



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

28 OCTOBER 2013

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 30 SEPTEMBER 2013

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTE - State Mine Fire Lithgow

STAFF REPORTS

General Managers Reports
Environment and Development Reports
Operation Reports
Corporate and Community Reports
Finance Reports

COUNCIL COMMITTEE MINUTES

Environmental Advisory Committee Minutes - 11 September 2013
Sports Advisory Committee Meeting Minutes - 24 September 2013
Community Development Committee Minutes - 8 October 2013
Disability Access Committee Minutes - 8 October 2013

DELEGATES REPORTS - NIL

NOTICES OF MOTION

Property Heritage Listing - Councillor P Pilbeam
DA'S with Septic Systems - Councillor P Pilbeam

QUESTIONS WITH NOTICE - NIL

NOTICE OF RECISSIONS - NIL

BUSINESS OF GREAT URGENCY

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

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MAYORAL MINUTES

ITEM-1 MAYORAL MINUTE - 28/10/13 - STATE MINE FIRE LITHGOW

REPORT BY: COUNCILLOR M STATHAM - MAYOR

SUMMARY

On Wednesday 16 October 2013 a fire commenced in the vicinity of the Army Camp at Reserve Road Marrangaroo. Thanks and a hearty congratulations should go to those hard working and dedicated people who participated in fighting the fire, and especially to the volunteers.

Thanks should also go to those many people that eagerly assisted in support areas.

COMMENTARY

As we all know a devastating fire commenced in the vicinity of the Army Camp in Reserve Road Marrangaroo on the afternoon of Wednesday 16 October 2013 that then proceeded to impact on many areas of the Lithgow township including burning near Oaky Park, Morts Estate, Clarence, Dargan, Doctors Gap and Hartley. The fire also of course travelled east and then severely impacted on a number of other communities outside of the Lithgow Local Government Area.

On Wednesday evening the RFS called two community meetings one at the Clarence Fire Station and the other at Oaky Park and the attendees were informed of the dire circumstances. With Clr Higlett we attended the meeting at the Oakey Park Oval with approximately 200 people in attendance.

On Wednesday and Thursday we had some absolutely dreadful weather conditions that assisted the fire in taking hold and promoting it. On Thursday the fire was out of control and crossed the Bells Line of Road. By this stage it had burnt a large area of land with some 165 plus fire fighters fighting the fire. The fire fighters were supported by aircraft working in very poor conditions and unfortunately the conditions eventually prevailed and required the aircraft to stand down.

Due to the fire threat many streets in Lithgow were barricaded to prevent traffic in the area and the fire threatened many sections of the Lithgow township and hundreds of houses, as a result some 40 houses in MacAuley Street forcibly evacuated and the Zig Zag School closed. At this time Council's own Water Treatment Plant was under severe threat however through the brave work of the Council staff and a fire fighting team the plant was not impacted too greatly. Unfortunately due to the fire the electricity supply to the Water Treatment Plant was cut for about a day. With the great assistance of Endeavour Energy a generator was located and delivered to the site allowing the plant to return to operations and in a relatively short period afterwards full electricity supply was returned to the plant.

Focus then shifted to the Clarence, Dargan and Bell areas and based on weather forecasts there was deep concern for the area. At the time strong winds, low humidity and higher temperatures were expected.

At this point I was fearing the worst for these areas. While eventually two houses were lost in Sandham Road, and I feel greatly for the people affected, it was a result that could be considered good considering the impact of fires in other areas and the 200 or so houses lost there. Many people in the Clarence and Dargan areas have lost sheds, fences and other assets.

With the RFS, Police, Deputy Mayor and General Manager we attended a community meeting at the Clarence Fire Shed on Saturday to inform them of the status of the fire. There were some 90-100 people in attendance. Unfortunately there have been other assets lost throughout this event with the Zig Zag Railway losing some significant items including rail motors, carriages, sheds and signal boxes.

By Monday night the fire ground had reached a perimeter of some 300kms covering a total areas of over 42,000 hectares. This equates to over 420 square kilometers and equivalent to one tenth of the size of the Lithgow Local Government Area.

I have been overawed with the efforts of the many people involved in dealing with this crisis, from the many brave fire fighters, to the coordination at the Fire Control Centre, to the efforts of the Council staff, to the many community groups, organisations and individuals who came forward to help, the many people who have come forward with donations of food, clothing and money to assist and the many people who have come from other states and territory to help. Assistance came from many different areas across NSW with fire fighters there from both the Sydney metropolitan area and many rural areas, fire fighters also came in from the ACT and Victoria and help was provided by Tasmania.

Throughout the event I paid many visits to the Fire Control Centre in Silcock Street Lithgow and saw first hand the coordination that went on there and was very impressed at how the different agencies worked together.

In addition I also paid a number of visits to the Lithgow Workies Club which was the Evacuation Centre for those people that had left their homes. I visited to the Civic Ballroom on a number of occasions and saw the many people who were sleeping there over night in makeshift, but comfortable, conditions. At the Ballroom there were the members of the Lithgow Lions Club who were helping with the preparation of the meals along side them were the many representatives of the Exclusive Brethren Rapid Response Team who were preparing and delivering meals to the fire fighters along with setting up the sleeping areas for the weary fire fighters.

Throughout the crisis a significant number of Council staff have been involved in a range of areas from providing support to the fire fighters by providing bulk water with the Council water carts, using heavy machinery, traffic control and road closures, mechanical repairs, electrical repairs, cleaning of various venues for the fire fighters and control centre along with providing secretarial and administration support. This support was provided around the clock. Most importantly, in addition to these people there are also those Council staff who are volunteer fire fighters and not to mention our own Councillor Hunter who spent many of these days, fighting the fire as a volunteer.

The Civic Ballroom has been used for fire fighters to sleep at and for food preparation for the volunteers and the nearby toilets for showering.

On Friday we were privileged to have the Premier of NSW, the Hon Barry O'Farrell, visit the Fire Control Centre. He was accompanied by the Rural Fire Services Commissioner and the NSW Fire Brigades Commissioner. Both of our local members, Paul Toole and John Cobb, also visited the Fire Control Centre.

I have to say that in this time of such an emergency I was very proud to be the Mayor and see how the people of the area banded together to overcome the crisis.

Hopefully the crisis will be over soon and we can return to normality.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The cost of holding a function to honour those that fought the Lithgow Fire.

At the time of writing this report Council staff are investigating an establishment of a Mayoral Appeal to provide support and assistance to those affected and also to the RFS.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Thank the many brave fire fighters who were involved in fighting the fire
2. Thank the many support staff who were involved
3. Thank Greg Wardle and Tom Shirt for the excellent efforts in coordinating the fighting of the fire
4. Thank Council's staff and especially the brave efforts of Iain Stewart, Rhys Brownlow and Glenn Ford
5. Hold an afternoon tea in honour of all of these people.

GENERAL MANAGERS REPORTS

ITEM-2 GM - 28/10/13 - RESOURCES FOR REGIONS - BLACK BRIDGE WALLERAWANG

REPORT BY: ROGER BAILEY - GENERAL MANAGER

SUMMARY

The New South Wales Government has announced the successful application for funding for the Black Bridge at Wallerawang under the *Resources for Regions* program.

