



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

06 MAY 2013

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 APRIL 2013

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION

Removal of Asbestos in Lithgow City Council Owned Buildings - Councillor M Ticehurst
Council Request for an Update on Future of Zig Zag Railway - Councillor M Ticehurst
Current Status of Council's Draft Footpath Trading Policy - Councillor M Ticehurst

NOTICE OF RECISSIONS - NIL

REPORTS

General Managers Reports
Operation Reports
Community and Strategy Reports
Finance Reports

COMMITTEE MEETINGS

Traffic Authority Local Committee Meeting Minutes - 4 April 2013
Meadow Flat Hall Management Committee Minutes - 11 April 2013
Crystal Theatre Management Committee Minutes - 23 April 2013
Union Theatre Management Committee Minutes - 04 April 2013

BUSINESS OF GREAT URGENCY

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

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>NOTICE OF MOTIONS</u>	<u>4</u>
<u>ITEM-1</u>	<u>NOTICE OF MOTION - 06/05/13 - REMOVAL OF ASBESTOS IN LITHGOW CITY COUNCIL OWNE BUILDINGS - COUNCILLOR M TICEHURST</u>	<u>4</u>
<u>ITEM-2</u>	<u>NOTICE OF MOTION - 06/05/13 - COUNCIL REQUEST FOR AN UPDATE ON FUTURE OF ZIG ZAG RAILWAY - COUNCILLOR M TICEHURST</u>	<u>7</u>
<u>ITEM-3</u>	<u>NOTICE OF MOTION - 06/05/13 - CURRENT STATUS OF COUNCILS DRAFT FOOTPATH TRADING POLICY - COUNCILLOR M TICEHURST</u>	<u>8</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>10</u>
<u>ITEM-4</u>	<u>GM - 06/05/13 - TCORPS REPORT ON LITHGOW CITY COUNCILS FINANCIAL ASSESSMENT SUSTAINABILITY & BENCHMARKING</u>	<u>10</u>
<u>ITEM-5</u>	<u>GM - 06/05/13 - LOCAL GOVERNMENT REVIEW</u>	<u>16</u>
	<u>OPERATION REPORTS</u>	<u>22</u>
<u>ITEM-6</u>	<u>OPER - 06/05/13 - LEASE OF THE LAKE LYELL FORESHORE FROM DELTA ELECTRICITY</u>	<u>22</u>
<u>ITEM-7</u>	<u>OPER - 060513 - LEASE OF THE LAKE WALLACE FORESHORE FROM DELTA ELECTRICITY</u>	<u>24</u>
<u>ITEM-8</u>	<u>OPER - 06/05/13 - TENDERS FOR THE CLARENCE COLLIERY WATER TRANSFER SYSTEM UPGRADE - PART B (INTERIM REPORT)</u>	<u>26</u>
<u>ITEM 8-1</u>	<u>ADDITONAL REPORT - OPER - 06/05/13 - TENDERS FOR THE CLARENCE COLLIERY WATER TRANSFER SYSTEM UPGRADE - PART B</u>	<u>28</u>
<u>ITEM-9</u>	<u>OPER - 06/05/13 - MT VICTORIA TO LITHGOW GREAT WESTERN HIGHWAY UPGRADE - FINAL CONCEPT DESIGN</u>	<u>32</u>
<u>ITEM-10</u>	<u>OPER - 06/05/13 - TENDERING FOR THE OAKY PARK WATER TREATMENT PLANT FILTER UPGRADE</u>	<u>34</u>
<u>ITEM-11</u>	<u>OPER - 06/05/13 - WATER REPORT</u>	<u>36</u>
	<u>COMMUNITY AND STRATEGY REPORTS</u>	<u>40</u>
<u>ITEM-12</u>	<u>COMM - 06/05/13 - DRAFT DELIVERY PROGRAM 2013-2017 AND OPERATIONAL PLAN 2013-2014</u>	<u>40</u>

<u>FINANCE REPORTS</u>	<u>54</u>
<u>ITEM-13</u>	<u>54</u>
<u>FINAN - 06/05/13 - FIRE STATION - 1 CRIPPS AVE</u>	
<u>WALLERAWANG - LOT 11 DP 1044589</u>	
<u>COMMITTEE MEETINGS</u>	<u>56</u>
<u>ITEM-14</u>	<u>56</u>
<u>OPER - 06/05/13 - TRAFFIC AUTHORITY LOCAL COMMITTEE</u>	
<u>MEETING MINUTES - 4 APRIL 2013</u>	
<u>ITEM-15</u>	<u>58</u>
<u>ENVIRO - 06/05/13 - MEADOW FLAT HALL MANAGEMENT</u>	
<u>COMMITTEE MINUTES - 11 APRIL 2013</u>	
<u>ITEM-16</u>	<u>59</u>
<u>ENVIRO - 06/05/13 - CRYSTAL THEATRE MANAGEMENT</u>	
<u>COMMITTEE MINUTES - 23 APRIL 2013</u>	
<u>ITEM-17</u>	<u>60</u>
<u>ENVIRO - 06/05/13 - UNION THEATRE MANAGEMENT</u>	
<u>COMMITTEE MINUTES - 04 APRIL 2013</u>	
<u>BUSINESS OF GREAT URGENCY</u>	<u>61</u>

NOTICE OF MOTIONS

ITEM-1 NOTICE OF MOTION - 06/05/13 - REMOVAL OF ASBESTOS IN LITHGOW CITY COUNCIL OWNE BUILDINGS - COUNCILLOR M TICEHURST

REFERENCE

Media reports on the recent closure of the Lithgow SES and Lithgow RFS Headquarters due to asbestos concerns – buildings owned by the Lithgow City Council.

Agenda Item 1 and related Attachments relating to the South Littleton Hall of the Ordinary Meeting of the Lithgow City Council Meeting of 1 November 2009.

Agenda Item 9 and related Attachment relating to the 065/11 DA/CC for the South Littleton Hall of the Ordinary Meeting of the Lithgow City Council Meeting of 30 May 2011.

BACKGROUND

ABC Radio reported on Thursday 25 April the following information:

"The extent of the asbestos problem that forced the closure of the Lithgow SES and RFS headquarters is still not known. The State Emergency Service has received the results of an audit of the council owned building identifying asbestos on site. The SES will temporarily operate out of a shop front on the main street, while the Rural Fire Service has moved to the Hartley Building. Craig Ronan from the SES says investigations into the situation are ongoing. "We've had an audit conducted that says there's asbestos in the building, there's still more work to be done about the extent and what has to be done to fix the problem." Despite the move, services are not expected to be affected. Mr Ronan says operations will continue as normal. "All of the equipment necessary to operate in the temporary headquarters has been removed. "Members have gone in wearing PPE and the appropriate dust masks and have removed all the equipment that's necessary to operate in the temporary headquarters."

I understand that the forced closure of the Lithgow SES and RFS Headquarters, at the time of submitting this Notice of Motion, was also reported in the Lithgow Mercury and Radio 90 2LT.

In respect of other Council owned and occupied buildings, I recall at the Ordinary Meeting of the Lithgow City Council on 1 November 2010, I submitted a Notice of Motion on the South Littleton Hall which included a number of attachments; one being a Consultant's Report titled, 'East Street Hall Community Halls Maintenance/Upgrade Assessment for Lithgow City Council by Interface Pty Ltd Architects and secondly, a Lithgow City Council Memorandum to Andrew Muir from Jim Nichols date 4 November 2009 Subject South Littleton Hall Estimates'.

The Interface Architects report noted under the heading ‘Summary and Priorities’ that: “There is a large amount of asbestos sheeting internally and a lesser amount externally. The external asbestos sheeting has been vandalised so there is a possibility of contamination to users and passersby.” The report further noted that, “The hall is almost completely lined internally with asbestos sheeting which should be replaced, for safety reasons, if public use is contemplated.”

The Lithgow City Council Memorandum to Andrew Muir from Jim Nichols noted under the heading ‘Repair’ that the improvements needed to the South Littleton Hall included, “remove and replace all internal asbestos wall and ceiling linings.” unquote.

The 065/11 DA/CC for the South Littleton Hall that was presented and approved at the Ordinary Meeting of the Lithgow City Council Meeting of 30 May 2011, indicated at Condition 10. that, “All asbestos removal is to be carried out by a contractor authorised by Workcover NSW.”

Q. 1 In light of the above background information, could the General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting on the circumstances surrounding the recent closure of the Lithgow SES and Lithgow RFS Headquarters due to asbestos concerns – buildings which are owned by the Lithgow City Council and the proposed future remediation of their Headquarters to enable their safe return as soon as possible?

Q. 2 In light of the above background information, could the General Manager and/or Senior Council Officers advise and provide written evidence to the Council, Councillors, ratepayers and residents at this Council Meeting that the Council as owners of the South Littleton Hall or the Lithgow Men’s Shed in their recent renovations of the South Littleton Hall, engaged a contractor authorised by WorkCover NSW and fully removed and replaced all of the Consultants and Council’s described large amount of internal asbestos wall sheeting and ceiling linings and that the Public Hall poses no current or future asbestos risks to any persons using the South Littleton Hall?

RECOMMENDATION

THAT:

1. The General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting on the circumstances surrounding the recent closure of the Lithgow SES and Lithgow RFS Headquarters due to asbestos concerns – buildings which are owned by the Lithgow City Council and the proposed future remediation of their Headquarters to enable their safe return as soon as possible?
2. The General Manager and/or Senior Council Officers advise and provide written evidence to the Council, Councillors, ratepayers and residents at this Council Meeting that the Council as owners of the South Littleton Hall or the Lithgow Men’s Shed in their recent renovations of the South Littleton Hall, engaged a contractor approved by WorkCover NSW and fully removed and replaced all of the Consultants and Council’s described large amount of internal asbestos wall sheeting and ceiling linings and that the Public Hall

poses no current or future asbestos risks to any persons using the South Littleton Hall?

ITEM-2 NOTICE OF MOTION - 06/05/13 - COUNCIL REQUEST FOR AN UPDATE ON FUTURE OF ZIG ZAG RAILWAY - COUNCILLOR M TICEHURST

REFERENCE

Zig Zag Railway Facebook webpage

BACKGROUND

The Zig Zag Railway Facebook webpage has recently reported the following information.

1. February 25 – “We have been successful in obtaining a grant for \$11,500 for a Strategic and Business Plan Development from Enterprise Connect. This means we are just a little closer to our aim of submitting a more detailed business plan to Government agencies for more substantial assistance.”
 2. February 26 – “The Federal Government released recipients of Round 4 of the Regional Development Australia Fund”; which indicated that the Zig Zag Railway Co-op Ltd. was unsuccessful.
 3. March 17 – “The torrential rain that occurred over the last months and in particular the downpour of 13th March has unfortunately caused major damage to the Zig Zag Reserve. The repair of the slips is estimated to cost approximately \$500,000 and will depend almost entirely on the willingness of the Lands and Property Management (NSW Government) to assist.”
- Q.** Could the General Manager and Senior Council Officers seek updated information from the Board of the Zig Zag Railway Co-op Ltd. so as to 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?

RECOMMENDATION

THAT the General Manager and Senior Council Officers seek updated information from the Board of the Zig Zag Railway Co-op Ltd. so as to 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.

