR PROPOSED CHANGES OUTCOMES**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 10-526: Ordinary Meeting of 13 December 2010
Min No 11-372: Ordinary Meeting of 12 September 2011
Min No 12-19: Ordinary Meeting of 23 January 2012
Min No 12-92: Ordinary Meeting of 26 March 2012
Min No 12-311: Ordinary Meeting of 3 September 2012
Min No 12-312: Ordinary Meeting of 3 September 2012

SUMMARY

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

COMMENTARY

Background

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

- 1. That possible names for Edye Street, Hassan Street and Reservoir Street be sought by advertising and notification to owners and authorities;*
- 2. That possible names for destination roads be referred to Council's Recognition Committee;*
- 3. Comments from residents of Park Avenue & Park View Avenue be sought; and*
- 4. Known problem roads be referred to emergency services and Australia Post for comment.*

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

- 1. That comment seeking alternative names for Edye Street, Hassans Street, Reservoir Street, Park Avenue & Park View Avenue*
- 2. Seek comment on Duplicate and problem names (including destination names)*
- 3. Council advertise intension to name Road 5 at Meadow Flat to Mac Scott Road*

At Council's Meeting **23 January 2012** information on submissions for Edye Street, Hassans Street, Reservoir Street, Park Avenue & Park View Avenue was put forward with the following resolutions:

1. Council support names for Edye Street and Park View Avenue of 'Blanchard Place' and 'George Thompson Drive' and advertise and notify calling for submissions
2. Council seek further justification of names for Park Avenue and Hassans Street of 'Pinch Avenue' and 'Sutton Close' then advertise and notify calling for submissions.
3. Council seek submissions for renaming Reservoir Road instead of Reservoir Street
4. That the road name 'Bellamy' be considered for future road names in Portland.

A Recognition Committee Meeting was unable to be undertaken due no quorum since 24 August 2011.

At Council's Meeting **26 March 2012** information of proposed Sutton Close, Blanchard Place was put forward detailing them as not acceptable. Proposed names were put forward for renaming Wallerawang/ Portland/ Pipers Flat Road, Wallerawang/ Cullen Bullen Road, Portland/ Sunny Corner Road, Rydal/Hampton Road, Wallerawang/ Rydal Road, Edye Street and Hassan Street with the following resolutions:

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

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

Road names not to be changed:

It is noted that from Ordinary Meeting **3 September 2012** it was resolved that the following roads are no longer proposed to be changed:

Portland/ Cullen Bullen Road-	Road between Portland and Cullen Bullen (52 owners notified with 11 submissions received)
Portland/ Sunny Corner Road-	Road connecting Portland to Sunny Corner Road (74 owners notified with 30 submissions received)

Council will undertake a notification to residents and all submissions that these roads are not to be changed.

Road names to be modified:

It is noted that from a resolution of Ordinary Meeting **3 September 2012** that the following roads are to be modified:

Rydal/ Hampton Road-	Council to advertise and notify residents of new proposed name 'Hampton Road' (64 owners notified with 21 submissions received)
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Wallerawang/ Rydal Road- Council to advertise and notify residents of new proposed name 'Rydal Road' (28 owners notified with 9 submissions received)

Summary of other proposed road name changes:

Pipers Flat Road (Attachment 1)

Current Name	Proposed	Reasons
Wallerawang/ Portland/ Pipers Flat Road	Pipers Flat Road	The road currently has numerous names, however the most common is 'Pipers Flat Road' as it passes through Pipers Flat.

110 owners notified with 3 submissions received:

2 for the proposal:

- There is confusion with mail
- Original titles state that the road is Pipers Flat Road and is on the road survey dated 1891.
- The name is after Captain John Pipers who was a naval officer, a magistrate and later a pioneer of the district
- The train station was named Pipers Flat years ago and holds much local history for the area.

1 against the proposal:

- The Nationals submitted a letter stating that the group was against all proposed road name changes in the Lithgow Government Area.

Conclusion:

The proposed name of 'Pipers Flat Road' be accepted by Council given the above submissions.

Edye Street (Attachment 2)

Current Name	Proposed	Reasons
Edye Street	Brown Close	The street name Brown was previously used in Lithgow and was changed. A submission suggested that this name be reused elsewhere in Lithgow. The name is significant as Mr Brown was a major early developer of Lithgow.

5 owners notified with 2 submissions received:

1 against proposal:

- The Nationals submitted a letter stating that the group was against all proposed road name changes in the Lithgow Government Area.

1 proposing a new name:

- Main reason of purchasing land in Lithgow was because the owner entered and won the open hand- cycle handicap 400 metre and mile races at the show ground in 2012. The owner experienced Lithgow in a positive way and purchased land for

weekend escape and retirement destination. Owner met the Lithgow Flashes daughter who presented the award. Owner suggests the Street name 'Gibson Street'.

Conclusion:

Given the above submissions and the fact the alternative name suggested only reflects the name of the resident who suggested it, that the name 'Brown Close' be accepted by Council.

Hassan Street (Attachment 3)

Current Name	Proposed	Reasons
Hassan Street	Tom Lesslie Place	Dr Tom Lesslie was a Mayor of Lithgow City Council with significant contributions to the area. He lived at South Bowenfels before he past.

4 owners notified with no submissions received.

Conclusion:

The proposed name of 'Tom Lesslie Place' be accepted by Council as there were no submissions.

Park Avenue (Attachment 4)

Current Name	Proposed	Reasons
Park Avenue	Pinch Avenue	Name after Charlie Pinch recognising his commitments to Portland

18 owners notified with 3 submissions received.

3 against proposal:

- The name Pinch Avenue is offensive and that it should be Charlie Pinch Avenue at least.
- That there is no confusion with the current name and directions are easy
- Cost of the change should be taken on by Council.
- The proposal is a waste of time and money that could be spent on other things such as the raw sewerage spewing down the gutter in front of the homes, dangerous roads or coal burning.
- Some logic and common sense to use the words upper, high, top or 'The' in front given it overlooks Saville Park.
- Deeds state that it is Park Avenue
- The Nationals submitted a letter stating that the group was against all proposed road name changes in the Lithgow Government Area.

Conclusion:

That there is only 3 submissions on the proposal with a valid point of 'Pinch Avenue' being offensive (ie to 'pinch' is colloquially linked to stealing), that Council accept the road name of 'Charlie Pinch Avenue'.

Mac Scott Road (Attachment 5)

Current Name	Proposed	Reasons
Morell Street, Lyons	Mac Scott	Name after Charles Edwine McIlraith Scott being

Street and Mead Street	Road	Blaxland Shire President 1970-1975 and lived in the area.
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9 owners notified with 3 submissions received.

1 against proposal:

- The Nationals submitted a letter stating that the group was against all proposed road name changes in the Lithgow Government Area.