COMMENTARY

The New South Wales Government previously announced the next round of the Resources for Regions program. This was part of a commitment to deliver up to \$160 million over four years from Restart NSW to the *Resources for Regions* program, for infrastructure programs for mining affected communities. The program is being administered by Infrastructure NSW and the initiative is designed to reinvest in communities that may be affected by the generation of mining wealth.

Following an Economic Assessment of Mining Affected Communities 2012, a number of Local Government Areas (LGAs) were included in the Resources for Regions Program in 2013/14.

In March Lithgow City Council made application for four projects under the Resources for Regions Program and endorsed another project for the program. The projects applied for by Lithgow City Council were;

- Completion of the Lithgow Aquatic Centre – Stages 2 to 4;
- Development of a Business/Industrial Park;
- Adventure Playground; and
- Replacement of Black Bridge at Wallerawang.

Under the eligibility requirements the funding was to be allocated through a competitive grants process following consultation with relevant stakeholders, which may include local councils, Members of Parliament and Regional Development Australia committees. However to be eligible for funding under *Resources for Regions*, projects had to be located in the following LGAs:

- Cobar
- Lithgow
- Mid-Western Regional
- Muswellbrook
- Narrabri
- Newcastle
- Singleton
- Wollongong (added later)

Proposals were to demonstrate that they:

- Fulfill the NSW Government's objectives for the Resources for Regions program, the strategic infrastructure objectives in [NSW 2021](#), and align with other regional strategies and policies; and
- Have a positive net economic impact.

It was also indicated that projects that involve partnerships, align with NSW Government priorities and/or produce a net economic benefit will be viewed favourably. This includes business projects that seek to deliver infrastructure with common user benefits.

The project Eligibility Criteria included:

- The degree to which public infrastructure in the community that is used by the mining industry is subject to particular stresses and is not keeping up with demand or is deteriorating
- Alignment with Government priorities, including the *NSW 2021* State Plan and Regional Strategies
- Alignment with strategic objectives, with reference to asset management strategies/plans
- Net economic benefits of the project (i.e. benefit-cost ratio)
- Affordability of the project and life-cycle cost impacts
- Project risk and risk management approach
- Implementation approach, including potential for private-public partnerships
- Compliance with application requirements.

Two projects for the Lithgow LGA were shortlisted, the other being the Lithgow Aquatic Centre. From the shortlisted projects the \$3.5M replacement of the Black Bridge at Wallerawang was selected.

Planning for the replacement of the bridge will now commence.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Media Release from Deputy Premier, Andrew Stoner, Projects Shortlisted Under First Round of the 2013/14 Resources for Regions
2. Media Release from Deputy Premier, Andrew Stoner, \$41.9M Investment in Resources for Regions Projects
3. Letter from Jenny Davis, Infrastructure NSW advising of the successful application for Black Bridge
4. Letter from Jenny Davis, Infrastructure NSW advising of the unsuccessful application for the Lithgow Aquatic Centre

RECOMMENDATION

THAT Council:

1. Note the report in relation to the announcement that the application under the Resources for Regions Program for the replacement of the Black Bridge at Wallerawang has been successful;
2. Accept the funding offer of \$3.5million for the project; and
3. Authorise the affixing of the Council seal to those agreements requiring this.

ITEM-3 GM - 28/10/13 - RESOURCES FOR REGIONS - 2013/14 SECOND ROUND

REPORT BY: ROGER BAILEY - GENERAL MANAGER

SUMMARY

The next round of the Resources for Regions funding has been announced and Lithgow Council is eligible to make application for further projects.

Closing date for applications is 11 November 2013.

COMMENTARY

The NSW Government allocated \$10 million to the Resources for Regions program in 2012-13. In the 2013-14 Budget, the NSW Government committed an additional \$120 million for projects to be selected over two rounds with the funding of \$41.6M for the first round announced just weeks ago. The Government has now announced that the 2013/14 Second Round is now open.

The application process is a two step process with the first step being the submission of an Expression of Interest followed by full applications from those that make the shortlist. Project nominations may be made by local councils, community groups, local businesses and non-government organisations. Project nominations involving partnerships of these entities and/or partnerships with NSW Government entities are also welcomed.

The Program is open to projects that cater for economic and social infrastructure. Social infrastructure applications will need to demonstrate how they support the economic development of an area and may include hospitals and other health facilities and services, child care, vocational training, workplaces for frontline staff such as police officers, teachers and nurses, affordable and rental housing and aboriginal employment projects. While examples of economic infrastructure include roads, rail, local facilities to improve the movement of freight, airports, public transport, local water and sewerage projects.

Following an Economic Assessment of Mining Affected Communities 2012, a number of Local Government Areas (LGAs) have been included in the Resources for Regions Program in 2013/14.

Eligibility Requirements

The funding is to be allocated through a competitive grants process following consultation with relevant stakeholders, which may include local councils, Members of Parliament and Regional Development Australia committees. However to be eligible for funding under *Resources for Regions*, projects must be located in the following LGAs:

- Cobar
- Lithgow
- Mid-Western Regional
- Muswellbrook
- Narrabri
- Newcastle
- Singleton
- Wollongong

Program Criteria

Projects will be recommended to the NSW Government by Infrastructure NSW, following review by the Regional Independent Assessment Panel. The Program Criteria includes:

1. Net economic benefits of the project for the Local Government Area, the mining affected region and the NSW economy
2. The degree to which the affected community is impacted by mining activity and the degree to which public infrastructure that is used by the mining industry (or is affected by mining activity) is subject to particular stresses, is not keeping up with demand, or is deteriorating
3. Alignment with Government priorities, including the strategic infrastructure objectives outlined in NSW 2021 Plan, community Strategic Plan and other regional strategies and policies;
4. Affordability of the project and lifecycle cost impacts;
5. Capacity to deliver the project - including project risks and risk management approach; and implementation approach, including potential for private-public partnerships.

Projects Funded in 2012-13 and 2013/14 First Round

The following infrastructure projects have been approved previously:

2012-13 Program

Muswellbrook Hospital Emergency Department Upgrade – \$4 million

Hunter New England Local Health District

Herbert Street Bridge Replacement, Broke – \$1.9 million

Singleton Council

Bridgeman Road - New England Highway Intersection Upgrade – \$2 million

Singleton Council

Pioneer Road Extension, Hunterview – \$2 million

Singleton Council

2013-14 First Round

Cobar Waste Water Treatment Plan – \$7.8M

Cobar Council

Replacement of Black Bridge Wallerawang – \$3.5M

Lithgow Council

Ulan Road Upgrade – \$9.5M

Mid-Western LGA

Roads safety and improvement project including an over dimension vehicle bypass and industrial services centre road network – \$7.6M

Muswellbrook Council

CBD renewal project to improve traffic flows – \$9M

Singleton Council

Upgrade Cordeaux Road and bridge – \$4.5M

Wollongong Council

Possible Projects for the 2013-14 Second Round Funding

Some projects that may be considered for the funding may include:

1. Completion of the Lithgow Aquatic Centre – est \$5.5M
2. Adventure Playground – est \$1.5M
3. Local road projects
4. Portland Sewerage Treatment Works Upgrade (est \$12M-\$15M project and funding request up to 50%)
5. Lithgow CBD Revitalisation

Conclusion

Lithgow has had a long and proud association with mining and as a result many hundreds of millions of dollars, if not billions, have been paid in royalties from the region since mining began here. The argument for Lithgow for this funding will not likely be on the stresses of rapid growth of the industry here, instead the argument is to be better made on dealing with deteriorating infrastructure, expanding services or diversifying the economy.