**ITEM-3 NOTICE OF MOTION - 06/05/13 - CURRENT STATUS OF COUNCILS
DRAFT FOOTPATH TRADING POLICY - COUNCILLOR M
TICEHURST**

REFERENCE

Council Resolution 13 – 07 made at the Ordinary Meeting of the Lithgow City Council on 4 February 2013

BACKGROUND

At the Ordinary Meeting of the Lithgow City Council on 4 February 2013, the Councillors and Council resolved as follows:

**ITEM-3 NOTICE OF MOTION - 04/02/13 - PUBLIC LIABILITY INSURANCE
REQUIRED BY COUNCIL - COUNCILLOR W MCANDREW**

13 - 07 RESOLVED

THAT to allow Councillors to make an informed decision on the matter the following issues/answers be provided by way of a written report to Council:

- 1) A comparison be made of similar Councils as to their Public Liability Insurance Policy requirements, eg \$10m or \$20m.
- 2) A formal letter be provided by Council's insurers/brokers to Council clearly stating their position as to what they require \$10m or \$20m coverage and the reasons why.
- 3) A clear position from the General Manager outlining who the Policy is to apply to.
- 4) Should the Policy be amended to reflect different risk scenarios, eg footpath trading seven days a week versus markets which occur on limited times during a year.
- 5) Any other matter deemed relevant to this issue including the survey supplied by local business man, Mr Phillips.

MOVED: Councillor W McAndrew **SECONDED:** Councillor R Thompson.

- Q.** As at the time of this Council Meeting three months have passed, could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an updated report at either this Council Meeting or the next Council Meeting on Council Resolution 13 – 07 and the current and proposed future status of the previous publicly exhibited and now long outstanding Draft Policy 5.4 Footpath Trading Policy?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an updated report at either this Council Meeting or the next Council Meeting on Council Resolution 13 – 07 and the current and proposed future status of the previous publicly exhibited and now long outstanding Draft Policy 5.4 Footpath Trading Policy.

GENERAL MANAGERS REPORTS

ITEM-4 GM - 06/05/13 - TCORPS REPORT ON LITHGOW CITY COUNCILS FINANCIAL ASSESSMENT SUSTAINABILITY & BENCHMARKING

REPORT FROM: R BAILEY - GENERAL MANAGER

SUMMARY

To advise Council receipt of TCorps report on the Financial Assessment, Sustainability and Benchmarking for Lithgow City Council with a recommendation that the report be received.

COMMENTARY

New South Wales Treasury Corporation (TCorp) was requested by the Independent Review Panel, chaired by Professor Graham Samson to undertake an assessment of the financial capacity and sustainability of all 152 Council in New South Wales. Each Council has received a report prepared by TCorp that provides an assessment of the following key areas:

- The financial capacity of the Council to undertake additional borrowings
- The long term sustainability of the Council
- The financial performance of the Council in comparisons to a range of similar Council and measure against prudent benchmarks

TCorp defines sustainability as follows:

“A local government will be financially sustainable over the long term when it is able to generate sufficient funds to provide the levels of service and infrastructure agreed with its community”

This definition takes into account the effect ongoing change could have on a Council’s operating position and service levels over the long term.

In addition TCorp also prepared a Financial Sustainability Rating (FSR) and outlook for each Council. The FSRs and outlooks have been developed by TCorp to provide an overall position of the sustainability of each entity when compared with others.

TCorp’s approach was to:

- Review the most recent four years of Council’s consolidated financial results
- Conduct a detailed review of the Council’s 10 year financial forecasts, with a particular focus on a council’s General Fund. Where a council operates a Water or other Fund the financial capacity of these other Funds may be reviewed where considered necessary.

TCorp allocated all Councils a FSR on a scale from 'Very Strong' to 'Distressed'. A Council needs to be assessed at a 'Moderate' or higher level to be acceptable in terms of its sustainability. A 'Moderate' level FSR is on average equivalent to marginally exceeding the benchmarks utilised in TCorps assessment process.

Lithgow Financial Sustainability Rating is 'SOUND' which is the third highest rating, higher than 'moderate,' 'weak' and 'distressed' and it should be noted that only two other Councils received the higher rating of 'strong' one being the City of Sydney.

Of the remaining 150 Councils, thirty two received the rating of 'sound'. This included Lithgow.

The seven FSR categories that have been used in arriving at the assessed FSR for all Councils are as follows:

- **Very Strong:**
 - *A local government with a very strong capacity to meet its financial commitment in the short, medium and long term*
 - *It has a record of reporting operating surpluses*
 - *It is highly likely to be able to manage unforeseen financial shock and any adverse changes in its business without revenue and or / expense adjustments*
 - *Its capacity to manage core business risks is very strong*

- **Strong:**
 - *A local government with a strong capacity to meet its financial commitments in short, medium and long term*
 - *It generally has a record of operating surplus and may occasionally report minor operating deficits, It is able to address its operating deficits, manage major unforeseen financial shocks and any adverse changes in its business with minor revenue and / or expense adjustments*
 - *The expense adjustments are likely to result in only minor changes to the range of and / or quality of services offered*
 - *Its capacity to manage core business risks is strong*

- **Sound:**
 - *A local government with an adequate capacity to meet its financial commitments in the short, medium and long term*
 - *While it is likely that it may be a record of minor to moderate operating deficits, the local government is expected to regularly report operating surpluses. It is likely able to address its operating deficits, manage major unforeseen financial shocks and any adverse changes in its business with minor or moderate revenue and / or expense adjustments*
 - *The expense adjustments are likely to result in some changes to the range of and / or quality of services offered*
 - *Its capacity to manage core business risks is sound*

- **Moderate:**

-
- *A local government with an adequate capacity to meet its financial commitments in the short to medium term and an acceptable capacity in the long term*
 - *While it has some record of reporting minor to moderate operating deficits the local government may also have recently reported a significant operating deficit*
 - *It is likely able to address its operating deficits, manage unforeseen financial shocks and any adverse change in its business with moderate revenue and / or expense adjustments. The expense adjustments are likely to result in a number of changes to the range of and / or quality of services offered*
 - *Its capacity to manage core business risks is moderate*
- **Weak:**
 - *A local government with an acceptable capacity to meet its financial commitments in the short to medium term and a limited capacity in the long term*
 - *It has a record of reporting moderate to significant operating deficits with a recent operating deficit being significant*
 - *The expense adjustments would result in significant changes to the range of and / or quality of services offered*
 - *It may experience difficulty in managing core business risks*
- **Very Weak:**
 - *A local government with a limited capacity to meet its financial commitments in the short to medium term and a very limited capacity in the long term*
 - *It has a record of reporting significant operating deficits. It is highly likely to be able to address its operating deficits, manage unforeseen financial shocks and any adverse changes in its business without the need for structural reform and major revenue and / or expenditure adjustments*
 - *The expense adjustments are likely to result in significant changes to the range of and / or quality of services offered and it may need the assistance from higher levels of government*
 - *It has difficulty in managing its core business risks*
- **Distressed:**
 - *A local government with a very limited capacity to meet its short term financial commitments and no capacity to meet its medium to long term financial commitments*
 - *It has a record of reporting significant operating deficits*
 - *To be able to address its operating deficits, meet its medium and long term obligation, manage unforeseen financial shock and any adverse changes in its business, major revenue and expense adjustments and structural reform will be required*
 - *The local government is unlikely to have the capacity to manage core business risks and may need assistance from higher levels of government*

Three categories have been used by TCorp to rank the future outlook of Councils. The categories are positive, neutral or negative. Only five Councils having a 'positive' outlook, 73 or nearly half, are rated as having a 'negative' outlook, meaning that the overall

position of the local government sector is likely to get significantly worse over the next three years. Lithgow was one of the 73 Councils with a rating of 'negative,' a sign of general weakening:

- **Positive:**
 - *As a result of a foreseeable event or circumstance occurring, there is the potential for enhancement in the local government's capacity to meet its financial commitments (short and / or long term) and resulting change in its rating, However, it does not necessarily indicate that a rating change may be forthcoming*
- **Neutral:**
 - *There are no know foreseeable events that would have a direct impact on the financial sustainability of the local government, It may be possible for a rating upgrade or downgrade to occur from a neutral outlook, it warranted by an event or circumstance*
- **Negative:**
 - *As a result of a foreseeable event or circumstance occurring, there is the potential for deterioration in the local government's capacity to meet its financial commitments (short and / or long term) and resulting change in its rating. However, it does not necessarily indicate that a rating change may be forthcoming*

TCorps Key Findings & Recommendations to All NSW Councils:

- Operating deficits are unsustainable & at least breakeven annual operating positions are essential
- There is a large annual asset maintenance gap
- The infrastructure backlog has yet to be addressed
- Regional performance varies
- Rate increases must meeting underlying costs as well as annual growth in expenditure
- Medium term pricing paths are needed for ongoing adjustments to rates and charges
- Asset management planning must be prioritised
- Councillor and management capacity must be developed
- The system and guidelines for access restricted funds should be reviewed
- Increased use of borrowings

Lithgow City Council – TCorp Report on Financial Assessment, sustainability and Benchmarking:

A copy of TCorps report on Lithgow City Council is provided as an attachment and the following extracts are provided as a summary only.

The Council has been well managed over the review period based on the following observations:

- *Council's underlying operating results, as measured by 'earnings before interest, taxes, depreciation and amortisation' (EBITDA), has improved by 336.3% (\$6.5m) over the review period. This is driven by an SRV to fund infrastructure improvements beginning in 2010 for a period of 10years.*
- *Annual depreciation expense increased substantially by 41.6% (\$2.4m) from 2010 to 2011 due to Asset Revaluations*
- *Council had total borrowings of \$18.9m in 2012 representing 5.3% of Net Assets*
- *Councils liquidity ratios and credit metrics were above or close to benchmark over the review period*

In respect of the benchmarking analysis TCorp has compared the Council's key ratios with other Councils in DLG Group 4. The key observations are:

- *Councils financial flexibility as indicated by the 'operating ratio' is above the group average but below the benchmark*
- *Councils own source 'operating revenue ratio,' user charges and fees, is below the group average*
- *Councils DSCR and 'interest cover ratio' have been below the group averages but above the benchmarks. These ratios are expected to continue in the medium term to be above the benchmarks*
- *Council was in a sound liquidity position and this is expected to continue in the medium term*
- *Councils infrastructure backlog is higher than its peers*
- *Councils 'capital expenditure ratio' and 'asset maintenance ratio' were at or above the group average and close to or above the benchmarks*
- *Council has the highest 'building and infrastructure asset renewal ratio' in the peer group*

Conclusion

The financial assessment by the NSW Treasury of Lithgow as 'sound' is extremely pleasing. Council has been working hard in recent years to improve its financial position and this is obviously paying off. It is even more pleasing that Lithgow compares very favourably in comparison to all of the councils in the State and only two councils currently having a higher Financial Sustainability Rating than Lithgow.

To be considered financially sustainable TCorp considers that a council needs to be assessed as moderate or higher. A FSR rating as 'sound' puts Lithgow City Council well above that.

In order for Council to continue to have a good FSR it will need to continue to make the difficult decisions and live within its means.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

- Local Government Act 1993 & Regulations 2005
- Code of Accounting Practice

ATTACHMENTS

1. TCorp Report dated 22 April 2013 on Lithgow City Council Financial Assessment, Sustainability and Benchmarking.
2. Lithgow City Council FSR Rating
3. TCorp explanation FSR ratings

RECOMMENDATION

THAT Council:

1. Note the report from TCorp on Lithgow City Council Financial Assessment, Sustainability and Benchmarking;
2. Note that the Financial Sustainability Rating for Lithgow has been assessed by TCorp as 'Sound'.

ITEM-5 GM - 06/05/13 - LOCAL GOVERNMENT REVIEW

REPORT FROM: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 12-318: Ordinary Meeting of Council 3 September 2012
Min No 13-51: Ordinary Meeting of Council 25 February 2013

SUMMARY

As a result of Destination 2036 the New South Wales State Government is reviewing local government. A Review Panel was appointed and the Panel has been seeking input from Council and the community in relation to the reform. The latest, third, paper has now been released for the consideration of the public.

COMMENTARY

Council considered a report at the 25 February 2013 Council meeting a report in relation to the review of Local Government in NSW.