2 for the proposal:

- It would be an honour to have a road named after Mac Scott as he was very involved in the community.
- Does not have a problem with current name of Lyons Street remaining, but the change may minimise confusion.
- Whatever Council’s decision on the matter signage of the whole area should be included with directions to each cemetery stating ‘Sunny Corner Road Cemetery’ and ‘Meadow Flat Cemetery’ as this is confusing with signs currently only stating ‘Cemetery’.

Conclusion:

Given the above submissions the road name of ‘Mac Scott Road’ and changes to ‘Meadow Flat Cemetery Road’ be accepted by Council. Additionally that directional signage be improved in the area.

Park View Avenue (Attachment 6)

Current Name	Proposed	Reasons
Park View Avenue	George Thompson Drive	Named after the developer of the subdivision and well known business man of the district.

22 owners notified with 8 submissions received (one being a petition).

2 for the proposal:

- Link with the family associated with the farm that used to be where the street now resides
- Mr Thompson not only owned and subdivided the land but was a member of a very old and well known Portland family.

6 against proposal and providing alternative names:

- The Nationals submitted a letter stating that the group was against all proposed road name changes in the Lithgow Government Area.
- Park View is entirely different to Park, which is where the so called confusion is thought to arise but does not exist.
- Nobody thinks the change is necessary as there is no confusion with mail or emergency services or GPS devices. There is no proof that there is any confusion.
- There is already a Thompson Street and George Parade in Portland as well as Thompson Creek Road at Pipers Flat. This name would be confusing with other similar road names in the area and is hypocritical.
- Proposed names ‘ Blue Circle’- regarding Portland Cement Works

- Proposed name 'Brittle Jack Drive' being native vegetation to the area
- Proposed name 'Wren View' being native fairy wrens to the area
- Proposed name 'Hill View Drive' being a scenic naming
- Name should be after flora or fauna known to the area rather than a businessman who subdivided the land for money as the characteristics and land has changed since then.
- George Thompson Drive is too long and a morbid name not in the character of the estate.
- Proposed name 'Yeoman Drive' meaning a farmer who owns land.
- 14 owners to do not wish the name to change at all with 10 out of 14 against the proposal of George Thompson Drive.
- Popular alternative names for the estate include 'Wren View' and 'Hill View'
- Owners that have businesses on the road will have many more costs in changing all the information and stationary.

Conclusion:

Given the above submissions, it is recommended that Council reconsider the renaming of this road given it was named around 1993. It is noted that the name of Park Avenue is changing and Park Street of Portland will remain. It is therefore considered that there will be minimal confusion between Park View Avenue and Park Street (with two words in the names being different), that the road name of Park View Avenue be retained.

Road name calling for alternative names:

Reservoir Road (Attachment 7)

Current Name	Reasons
Reservoir Road	Currently confusion between this road and Reservoir Street given duplicate names within Portland.

12 owners notified with 6 submissions received.

1 against proposal:

- The Nationals submitted a letter stating that the group was against all proposed road name changes in the Lithgow Government Area.

5 for the proposal and proposing new names:

- Proposed new name of 'William Stait Road' a former farmer of the area
- Resident did not know of the problem until he called the fire brigade for his burning house, in which the fire brigade went to Reservoir Street first instead of his road. Consequently his house was lost.
- Proposed new name of 'Staits Boundary Road' given that the road connects to the current Staits Boundary Road.
- Proposed new name of 'Williams Road' after family lived there since 1950's contributing to the community, sporting and committee members of the Portland Town Common
- Proposed new name of 'Back Creek Road' as it was the roads name back in early 1900's.
- Proposed new name of 'Vincent McManus Road' first pioneer of the area when it was still crown land.

- That the road does not revert back to 'Golden Grove Road' as it had nothing to do with the history other than a property that has now been broken up was named Golden Grove.

Conclusion

The proposed names of William Stait Road, Staits Boundary Road and Back Creek Road cannot be accepted as these roads already exist and although connect to this road would cause further confusion. See Attachment 7 for road name map of the area. Therefore, it is recommended that Council accept the road name 'Vincent McManus Road' as he was one of the original pioneers of the area.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Council will incur some minor advertising costs in accordance with its Road Naming Policy as well as costs of the signs.

ATTACHMENTS

1. Location of Wallerawang/ Portland/ Pipers Flat Road
2. Location of Edye Street
3. Location of Hassan Street
4. Location of Park Avenue
5. Location of Meadow Flat roads
6. Location of Park View Avenue
7. Location of Reservoir Road and surrounding Roads

RECOMMENDATION

THAT:

1. In accordance with Council's Policy for the naming of roads, Council advertise the road names 'Charlie Pinch Avenue' and 'Vincent McManus Road' in the Lithgow Mercury, notify affected residents and authorities calling for submissions to be made.
2. If the road names suggested and listed above receive no submissions, Council is to proceed with Government Gazette and advise Emergency Services and land owners of these road names.
3. If submissions for any of the suggested road names are received, a report advising Council of the preferred action is to be submitted for the decision of these road names.
4. That the road names Mac Scott Road, Meadow Flat Cemetery Road, Pipers Flat Road, Tom Lesslie Place and Brown Close be submitted for Government Gazette and Council advise Emergency Services, land owners and submissions of the road names.
5. That the road name 'Park View Avenue' be retained, and all submissions, residents and authorities are to be notified of this decision.
6. That directional and road signage at Meadow Flat be reviewed and amended where necessary to provide a clear understanding of road names and directions to cemeteries.

ITEM-23 ENVIRO - 05/11/12 - MODIFICATION OF DEVELOPMENT APPLICATION CONSTRUCTION CERTIFICATE 046/11 - REDEVELOPMENT OF LITHGOW AQUATIC CENTRE - GEORGE COATES AVE LITHGOW

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

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

SUMMARY

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

COMMENTARY

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

These Conditions originally stated:

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

The modification application proposes to delete this condition

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

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

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

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

The modification application proposes to delete this condition

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

The modification application proposes to delete this condition

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

The modification application proposes to delete this condition

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

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

The reasoning for the proposed changes are that Barton Street would remain open for vehicles to exit the carpark. This would create a better traffic flow than the original traffic layout and would enhance the safety in the area by providing better site vision for vehicles.

The eastern end of Barton Street is also not wide enough to accommodate two way traffic and would not be able to be further widened. Therefore, it is proposed to amend the ninety degree parking to forty five degree parking. This would allow parking to be easier for vehicles entering and exiting the site more safely.

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

POLICY IMPLICATIONS

Council's *Policy 7.6 - Development Applications by Councillors and Staff and Relatives or on Council Owned Land* is applicable to the site. The policy indicates that “where the development application is on Council owned land, that such an application be referred to Council for consideration and determination and that no aspect of the application be

dealt with under delegated authority.” Whilst the land where the facilities are situated is Crown land, the application is referred to Council for determination in the context of it being a ‘Council development’. It should be noted that the Crown has given its approval to the lodgement of an application.

CONCLUSION

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 96 of the *Environmental Planning and Assessment Act 1979*. A full assessment of these matters is provided as an attachment to this report.