There appears to be no limit to the number of nominations that may be made.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Media Release from Deputy Premier, Andrew Stoner, \$41.9M Investment in Resources for Regions Projects
2. Restart NSW Resources for Regions, Expressions of Interest Guidelines, 2013-14 Second Round
3. Economic Assessment of Mining Affected Communities, February 2013
4. 2012 Economic Assessment of Mining Affected Communities, Addendum Report, Further Analysis of the Indirect Impacts of Mining

RECOMMENDATION

THAT Council:

1. Note the report on the Resources for Regions 2013-14 Second Round funding;
2. Submit nominations for the following projects, in priority order:
 - i) Portland Sewerage Treatment Works Upgrade
 - ii) Completion of the Lithgow Aquatic Centre
 - iii) Lithgow CBD Revitalisation

ITEM-4 GM - 28/10/13 - RETIREMENT OF FINANCE MANAGER - CAROL FARNSWORTH

REPORT BY: ROGER BAILEY - GENERAL MANAGER

SUMMARY

Long serving senior employee, Mrs Carol Farnsworth has announced her retirement from Council after completing almost 35 years of service with Council.

COMMENTARY

Council's Finance Manager, Mrs Carol Farnsworth, has recently announced her retirement from Council. Carol has had a long and distinguished career with Lithgow Council and this Council meeting will be her final official meeting. Her resignation will become effective from 13 November 2013.

It would be most fitting for Council to pay recognition of her long and illustrious career with the organisation and spend a few moments to reflect on this.

Carol first commenced with Council on 11 December 1978 as a Clerk in Council's Administration and Accounting Department. This was shortly after the amalgamation of Lithgow City and Blaxland Shire Council.

In March 1984 Carol then took on the role of Assistant Accountant, a role that later became known as the position of Management Accountant and in May 1993 she became the Finance Officer.

In June 2000 Carol was elevated to a managerial position with Council when she was appointed to position of Finance Manager. The title of this position later became known as Finance & Corporate Manager and finally Finance Manager, her present position today.

Carol has also performed a number of other functions such as the Council's Public Officer, GIPA Co-ordinator and Code of Conduct Complaints Co-ordinator and has also performed the function of Acting General Manager on a number of occasions.

During her career with Council there have been a number of significant occurrences impacting on her role with Council through many changes in legislation especially the new 1993 Local Government Act, involvement in council amalgamations, changes in staffing, different Town Clerks and General Managers but perhaps the area that has changed most in that time has been the introduction of accounting standards to be applied to local government.

Carol has been an extremely committed and dedicated employee of Council and one that will be hard to replace, particularly with her intimate knowledge of the organisation and its history.

It would be most fitting to hold a function to recognise Carol's service to Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Acknowledge the retirement of Carol Farnsworth from Council after almost 35 years of service;
2. Hold an appropriate function to recognise her service to Council.

SUMMARY

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

COMMENTARY

Lithgow City Council closed part or all of its business over the Christmas to New Year period in past years and will again cease operations over this period from close of business on Tuesday 24th December 2013 and reopen on Thursday 2nd January 2014.

The following arrangements have been decided on for the Christmas closure for 2013:

- Council administration areas and depots will close for business from close of business on Tuesday 24th December 2013 and will re-open on Thursday 2nd January 2014.
- Staff will have similar arrangements as previous years for leave.
- Outdoor staff will be required to use their RDO's, accrued leave or annual leave to cover the closure period.
- An outdoor "skeleton" crew will be required to work during this period to attend to emergencies.
- A number of staff, supervisors and managers will be required to be on call/ available during the period for emergency situations.

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

Essential Services Operating over Christmas/New Year

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the report on the Christmas and New Year Closure.

ENVIRONMENT AND DEVELOPMENT REPORTS

**ITEM-6 ENVIRO - 28/10/13 - DA136/13 - PROPOSED
TELECOMMUNICATIONS MONOPOLE, ANTENNAS & ASSOCIATED
FACILITIES, MADDOX LANE, LIDSDALE**

REPORT BY: A MUIR - GROUP MANAGER - ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 13-263: Ordinary Meeting of Council held on 29 July 2013

SUMMARY

To assess and recommend determination of DA136/13. A Recommendation will be made for approval subject to conditions

COMMENTARY

Council is in receipt of a Development Application 136/13 from Comm Plan Pty Ltd on behalf of NBN Co. for a 'Telecommunications Monopole, Antennas & Associated Facilities' on land known as Lot 424 DP 751651, Maddox Lane, Lidsdale NSW 2790.

The proposal is to provide NBN Co. fixed wireless broadband coverage to the Lidsdale area by installing a facility which comprises the following:

- One (1) 41.0 metre high monopole with three (3) panel antennas (1.18m metres each in length).
- One (1) radio transmission dish, 900mm in diameter.
- Two (2) outdoor equipment cabinets to house associated equipment at the base of the tower.
- Installation of an underground electrical supply route from an existing power pole to new NBN power pole.
- Installation of an electrical meter box on H-Frame.
- Installation of a 300mm wide cable ladder with ladder supports.
- Installation of a GPS unit.
- Installation of a 2.4m high chain link security compound fence (12m x 8m) with 3m wide access gates; and
- Ancillary equipment associated with operation of the facility, including cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment.

The monopole would connect signal from and to a larger network of poles, both existing and proposed, in an area stretching from the Blue Mountains to Bathurst and Orange.

Access to the site (Lot 424) is proposed to be gained from a new entry gate and new access track from Maddox Lane.

The subject site is located on a former Koppers Log manufacturing site on the north-western edge of Lidsdale. The immediate surrounding area is characterised by compacted groupings of mature trees, scattered vegetation and cleared grazing land with dwellings located in proximity to the site. The surrounding properties are predominantly large-lot and low density residential properties. Approximately 300 metres to the east lies the village of Lidsdale that is clustered along Wolgan Road. See 'Image 1' for the 'Site Context' (Locality) map showing the site and the surrounding Lidsdale area.



Image 1 – Site Context (Locality Map), Lidsdale.



Image 2 – Location of Proposed Telecommunications Monopole.

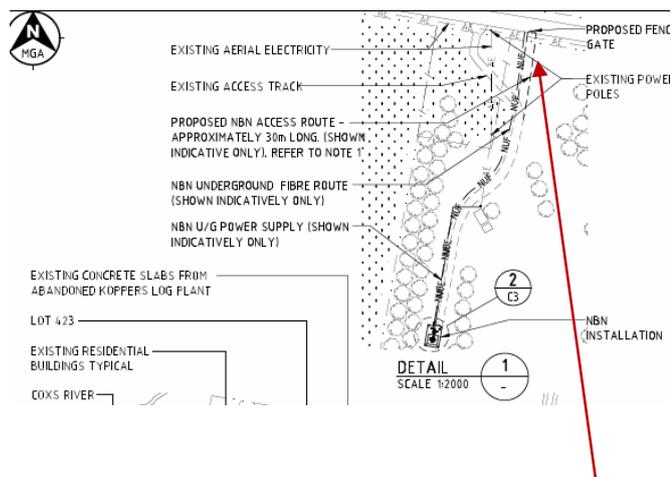


Image 3 – Location of proposed new entry

Zoning

The subject property is partly zoned 2(v) Village and 1(c) Rural (Small Holdings) under Lithgow City Local Environmental Plan 1994. The proposed development is defined as a 'utility Installation' under Model Provisions 1980 as below:

"utility installation" means a building or work used by a public utility undertaking, but does not include a building a designed wholly or principally as administrative or business premises or as a show room.