It was outlined then that in March of 2012 the Minister for Local Government, the Hon Don Page MP, appointed a Local Government Review Panel consisting of; Panel Chairman, Professor Graham Sansom, Director of the Australian Centre for Excellence in Local Government; Ms Jude Munro AO; and Mr Glenn Inglis.

The Review follows on from the Destination 2036 event, held in Dubbo in 2011, when councils from throughout NSW discussed the future of local government. Destination 2036 highlighted the need to take a closer look at local government structures and finances and the way that councils would deliver services in the future. These issues were included in the Panel's Terms of Reference which included the panel investigating and identifying options for governance models, structural arrangements and boundary changes for local government in NSW, taking into consideration:

1. ability to support the current and future needs of local communities
2. ability to deliver services and infrastructure efficiently effectively and in a timely manner
3. the financial sustainability of each local government area
4. ability for local representation and decision making; and
5. barriers and incentives to encourage voluntary boundary changes.

In conducting the review the panel will:

- Ensure recommendations meet the different nature and needs of regional, rural and metropolitan communities.
- Consult widely with the broader community and key stakeholders.

- Take into account the work completed, and future work to be completed, under the Destination 2036 initiative.
- Take into account the broader interests of the State including as outlined in the State Plan.
- Consider the experiences of other jurisdictions in both the nature and implementation of local government reform.
- Take into account the Liberal-National's 2011 election policy of no forced amalgamations.
- To support the above the Panel may commission appropriate investigations and research consistent with the intent of the review.

The Independent Review was to also consider the possibility that different models may be applied to different councils within the State, depending on their circumstances and the needs of their communities.

The Panel sought input from councils and the community through a survey a range of issues including:

- The Local Government System
- Fiscal Responsibility
- Services and Infrastructure
- Structures and Boundaries
- Governance
- A Compact for Change

On Wednesday 24 April 2013 the Independent Local Government Review Panel released its third report, *Future Directions for NSW Local Government*. This report sets out the Panels options for creating stronger local government and stronger communities in NSW including draft options for the future of local government in NSW.

The Panel has provided suggestions for improving the fiscal responsibility and financial sustainability of councils and the services and infrastructure that are considered critical to the local government sector. The report provides options for new structures and boundaries in local government, designed to make councils stronger.

The Panel has made a case that a 'no change, is not an option' to ensure a stronger local government in NSW in the future. In addition to this report the TCorp report on financial sustainability was also recently released.

A Summary of Key proposals includes:

Sustainability and Finance

- Develop a standard set of sustainability benchmarks; require all councils to appoint a qualified Chief Financial Officer; strengthen the guidelines for councils' 4-year Delivery Programs; and place local government audits under the oversight of the Auditor General
- Improve the rating system and streamline rate-pegging to enable councils to generate essential additional revenue
- Progressively re-distribute grant funding to provide greater assistance to rural-remote councils with limited rating potential

- Establish a State-wide Local Government Finance Agency to bring down interest costs and assist councils make better use of borrowings

Infrastructure

- Maintain the Local Infrastructure Renewal Scheme (LIRS) for at least 5 years, with a focus on councils facing the most severe problems
- Create a Strategic Projects Fund for roads and bridges to help reduce the infrastructure backlog
- Investigate the Queensland model of Regional Roads Groups, as well as options for cost savings through strategic procurement initiatives
- Require asset and financial management assessments of councils seeking special assistance

Productivity and Improvement

- Introduce a requirement for regular 'best value' service reviews
- Develop a consistent data collection and performance measurement system for NSW councils, and strengthen internal and performance audit processes
- Commission a review by IPART of the regulatory and compliance burden on NSW local government

Better Governance

- Mandate ongoing professional development for councillors
- Strengthen the authority and responsibilities of mayors and require popular election of mayors in all councils with a population of 20,000 or more
- Provide additional governance options for larger councils, including a mix of ward and 'at large' councillors and a 'civic cabinet' model
- Take steps to improve Council-Mayor-General Manager relations

Structural Reform

- Establish a network of around 20 'new look', multi-purpose County Councils to undertake regional-level functions outside the Sydney metropolitan area
- Introduce the option of Local Boards to service small communities and to ensure local identity and representation in very large urban councils
- Encourage voluntary amalgamations of smaller rural councils to improve their sustainability, and convert small (in population) councils (generally less than 5,000) to Local Boards
- Promote a series of voluntary amalgamations in the Lower Hunter and Central Coast regions, including Newcastle-Lake Macquarie and Gosford-Wyong
- Seek to reduce the number of councils in the Sydney basin to around 15, and create major new cities of Sydney, Parramatta and Liverpool, each with populations of 600-800,000
- Introduce a package of incentives for voluntary mergers that offers a higher level of support to 'early movers'

Western NSW

- Establish a Western Region Authority to provide a new governance and service delivery system for the far west of NSW, based on a partnership between local, State and federal governments and Aboriginal communities

Implementation

- Appoint a Local Government Development Board for a maximum period of 4 years with a brief to drive and support a concerted program of reform
- Build on the new State-Local Government agreement to secure increased collaboration and joint planning between councils and State agencies
- Strengthen recognition of elected local government in the NSW Constitution
- Focus Local Government NSW (the new single association of councils) and the Division of Local Government on sector improvement.

Possible Impact on Lithgow

The Panel has identified a number of cases where it believes there should be amalgamation of councils around regional centres. These amalgamations have been proposed for one or more of three reasons:

- to strengthen the capacity and effectiveness of the regional centre and hence the collective capacity of the County Council
- to reflect close functional inter-relationships (eg 'overspill' development, service provision) between a regional centre and adjoining council areas
- as an option for adjoining 'councils at risk'.

Lithgow is not proposed to be amalgamated however it is proposed that Oberon Council be amalgamated with Bathurst Regional Council.

Lithgow is however proposed to become a member of the 'Mid West County Council'. The Panel is looking for 'new look' County Councils that will undertake a broad range of strategic functions to support their member councils, strengthen the system of local government, and enable better working relations with State agencies. The Panel is concerned that on current indications there is little likelihood of voluntary amalgamations occurring on the scale required, and in a suitable pattern, to deliver the strategic outcomes that are needed to address future challenges. This applies especially in the metropolitan area, and is one of the reasons why the Panel has explored the option of County Councils.

The Mid West County Council would include Bathurst Regional Council, Oberon Council, Lithgow City Council and Mid Western Council.

The Panel states that at a minimum, each County Council should have the following set of core functions:

- strategic regional and sub-regional planning
- regional advocacy, inter-government relations and promoting collaboration with State and federal agencies in infrastructure and service provision
- management of, or technical support for, water utilities (except for the Lower Hunter and Illawarra which are served by State-owned corporations)
- road network planning and major projects
- waste and environmental management (including weeds and floodplain management)
- regional economic development
- library services

- 'high level' corporate services.

The Panel believes that the membership of County Councils should automatically comprise the mayors of member councils and chairs of Local Boards, and that the chairperson should normally be the mayor of the designated regional centre. This dual role would become a full-time position. Similarly, in most cases the General Manager of the regional centre could also fulfil that role for the County, and the regional centre council would house the County Council secretariat and support its operations. The Panel states that it does not wish to create unnecessary new bureaucracies. All these operational issues will be discussed in detail with councils during the Panel's next round of consultations before its recommendations are finalised.

The manner in which the new county councils would operate is unclear at this point but they would likely have a very detrimental effect on the operations of many councils, including Lithgow.

Currently in New South Wales there are 152 general purpose councils. Should all the proposals outlined in the report come to fruition then there may be only approximately 80 councils remaining.

Ways to Have a Say

The Panel will continue to consult widely throughout the review process. The Panel will be visiting 29 regional cities and towns and 8 locations in the Sydney metropolitan area from 9 May through until 14 June 2013. Of these the Panel will be holding a Regional Councils Workshop and then a Regional Hearing in Bathurst on 5 June 2013.

With the Regional Councils Workshops the Panel will be holding these to discuss the Future Directions for NSW Local Government paper and the options for each region with Mayors, Councillors and senior staff.

In relation to the Regional Hearings the Panel will also be holding these in each region to provide the opportunity for community representatives to put forward their views on the proposed options in the paper.

Submissions can be made through email, mail or by being directly uploaded.

Comments on the Future Directions for NSW Local Government paper may be made up until Friday 28 June 2013. A final report is due for release in July 2013.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Independent Local Government Review Panel – Future Directions for NSW Local Government, Twenty Essential Steps, April 2013

RECOMMENDATION

THAT Council:

1. Note the report on Local Government Review and the release of the paper 'Future Directions for NSW Local Government';
2. Inform the community further of the Review and the process;
3. Councillors again workshop the issue; and
4. Authorise the Mayor to make a submission on behalf of Council.

OPERATION REPORTS

ITEM-6 OPER - 06/05/13 - LEASE OF THE LAKE LYELL FORESHORE FROM DELTA ELECTRICITY

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Following detailed discussions between Council and Delta Electricity, it has been agreed that it would be appropriate to renew the leases between Council and Delta Electricity for the occupation of the Lake Lyell Foreshore prior to the probable sale of Delta Electricity and its associated assets.

COMMENTARY

A copy of the lease is attached and whilst the lease is detailed in regard to requirements, some of the pertinent points include the following:

- The rent for the term is \$1.
- The commencement date for the lease is 1 July 2013.
- The termination date for the lease is 31 December 2042.
- The existing licence terminates by agreement between the parties on the commencing date of the new lease.
- If the water level of Lake Lyell drops below the critical level then the Lessor may notify the Lessee that Lake Lyell is to be temporarily closed to the public until the water level is restored above the critical level.
- The critical level has been identified as 771m RL
- The reopening of Lake Lyell may be permitted following the achievement of the reopening level.
- The lease provides for Public recreation including:
 - Power boating;
 - Water skiing;
 - Picnicking;
 - Fishing; and
 - Short term holiday accommodation
- The Lessee's Fixtures and Fittings have been identified as:
 - Amenities block; and
 - BBQ facilities
- The public liability insurance must:
 - Be for at least \$20 million or a higher amount the Lessor reasonably requires;
 - Not contain any unusual or onerous terms;
 - Be in the name of the Lessee and note the interests of the Lessor (and any mortgagee of the Lessor) for their vicarious liability;

- Commence from the Commencing Date and be maintained for the Term and any additional period during which the Lessee occupies or uses the Premises;
- Have no limit on the number of claims in an insurance period and not limited in the aggregate; and
- Cover an event occurring while the policy is current, regardless of when a claim is made.
- The Lessor (acting reasonably) may notify the Lessee from time to time having regard to the requirements of any water licence held by the Lessor or advice received from the Metropolitan And South Coast Regional Algal Co-ordinating Committee under the Blue Green Algal Contingency Plan (Metropolitan and South Coast Region).

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Lake Lyell Lease, which includes map.

RECOMMENDATION**THAT** Council:

1. Approve the proposed lease for the Lake Wallace Foreshore.
2. Authorise the affixing of the Council Seal to the relevant documentation for the lease of the Lake Wallace Foreshore between Council and Delta Electricity.

**ITEM-7 OPER - 060513 - LEASE OF THE LAKE WALLACE FORESHORE
FROM DELTA ELECTRICITY****REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

SUMMARY

Following detailed discussions between Council and Delta Electricity, it has been agreed that it would be appropriate to renew the leases between Council and Delta Electricity for the occupation of the Lake Wallace Foreshore prior to the probable sale of Delta Electricity and its associated assets.