ATTACHMENTS

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

RECOMMENDATION

THAT:

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

ITEM-24 ENVIRO - 05/11/12 - COBBORA COAL PROJECT

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To update Council on a Major Project that has been submitted to the Department of Planning and Infrastructure (the Department) seeking the establishment of an open cut coal mine and associated facilities (including a 28 km rail spur line and a 26 km water pipeline) capable of producing up to 20 million tonnes of run-of-mine coal (equivalent to 12 million tonnes of product coal) a year, for a period of 21 years.

COMMENTARY

PROPOSAL

The proposed new mine is located at Cobbora approximately 22km south west of Dunedoo in Central West NSW and falls within the Warrumbungle Shire Council Local Government Area. Most of the coal will be produced for Macquarie Generation, Origin Energy and Delta Electricity; some coal will also be produced for spot sales. However the Environmental Assessment states:

‘The project will not supply coal to Mount Piper or Wallerawang power stations which are owned by Delta Electricity. They will continue to be supplied by mines in the Western Coalfields.’

The project will include an open cut mine; a coal handling and preparation plant; train loading facility and rail spur; a mine infrastructure area; access roads; water supply and storage; and electricity supply. The extraction will be about 20 million tonnes per annum of run-of-mine coal to produce up to 12 million tonnes of product coal. The mine will operate for 21 years following construction which is planned for mid-2013 to mid-2015 with rehabilitation continuing past the 21 year period. Councillors on the previous Council may recall how representations were made seeking a presentation from the proponents of the Cobbora Coal project and their consultants to attend a Councillor Information Session to brief Councillors on the project. Whilst this was prior to an announcement by the Cobbora Holding Company in September 2011 that the project no longer proposed to transport coal to Mt Piper and Wallerawang Power Stations, the invitation was never taken up. As the Environmental Assessment confirms the destination for the coal will not involve Wallerawang and Mt Piper Power Stations, there seems to be no point in further pursuing such a presentation.

Primary Project Customers

Customer	Power Station(s)	Location
Macquarie Generation	Bayswater and Liddell	Upper Hunter Valley
Origin Energy	Eraring	Central Coast
Delta Electricity	Vales Point	Central Coast

Status

Director-General Requirements were issued for the proposal on 23 December 2011 under Part 3A of the *Environmental Planning and Assessment Act 1979*. The proposal has been placed on exhibition at the Department of Planning and Infrastructure Information Centre from 5 October 2012 to 16 November 2012.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

As the proposal falls within Part 3A Modification, of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority.

ATTACHMENTS

1. Site Plan

RECOMMENDATION

THAT the report on the Cobbora Coal Project be noted.

**ITEM-25 ENVIRO - 05/11/12 - HARTLEY RYOLITE QUARRY - MODIFICATION
OF DEVELOPMENT CONSENT APPLICATION**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

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

SUMMARY

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

COMMENTARY

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

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

ATTACHMENTS

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

RECOMMENDATION

THAT:

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

OPERATION REPORTS

ITEM-26 OPER - 05/11/12 - HW5 GREAT WESTERN HIGHWAY
RECONSTRUCTION 30.55 TO 33.43KM - PROPOSED ACQUISITION
FROM THE CROWN

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

The Roads and Maritime Services (RMS) propose to reconstruct the Great Western Highway at South Bowenfels from 30.55 to 33.43km West of Katoomba which will necessitate the acquisition of a portion of land being part R52017. This work is in conjunction with the upgrade of the Forty Bends Great Western Highway project recently announced by the NSW Government.

COMMENTARY

Correspondence has been received from the Roads and Maritime Services (RMS) proposing to reconstruct the Great Western Highway at South Bowenfels. To accommodate the works it is necessary to acquire part R52017 being part Lots 7001 & 7002 DP1028421 Pt Lot 165 DP 1118256 & Pt Lot 7027 DP 1059095. RMS search indicates that R52017 is under the care of the Hassans Walls Public Recreation Reserve Trust and that the Trust is managed by Lithgow City Council.

RMS seeks concurrence from the Trust to the acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, of the land as shown on the sketches attached.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Plans of proposed land acquisitions.

RECOMMENDATION

THAT Council concur with the proposed acquisition of R52017 being part of the Hassans Walls Reserve for the construction of the Great Western Highway between 30.55 to 33.43km, west of Katoomba.

**ITEM-27 OPER - 05/11/12 - SOUTH BOWENFELS/SOUTH LITTLETON
SEWERAGE INFRASTRUCTURE UPGRADE - EXPRESSIONS OF
INTEREST**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

In response to an Expression of Interest process under Clause 168 of the Local Government Act 1993 for the supply and construction of the new South Bowenfels Sewerage Scheme's Infrastructure Upgrade – 18 responses were received by closing time.

The responses have been assessed and a list of recommended contractors has been prepared. That list is now tabled for Council consideration in accordance with the subsequent Selective Tender Method - originally anticipated by resolution 12-299 (item-13) of the Ordinary Meeting of Council on 13-Aug-12.

The Expression of Interest process identified 15 contractors suitable for the subsequent work. Scored out of 4, where 4 is the maximum, six contractors scored 3 or more.

COMMENTARY

The Expression of Interest was advertised via the website www.tenderlink.com/lithgow on 22-Aug-12 and included copies in the Sydney Morning Herald and the Lithgow Mercury. By the closing time at 1230 am on Tue-25-Sep-12 – 16 responses had been received via the electronic tender box and two were received directly by the LCC Records.

Within the content of the Expression of Interest message readers were advised that Council would be taking into account the experience of applicants in *fulfilling the requirements of similar contracts and the capacity of the applicant to fulfil the requirement of the proposed contract.*

The Expression of Interest Assessment Committee has assessed the responses in accordance with this criterion and additional information provided. Responses were scored against a scale of 0 to 4 where 0 was the lowest and 4 was the best response – as tabulated below.

Score	Description of the response
0	Poor response, many discrepancies – supply only, reliant on subby's
1	Marginal response, some deficiencies – only interested in one task
2	Good response, no deficiencies – interested in two tasks
3	Very good response, exceeded the criterion – interested in three tasks
4	Outstanding response, greatly exceeded expectations

The scores achieved are shown under the column titled Standard of Response - as shown in the last column. In the interest of expediency the recommendation is to invite tenders from contractors scoring 3 and 4.

Seq	Company Name	Standard of Response
1	Zinfra Contracting Pty Ltd	2
2	Trazibat Pty Limited	3
3	Ted Wilson & Sons	4
4	TCM Civil Pty Ltd	2
5	Southern Civil Constructions	2
6	Precision Civil	1
7	MMA Civil	2
8	McNamee Constructions Pty Ltd	2
9	Ledonne Constructions Pty Ltd	1
10	Hydro	0
11	Haslin Constructions Pty Ltd	3
12	Eodo Pty Ltd	3
13	E.L. Civil Engineering Pty Ltd	2
14	Diona Pty Ltd	2
15	Codmah	0
16	Carey Construction Pty Ltd	1
17	Central Trenching Services	3
18	Coolruss Civil Engineering	3

Background Information on Companies of Interest

Ted Wilson & Sons has been a Neville-based family-operated retail and industrial/commercial entity for 38 years with wide experience, which includes: pump station, electrical (level 1, 2 & 3) and hydraulic works around NSW with a current staff of 21. The company holds Occupational Health & Safety (OH&S) certification with Sydney Water Guidelines 4th edition and Quality Assurance (QA) through Public Works Department (PWD).