The development is permissible under Lithgow City Council's Local Environmental Plan 1994, subject to development consent however State Environmental Planning Policy (Infrastructure) 2007 is the overriding legislation that makes the proposal permissible.

The *Telecommunication Act 1997* (Commonwealth legislation) has been operative since 1 July 1997. This legislation establishes the criteria for 'low impact' telecommunication facilities. If a proposed facility satisfies the requirements of a 'low impact' facility, the development is exempt from the planning approval process.

The proposed facility is not 'low impact' under the definitions contained in the Commonwealth legislation therefore development consent from the Council is required for the proposed facility.

Referrals

The proposal was referred to the Sydney Catchment Authority (SCA), Rural Fire Service (RFS), Council's Operations Department, Council's Building Officer and Council's Environmental Officer for comment. No objections were raised subject to the recommendations detailed in the attached S.79C Report.

Public Consultation

The development was placed on public exhibition. There was a total of seven (7) submissions received (One (1) being a petition with 79 signatures) objecting to the proposal.

The following points were outlined in submissions as the main concerns:

1. Visual Impact:

- a. The proposed development will be visible from Wolgan Road, Maddox Lane and Ian Holt Drive; as a result, the proposal is considered to be significant and inappropriate in a rural setting.

2. Decreased Property Value:

- a. Due to significant visual impact the proposal will make the properties in the area less attractive – up to a 30% decrease in value.
- b. The proposal will be considered as an ‘eye sore’ or ‘visual discomfort’ for all residents and travellers. Thus, the proposal will be regarded as a trigger for the devaluation of properties in the Lidsdale locality.

3. Health Risk and Safety Concerns:

- a. The proposed development would impact on the health and wellbeing of local residents – both in the short and long term.
- b. NBN Co has not provided enough information in relation to health risks and safety matters.

4. Effects on Existing Services such as Digital Television Signal Reception and Internet Services:

- a. NBN Co has not provided information in relation to how the installation of the telecommunications tower will impact on current existing services that are available in the locality such as impact on digital television signal reception and internet services.
- b. Further, it has also been raised by local residents that currently local residents are having difficulties receiving digital television signals. What would be the impact on the digital television signal reception and internet services as a result of proposed development?

5. Misleading Proposal:

- a. It has been identified that the proposal retains misleading information as a result of numerous inconsistencies in the site plans.
- b. Objectors have also raised that the submitted *“plans do not appear to be drawn to scale, and show the proposed development **two and half times** further away from our properties than it actually will be. This appears a deliberate attempt to mislead residents and make us believe the impact (visual, property value etc.) will be much less than it actually will be”*.

The concerns raised by the objectors have been addressed in detail in the attached S.79C Assessment Report. It is considered that imposition of conditions of consent will satisfactorily address concerns raised in submissions and therefore the application is recommended for approval.

POLICY IMPLICATIONS

This application has been called in pursuant to Policy 7.7 “Calling in of Applications by Councillors” Item 3 that states:

Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development

application/construction certificate, the application shall not be determined under delegated authority but shall be:

- Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been “called in”; and
- Reported to an Ordinary Meeting of Council for determination.

This application is reported pursuant to the second dot point.

FINANCIAL IMPLICATIONS

Council’s Section 94A Development Contributions Plan is applicable. The Section 94A Development Contributions Plan applies to all development within the Local Government Area that has a development cost in excess of \$100,000.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. A Section 79C report.

RECOMMENDATION

THAT:

1. Council approve DA136/13 in accordance with the conditions outlined in the attached Section 79C report separately;
2. A Division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

**ITEM-7 ENVIRO - 28/10/13 - DA173/13 AND DA178/13 PROPOSED
UPGRADE TO EXISTING DEPOT MATERIAL RECYCLING FACILITY
AND NEW TRUCKWASH AT COUNCIL'S RECYCLING FACILITY
SITE - GEORDIE STREE**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To determine development applications DA 173/13 and DA 178/13 for proposed upgrades to the existing depot and recycling facility which includes the installation of a truck wash bay at Council's Waste Recycling Facility Site.

COMMENTARY

Council is in receipt of two Development Applications DA173/13 and DA 178/13 from JR & EG Richards (NSW) PTY LTD for proposed upgrades to the existing depot and recycling facility which includes a truck wash bay to be located on land known as Lot 1 DP 125085 and Lot 1 DP 190934, Geordie Street, Lithgow NSW 2790.

The existing Geordie Street Depot has been used as a waste management depot for the Lithgow City Council waste contract for over 20 years.

As such, the proposal involves:

- Demolition of concrete bunkers and removal of the existing (sanitary) shed and demountable building;
- New buildings (for parking of trucks and future truck wash);
- New office and amenities building; and
- Associated sustainable plumbing and electrical works, pavement construction, landscaping, drainage and other ancillary works.

The truck wash is subject to a separate DA (DA178/13), as the development was referred to the Office of Water who had no objection. As such, the proposal is for the use and associated internal fit-out of the truck wash building.

The proposed truck wash will:

- be approximately 12m by 8m with an eave height of approximately 6m,
- consist of a steel portal frame and colour bond cladding to 3 sides,
- have a reinforced concrete floor which will be bunded and graded to a primary treatment/grit pit, which would be discharged into a sump from which wash down will be treated in a ***Corrugated Plate Separator*** prior to discharge to sewer,
- roof water will be collected in a rainwater tank for reuse for the washing down of trucks.

The total site area is approximately 6ha, with the development to be located at the eastern portion of the site.

The hours of operation for truck movements to and from the site are currently between 5am and 6pm Monday to Saturday, whereas the activities at the waste industry site, which includes the sorting and piling of the recycling materials operate on 24 hours 7 days a week.

The proposal was sent to the Office of Water, The Rural Fire Service (RFS), The Sydney Catchment Authority (SCA), Councils Engineers, Building Surveyors and Environmental Officer for commenting. These comments are located within the attached Section 79C Report.

The proposal was also sent to adjoining neighbours and placed on public display in Councils Administration Building for a period of 14 days. As such no submissions were received.

POLICY IMPLICATIONS

Council's *Policy 7.6 – Development Applications on Council owned land* requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is to be dealt with under delegated authority. Given Council's ownership of this land, the proposal is reported to Council for determination.

FINANCIAL IMPLICATIONS

Councils Section 94A Contributions

C7 Are there any exemptions to the levy?

Council may consider exempting developments or components of developments from the Section 94A plan involved in the following applications:

h) An application for or on behalf of Lithgow City Council for community infrastructure such as libraries, community facilities, child care facilities, sport and recreational facilities, recreation areas of car parks.