COMMENTARY

A copy of the lease is attached and whilst the lease is detailed in regard to requirements, some of the pertinent points include the following:

- The rent for the term is \$1.
- The commencement date for the lease is 1 July 2013.
- The termination date for the lease is 31 December 2042.
- The existing licence terminates by agreement between the parties on the commencing date of the new lease.
- If the water level of Lake Wallace drops below the critical level then the Lessor may notify the Lessee that Lake Wallace is to be temporarily closed to the public until the water level is restored above the critical level.
- The critical level has been identified as 870m RL.
- The reopening of Lake Wallace may be permitted following the achievement of the reopening level.
- The lease provides for public recreation including:
 - Sailing;
 - Kayaking;
 - Rowing;
 - Dragon boating;
 - Picnicking;
 - Fishing; and
 - Short term holiday camping.
- The use of recreational or competition power boats is prohibited. Power boats may only be used for rescue or emergency purposes.
- The Lessee's Fixtures and Fittings have been identified as:
 - Amenities block; and
 - BBQ facilities
- The public liability insurance must:
 - Be for at least \$20 million or a higher amount the Lessor reasonably requires;
 - Not contain any unusual or onerous terms;
 - Be in the name of the Lessee and note the interests of the Lessor (and any mortgagee of the Lessor) for their vicarious liability;

- Commence from the Commencing Date and be maintained for the Term and any additional period during which the Lessee occupies or uses the Premises;
- Have no limit on the number of claims in an insurance period and not limited in the aggregate; and
- Cover an event occurring while the policy is current, regardless of when a claim is made.
- The Lessor (acting reasonably) may notify the Lessee from time to time having regard to the requirements of any water licence held by the Lessor or advice received from the Metropolitan And South Coast Regional Algal Co-ordinating Committee under the Blue Green Algal Contingency Plan (Metropolitan and South Coast Region).

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Lake Wallace Lease, which includes map.

RECOMMENDATION**THAT** Council:

1. Approve the proposed lease for the Lake Wallace Foreshore.
2. Authorise the affixing of the Council Seal to the relevant documentation for the lease of the Lake Wallace Foreshore between Council and Delta Electricity.

ITEM-8 OPER - 06/05/13 - TENDERS FOR THE CLARENCE COLLIERY WATER TRANSFER SYSTEM UPGRADE - PART B (INTERIM REPORT)

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report provides an outline of the tender process undertaken and results for the Clarence Colliery Water Transfer System (CCWTS) Upgrade. The report will propose to make a recommendation that a contract be entered into with a preferred tenderer subject to final approval by the Department of Sustainability, Environment, Water, Populations and Communities.

COMMENTARY

The tender package for the construction of the CCWTS is being undertaken in 2 Parts, the following tender assessment has been undertaken on Part B of the Tender Package and includes the Construction of a new pump station on the Clarence Colliery Dam and rising main to the Council Storage tank. Tenders for Part A are complete and construction commenced.

The tender process for the CCWTS Upgrade was undertaken by Council staff consistent with the Tender Evaluation Plan.

Tenders Received

Tenders were called on 27 March 2013 and closed on 29 April 2013. The following 5 tenders were received:

Tenderer
Precision Pipelines Pty Ltd
LeDonne
Allflow
Eden Constructions
JR Engineering Pty Ltd

Notes:

The 'Assessed Tender Amount' is the Tender Amount plus (or minus) the Assessed Values of qualifications and departures in the tender and any loadings that apply

From preliminary reviews of the tenders, prices range from \$962,000 to \$1.756m.

Pre-Evaluation Actions

A Tender Evaluation Plan consistent with the Conditions of Tendering in the request for tender documents was prepared and signed off by the Tender Evaluation Committee prior to close of tenders.

The evaluation method included weighted price and non-price criteria with a price:non-price ratio of 20:80.

A Mandatory Site meeting was held on Wednesday 17 April 2013 commencing at 8.00am, all tenders received had representation at the mandatory site meeting.

Evaluation of Non- Price Criteria

The information submitted by the tenderers will be evaluated against the non-price criteria, in accordance with the Tender Evaluation Plan.

Evaluation of Price

- Examination of Tendered Rates:
All tenders will be assessed for price excluding the tenders that were received after the tender deadline.
- Assessment of Qualifications and Departures:
All eligible tenders included qualifications and departures. In order to compare the tenders on an equal basis, the values of the qualifications and departures
- Assessed Tender Amounts:
 - The tenders will be compared on the basis of Assessed Tender Amounts, calculated by adding the assessed values of qualifications and departures to the original Tendered Amounts.
 - The Assessed Tender Amounts will be used to calculate the weighted and normalised price scores using the method set out in the Tender Evaluation Plan.

POLICY IMPLICATIONS

Policy 1.4 – Tendering and Policy 9.11 Tenders – Canvassing/Lobbying of Councillors and Staff is applicable.

FINANCIAL IMPLICATIONS

The project is funded by the Australian Government through the Sustainable Rural Water Use and Infrastructure fund. Approved funds for the construct of the project are \$3,985,728.

RECOMMENDATION

THAT Council receive a further report in relation to the tenders for the Clarence Colliery Water Transfer System upgrade.

**ITEM 8-1 ADDITIONAL REPORT - OPER - 06/05/13 - TENDERS FOR
CLARENCE COLLIERY WATER TRANSFER SYSTEM UPGRADE -
PART B**

REPORT FROM: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

NIL

SUMMARY

This report provides an outline of the tender process undertaken and results for the Clarence Colliery Water Transfer System (CCWTS) Upgrade. It makes a recommendation that a contract be entered into with a preferred tenderer subject to final approval by the Department of Sustainability, Environment, Water, Populations and Communities.

COMMENTARY

The tender package for the construction of the CCWTS is being undertaken in 2 Parts with the following tender assessment undertaken on Part B of the Tender Package which includes the construction of a new pump station on the Clarence Colliery Dam and rising main to the Council Storage tank. Tenders for Part A are complete and construction commenced. Work is expected to be completed on the installation of the Part A pipeline by early June with the installation of the transfer pump awaiting delivery of the equipment.

The tender process for the CCWTS Upgrade was undertaken by Council staff consistent with the Tender Evaluation Plan. The following reports on the outcome of this tender process.

Tenders Received

Tenders were called on 27th March 2013 and close on 29th April 2013. The following 5 tenders were received:

Tenderer	Tender Amount \$	Assessed Tender Amount ¹ \$	Total Score ²
Eden Constructions Co Pty Ltd	\$962,958.64	\$962,958.64	79.5
Ledonne Constructions Pty Ltd	\$1,406,531	\$1,406,531.00	94
Allflow Systems and Solutions	\$1,430,932	\$988,229.86	93.5
JR Engineering Pty Ltd	\$1,459,096.10	\$1,459,096.10	94

Tenderer	Tender Amount \$	Assessed Tender Amount ¹ \$	Total Score ²
Precision Pipelines	\$1,755,998.20	\$1,755,998.20	47.5

Notes:

All tender amounts are GST Inclusive

1. The 'Assessed Tender Amount' is the Tender Amount plus (or minus) the Assessed Values of qualifications and departures in the tender and any loadings that apply
2. The 'Total Score' includes the scores for price and non-price criteria.

Examination of Tenders**Pre-Evaluation Actions**

A Tender Evaluation Plan consistent with the Conditions of Tendering was prepared and signed off by the Tender Evaluation Committee prior to close of tenders.

The evaluation method included weighted price and non-price criteria with a price: non-price ratio of 20:80.

Two (2) addenda were issued during the tender period outlining amendments to the technical specifications required to comply with the installation of the infrastructure on the Clarence Colliery mine site.

A mandatory site meeting was held on Wednesday 17 April 2013 commencing at 8.00am. Representatives of all the companies that have submitted a tender attended the on-site meeting.

Evaluation of Non- Price Criteria

The information submitted by the tenderers was evaluated against the non-price criteria, in accordance with the Tender Evaluation Plan. The total non-price scores are summarised below:

Tenderer	Total non-price score	Ranking
Eden Constructions Co Pty Ltd	59.5	4
Ledonne Constructions Pty Ltd	79.5	2
Allflow Systems and Solutions	74	3
JR Engineering Pty Ltd	80	1
Precision Pipelines	47.5	5

Evaluation of Price

- Examination of Tendered Rates:

All tenders were assessed for price

- Assessed Tender Amounts:

The tenders were compared on the basis of Assessed Tender Amounts. The Assessed Tender Amounts were used to calculate the weighted and normalised price scores using

the method set out in the Tender Evaluation Plan. The price scores are summarised below;

Tenderer	Weighted price score	Ranking
Eden Constructions Co Pty Ltd	20	1
Ledonne Constructions Pty Ltd	14.5	3
Allflow Systems and Solutions	19.5	2
JR Engineering Pty Ltd	14	4
Precision Pipelines	10.5	5

Selection of Preferred Tenderer

Total scores were obtained for each of the 5 tenderers by adding the total non-price score and weighted price score as shown below:

Tenderer	non-price score	price score	Total score	Ranking
Eden Constructions Co Pty Ltd	59.5	20	79.5	3
Ledonne Constructions Pty Ltd	79.5	14.5	94	1
Allflow Systems and Solutions	74	19.5	93.5	2
JR Engineering Pty Ltd	80	14	94	1
Precision Pipelines	47.5	10.5	58	5

Consistent with the Tender Evaluation Plan, any tenders that have a total score within 2 points of the highest scoring tender will be considered to be equal in value. Where two or more tenders are equal, the equal tender with the lowest price will be identified as the preferred tender.

The recommended tender is that submitted by Allflow Systems and Solutions in an amount of \$988,229.86. It should be noted that the tenders received are for the design and construction of the pump station and associated pipeline within the Colliery property. The recommended tenderer has submitted significant costs savings in their tender based on reducing the pressure rating of the pipes proposed over certain sections of the pipeline.

Other Comments

The following other comments are made on the tender:

- The tender evaluation process followed the agreed Tender Evaluation Plan.
- The tender evaluation process complied with the NSW Government Tendering Guidelines and the Local Government (General) Regulation 2005.
- The recommended tender represents best value for money.
- The site is available to meet the requirements in the proposed contract.
- The Tender Evaluation Checklist has been completed.
-

It should be noted that the completion of parts A and B of the construction phase will increase Council's capacity to deliver up to 14 megalitres per day to the Farmers Creek dam. This represents a significant upgrade on the current capacity to supply 4.5 to 5.5 megalitres per day.

As part of the upgrade the route of the new pipeline in the Part A Contract bypasses an existing swamp thus reducing any potential negative impacts on the ecology of this swamp.

POLICY IMPLICATIONS

Policy 1.4 – Tendering and Policy 9.11 Tenders – Canvassing/Lobbying of Councillors and Staff is applicable.

FINANCIAL IMPLICATIONS

The project is funded by the Australian Government through the Sustainable Rural Water Use and Infrastructure fund. Approved funds for the construct of the project total \$3,985,728. Council has current commitments of \$2.34 million (not including this tender amount) which includes:-

Consultants fee - \$436,973

Construction Contract for Part A - \$1,817,772

Project Management - \$88,467

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Subject to final approval by the Department of Sustainability, Environment, Water, Populations and Communities the tender submitted by Allflow Systems and Solutions for the Recommended Tender Amount of \$988,229.86 inclusive of GST be accepted for the Clarence Colliery Water Transfer System Upgrade – Part B.
2. The use of the Common Seal be authorised for the relevant contract documentation.

**ITEM-9 OPER - 06/05/13 - MT VICTORIA TO LITHGOW GREAT WESTERN
HIGHWAY UPGRADE - FINAL CONCEPT DESIGN**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

To advise Council that the Roads & Maritime Services have recently completed the concept design for the upgrade of the Great Western Highway between Mt Victoria and Lithgow.