Trazibat Pty Limited has been a Yagoona-based business for 23 years with considerable experience in water and sewerage working for Sydney Water where it is prequalified for work and certified in QA, Environmental Management (EM). and OH&S.

Haslin Constructions Pty Ltd has been a Sutherland-based widely experienced general construction business for the last 21 years with works including waste water pipelines and pump stations. The company is currently certified in: QA, OH&S and EM.

Eodo Pty Ltd has been a Bathurst-based business for 36 years with wide experience including local pump stations and pipe line construction. The company is certified in QA, EM, and OH&S.

Central Trenching Services has been an Orange-based pipeline, boring and horizontal directional drilling business for 31 years during which it has obtained wide experience in

the water and sewerage industry. It maintains a skilled specialist staff with over 20 years experience and owns the majority of the required plant.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council invite the following contractors to tender for Ten 08/12 – the South Bowenfels /South Littleton Sewerage Infrastructure Upgrade;

- Ted Wilson & Sons
- Trazibat Pty Limited
- Haslin Constructions Pty Ltd
- Eodo Pty Ltd
- Central Trenching Services
- Coolruss Civil Engineering

ITEM-28 OPER - 05/11/12 - LAKE LYELL CARETAKER CONTRACT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

At the Ordinary Meeting of Council held 1/07/2008 Council entered into a contract for the services of a Caretaker/ Manager of Lake Lyell Recreation Area. The term of the contract was for a period of five years concluding on 31 March 2013. Subject to satisfactory performance the Contractor was given a further five year option with the provision that Council was given not less than six months notice of the Contractors intentions.

The terms of the contract in simple terms included one maintenance grade of the internal roads at no charge to the Contractor, a sum of \$10,000 ex GST per annum for the maintenance of the facilities and a sum of \$10,000 to the contractor for capital improvements to the recreation area. A copy of the contract is attached for information

COMMENTARY

Correspondence has been received advising that the current caretakers at Lake Lyell will not be seeking to extend or renew their current contract.

The contractors have also requested Council to consider a variation to the current finish date, being Easter Sunday 31 March 2013. The proposed new finish date is Thursday 28 February 2013 as this would give the new caretakers some time to move in and get settled and become accustomed to how the area functions before encountering the Easter Holiday Crowds.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter from Caretaker.

RECOMMENDATION

THAT:

1. Council Note the advice received regarding the current contractor /caretaker's intention not to exercise the further five year option.

2. Council Accept the variation to the current finish date from Sunday 31 March 2013 to 28 February 2013.
3. The Operations Works Committee review the level of assistance to be provided for the Contract Management of the Lake Lyell Recreation Area
4. Council seek expressions of interest for the ongoing management of the Lake Lyell Recreation Area.

ITEM-29 OPER - 05/11/12 - WATER REPORT - OCTOBER 2012

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 12-364: Ordinary Meeting 15/10/12.

SUMMARY

This report provides an update on various water management issues as per Minute Number 12-327.

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 Friday 26 October was 97.8%. Oberon Dam capacity on Wednesday 22 October was 99.53%

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)	Dam Accumulative Yield (ML)
July	107	0	107
August	106	0	213
September	115	0	327
October	126	0	453
2011/12 Monthly Av	121	0	
Rolling 12 Month Total	1,363	0	1,363

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
September	3,818	0
October	4,336	0
Last Week	6,255	0
Previous Week	3,540	0

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

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

OAKEY PARK WATER QUALITY SUMMARY

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG guideline values were exceeded in October. Total Aluminium exceeded recommended aesthetic levels once. Monitoring results for the licence to operate the water treatment plant have been published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

FISH RIVER WATER SCHEME WATER QUALITY SUMMARY

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

On the 24th October repairs were required to the FRWS supply network and potable water was obtained for the villages from the Oakey Park Water Treatment Plant for approximately 4 days.

CURRENT WATER RESTRICTIONS UPDATE

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

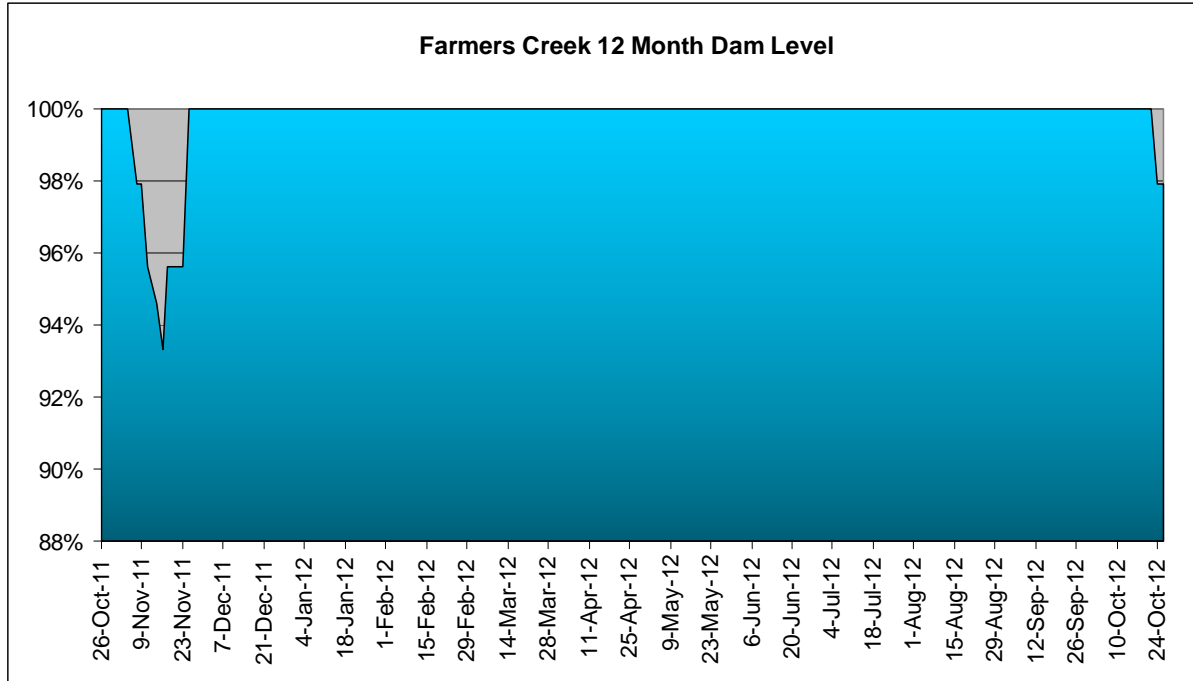
WATER SAVING SCHEMES OR PROCESSES UPDATE

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in October with Council approving 3 applications for a household appliance rebate and no applications for a water tank rebate.