Comment: The development is to be located on Council's land and would provide infrastructure that would improve Council's recycling facility. Whilst it may be argued whether or not the exemption specifically covers such a proposal, given the improvements to the facility, the Council may wish to exempt the contribution in this instance.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. A complete Section 79C report for DA 173/13
2. A complete Section 79C report for DA 178/13

RECOMMENDATION

THAT:

1. Council approve DA 173/13 and DA 178/13 in accordance with the conditions outlined in the attached Section 79C reports.
2. A Division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM-8 ENVIRO - 28/10/13 - DA200/13 PROPOSED S.E.S STORAGE SHED
10 FALNASH STREET PORTLAND NSW 2847**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To determine development application DA 200/13 for the proposed State Emergency Service (S.E.S) storage shed at 10 Falnash Street Portland.

COMMENTARY

Council is in receipt of a Development Application DA200/13 for a storage shed to be located on land known as Lot 11 DP 864218, 10 Falnash Street Portland NSW 2847.

The site currently consists of an existing office building used by the S.E.S as a headquarters for meetings and to coordinate operations during emergencies, as well as two (2) small storage sheds.

The development involves the construction of a new Colourbond shed, having external dimensions of 15m long x 15m wide x 4.8m high (wall height). The shed is proposed to be located to the south (rear) of the existing buildings onsite, having boundary setbacks of approximately 53m from the southern boundary alignment, 2m from the eastern boundary alignment and 1m from the western boundary alignment. The use of the shed will be primarily for vehicular storage as well as storage of equipment for use in an emergency situation.

The proposal will not have an impact on the adjoining properties, as the land to the west comprises of the Falnash street reservoir (Portland water supply) and the land to the east comprises of a commercial premises. Given the generous setback from the southern boundary alignment of the property, there is considered to be no impact on the adjoining residential property to the south.

The proposal was sent to adjoining neighbours and placed on public display in Council's Administration Building for a period of 14 days with no objections being raised by the surrounding neighbours.

POLICY IMPLICATIONS

Council's *Policy 7.6 – Development Applications on Council owned land* requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

FINANCIAL IMPLICATIONS

NIL. The proposal falls below the threshold that would trigger a contribution under Council's Section 94A Contributions Plan.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Section 79C report.

RECOMMENDATION

THAT:

1. Council approve DA 200/13 in accordance with the conditions outlined in the attached Section 79C report.
2. A Division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM-9 ENVIRO - 28/10/13 - SPRINGVALE COLLIERY MODIFICATION
APPLICATION DA 119/2 MOD 4**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of a 'Major Project' that has been submitted to the Department of Planning and Infrastructure (the Department) for the modification of the consent for Springvale Colliery, Castlereagh Highway, Lidsdale.

COMMENTARY

A 'Major Project' that has been submitted to the Department of Planning and Infrastructure for the modification the consent for Springvale Colliery, Castlereagh Highway, Lidsdale.

The proposed modification involves:

- Increasing run-of-mine coal production at Springvale Colliery from 3.4 to 4.5 million tonnes per annum.

The increase in production would be achieved through the installation and operation of new longwall equipment and the implementation of other operational practices to achieve improved utilisation of the equipment and greater efficiency.

A small increase in the total employment on site would be required to facilitate the operations. The proposed modification does not require any other changes to the existing mine operations.

The original DA (DA 11/92) covers the current operations such as coal processing, stockpiling, reject disposal, overland conveyors and transport logistics.

Potential impacts such as air quality, noise, greenhouse gas, traffic, social, effluent treatment and water management are addressed in reports that accompanied the application. A summary of key issues includes:

Air quality - Springvale Colliery would adopt a project-specific air quality impact criteria and ensure that the development complies with this criterion.

Noise - It is predicted that there would be no increase in noise levels associated with this modification; however, noise levels associated with the existing pit top operations are predicted to exceed the project specified noise levels during the night-time period at the nearest potentially affected residential receivers. Therefore, Springvale Coal would implement feasible and reasonable noise mitigation and management measures to reduce noise emissions from the existing Springvale Mine top pit operations.

Greenhouse Gas - The modification would include additional consumption of diesel. As such no particular design measure can be incorporated into the modification to avoid greenhouse gas emissions.

Traffic - The modification would result in up to seven additional vehicle trips per hour in the hour prior to the start of each shift and in the hour following the completion of each shift.

The Environmental Assessment Report concludes that the intersection of the Castlereagh Highway and the Mine Access Road is satisfactory for the development and does not require upgrade works to be undertaken.

Given the negligible impact of the modification, no further mitigation measures with regards to traffic generation are required.

Effluent Disposal - A sewer line would be connected into the Council sewer system to convey effluent from the Springvale Mine pit top facilities. This would provide a beneficial outcome to prevent risk of runoff from the existing effluent utilisation area.

Water Management - The modification is not expected to result in any changes to water management onsite and the mine will continue to operate within the approved limits.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 8 October 2013. A submission was made on behalf of Council regarding the development including a request that a Voluntary Planning Agreement be entered into between Lithgow City Council and Centennial Coal. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Infrastructure.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

It will be proposed that Council pursue a Voluntary Planning Agreement seeking a monetary contribution to be applied to community facilities.

LEGAL IMPLICATIONS

As the proposal falls within Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority.

RECOMMENDATION

THAT:

1. The information in the report on the Springvale Colliery Modification Project be noted.
2. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement in relation to the project.

**ITEM-10 ENVIRO - 28/10/13 - SECTION 96 MODIFICATION APPLICATION
S96034/13 DEVELOPMENT APPROVAL 067/10DA**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To determine a Section 96 Modification Application lodged in relation to Development Approval 067/10DA.

COMMENTARY

Council is in receipt of a Section 96 Modification Application in relation to a subdivision of 1 Lot into 23 at Lot 62 DP 1103064 – Surveyors Way South Bowenfels. The Section 96 Modification Application seeks modification of condition 34 of development consent which states:

All stormwater runoff from the roads and landscaped areas of the proposed development, including rainwater tank overflow, is to be directed to a bio-retention basin located on Council Reserve on Lot 68 as specified in Section 5.5 of the Water Cycle Management Study prepared by SEEC (dated 1 November 2010). The bio-retention basin is to be designed as per the report, in particular as elaborated below:

- *the bio-retention basin must have a minimum surface area of 350 square metres and filter area of 250 square metres;*
- *the filter depth above the underdrain must be a minimum of 400mm;*
- *a saturated / anoxic zone of 300mm must be incorporated below the underdrain;*
- *the basin must have an extended detention depth of 300mm;*
- *the filter media must be a sandy loam with a median particle diameter of 0.5mm;*
- *overflow and drainage discharge from the bio-retention basin is to be directed to the nearest watercourse, with the discharge point to be armoured such that discharge does not cause erosion;*
- *the bio-retention basin design must be consistent with Chapter 6 of WSUD Engineering Procedures: Stormwater (Melbourne Water 2005) and Adoption Guidelines for Stormwater Bio-filtration Systems (FAWB 2009);*
- *the bio-retention basin must be protected by sediment control measures, (including at roadside inlets) during any construction and post-construction period until the ground surface is revegetated or stabilised;*
- *Bio-retention basin is to be permanently protected from vehicular damage by bollards, fences, slotted kerbs or similar permanent structures, with signs to be erected to advise of the nature and purpose of its water quality management function*

The Modification Application includes an addendum to an associated Water Cycle Management Study that, among other things, reduces the size of a proposed Bio-Retention Basin from 250 square metres to 100 square metres and also treats some stormwater into site specific rain gardens or not into the same catchment as the Bio-Retention Basin. These site specific rain gardens if approved will also be subject to a public positive covenant requiring approval of the Sydney Catchment Authority.