COMMENTARY

Since the display of the concept design in 2012, RMS has reviewed the 125 responses received from the community and stakeholders. This feedback has been used to complete the concept design and the road boundaries have been refined based on the final concept design. The road boundaries proposal will be provided to Blue Mountains City Council and Lithgow City Council for the final concept design for inclusion in their Local Environmental Plans. It should also be noted that a community update outlining details of the final concept design has been produced and made available for the general public and all interested stakeholders.

The final concept design has been refined in response to issues raised during community and stakeholders consultation. The changes include:

- The number of water quality basins has been reduced on local roads.
- The curve of the Highway near 'Fernhill' has been improved.
- An area has been provided for buses to drop off and pick up instead of a roundabout at Old Bathurst Road, South Bowenfels.
- A 'U' turn bay has been provided instead of a roundabout at Mudgee Street, South Bowenfels.
- The 'U' turn bay at Baaners Lane, Little Hartley has been moved 100 metres further down the lane.

The final concept design can be viewed at Lithgow City Council administration centre until the end of May 2013.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Correspondence from Roads & Maritime Services dated 15 April 2013

RECOMMENDATION

THAT Council notes the information from the RMS regarding the Mt Victoria to Lithgow Great Western Highway final concept design.

**ITEM-10 OPER - 06/05/13 - TENDERING FOR THE OAKEY PARK WATER
TREATMENT PLANT FILTER UPGRADE**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report seeks a determination from Council to use the Selective Tendering process consistent with s166 (b) of the Local Government (General) Regulation 2005 for the upgrade of the Oakey Park Water Treatment Plant Filters.

COMMENTARY

The sand filters play a significant role in the treatment process of water from the Farmers Creek Source and the medium had not been replaced since the Plant first became operational. The replacement project involves design and construction/installation of new filter under drains and filter media replacement including supply, delivery and installation. There are six filters installed at the WTP, all of which require replacing.

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

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

The Selective tender will cover the design and construction/installation of new filter under drains and filter media replacement including supply, delivery and installation.

The preferred method of procurement of a suitable contractor for the filter is upgrade is by Selective Tender.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funds are available to enable this project to proceed. The cost for the upgrade would be \$350,000.

LEGAL IMPLICATIONS

Council will be required to seek approval on any modifications to the treatment plant/process under Section 60 (b) of the Local Government Act 1993 from the NSW Office of Water prior to construction.

RECOMMENDATION

THAT Council adopt the Selective Tender Method for the upgrade of the Oakey Park Water Treatment Plant filters, consistent with Section 166 of the Local Government (General) Regulation 2005.

ITEM-11 OPER - 06/05/13 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-122: Ordinary Meeting of 15 April 2013

SUMMARY

This report provides an update on various water management issues as per Minute Number 13-122.

COMMENTARY

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

Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam #2 capacity on Monday 22 April was 100%. Oberon Dam capacity on Monday 22 April was 86.94%

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 (CWTS) for 2012/13.

Table 1 - Oakey Park Monthly Output and Clarence Transfer

Month Total	Oakey Park WTP (ML)	Clarence Transfer (ML)	Farmers Ck Dam Accumulative Yield (ML)
July	107	0	107
August	106	0	213
September	115	0	327
October	140	0	467
November	140	5	607
December	135	81	742
January	146	73	889
February	92	0	981
March	114	0	1,094
2011/12 Monthly Av	121	0	
Rolling 12 Month Total	1,338	158	1,180

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
April	3,543	0
March	3,662	0

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG guideline values were exceeded in March. Two low chlorine results were recorded and were investigated.

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. One Total Coliform sample exceeded guidelines and two low chlorine results were recorded and were investigated.

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

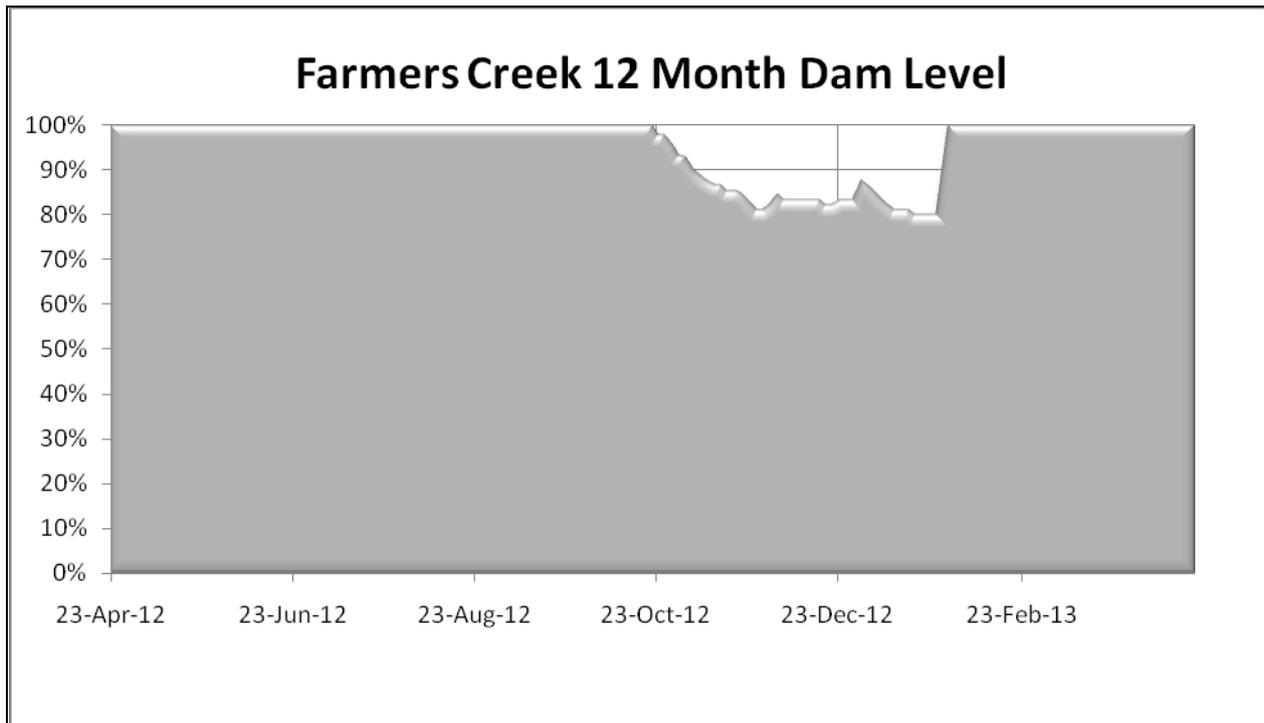
Council's Rainwater Tank and Domestic Appliance Rebate Program continued in March with Council approving six applications for a household appliance rebate and no applications for a water tank rebate.

An Expression of Interest is being sought for the design and construction/installation of new filter underdrains and filter media replacement for Oakey Park Water Treatment Plant. Details will be found in a separate report to Council. This process improvement will meet the targets in the Drinking Water Quality Management Plan.

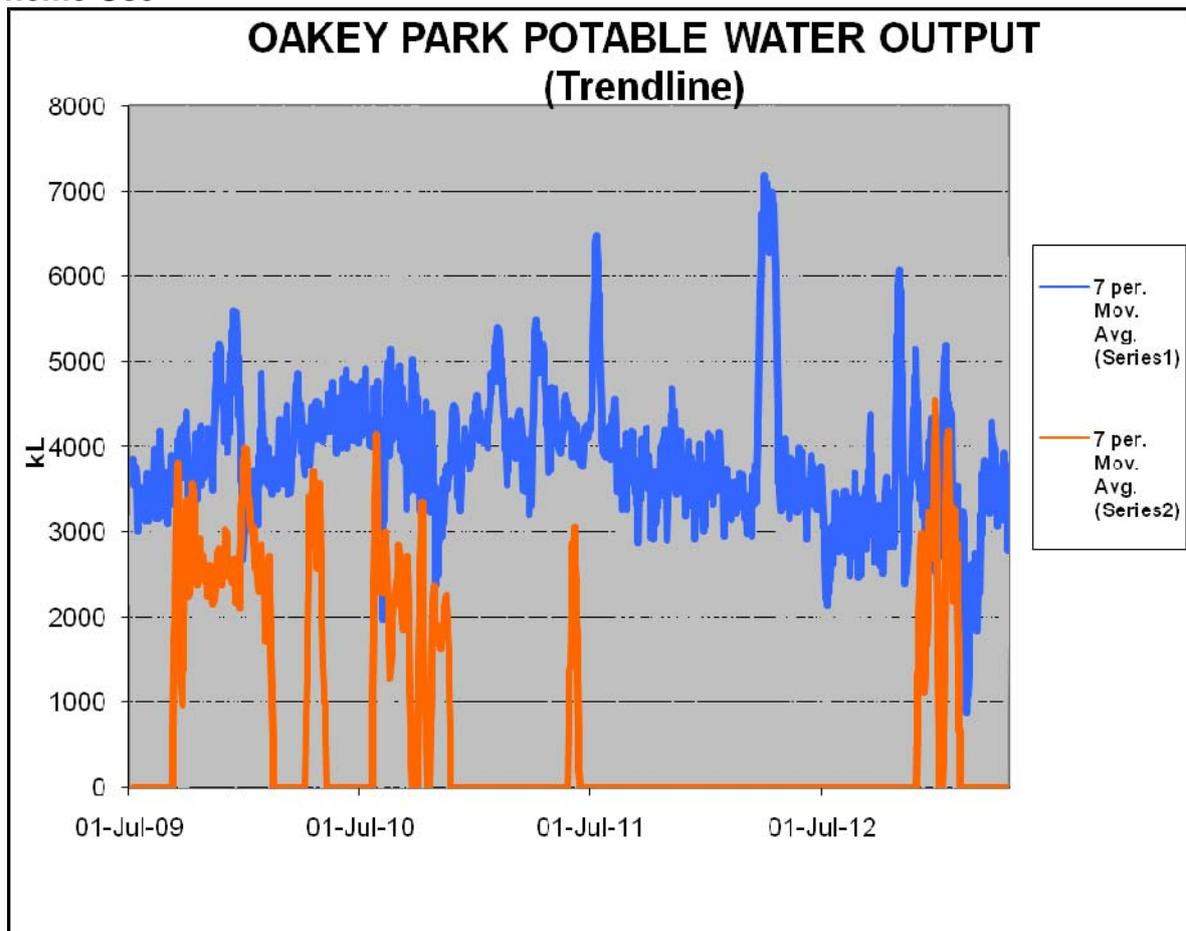
Farmers Creek Dam 12 Month Levels

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

Graph 1 Farmers Creek Dam #2 over 12 Months

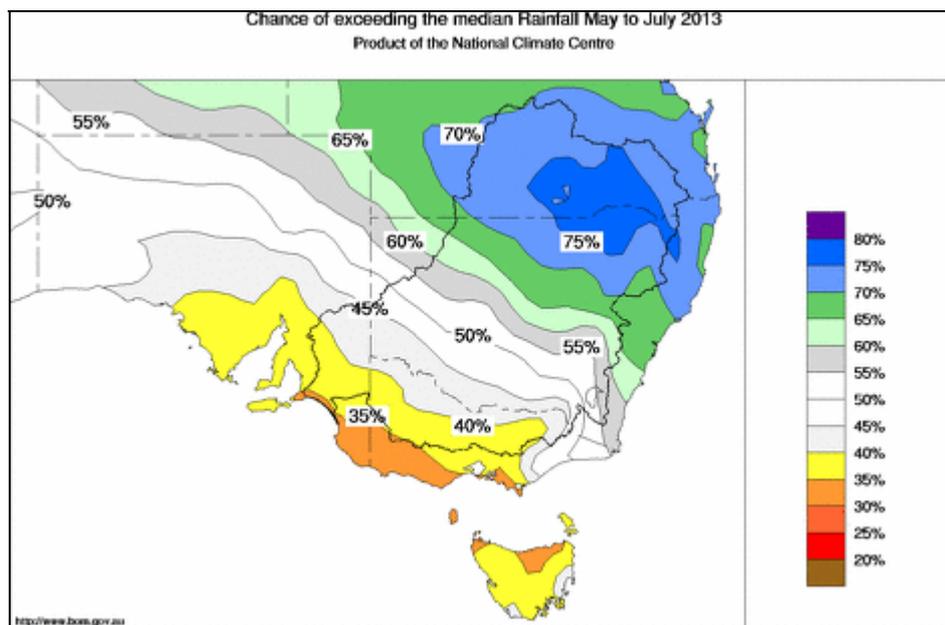


Graph 2 Trends in Oakey Park WTP Production and Clarence Water Transfer Scheme Use



The southeast Australian rainfall outlook for May to July 2013 indicates that a wetter than normal season is more likely for northern and eastern NSW. This outlook is

predominately a result of warmer than normal waters in the Indian Ocean; near normal temperatures in the tropical Pacific Ocean have had a minimal impact on this forecast.