FARMERS CREEK DAM 12 MONTH LEVELS

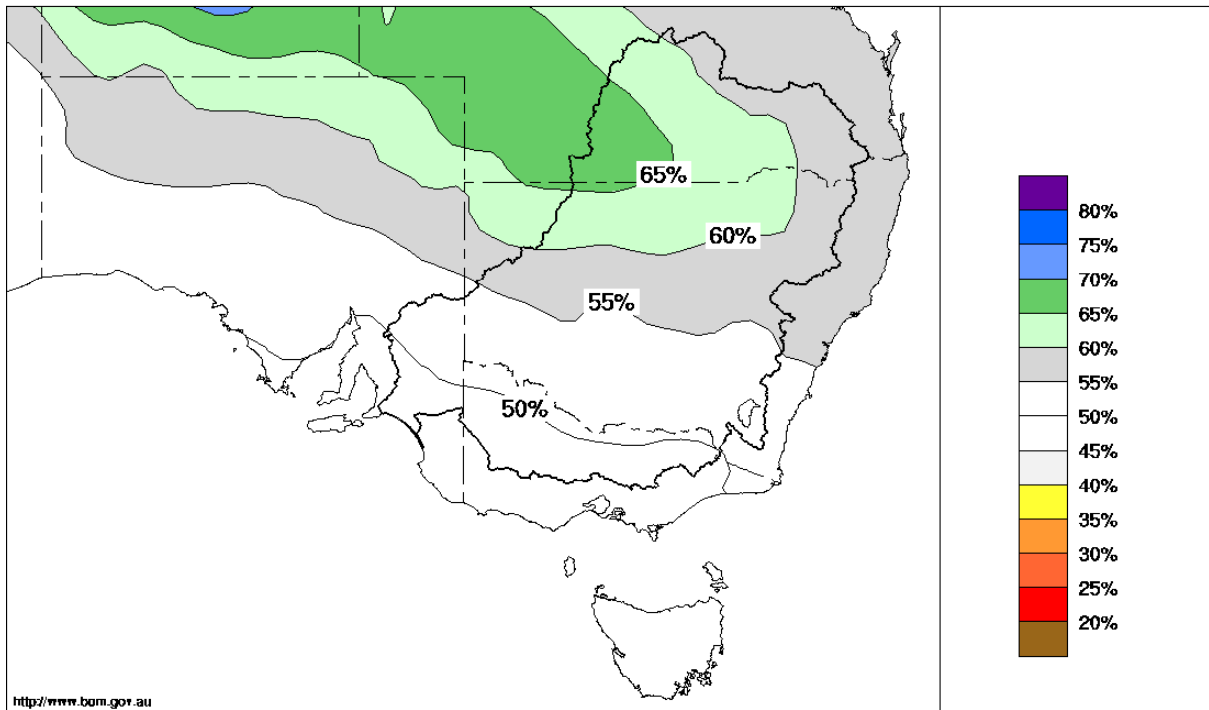
The attached chart shows the storage data to date for the last twelve months.

Graph 1 Farmers Creek Dam #2 over 12 Months



The southeast Australian outlook for November 2012 to January 2013 indicates that the chances of a wetter or drier season are roughly equal. This outlook is mostly a result of warmer than normal waters in the Indian Ocean; warmer than normal waters in the Pacific Ocean had a lesser impact.

Chance of exceeding the median Rainfall November 2012 to January 2013
Product of the National Climate Centre



ALTERNATE WATER SOURCES UPDATE

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

RESERVOIRS

After sealing of the walls and joints of South Bowenfels Reservoir was completed a leak remained which will require rectification.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

COMMUNITY AND STRATEGY REPORTS

ITEM-30 COMM - 05/11/12 - DIGITAL SWITCHOVER MEGALONG VALLEY

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No11-492: Ordinary Meeting of Council 12 December 2011
Min No 12-368: Ordinary Meeting of Council 15 October 2012

SUMMARY

As reported to Council on 15 October 2012:

- Lithgow and Blue Mountains Councils jointly manage an analogue television transmitter in the Megalong Valley which falls within the Sydney Metro switchover region, scheduled for switchover to digital only TV on 31 December 2013.
- Blue Mountains City Council is the primary manager of this facility and Lithgow City Council pays half the operating costs.
- Lithgow City Council resolved on 12 December 2012 (Min 11-492) at the same time it resolved to close the 4 towers at Hartley, Capertee Portland and Glen Davis to await further advice in relation to the television transmission tower at Megalong Valley before making a decision on its future.
- Blue Mountains City Council has been contacted by TX Australia (TXA), a joint venture company owned equally by the three commercial metropolitan television networks, Seven, Nine and Ten, with a proposal to upgrade the Megalong tower to digital.

At the ordinary Meeting of Council held 15 October 2012 (Min 12-368) Council resolved:

THAT Council approach TXA to clarify their position with the Megalong Tower and also the other towers.

Council has subsequently written to TXA. This report details the TXA response.

COMMENTARY

TX Australia (TXA) has provided a written response to matters raised by Council and a copy of the proposed Deed of Licence with Lithgow and Blue Mountains Councils:

Period of Deed

The Deed between TXA and the councils is for a 5 year period, with an option to renew for a further 5 years.

Air-conditioning Unit

The councils will be responsible for providing and maintaining sufficient air-conditioning to the site. TXA advises that a new system will need to be installed at an approximate cost of \$5,500. The councils will be responsible for the ongoing service and support of this unit.

Communications Building, Power Supply and Antenna

TXA believes that the communications building and power supply will be suitable for digital use however this will need to be confirmed after acceptance of their offer.

The councils will be responsible for providing the power supply and connection to the site. TXA estimates that the cost of power may be double the current amount and in the order of \$8,500 pa.

TXA further advises that the antenna will require upgrade by the councils at an estimated cost of \$11,500.

Digital Transmitters

TXA will be responsible for the purchase and installation of digital transmitters, the ongoing servicing and support of these and for the purchase of any additional digital receivers during the term of the Deed.

Other Costs

The councils will be responsible for keeping and retaining the site in good repair, including vegetation management and provide for access to the site by TXA. Note that the transmission site is located on private land.

The councils will be responsible for public liability and property damage insurances to the value of \$20million each.

Other Transmission Towers Managed by Lithgow City Council.

TXA advises that in regards to the other towers managed by Council at Hartley, Capertee, Portland and Glen Davis which fall within the Central West region, unfortunately they are not in TXA's geographically area of engineering service and support and therefore they are not in a position to offer their services for these sites.