Additionally, condition number 36 of the development consent states, that “any variation to stormwater management must be approved by the Sydney Catchment Authority.” Consequently, as the proposed new arrangements represent a variation from the original stormwater management thus necessitating this modification application.

Submissions

Council sought submissions on the Modification Application from residents in Stockade Close that had previously been involved in representations on the issue and one adjacent land owner. A further meeting was also arranged and was attended by one resident and representatives of an adjoining land owner. It was indicated in submissions, however that some residents could not attend as the meeting was in school holidays and they would be absent. A copy of all submissions is attached to the business paper for Council’s information which outlines all issues of concern for the residents, one adjoining land owner and one unsolicited submission from another company who was involved in the original Bowen Vista Development. The issues involving relevant planning matters, which must remain the focus of Council’s consideration, have been taken from the submissions and are summarised below.

As is customary in these situations the applicant has been provided an opportunity to respond to the issues raised in submissions. Comments were also sought from Council’s Group Manager Operations and the Sydney Catchment Authority on any of the issues raised where they may be able to assist having regard to their specific expertise, experience or area of responsibility.

- Devaluation of properties and reduction in lifestyle for properties adjacent

Applicants Comment: The devaluation of properties is questionable - SCA consider the bio-retention basin (they refer to it as a large rain garden) as an enhancement. Reduction in lifestyle would be minimal - if at all

Group Manager - Environment and Development Comment– The devaluation of properties is not an unusual claim, however the value of properties is based on other factors and there is no evidence that would suggest this would be an impact.

- The land where the bio retention basin was situated was intended to be parkland.

Applicants Comment: Lot 68 is a Council reserve - not necessarily a parkland?

Group Manager – Operations Comment – The bulk of the site is not suitable for establishment as formal recreation without significant earthworks. However, should some additional land be dedicated, as indicated in the original staging plans, there is a better opportunity to embellish with play equipment etc.

Group Manager - Environment and Development Comment – The land was dedicated for passive and active open space. It is common for drainage structures to be included in land used for this purpose. The original staging plan for Bowen Vista indicated further adjoining land that would be included with part of the dedicated land to become a ‘reserve’ which would front a public road in a future stage. The dedication of additional land may provide a more practical opportunity to embellish open space land for recreational pursuits. The current land, however, is not ideal for embellishment and is better suited to drainage purposes.

- The bio-retention basin will create flooding of properties

Applicants Comment - There will be NO flooding caused by the bio-retention basin - There is an overflow channel on the low side of the basin

Group Manager – Operations Comment – The bio-retention basin is appropriately designed so as not to create flooding.

Group Manager - Environment and Development Comment– The bio retention basin is appropriately designed to cater for overflows and the expert advice indicates that it would not create any flooding issues.

- The bio-retention basin will be unsafe primarily as it will contain water.

Applicants Comment -The basin will not contain water - it is designed to filter and not retain water

Group Manager – Operations Comment – The basin is not designed to retain water. It is designed to filter water out as rapidly as possible.

Group Manager - Environment and Development Comment – Expert advice has confirmed the bio retention basin will not retain water.

- Purchasers of properties adjoining the land were advised it would be a park and that is why it was a greater sale price. (NB - It is unclear in submissions who gave this advice)

Applicants Comment: Maybe the Real Estate agent gave advice regarding a park. I don't think there would be anything in writing!

Group Manager - Environment and Development Comment – It is assumed that the original developer and/or real estate agent provided this advice. The land was dedicated for passive and active open space. Drainage structures are often also included in land used for this purpose.

- The bio-retention basin will impact on the use of the land for recreation and its further development for recreation, e.g. play equipment

Applicants Comment - Did Council ever earmark this land for recreational land with playground equipment? - It does not appear to be suitable land

Group Manager – Operations Comment – The bulk of the site is not suitable for establishment as formal recreation without significant earthworks. However, should some additional land be dedicated, as indicated in the original staging plans, there is a better opportunity to embellish with play equipment etc.

Group Manager - Environment and Development Comment - The land was dedicated for passive and active open space. It is common for drainage structures to be included in land used for this purpose. The original staging plan for Bowen indicated further adjoining land that would be a 'reserve' which would front a public road in a future stage. The dedication of additional land may provide a more practical opportunity to embellish open space land for recreational pursuits.

- The bio-retention basin in its current state is unsafe

Applicants Comment - I concur it is unsafe in its current state - this will be rectified once we get the "go-ahead"

Group Manager – Operations Comment – The excavation on the site should be completed or filled to eliminate any potential risk.

Group Manager - Environment and Development Comment – The unfinished facility needs to be either finished or filled to eliminate any potential risks.

- The bio-retention basin will attract rats and snakes, mosquitoes, rubbish and contaminated runoff

Applicants Comment - The basin will be maintained by Council. No stagnant water will be present to encourage mosquitoes. Rats and snakes ??

Group Manager – Operations Comment – The basin will not be designed to retain water so there will not be an opportunity for water to stagnate.

Group Manager - Environment and Development Comment– The houses fronting Stockade Close are situated in proximity to what would be natural habitat for snakes. Whilst the bio retention basin would not be constructed so as to replicate that habitat, it could not be guaranteed that a snake would never be seen in the bio retention basin as is likely to be the case now. There would be no reason to see why rats or mosquitoes would inhabit the facility. There will be no stagnant water nor food sources for rats. Furthermore, should the modification application be approved the SCA will require the development of an Operational Environmental Management Plan detailing the procedures and responsibilities for the inspection, monitoring and maintenance of all stormwater management structures, including pits, pipes, lot scale rain gardens and the bio-retention basin. Council would take on responsibility for the ongoing maintenance of the bio-retention basin.

- General opposition to the facility unless entirely underground

Applicants Comment - Anything underground is not practical/feasible

Group Manager – Operations Comment – This is not proposed.

Group Manager - Environment and Development Comment - The modification application must be assessed for what it proposes and underground pipes are not proposed.

- Stormwater should be piped and the land restored

Applicants Comment - Stormwater is always controlled and directed into existing drainage lines

Group Manager – Operations Comment – This is not proposed.

Group Manager - Environment and Development Comment - The modification application must be assessed for what it proposes and pipes are not proposed.

- The bio-retention basin will impact on property values and insurance

Applicants Comment: The devaluation of properties is questionable - SCA consider the bio-retention basin (they refer to it as a large rain garden) as an enhancement. Reduction in lifestyle would be minimal - if at all

Group Manager - Environment and Development Comment –There is no evidence that would suggest this would be an impact.

- The photographic representation is incorrect. It does not accurately display the proximity of the basin to property boundaries or the steepness of the channel. Nor does it show the exit pipes (presumably headwalls) or the overflow channel

Applicants Comment - I understand the information supplied is accurate and representative

Group Manager – Operations Comment – The visual representation is to provide an idea of what the facility will look like. It should not be taken to replace the submitted plans.

Group Manager - Environment and Development Comment– The visual representation does not replicate every component of the design and may not be 100% precise in terms of location. However, the provision of a visual representation was to provide a basic understanding as to what the facility would look like. It was not intended to accurately replace the plans submitted with the application.