The chances of receiving above median rainfall during the May to July period are between 60 and 80% over much of northern and eastern NSW (see map above).

The tropical Pacific remains neutral with respect to ENSO (El Niño-Southern Oscillation). While it is known that predictions from dynamical models during the April through June period have lower skill, all climate models surveyed by the Bureau of Meteorology indicate sea surface temperatures in the tropical Pacific Ocean are likely to remain within neutral thresholds for the next season.

ALTERNATE WATER SOURCES UPDATE

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

RECOMMENDATION

THAT Council note the water report.

COMMUNITY AND STRATEGY REPORTS

ITEM-12 COMM - 06/05/13 - DRAFT DELIVERY PROGRAM 2013-2017 AND OPERATIONAL PLAN 2013-2014

REPORT FROM: D MCGRATH - STRATEGY & COMMUNICATIONS OFFICER

REFERENCE

Min No. 13-82: Ordinary Meeting dated 18 March 2013
Min No. 13-123: Ordinary Meeting dated 15 April 2013

SUMMARY

This report recommends the adoption of the combined Draft Delivery Program 2013-2014 and Draft Operational Plan 2013-2014 with identified amendments and consideration of submissions received prior to the advertised closing time of 4.30pm on Friday 19 April 2013.

COMMENTARY

Council at the Ordinary Meeting of 18 March 2013 resolved to place the combined Draft Delivery Program 2013-2017 and Draft Operational Plan 2013-2014 on public exhibition for a period of 28 days from 19 March – 19 April 2013. Following the resolution extensive advertising was conducted through the local media, on Council's Facebook page and via electronic mailing lists. Copies of the plan were made available at various locations:

- Council's website: www.lithgow.nsw.gov.au <http://www.council.lithgow.com/>
- Council Administration Centre
- Lithgow Library Learning Centre
- Wallerawang Library
- Portland Library

Three community information sessions were held throughout the Local Government Area during the exhibition period:

- Wednesday 3 April 2013 at 6.30pm – Rydal Mount Conference Centre, Rydal
- Wednesday 10 April at 5.30pm – Glen Alice Community Hall, Glen Alice
- Thursday 11 April at 6.30pm – Cullen Bullen Progress Hall, Cullen Bullen

Three Open House Sessions with a staff member in attendance to answer questions on the Plan were held during the exhibition period:

- Wednesday 3 April 2013 – 10am – 1pm – Portland Library.
- Thursday 4 April 2013 – 10am – 1pm – Wallerawang Library
- Friday 5 April 2013 – 10am – 2pm – Lithgow Library Learning Centre

Public Submissions

Council received seven written submissions to the plan prior to the advertised closing date of 4.30pm Friday 19 April 2013. Comments from the community information sessions are listed in the table below. No community members were in attendance at the Wallerawang Library Open House Session held on 4 April 2013. A copy of each written submission is provided as Attachment 2.

At the Council meeting held on 15 April Council resolved that:

1. Establish a long-term voluntary property acquisition program for the Vale of Clwydd so that properties continually affected by flood damage can be purchased by Council and cleared for the purpose of widening the channel of the creek:
2. Set up a special fund for this purpose where the sum of \$50,000 be set aside each year to acquire flood affected properties.

These items will be included in the Community Strategic Plan 2025 and Combined Delivery Program 2013-2017 and Operational Plan 2013-2014 under section 4.2.4 *Environmental Protection and Leadership – Strategy – To provide environmental leadership through responsible natural resource management, legislative compliance and working cooperatively with the community, relevant environmental authorities and alliances.*

The following table provides a summary of the submissions received.

SUBMISSION BY	REQUEST	OFFICERS RECOMMENDATIONS
Portland Library – 3 April 2013		
Community 1	Consideration be given to the provision of toilet and drainage facilities for Portland Men's Shed	The matter is investigated and a further report be brought to Council.
Community 2	Consideration is given to having \$30,000 allocated to Portland Pool as part of Council's annual recurrent funding allocations.	An annual contribution of \$30,000 to the Portland Pool is included in the budget.
	When maintenance works are carried out on water mains or roads that rehabilitation/resealing of the road surface be programmed at the same time so as to complete the job. Not left unsealed.	Mains trenches need time to settle prior to permanent restoration.
	Consideration be given to improving the stormwater drainage in Jamison Street, Portland.	The matter is to be investigated and if needs be included into a future works program.
Community 3	When rural roads are graded that the drains are properly cleared also to allow water run-off on the roads. Particularly the Back Cullen Road.	This will be forwarded to the Action request system.
Community 4	Could Council please ensure that the backlog of roadwork's for Portland that has not been completed over the past two years be rolled over and completed.	Works are commencing on 29 April.
Rydal Information Session – 3 April 2013		

Community 5	Can Council allocate additional funds for the purchase of land at Rydal for toilet facilities?	Council has previously allocated \$50,000, with approximately \$3,000 expended for a Geotechnical report with no allocation for further funding. Estimates for the purchase of the land are \$70,000 and construction of a facility similar to that at Cullen Bullen between \$60,000 and \$80,000 however the Rydal Village Progress Association has indicated they would fund/build the facility.
Wallerawang Open House Session – 4 April 2013 – No community submissions		
Glen Alice Community Information Session – 10 April 2013		
Capertee Progress Association	Consideration of funding allocation for Community Signage and Picnic Tables and Chairs for the Capertee Hall.	Capertee Progress Association be advised to submit an application under the financial assistance program.
Capertee Valley Community Comments	A number of operational issues were raised regarding roadworks, drainage, maintenance of road verges and overhanging trees.	Information be noted and referred to the action request system.
	Use shale at 'Goolloinboin' on roads rather than carting white sheeting from Capertee.	This matter is currently being investigated. The material is being tested for compliance with EPA criteria.
	Signage 1. At the intersection of Glen Davis Road and Castlereagh Hwy – please upgrade the sign to the correct amount of dirt road. 2. Tourist signage for Simmo's Museum and Glen Davis area.	1. Information be noted and forwarded to the action request system. 2. Information signage is currently being developed for Clarence Pirie Park at Capertee which will include Simmo's Museum.
	People with 2849 as their postcode in the Valley are not included in statistics for the Local Government Area.	Statistical information is based on Census data. Council subscribes to .id for area profiling and mapping and this information is on Council's website.

Cullen Bullen Community Information Session – 10 April 2013		
Cullen Bullen Community Comments	<p>Closure of Cullen Bullen Tip</p> <ul style="list-style-type: none"> • Installation of Signage to notify people of the pending closure of the tip. • Locking of the gates and issuing of keys now to residents to stop illegal dumping and possible extend the life of the tip. 	The matter is investigated and a further report be brought to Council.
	Construction of a footpath from Windy Gully to King Street (Royal Hotel side), Cullen Bullen.	Council has made application for funding of a shared footpath/cycleway to be constructed along the Castlereagh Highway between Old Cottage Road and Carsons Siding Road.
	<p>Septic Systems</p> <ul style="list-style-type: none"> • Funding to fix septic systems. • Cullen Bullen can't grow as many of the vacant blocks are too small to meet requirements for effluent disposal. 	Council has allocated funds to identify other issues and ways that Council can assist residents in relation to the on-site waste water issues in Cullen Bullen.
	<p>Old Cottage Road</p> <p>- the road, which is not a Council road but a private access is in extremely poor condition and needs to be repaired.</p>	Council will meet with the owners of the property to identify any short-term road works that can occur prior to the finalisation of the subdivision.
	Better signage to indicate the toilets located in Merv Crane Memorial Park.	Council investigate the installation of blue signage indicating toilets, the park and showground (speedway).
	Extension of the Alternate Fuel Rebate that subsidises the replacement of coal burning appliances with electric or gas appliances to include Cullen Bullen.	Council extend the Alternate Fuel Rebate that is currently \$1,000 for domestic appliances, \$1,400 for pensioners and \$2,000 for commercial appliances to include Lithgow, Wallerawang, Portland and all villages.
	A number of operational issues were raised including mowing of verges, footpaths and parks, collection of rubbish from street bins and weed spraying in the area.	The information be noted and forwarded to the Action Request System.
Community Submissions received by 19 April		
Submission 1	Letter tabled at Glen Alice Meeting	The information be noted

	<ul style="list-style-type: none"> • All the dirt roads (in Capertee Valley) need to be maintained and graded more regularly. • Dunville Loop Road is slippery in wet weather due to the red clay surface. • Genowlan Road always wears & washes out on the entrance & exit to the bridge making it very dangerous. • Nile Road – have to drive on the paddock because the hole in the road is so large. Culvert pipes previously left there have been removed and not installed where required. 	and forwarded to the Action Request System.
Submission 2	<ul style="list-style-type: none"> • Objection to the 3.4% increase on rates. • Hutchinson Street – request widening, kerb & guttering and resurfacing. • Dirt from Hutchinson Street blocks Mort Street stormwater drains. • Safety issues entering and exiting Hutchinson Street at Mort Street. 	<ol style="list-style-type: none"> 1. The objection to the rate increase is noted. The plan recommends as per the Ministers Rate Pegging limit of 3.4% for General Fund. Water, Sewerage and Waste Charges have increased to support proposed capital expenditure. 2. Road maintenance issues will be forwarded to the Action Request System. 3. Road Safety issues have been forwarded to the Traffic Authority Local Committee for further investigation and advice.
Submission 3	<ul style="list-style-type: none"> • Cullen Bullen Progress Hall Centenary Celebrations – March 2014 – request clean up in Cullen Bullen and at Cemetery. • White Wash Caves above Cullen Bullen – request a walking path be developed to make them accessible to tourists. • Request outdoor power points be installed at Park or Showground for Caravans to stay overnight in 	<ol style="list-style-type: none"> 1. The Cullen Bullen Progress Association be advised to liaise with Council's Events Coordinator regarding their celebrations. 2. The land is under control of State Forests Crown Land and not the responsibility of Council.