Conclusion

In view of the capital and recurrent costs of the digital upgrade of the Megalong transmitter, the small population that would benefit from the upgrade and the decision by the previous Council to not upgrade the Hartley, Portland, Capertee and Glen Davis towers, it is recommended that Council not support the digital upgrade of the Megalong transmitter.

As advised previously, if the Megalong tower is not upgraded to digital, residents will be able to connect to the free VAST satellite service in the same way as other Lithgow residents have in recent months. VAST provides:

- All ABC and SBS digital television services including ABC1, ABC2, ABC3, ABC News 24, SBS1, SBS2 and SBS HD.
- Digital commercial television, broadcast by Southern Cross Media and Imparja, in standard definition with programming from the 7, 9 and 10 networks and the high definition channels OneHD, 7Mate and 9GEM. Note that while the programming is the same as WIN 9, Prime 7 and Southern Cross 10, commercials are from interstate and not the Central West. This has been a concern raised by some residents who have connected to VAST.
- Local news on a half hour time delay.

The Hartley, Capertee, Portland and Glen Davis towers were switched off in recent months and residents in these areas have subsequently migrated to digital only television either through a broadcaster owned tower (on Garlands Hill or Hassans Walls) or through the free VAST satellite television service. The Glen Davis tower has since been decommissioned and all equipment removed from the site and sold. The Hartley tower and communications hut remain on Hassans Walls and are used by the Police and other communications providers as well as by Council for transmission of SBS radio. The Portland tower is owned by DELTA. The Capertee tower and communications hut are still in place and there may be interest from the Police and other NSW Government communications bodies in utilising this equipment. Analogue transmitters from all sites have been sold.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Capital costs for the digital upgrade, as advised by TXA, will be in the order of \$17,000 comprising \$5,500 for a new air-conditioning unit and \$11,500 for upgrade of the antenna.

Recurrent costs will be in the order of \$8,500 per annum for electricity plus air-conditioning unit servicing costs. Site leasing costs are \$1 pa with the current lease expiring in 2014.

Capital and recurrent costs will be shared 50/50 with Blue Mountains City Council. Blue Mountains City Council has not yet determined its position on the digital upgrade and should it decide not to participate, Lithgow City Council would be responsible for 100% of costs.

The Lithgow City Council 50% share of electricity, site leasing and maintenance costs has historically being in the order of \$2,000 per year for the analogue transmitter.

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Copy of correspondence from TXA. Dataworks Document Number 875576

RECOMMENDATION

THAT Council advises TXA and Blue Mountains City Council that it does not support the digital upgrade of the Megalong tower.

**ITEM-31 COMM - 05/11/12 - SECTION 356 FINANCIAL ASSISTANCE TO
COMMUNITY ORGANISATIONS**

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

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

SUMMARY

This report recommends that Council call for applications under Round 2 of 2012/13 Non-Recurrent Financial Assistance and allocate additional funds for this purpose.

COMMENTARY

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

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

1. Recurrent Financial Assistance

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

Lithgow Tidy Towns	\$2,000
Portland Tidy Towns	\$1,000
Cullen Bullen Tidy Towns	\$1,000
Wallerawang Tidy Towns	\$1,000
Ironfest	\$11,400
Lithgow Business Association	\$11,400
Arts OutWest	\$11,750
Solid Fuel Rebate	\$9,600
Lithgow Show	\$8,000
White Ribbon Day	\$850
LINC Rental Assistance	\$15,000
Western Region Academy of	\$1,700

Sport	
Lithgow Golf Club Sponsorship	\$2,000
Portland Golf Club Sponsorship	\$800
Portland Art Show	\$2,250
School Presentations	\$750
Total Recurrent	\$80,500

2. Non-Recurrent Financial Assistance

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

This was to be allocated in two funding rounds, in April and October 2012.

Council called for applications from the community for Round 1 of 2012/13 Non-Recurrent Financial Assistance from 1 – 30 April 2012. These applications were reported to Council at the Ordinary Meeting of Council of 4 June 2012 (Min 12-193) where it was recommended that Council allocate \$48,140 under Round 1 which would have left \$5,760 for allocation in Round 2.

Council resolved on 4 June 2012 to allocate an additional amount of \$8,000 to the Lithgow City Band and \$1,000 to the Hampton Cricket Club bringing the total Non-Recurrent Financial Assistance allocation to \$57,140 which resulted in a shortfall of \$3,240. A further \$2,200 has since been allocated by Council resolution on 23 July 2012 (Min 12-267) towards prostate cancer fundraising for the Lithgow Private Hospital and \$250 was approved by the General Manager on 10 October 2012 for the PCYC official opening. This brings the total Non-Recurrent Financial Assistance allocation to date to \$59,590 and a shortfall of \$5,690.

3. Lithgow Show Society

The Lithgow Show Society receives \$8,000 recurrent financial assistance from Council and pays a discounted fixed amount (\$3,570 in 2012/13) in Council fees and charges for use of the Tony Luchetti Showground and Civic Ballroom and for related Council services.

At the Ordinary Meeting of Council held 21 November 2011 (Min 11-468) Council resolved as follows:

5. Council approves an additional amount of \$3,450 as a donation to the Lithgow Show Society.

This additional amount was to offset payment of by the Lithgow Show Society of Council's fees and charges for the holding of the 2012 Lithgow Show. The Lithgow Show Society has again written to Council seeking a waiver of these fees for the 2013 Lithgow Show.

4. Conclusion

Due to the shortfall in Financial Assistance funds, Council did not advertise for Round 2 applications in October 2012. There have been some inquiries from community organisations concerning this. In view of this and the request by the Lithgow Show Society, it is recommended that Council allocate a further \$20,000 in Non-Recurrent Financial Assistance, which will offset the shortfall of \$5,690, allow for the Lithgow Show Society request to be met and will allow for the allocation of \$10,740 in Round 2 Non-

Recurrent Financial Assistance. While the amount recommended for allocation in Round 2 is significantly less than the amount allocated in Round 1, it is expected that, as in previous years, the value of Round 2 requests will also be less.

It is further recommended that Council call for Round 2 Non-Recurrent applications from the community.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Council provides Financial Assistance to not-for-profit community groups and has allocated a total of \$134,400 in the 2012/13 Management Plan including \$80,500 in Recurrent Financial Assistance and \$59,590 in Non-Recurrent Financial Assistance to date.

The allocation of a further \$20,000 will bring the total Financial Assistance allocation in 2012/13 to \$154,400. This will offset the existing budget shortfall of \$5,690, allow for \$10,740 to be allocated in Round 2 Non-Recurrent Financial Assistance and for \$3,570 to be allocated to the Lithgow Show Society to offset Council fees for the holding of the 2013 Lithgow Show.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. List of projects funded in Round 1 of 2012/13 Non-Recurrent Financial Assistance.
2. Letter from Lithgow Show Society. (DWS Doc 843913)

RECOMMENDATION

THAT Council:

1. Allocates an additional \$3,570 to the Lithgow Show Society for the holding of the 2013 Lithgow Show.
2. Allocates an additional \$10,740 to Round 2 Non-Recurrent Financial Assistance.
3. Allocates an additional \$20,000 for 2012/13 Non-Recurrent Financial Assistance to fund recommendations 1 and 2.
4. Advertises for Round 2 Financial Assistance applications.