The Sydney Catchment Authority were also specifically requested to comment on the matters raised in submissions and have commented as follows:

“The bio-retention basin shall highly unlikely cause flooding of the upstream properties. In extreme storm events, the stormwater shall bypass bio-retention basin and overflow to the adjoining wetland.

The purpose of the bio-retention basin is to treat stormwater runoff from the subdivision before it enters the adjoining wetland. If the bio-retention basin is designed, constructed, maintained and managed appropriately, it is highly unlikely to cause water ponding within bio-retention basin and it is also highly unlikely to attract rats, snakes, mosquitoes and rubbish.

One of the concurrence conditions require bio-retention basin to be permanently protected from vehicular damage by bollards, fences, slotted kerbs or similar permanent structures, with signs to be erected to advise of the nature and purpose of its water quality management function therefore it is unlikely to be unsafe.”

Referrals

The Modification Application was referred to the Sydney Catchment Authority (whose concurrence is required) and Council’s Group Manager of Operations. The responses are as follows:

Sydney Catchment Authority (SCA)

The SCA advised as follows.

Based on the SCA’s site re-inspection and the information provided, the proposed modification has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

The Chief Executive therefore does not object to the modification subject to the SCA’s previously provided Conditions 4 to 10 being replaced with the following. All other conditions in the SCA’s previous concurrence advice to Council dated 23 May 2011 still apply.

Water Cycle Management

- iv. All stormwater management measures as specified in Section 5 of the Water Cycle Management Study (dated 1 November 2010) and modified with a Section 96 application stormwater management report (dated 8 August 2013) both prepared by Strategic Environmental & Engineering Consulting, are to be implemented in particular as elaborated or varied in the conditions below.

Reason for Condition 4 – To ensure that a sustainable neutral or beneficial effect on water quality can be achieved over the long term for the development as a whole.

Subdivision Road

- v. The subdivision roads and associated stormwater management structures are to be constructed as specified in Section 5.4 of the Section 96 application stormwater management report prepared by Strategic Environmental & Engineering Consulting (dated 8 August 2013) and to be consistent with Council's engineering standards. The subdivision roads are to incorporate the following design requirements:
- kerbing and guttering linked to a piped stormwater system
 - gross pollutant traps with fine-mesh filter (Enviropod 200 or equivalent) installed in all roadside pits
 - an inter-allotment drainage is to be installed to drain proposed Lots 1 to 9, 13 and 21 as shown Figure 1 of the report. The inter-allotment drainage is to be connected to the existing drainage infrastructure in the existing subdivision in the east, and
 - most stormwater runoff from roads and proposed Lots 10 to 12, 14 to 20 and 22 is to be directed to a bio-retention basin located on the Council Reserve on Lot 68.
- vi. All stormwater structures and drainage works associated with the proposed subdivision roads must be wholly located in the road reserve or within suitably defined easements.

Reason for Conditions 5 & 6 – To ensure that the proposed subdivision roads and associated drainage works and water quality control measures are appropriately designed and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

Stormwater Management

- vii. There is to be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being the Sydney Catchment Authority, placed over all lots requiring that:
- each future dwelling is to have a rainwater tank or tanks with a minimum capacity of 10,000 litres
 - all roofs and gutters are to be designed so as to maximise the capture of rainwater in the tanks
 - the rainwater tanks are to be plumbed to toilets, showers and other areas of non-potable use including laundry and landscape or garden irrigation, and
 - any overflow from the tanks is to be directed to the stormwater or inter-allotment drainage system.
- viii. Most of the stormwater runoff from the roads and landscaped areas of the proposed Lots 10 to 12, 14 to 20 and 22, including rainwater tank overflow, is to be directed to a bio-retention basin located on Council Reserve on Lot 68 as specified in Section 5.5 of the Section 96 application stormwater management report prepared by Strategic Environmental & Engineering Consulting (dated 8 August 2013). The bio-retention basin is to be designed as shown on the Proposed Bio-retention Plans (Drawing No. BV-BRD CEH Ref – 4/4459; Sheets 1 to 3; dated 23-08-2013) prepared by Craven, Elliston & Hayes (Lithgow) Pty Ltd, in particular as elaborated below:
- the bio-retention basin must have a minimum filter area of 100 square metres
 - the filter depth above the underdrain must be a minimum of 400mm
 - a saturated / anoxic zone of 300mm must be incorporated below the underdrain
 - the basin must have an extended detention depth of 300mm
 - the filter media must be a sandy loam with a median particle diameter of 0.5mm
 - be planted with appropriate deep-rooted water-tolerant plants

- overflow and drainage discharge from the bio-retention basin is to be directed to the nearest watercourse, with the discharge point to be armoured such that discharge does not cause erosion
 - the bio-retention basin design must be consistent with Chapter 6 of WSUD *Engineering Procedures: Stormwater* (Melbourne Water 2005) and *Adoption Guidelines for Stormwater Bio-filtration Systems* (FAWB 2009)
 - the bio-retention basin must be protected by sediment control measures, (including at roadside inlets) during any construction and post-construction period until the ground surface is revegetated or stabilised, and
 - bio-retention basin is to be permanently protected from vehicular damage by bollards, fences, slotted kerbs or similar permanent structures, with signs to be erected to advise of the nature and purpose of its water quality management function.
- ix. There is to be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being the Sydney Catchment Authority, placed over proposed Lots 4 to 6, 8, 9, 13 and 21 requiring:
- to have a raingarden positioned to collect rainwater tank overflow and runoff from the around the future dwelling on the lot
 - the raingarden shall meet the following specific requirements:
 - a minimum filter area of 10 square metres
 - a minimum filter depth above the underdrain of 400mm
 - have an extended detention depth of 200mm
 - a saturated / anoxic zone of 200mm must be incorporated below the underdrain
 - a filter media consisting of a clean sandy loam, and
 - be planted with appropriate deep-rooted water-tolerant plants
 - the raingarden design shall be consistent with Chapter 6 of WSUD *Engineering Procedures: Stormwater* (Melbourne Water 2005) and *Adoption Guidelines for Stormwater Bio-filtration Systems* (FAWB 2009)
 - the discharge and overflow from each raingarden shall be connected to the inter-allotment drainage, and
 - the raingarden shall be retained, managed and maintained and no development shall take place within one metre of the structure.
- x. An Operational Environmental Management Plan detailing the procedures and responsibilities for the inspection, monitoring and maintenance of all stormwater management structures, including pits, pipes, lot scale raingarden and the bio-retention basin is to be developed in consultation with the Sydney Catchment Authority and provided to Council.
- xi. No variation to stormwater management is allowed without prior agreement of the Sydney Catchment Authority.

Reason for Conditions 7 to 11 – To ensure the stormwater management measures are appropriately designed, managed and maintained so as to achieve a sustainable neutral or beneficial effect on water quality over the longer term.

Group Manager of Operations

The Group Manager has reviewed the plans and associated documentation submitted with the modification application and considers that they are in compliance with all reasonable Engineering requirements. The modification application reduces the amount of stormwater being diverted to the proposed bio-retention basin and the size of this facility. The use of site specific rain gardens has assisted in this regard. The bio-retention facility is designed with an overflow channel and will not cause flooding of properties. The batters associated with the swale drain and basin in relation to the site and other properties meets current engineering specifications.