	Cullen Bullen.	3. The provision of areas to be used for Caravans and recreational vehicles is a wider issue than providing electricity. Council is currently investigating locations suitable for this type of camping in the LGA.
Submission 4	<ol style="list-style-type: none"> 1. Objection to 3.4% rate increase. 2. Hutchinson Street <ul style="list-style-type: none"> ○ Potholes and road edge needs fixing. ○ Entering and exiting is difficult – angle of road is steep and visibility if poor due to the angle of the curve. 	<ol style="list-style-type: none"> 1. The objection to the rate increase be noted. The plan recommends as per the Ministers Rate Pegging limit of 3.4% for General Fund. Water, Sewerage and Waste Charges have increased to support proposed capital expenditure. 2. Road maintenance issues will be forwarded to the Action Request System. 3. Road Safety issues have been forwarded to the Traffic Authority Local Committee for further investigation and advice.
Submission 5	1. Request Council review the recurrent funding allocations.	The information is noted. Recurrent funding allocations are reviewed as part of the process of reviewing Policy 4.4 – Financial Assistance – Section 356 of the Local Government Act.
	2. \$10,000 allocated against “Conduct regular meetings of the Crime Prevention Committee – Meetings held 6 weekly.	The \$10,000 is allocated to the implementation of the Crime Prevention Strategy. The Crime Prevention Committee assists in identifying the priorities for implementation.
	3. \$10,000 identified to upgrade the Wireless System in 2015-16 –	Council allocate \$20,000 to CCTV for urgent repairs

	should this be undertaken prior to providing additional cameras in the CBD.	to current system and independent review of system with recommendations for future expansion.
	4. Very happy to see Council wanting to encourage volunteers for our community Organisations.	The information be noted.
	5. Disappointed that only \$8,000 has been put towards specific programs for our youth.	Youth programs have been increased by \$5,000 to allow the Youth Council to further develop Youth Events.
	6. Request Council investigate the development of an “Art Walk” through the CBD’s of our towns, incorporating businesses displaying local art in shopfronts/premises giving artists a unique opportunity to display/sell their wares.	Council is currently investigating ways to develop the Lithgow Creative’s Project and encourage the activation of vacant premises with artworks as part of programs such as LithGlo.
	7. Highway and in-town signage should be high on the agenda.	Council will be working on a priority signage program as part of the implementation of the Tourism Strategy.
	8. Glad to see LithGlo getting another run this year. Great initiative.	Glad to see LithGlo getting another run this year. Great initiative.
	9. Promotion of activities in the Blue Mountains Gazette particularly the Blue Mountains Crossing re-enactment.	All media releases are forwarded to the Blue Mountains Gazette.
	10. How many toilet facilities will the toilet facilities in the Lithgow CBD incorporate?	The \$300,000 has been allocated for the construction of one toilet facility in the CBD.
Submission 6 Glen Alice Community Association.	1. Glen Davis Road – Request priority be given to sealing between current eastern end of bitumen and Capertee River concrete crossing.	Sealing of an additional section will be undertaken as per the funding allocation in the Rural Roads Improvements Program.
	2. Glen Alice Road – Request priority be given to sealing between current eastern end of bitumen and Glen Alice.	The works identified to be undertaken on the Glen Alice Road as part of the Roads to Recovery Program will be reviewed and a further report brought to Council.
	3. Glen Alice Road – Object to resurfacing of the bitumen from Mt Marsden to Council border.	
Submission 7	1. Priority 1 – Sealing of approximately	Sealing of an additional

Capertee Valley Alliance	4km section of Glen Davis Road from Capertee River concrete Bridge west towards Capertee.	section will be undertaken as per the funding allocation in the Rural Roads Improvements Program.
	2. Priority 2 – Sealing of approximately 7km section of Glen Alice Road from the Tri-intersection to Glen Alice.	Will be included in the ongoing Rural Roads Improvements Program and Roads to Recovery Program.
	3. Priority 3 – Sealing of approximately 5km section of Glen Alice Road from Community Hall to northern sealed section near Myalla Road.	Will be included in the ongoing Rural Roads Improvements Program and Roads to Recovery Program.
	4. Priority 4 – Bridges <ul style="list-style-type: none"> ○ Approaches including guardrails are constantly in need of maintenance. ○ Increased vehicle movements and load sizes that they were not designed for. ○ Single lane bridges 	Will be reviewed in line with the allocation for timber bridge improvements in the 2013-2013 Operational plan.
	5. Priority 5 – Boundary Markers and Signage <ol style="list-style-type: none"> 1. Boundary signage near Mt Marsden to be relocated so that it is clearer for motorists. 2. Capertee Valley Way Tourist Drive signage to be erected at Council boundary and Glen Davis Road/Castlereagh Hwy intersection. 3. Signage showing distances and destinations to be erected at Tri-intersection showing Glen Alice, Glen Davis, Bogee and Rylstone. 4. Replace old Rylstone Council street signs with LCC Street signs – Noola Road, Brymair Road. 5. Dunville Loop road is confusing – consider renaming Dunville Loop North and Dunville Loop South. 6. Give Way signs at the Capertee River Concrete Bridge and Glen Alice Bridge indicating single lane. 7. Numietta Road sign needed. 	<ul style="list-style-type: none"> ● The information be noted and points 1,4,5,6 and 7 forwarded to the Action Request System. ● Point 2 be referred to the Tourism Manager for consideration of Tourist signage in the Capertee Valley in the Draft Tourism Strategy. ● Point 3 – The Greater Blue Mountains Drive signage for the Capertee & Dunns Discovery Trail indicates distances to: <ul style="list-style-type: none"> ○ Glen Davis ○ Kandos ○ Rylstone ○ Dunns Swamp ○ Mudgee <p>Brown & White signage at the Tri-intersection indicates distances to destinations above plus Capertee and Lithgow.</p>

	5. Priority 5 – Sealing of approximately 5.5 of kms of Glen Davis Road from Tri- intersection to Glen Davis.	Will be included in the ongoing Rural Roads Improvements Program and Roads to Recovery Program.
	1. Priority 7 – Glen Alice Road from Mt Marsden – <ul style="list-style-type: none"> o incomplete reseal north of Dunville Loop o Shoulders of new 2012/13 reseal crumbling already due to drainage issues. o Line marking 	The works identified to be undertaken on the Glen Alice Road as part of the Roads to Recovery Program will be reviewed and a further report brought to Council.
	1. Additional identified areas for works. <ol style="list-style-type: none"> 1. Dig up and reseal Glen Alice Road at Bogee from Noola Road to Pt. Macquarie Road – Approx. 2kms. 2. Torbane Road – now that Airly Mine is in maintenance mode request this alternative access/egress road be given back to the public especially for fire fighting and for evacuation purposes. 3. Pt Macquarie Road – widening and clearing of verges. 4. Genowlan Road – Grading and improvements to the Genowlan River single land bridge in both directions. Widening of narrow single lane sections, blind crests and removal of boulders on the narrow crest near Glen Alice. 5. Genowlan Bridge – Viewing point for bird watchers – needs give way signs. 6. Genowlan Road – drainage – Drain under road does not work and causes road flooding – closing access. 7. Upper Nile Road – salinity and drainage issues need to be addressed. 8. Huntingdale Road – single lane road with dangerous crests and curves – needs widening. 9. Dunville Loop Road – drainage issues and slippery road in the wet. 10. Crown Station Road – grading 11. Regular grading of all unsealed 	<ol style="list-style-type: none"> 1. The information be noted and points 4-11 referred to the Action Request System. 2. Point 1 – will be included in the ongoing Rural Roads Improvements Program. 3. Point 2 – Torbane Road is available for use by Rural Fires Services to fight fires. 4. Point 3 – Council is not permitted to widen shoulders or table drains on Pt. Macquarie Road under the Threatened Species Act.

	roads in the Capertee Valley.	
	Concern expressed regarding earthmoving equipment laying idle and the cost to ratepayers.	Hire of earthmoving equipment is only paid when the equipment is in use.
	Spraying of road verges to eradicate weeds.	The information be noted and referred to the Action Request System.
Submission 8	1. Council implement a recurrent funding amount for the Portland Pool. Such action would assist the Board of the Pool in its planning and financial structure on an Annual Basis.	Council has favourably considered an annual contribution of \$30,000 to the Portland Pool. The contribution is brought before Council in line with the Capital and Discretionary expenditure items. A change to Council, or Councils own circumstances may require the contribution to be reviewed and it is recommended that Council continue the current process on an annual basis.
	Objection to kerb & Guttering of Roxburgh Street and Wallerawang/Portland Road.	The objection be noted.
	Request that stormwater drainage works are undertaken in Portland.	The matter is to be investigated and if needs be included into a future works program.
	General Asset Maintenance – Need to look at maintenance works to Kremer Park Grandstand and associated facilities.	The matter will be investigated reviewed in line with the priority works program under the Building Reserve funding of \$50,000 for 2013-14.

Minor alterations required of the Draft 2011/12 – 2014/15 Management Plan

Three minor changes have been made to the Draft Delivery Program 2013-2017 and Operational Plan 2013-2014:

1. Removal of “Rydal and Capertee” from the description of the village drainage program to read “Undertake village drainage improvements as per the 10-year program”.
2. In the Roads to Recovery Program change Glen Davis Road to Glen Alice Road as per the correct program.
3. The inclusion of \$20,000 for maintenance and review of CCTV system in the CBD of Lithgow.

Fees and Charges

1. The Department of Local Government Circular 13-10 has advised that Council is to charge \$70.00 for 603 Certificates in 2013-2014.
2. A request was received from a member of the community at the Open House Session at the Lithgow Library Learning Centre for Internet access fees charged to visitors (tourists) from overseas or interstate be Free of Charge for the first ½ hour of use. In 2013-2014 the fees will be:
 - i. Library Members: Free of charge for the 1st hour and \$3.75 per subsequent hour.
 - ii. Non Library Members: \$3.75 per hour and \$3.75 per subsequent hour.
3. Crystal Theatre Management Committee recommends Council consider the proposed alterations to the draft 2013/2014 fees and charges as outlined in these minutes when it considers the adoption of the 2013/2014 fees and charges. These proposed changes are as follows:

Description	Fee/Charge Basis	Proposed Fee as exhibited (inc GST if a bond that is retained)	Committee Recommendation for change (Inc GST if a bond that is retained)
Community Groups	Per event up to 3 days	\$386	\$195
Lighting System – refundable deposit (Community Use)	Per session	\$647	\$50
Sound System – refundable deposit (Community Use)	Per session	\$647	\$50
Sound System Hire (Community use)	Per Session	\$440	\$100
Upstairs Room – Refundable Deposit – Community Groups	Per event	\$372	\$100

- The \$24 charge per hour charge for the upstairs room for community groups be altered to \$24 per booking up to 4 hours.
 - A community group or use should be defined as a not for profit body or group and that should the booking not be for the purpose of profit or gain then the community charge may still be applied irrespective of whether a professional or commercial artist is engaged by the group
4. Meadow Flat Hall Committee recommends Council consider the proposed alterations to the draft 2013/2014 fees and charges as outlined in these minutes when it considers the adoption of the 2013/2014 fees and charges. These proposed changes are as follows:
 - The proposed \$20 per hour hire fee be replaced with a flat fee of \$120 (inc GST) per hire
 - Other non-community use hire under 3 hours be charged at \$8 (inc GST) per hour

- The proposed set up fee of \$5 per hour be deleted.
5. The proposed fees and charges for the Crystal Theatre was distributed to the members of the Crystal Theatre Management Committee where it was pointed out that the \$60 per screening fee for movies was inadvertently omitted. This needs to be included in the final fees and charges as follows:
- Movie Screenings (Crystal Theatre Community Cinema) - \$60 (inc GST) per screening.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

When adopted the combined Draft Delivery Program 2013-2017 and Operational Plan 2013-2014 includes the Council's Revenue Policy for the next four financial years.

Min. No. 13-123 allocating \$50,000 to reserve each year to purchase future flood affected properties in the Vale of Clwydd and the addition of \$20,000 for CCTV works for Lithgow will impact on the 2013-14 result to produce **a deficit of \$53,000**.

GST on Non-Domestic Waste Management Charges from 1 July 2013:

The ATO have ruled that from 1 July 2013 non-domestic waste management charges and waste disposal charges levied under Section 501 of the Local Government Act 1993 will be taxable. Domestic waste management charges levied under Section 496 of the Act will remain exempt from GST.

Non-domestic waste management shown in the Draft Revenue Policy are shown as GST exclusive and GST will be added where appropriate following Council's adoption of the Draft Delivery Program 2013-2017 and Operational Plan 2013-2014.