FINANCE REPORTS

ITEM-32 FINAN - 05/11/12 - MINOR CORRECTION TO THE 2012/13 DELIVERY PROGRAM AND OPERATIONAL PLAN FOR LIDSDALE AND GENERAL RESIDENTIAL CATEGORIES AND UNOCCUPIED WASTE DISPOSAL

REPORT BY: C FARNSWORTH - FINANCE MANAGER

SUMMARY

To advise Council of a clerical error quoted in the 2012/13 Delivery Program & Operational Plan which was highlighted at the time of the 2012/13 Rate Notice Levy run. The error affected the Lidsdale, General residential properties and Waste charges for unoccupied urban. A recommendation is included for Council to accept the change.

COMMENTARY

On completion of the 2012/13 Rate Notice Levy run it was noted that page 115 & 120, of the 2012/13 Delivery Program and Operational Plan Revenue Policy incorrectly quoted the base amount and ad valorem rate for Lidsdale, General residential properties and Waste charges for unoccupied urban as follows:

2012/13 Delivery Program & Operational Plan as printed:

Residential		
	Base Amount (\$)	Ad Valorem Amount (c in the \$)
Lidsdale	\$180.00	0.00305930
General	\$224.00	0.00437030
Waste		
	Charge (\$)	GST
Unoccupied Urban	\$362.00	36.20

2012/13 Delivery Program & Operational Plan, correction to state:

Residential		
	Base Amount (\$)	Ad Valorem Amount (c in the \$)
Lidsdale	\$257.00	0.0047356
General	\$180.00	0.0030593
Waste		
	Charge (\$)	GST
Unoccupied Urban	\$134.50	\$13.45

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Correction of the 2012/13 Delivery Program and Operational Plan

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council accept the correction of the 2012/13 Delivery Program and Operation Plan as follows:

Residential		
	Base Amount (\$)	Ad Valorem Amount (c in the \$)
Lidsdale	\$257.00	0.0047356
General	\$180.00	0.0030593
Waste		
	Charge (\$)	GST
Unoccupied Urban	\$134.50	\$13.45

COMMITTEE MEETINGS

ITEM-33 OPER - 05/11/12 - TALC MINUTES 18 OCTOBER 2012

REPORT FROM: I STEWART - GROUP MANAGER OF OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Authority Local Committee Meeting held on 18 October 2012.

COMMENTARY

At the Traffic Authority Local Committee held on 18 October 2012, there were several items discussed by the Committee.

1. Business arising from the previous minutes.
 - Aquatic Centre car park- revised plan
 - Fullagar Avenue Lithgow-speed hump three month review
 - Sunny Corner and Portland Road speed statistics
2. Ongoing business from previous meeting held on 6 September 2012.
 - 2012 Alpine Classic Touring Road Event
 - Request from Rydal resident-Railway Street and Old Western Road
 - Brown's Gap Road- speed zone request
 - Traffic management issues- Great Western Highway and Mudgee Street
 - Ordnance Avenue Lithgow- disabled parking zone
3. New Business
 - Main Street lane way- Centrelink Mort Street car park- request for traffic mirror
 - Lithgow Street lane way- request for street sign
 - Laurence Street Lithgow- no parking in driveway stencil request
 - Request for concealed driveway signage- Jenolan Caves Road Western Road
 - B- Double route assessment application- various roads
 - Review of parking zones- Main Street Lithgow
 - Speed zone review- Barton Avenue and George Coates Avenue Lithgow
 - Request for bus zone- Whitton Street Lithgow
 - Request for Armco railing- pedestrian facility Great Western Highway between Rabaul Street and First Street/ speed reduction request Magpie Hollow Road
 - Request for disabled parking zone Lithgow Mobility Aids Main Street Lithgow
 - Request for convex traffic mirror Lithgow Street and Kirkland Link intersection Lithgow
4. General Business
 - Main Street laneway review of lane from the rear of the Grand Central Hotel through to the rear of the Courthouse Hotel Lithgow
 - Celebrate Lithgow Road closure
 - Tour de Range charity push bike challenge-traffic management plan
 - Oyster Bay Motorcycle Club Championships- grass track motorcycle meeting

November 11 and 12 2012

- Zig Zag School Lithgow- safe travel route concerns
- Point to point heavy vehicle speed cameras- Mount Victoria to Hartley
- Traffic lights at the intersection of Mort and Lithgow Streets Lithgow

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Traffic Authority Local Committee meeting of 18 October 2012

RECOMMENDATION

THAT:

1. Council notes the minutes of the Traffic Authority Committee held on 18 October 2012.
2. Council request Endeavour Energy to relocate the power pole located on the corner of George Coates Avenue and Barton Avenue as a matter of priority due to safety issues.
3. Council note the RMS recommendation that the speed limit on Sunny Corner Road between 315m south of the intersection with Reservoir Road and a point 400m south is changed from 100km/h to 80km/h.
4. Council approve the installation of a Stop sign at the intersection of Old Western Road and Railway Street at Rydal.
5. Council note that the RMS has conducted a speed zone review of Brown's Gap Road and has recommended that the entire length of Brown's Gap Road is reduced to 80km/h.
6. Council conduct further investigations into the proposal to change the Main Street laneway from the rear of the Grand Central Hotel through to the rear of the Courthouse Hotel into a one-way lane running in an easterly direction by developing a plan and submitting it to the next TALC meeting.
7. Council conduct further investigations into the existing parking zones in Main Street Lithgow and alternative plans for a one way street proposal for Main Street Lithgow and present these to the next TALC meeting.
8. Council write to the RMS requesting that Armco railing is installed along the footpath located from the intersection of Rabaul Street and the Great Western Highway through to the intersection of First Street and the Great Western Highway.
9. Council write to the RMS requesting information in regard to the request from State Forests NSW to increase the 19m B-double haulage tonnage from 50 to 55 tonnes on Meadow Flat/ Sunny Corner Road, Dark Corner Road, Cupits Lane and Rydal Hampton Road.
10. Council approve the Celebrate Lithgow road closures for the 2012 event.

11. Council advise the organisers of the Oyster Bay Motorcycle grass track event that it has no objections to the event as long as it complies with any imposed event conditions.
12. Council install laybacks and make adjustments to the existing laybacks on the footpaths in Mills Street, Hay Street and Victoria Avenue Lithgow.
13. Council approve the relocation of an existing disabled parking zone in the car park in the laneway at the rear of Lithgow Mobility Aids to a position closer to the rear entry of this business.

**ITEM-34 OPER - 05/11/12 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 15 OCTOBER 2012**

REPORT BY: M BAILEY - ACTING ASSETS AND PROJECTS ENGINEER

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 15 October 2012 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 15 October 2012, there were (3) 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:

- Booking Requests
- Booking Cancellation

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 15 October 2012.