LEGAL IMPLICATIONS

Council is required to prepare a Delivery Program in its first year of office for a period of four years and an Operational Plan each year.

ATTACHMENTS

1. Public submissions submitted to the Lithgow City Council combined Draft Delivery Program 2013-2014 and Operational Plan 2013-2014 by the closing date 4.30pm Friday 19 May 2013.

RECOMMENDATION

THAT Council:

1. Notes the receipt of 7 written submissions received prior to the closing date of the combined Draft Delivery Program 2013-2017 and Operational Plan 2013-2014 at 4.30pm on the 19 April 2013.
2. Adopts the Lithgow City Council combined Draft Delivery Program 2013-2014 and Operational Plan 2013-2014 with the following amendments:

- a) \$50,000 per annum be reserved for the acquisition of flood affected properties in the Vale of Clwydd.
 - b) Council extend the Alternate Fuel Rebate to include Lithgow, Wallerawang, Portland and Villages.
 - c) GST will be added, as ruled by the ATO, onto Non Domestic Waste Management Charges levied under Section 501 of the Local Government Act 1993
 - d) An additional \$20,000 for CCTV works in Lithgow CBD
3. In addition to the above and separately to the Delivery Program/Operational Plan submissions:
- a) Amend Section 4.2.4 – Environmental Protection and Leadership of the Community Strategic Plan 2025 to reflect Council min. 13-123 of the Ordinary Meeting of Council held on 15 April 2013 for
 - b) The development of a long-term voluntary acquisition program for flood affected properties in the Vale of Clwydd; and
 - c) Development of a program of channel improvement of the Vale of Clwydd Creek in line with the property acquisition program.
 - d) Refer all requested maintenance and minor works to the Council's Action Request System.
 - e) Investigate the provision of toilet and drainage facilities for Portland Men's Shed and report to Council.
 - f) Advise Capertee Progress Association to apply under the Financial Assistance Program for funds to purchase community signage and picnic tables.
 - g) Road Safety issues identified for the intersection of Mort Street and Hutchinson Street be referred to the Traffic Authority Local Committee for investigation and report.
 - h) All correspondents and Community Associations be advised of the outcome of their submissions.
4. Adopts the Lithgow City Council combined Draft Fees and Charges 2013-2014 with regard to the following:
- a) The fee for 603 certificates be amended to \$70.00
 - b) Internet Access fees at the Library remain at:
 1. Library Members: Free of charge for the 1st hour and \$3.75 per subsequent hour.
 2. Non Library Members: \$3.75 per hour and \$3.75 per subsequent hour.
5. Acknowledges that the impact of the above will result in a \$53,000 deficit in the 2013/14 financial year.
6. Adopts the proposed alterations to the draft 2013/2014 fees and charges when it considers the adoption of the 2013/2014 fees and charges for the Crystal Theatre. These proposed changes are as follows:

Description	Fee/Charge Basis	Proposed Fee as exhibited (inc GST if a bond that is retained)	Committee Recommendation for change (Inc GST if a bond that is retained)
Community Groups	Per event up to 3 days	\$386	\$195
Lighting System – refundable deposit	Per session	\$647	\$50

(Community Use)			
Sound System – refundable deposit (Community Use)	Per session	\$647	\$50
Sound System Hire (Community use)	Per Session	\$440	\$100
Upstairs Room – Refundable Deposit – Community Groups	Per event	\$372	\$100

- The \$24 charge per hour charge for the upstairs room for community groups be altered to \$24 per booking up to 4 hours.
 - A community group or use should be defined as a not for profit body or group and that should the booking not be for the purpose of profit or gain then the community charge may still be applied irrespective of whether a professional or commercial artist is engaged by the group
7. Adopts the proposed alterations to the draft 2013/2014 fees and charges when it considers the adoption of the 2013/2014 fees and charges for the Meadow Flat Hall. These proposed changes are as follows:
- The proposed \$20 per hour hire fee be replaced with a flat fee of \$120 (inc GST) per hire
 - Other non-community use hire under 3 hours be charged at \$8 (inc GST) per hour
 - The proposed set up fee of \$5 per hour be deleted.
8. Adopts the proposed \$60 per screening fee for movies for the Crystal Theatre, to be included in the final fees and charges as follows:
- Movie Screenings (Crystal Theatre Community Cinema) - \$60 (inc GST) per screening.

FINANCE REPORTS

**ITEM-13 FINAN - 06/05/13 - FIRE STATION - 1 CRIPPS AVE WALLERAWANG
 - LOT 11 DP 1044589**

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min 008-325: 15/12/08 Renewal Lease of Fire Station Cripps Ave Wallerawang

SUMMARY

To advise Council of a request from Fire & Rescue NSW to purchase Lot 11 DP 1044589, which houses the Fire Station at 1 Cripps Ave Wallerawang. A recommendation is included that Council offer the property for sale at market value plus GST.

COMMENTARY

Council is in receipt of correspondence from Fire & Rescue NSW (FRNSW) with regard to the Wallerawang Fire Station at 1 Cripps Ave Wallerawang which they have leased from Council for many years. The most recent lease was entered into for a 5 year period from 1 July 2008 and will expire on 30 June 2013. Annual rental is \$1,868.71 (GST Exc). The lease contains an option to renew for a further 5 years.

FRNSW advise the station was constructed in 1960 and the current accommodation is too small and no longer suitable to meet the needs of a modern fire station, to house both equipment and staff. They are currently investigating concepts to construct a new facility on the land, or alternatively extend the current building to accommodate modern emergency equipment and also provide suitable facilities for the fire fighters.

It is understood that the proposal will involve a considerable amount of capital being invested in the site, and FRNSW would prefer ownership of the land rather than a lease. They are requesting Council to give consideration to selling the land to provide greater security for a large capital outlay.

Council has obtained a market valuation from Valuer OPTEON, Central West NSW. The property comprises 1,052msq of land improved with a purpose built small fire station. It has been valued at \$145,000 (GST Exc).

The property is classified as 'Operational' in the land register which allows for its sale in accordance with Lithgow City Council Policy 1.3 Asset Disposal which states "*Real property (land & buildings) disposal methodology will always be determined by Council via resolution.*"

Considering the specific purpose and importance of the site as well as Council's approach to protect the public and residents in an emergency situation it is recommended that the property be offered for sale to Fire & Rescue NSW for the market valuation.

FINANCIAL IMPLICATIONS

Proposed sale of Lot 11 DP 1044589 for market valuation of \$145,000 (GST Exc)

LEGAL IMPLICATIONS

- Lithgow City Council Policy 1.3 Asset Disposal
- Local Government Act 1993 & Regulations 2005

RECOMMENDATION

THAT:

1. Council offer Fire & Rescue NSW Lot 11 DP 1044589, Fire Station at 1 Cripps Ave Wallerawang for the market value of \$145,000 (GST Exc)
2. Should Fire & Recue NSW accept the offer Council authorise the use of the seal for all documentation
3. Funds as a result of a sale to be reserved for expenditure on future land and property improvements

COMMITTEE MEETINGS

ITEM-14 OPER - 06/05/13 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES - 4 APRIL 2013

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Authority Local Committee Meeting held on 4 April 2013.

COMMENTARY

At the Traffic Authority Local Committee held on 4 April 2013, there were several items discussed by the Committee:

1. Business arising from the previous minutes
 - B-double route assessments increased tonnage- various routes Lithgow LGA
2. Ongoing business from previous meeting held on 31 January 2013
 - Request for extended access-higher mass limit on Oakey Forest Road Marrangaroo
 - Main Street laneway – Traffic issues/review of the lane from the rear of the Grand Central Hotel through to the rear of the Courthouse Hotel
 - Crossing of the Blue Mountains Bicentennial Blue Wave Route and Schedule
 - Camp Quality Tractor Trek
 - Bells Road Lithgow – Request for speed humps
 - Ironfest Traffic Management
 - The Big Ride for Parkinson's
3. New Business
 - Traffic issues Sandford Avenue Lithgow
 - Issue with traffic – Roundabout Claret Ash Avenue/Amber Grove and Birch Close, South Bowenfels
 - Request for changes to current traffic signage – Williwa Street Portland
 - Crane Road Lithgow – Request for traffic management
 - Fun Run/Walk in Portland April 2013
 - 'No Stopping' signage and zone James Street Lithgow
 - Request for disabled parking zone – Lithgow Mobility Aids Main Street Lithgow
 - Coalbrook Street Lithgow – Issues with heavy vehicles
 - Request for the establishment of a school drop off zone – St Joseph's School Portland
 - Great Western Highway – Traffic issues/parked vehicles
 - Traffic congestion concerns Rabaul Street – La Salle Academy Lithgow
 - Intersection of Cullen Bullen Road and Limestone Creek Road Portland
4. General Business
 - Request for parking spaces to be marked – Main Street Lithgow

- Issue with heavy vehicles Hartley Valley Road, Vale of Clwydd and vehicles speeding on Hartley Valley Road
- Grandmother's Cottages walk, bike, rail and trail marathon
- 2013 Cox's Road Heritage Trail
- Jenolan Forest Rally 2013
- Naomi Street Lithgow – Request for change to traffic direction
- The erection of statutory 10 metre 'No stopping' signage

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Traffic Authority Local Committee meeting of 4 April 2013

RECOMMENDATION**THAT** Council:

1. Notes the minutes of the Traffic Authority Committee meeting held on 4 April 2013.
2. Approve access for 19 metre 57.5 tonne B-double access on Meadow Flat Road, Dark Corner Road and Rydal Hampton Road.
3. Approve access for 19 metre 57.5 tonne B-double access on Oakey Forest Road at Marrangaroo.

**ITEM-15 ENVIRO - 06/05/13 - MEADOW FLAT HALL MANAGEMENT
COMMITTEE MINUTES - 11 APRIL 2013**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report presents the minutes of the Meadow Flat Hall Management Committee Meeting held on 11 April 2013.

COMMENTARY

At the Meadow Flat Hall Management Committee Meeting held on 11 April 2013, there were a number of items discussed which are outlined in the attached minutes.

No matters require Council determination. Therefore, the minutes are presented to Council for its information.

ATTACHMENTS

1. Minutes of the Meadow Flat Hall Management Committee Meeting held on 11 April 2013.

RECOMMENDATION

THAT Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 11 April 2013.

**ITEM-16 ENVIRO - 06/05/13 - CRYSTAL THEATRE MANAGEMENT
COMMITTEE MINUTES - 23 APRIL 2013**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report presents the minutes of the Crystal Theatre Management Committee Meeting held on 23 April 2013.

COMMENTARY

At the Crystal Theatre Management Committee Meeting held on 23 April 2013, there were a number of items discussed which are outlined in the attached minutes.

No matters require Council determination. The minutes are presented to Council for its information.

ATTACHMENTS

1. Minutes of the Crystal Theatre Management Committee Meeting held on 23 April 2013.

RECOMMENDATION

THAT Council note the minutes of the Crystal Theatre Management Committee Meeting held on 23 April 2013.

**ITEM-17 ENVIRO - 06/05/13 - UNION THEATRE MANAGEMENT COMMITTEE
MINUTES - 04 APRIL 2013**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report presents the minutes of the Union Theatre Management Committee Meeting held on 4 April 2013.

COMMENTARY

At the Union Theatre Management Committee Meeting held on 4 April 2013, there were a number of items discussed which are outlined in the attached minutes.

No matters require Council determination. Therefore, the minutes are presented to Council for its information.

ATTACHMENTS

1. Minutes of the Union Theatre Management Committee Meeting held on 4 April 2013.

RECOMMENDATION

THAT Council note the minutes of the Union Theatre Management Committee Meeting held on 4 April 2013.

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.*