RECOMMENDATION

THAT:

1. Council note the minutes of the Sports Advisory Committee meeting held on Monday, 15 October 2012.
2. That Council approve the refund of \$790.00 in fees to the Mingaan Aboriginal Corporation for the hire of Tony Luchetti Sportsground.
3. That Council approve the waiving of fees for the hire of Watsford Oval for a one day social cricket match conducted by Western Wildfires Cricket Club.

ITEM-35 COMM - 05/11/12 - DISABILITY ACCESS COMMITTEE MEETING

REPORT BY: V GULABOVSKI - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min 12-224: Ordinary Meeting of Council 25 June 2012
Min 12-271: Ordinary Meeting of Council 23 July 2012

SUMMARY

This report details the minutes of the Disability Access Committee meeting held on 30 August 2012.

COMMENTARY

At the Disability Access Committee meeting held on 30 August 2012, various items were discussed including:

1. Discussion under General Business on the inspection of Main Street pavers and development of a draft mobility plan by Council's Operations Group and the receipt of submissions from the community on access issues.
2. Discussion under Item 4 on development of the Disability Access Plan.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Minutes of the Disability Access Committee meeting held 30 August 2012.

RECOMMENDATION

THAT Council notes the minutes of the Disability Access Committee meeting held 30 August 2012.

**ITEM-36 COMM - 05/11/12 - CRIME PREVENTION COMMITTEE MEETING - 8
OCTOBER 2012**

REPORT FROM: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Minute 11-123:	Ordinary Meeting of Council held 28 March 2011
Minute 11-157:	Ordinary Meeting of Council held 18 April 2011
Minute 11-218:	Ordinary Meeting of Council held 30 May 2011
Minute 11-511:	Ordinary Meeting of Council held 12 December 2011
Minute 12-53:	Ordinary Meeting of Council held 13 February 2012
Minute 12-78:	Ordinary Meeting of Council held 5 March 2012
Minute 12-141:	Ordinary Meeting of Council held 23 April 2012
Minute 12-270:	Ordinary Meeting of Council held 23 July 2012
Minute 12-332:	Ordinary Meeting of Council held 3 September 2012

SUMMARY

This report details the Minutes of the Crime Prevention Committee Meeting held 8 October 2012.

COMMENTARY

At the Crime Prevention Committee held on 8 October 2012, there were various items discussed by the Committee including:

- Discussion under Item 4 on the appointment of Jennifer Randall to the position of Crime Prevention Officer and planning for phase 2 of the late Night Transport Pilot and other crime prevention initiatives.
- Discussion under Item 6 of domestic violence issues.
- Discussion under Item 8 of issues related to CCTV cameras in Main Street Lithgow and the appointment of a replacement Police/Youth Case Manager at PCYC. .

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Crime Prevention Committee meeting of 8 October 2012.

RECOMMENDATION

THAT Council notes the minutes of the Crime Prevention Committee meeting of 8 October 2012.

ITEM-37 COMM - 05/11/12 - YOUTH COUNCIL MINUTES - 25 SEPTEMBER 2012

REPORT BY: V GULABOVSKI - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

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

SUMMARY

This report details the minutes of the Youth Council meeting held on 25 September 2012.

COMMENTARY

At the Youth Council meeting held on 28 August 2012 various items were discussed by the committee including:

- Planning for the Union Rock event that was subsequently held successfully at the Union Theatre on 29 September.
- Accessibility to sporting and cultural activities

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of Youth Council meeting 25 September 2012.

RECOMMENDATION

THAT Council notes the minutes of the Youth Council meeting held 25 September 2012.

BUSINESS OF GREAT URGENCY

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

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

ITEM - 38 MAYORAL MINUTE - 5/11/12 - LITHGOW COMMUNITY PRIVATE HOSPITAL

SUMMARY

After thirteen years of serving the Lithgow community well the decreasing length of hospital stays for patients has resulted in the Lithgow Community Private Hospital restructuring its services and will cease receiving private in-patients.

COMMENTARY

On Thursday night, 1 November 2012, the General Manager and I met with representatives from the Lithgow Community Private Hospital who advised that in order to be sustainable into the future that the organisation was in need of restructuring its services to the community. As a result of this restructuring of services the Lithgow Community Private Hospital will cease to receive private in-patients and instead look to concentrate on providing a day surgery and a specialist medical centre. In addition to this the provision of other services would also be considered and investigated.

This news was obviously devastating however it was very pleasing that they will continue to provide vital health services to the Lithgow community. The restructuring of services will help ensure that the residents of the Lithgow area will continue to receive a high level of medical services.

Assurances were also provided, and very importantly so, that the entitlements of all of the employees were secure and that the community fundraising for the Wayne Marshall Medical Fund is also secure.

This unfortunate situation has become necessary as a result of the declining occupancy levels at the Hospital due to the reducing length of stays. For this very same reason this is not an unusual situation for many private hospitals across Australia.

The new direction proposed for the Community Private Hospital will see medical specialists continue to visit Lithgow and thus continue to reduce the need for residents to travel outside of the local government area.

It was also very pleasing to hear that the Board is also exploring other opportunities to remain sustainable.

In order to undertake the restructuring of its services by providing and extending the range of visiting specialists at the facility and maintaining the day surgery some modifications to the building will be required. In addition to this research will be required for investigation into new options to fill gaps in local medical and health services. It has been estimated that the one off costs associated with these will be in the order of \$185,000. Some work also will be required to the exterior of the facility to make it more suitable for these services, including a new entry, undercover walkway and a carpark for the specialists. No estimate of costs has been made for this at this stage.

In addition to these the facility will also need to renegotiate a new Service Level Agreement with NSW Health. Representations are proposed to be made to the Minister on these matters. Contact has been made with the local State Member, Paul Toole, in relation to an urgent meeting with the Minister. Unfortunately this may take some weeks to arrange.

This is going to be a very important time for the facility and for the Lithgow community and Council will need urge the Lithgow community to give their full support to ensuring the future success of the Lithgow Community Private Hospital. If the facility is not able to maintain these services then many people will be required to travel away to receive the care and expertise currently provided a matter of use the service or lose the service and I do not wish to lose this valuable service.

The Lithgow Community Private Hospital is a 14 bed facility and was opened in April 1999. The Lithgow Community Private Hospital is a private company limited by guarantee and operates on a not for profit basis and therefore has 'Charitable' status.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

As outlined in the report and recommendation

LEGAL IMPLICATIONS

Council may financially assist organisations in accordance with Section 356 of the New South Wales Local Government Act. This would be either to provide a grant to the Hospital or a loan. Should Council wish to do this then it would need to comply with the following:

356 Can a council financially assist others?

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

ATTACHMENTS

1. Media Release from the Lithgow Community Private Hospital

RECOMMENDATION

THAT Council provide whatever practical support possible to the Lithgow Community Private Hospital to arrange meetings with Ministers and/or health officials.