The means of vegetating the swale and bio-retention basin appear reasonable but Council will reserve the right to discuss this further at the appropriate time with the applicant. There is no other reasonable alternative to drain stormwater from the bulk of the allotments in the subdivision other than through the land at the rear of dwellings in Stockade Close and if the SCA requires a bio-retention basin there are also no other suitable sites. This has been confirmed with SCA when a site inspection occurred to look for alternative sites.

POLICY IMPLICATIONS

Policy 7.6 states:

“OBJECTIVE:

To provide a transparent protocol for the determination of development applications lodged by councillors, staff and relatives thereof or development applications for development on Council owned land.

POLICY:

That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is in any way connected to the application, or where the development application is on Council owned land, that such an application be referred to Council for consideration and determination and that no aspect of the application be dealt with under delegated authority.”

It has been alleged by an objector that the original development application came within the purview of this policy, claiming that the development application was on Council owned land. However, the development application referred to lot 62. The development application was not a development application for development on Council owned land. The policy also does not apply to the modification application, however given that the issue has caused public interest amongst the local community it is considered reasonable to report the matter to Council for determination.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The Modification application has been lodged under Section 96 of the Environmental Planning & Assessment Act Section 96(3) of the Act requires Council to consider the necessary heads of consideration under Section 79C of the Environmental Planning & Assessment Act. Separate to the DA process is the process under Section 68 of the Local Government Act. This process provides a mechanism for approval of activities such as water supply work, sewerage work and stormwater drainage work. This is a standard process that, in the context of new developments and subdivisions, provides an approval mechanism for services and utilities to occur off the site of the actual development.

ATTACHMENTS

1. Submissions by nearby residents; one adjoining land owner; and one unsolicited submission. All private submissions have had the personal details redacted to protect the privacy of the individuals however those representing companies remain viewable.
2. Plans of subdivision layout showing catchments and drainage directions, plans for the proposed bio-retention basin and a visual representation.

RECOMMENDATION

THAT:

1. The Section 96 Modification Application be approved by varying the original Sydney Catchment Authority Conditions of approval (Numbered 28 to 36 in the original consent) with the following as outlined in the SCA response and the consent document be re-numbered accordingly:

Water Cycle Management

- iv. *All stormwater management measures as specified in Section 5 of the Water Cycle Management Study (dated 1 November 2010) and modified with a Section 96 application stormwater management report (dated 8 August 2013) both prepared by Strategic Environmental & Engineering Consulting, are to be implemented in particular as elaborated or varied in the conditions below.*

Reason for Condition 4 – To ensure that a sustainable neutral or beneficial effect on water quality can be achieved over the long term for the development as a whole.

Subdivision Road

- v. *The subdivision roads and associated stormwater management structures are to be constructed as specified in Section 5.4 of the Section 96 application stormwater management report prepared by Strategic Environmental & Engineering Consulting (dated 8 August 2013) and to be consistent with Council's engineering standards. The subdivision roads are to incorporate the following design requirements:*

- *kerbing and guttering linked to a piped stormwater system*
- *gross pollutant traps with fine-mesh filter (Enviropod 200 or equivalent) installed in all roadside pits*
- *an inter-allotment drainage is to be installed to drain proposed Lots 1 to 9, 13 and 21 as shown Figure 1 of the report. The inter-allotment drainage is to be connected to the existing drainage infrastructure in the existing subdivision in the east, and*
- *most stormwater runoff from roads and proposed Lots 10 to 12, 14 to 20 and 22 is to be directed to a bio-retention basin located on the Council Reserve on Lot 68.*

- vi. *All stormwater structures and drainage works associated with the proposed subdivision roads must be wholly located in the road reserve or within suitably defined easements.*

Reason for Conditions 5 & 6 – To ensure that the proposed subdivision roads and associated drainage works and water quality control measures are appropriately designed and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

Stormwater Management

- vii. *There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Sydney Catchment Authority, placed over all lots requiring that:*
 - *each future dwelling is to have a rainwater tank or tanks with a minimum capacity of 10,000 litres*
 - *all roofs and gutters are to be designed so as to maximise the capture of rainwater in the tanks*
 - *the rainwater tanks are to be plumbed to toilets, showers and other areas of non-potable use including laundry and landscape or garden irrigation, and*

- any overflow from the tanks is to be directed to the stormwater or inter-allotment drainage system.
- viii. Most of the stormwater runoff from the roads and landscaped areas of the proposed Lots 10 to 12, 14 to 20 and 22, including rainwater tank overflow, is to be directed to a bio-retention basin located on Council Reserve on Lot 68 as specified in Section 5.5 of the Section 96 application stormwater management report prepared by Strategic Environmental & Engineering Consulting (dated 8 August 2013). The bio-retention basin is to be designed as shown on the Proposed Bio-retention Plans (Drawing No. BV-BRD CEH Ref – 4/4459; Sheets 1 to 3; dated 23-08-2013) prepared by Craven, Elliston & Hayes (Lithgow) Pty Ltd, in particular as elaborated below:
- the bio-retention basin must have a minimum filter area of 100 square metres
 - the filter depth above the underdrain must be a minimum of 400mm
 - a saturated / anoxic zone of 300mm must be incorporated below the underdrain
 - the basin must have an extended detention depth of 300mm
 - the filter media must be a sandy loam with a median particle diameter of 0.5mm
 - be planted with appropriate deep-rooted water-tolerant plants
 - overflow and drainage discharge from the bio-retention basin is to be directed to the nearest watercourse, with the discharge point to be armoured such that discharge does not cause erosion
 - the bio-retention basin design must be consistent with Chapter 6 of WSUD Engineering Procedures: Stormwater (Melbourne Water 2005) and Adoption Guidelines for Stormwater Bio-filtration Systems (FAWB 2009)
 - the bio-retention basin must be protected by sediment control measures, (including at roadside inlets) during any construction and post-construction period until the ground surface is revegetated or stabilised, and
 - bio-retention basin is to be permanently protected from vehicular damage by bollards, fences, slotted kerbs or similar permanent structures, with signs to be erected to advise of the nature and purpose of its water quality management function.
- ix. There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Sydney Catchment Authority, placed over proposed Lots 4 to 6, 8, 9, 13 and 21 requiring:
- to have a raingarden positioned to collect rainwater tank overflow and runoff from the around the future dwelling on the lot
 - the raingarden shall meet the following specific requirements:
 - a minimum filter area of 10 square metres
 - a minimum filter depth above the underdrain of 400mm
 - have an extended detention depth of 200mm
 - a saturated / anoxic zone of 200mm must be incorporated below the underdrain
 - a filter media consisting of a clean sandy loam, and
 - be planted with appropriate deep-rooted water-tolerant plants
 - the raingarden design shall be consistent with Chapter 6 of WSUD Engineering Procedures: Stormwater (Melbourne Water 2005) and Adoption Guidelines for Stormwater Bio-filtration Systems (FAWB 2009)
 - the discharge and overflow from each raingarden shall be connected to the inter-allotment drainage, and

- *the raingarden shall be retained, managed and maintained and no development shall take place within one metre of the structure.*
 - x. *An Operational Environmental Management Plan detailing the procedures and responsibilities for the inspection, monitoring and maintenance of all stormwater management structures, including pits, pipes, lot scale raingarden and the bio-retention basin is to be developed in consultation with the Sydney Catchment Authority and provided to Council.*
 - xi. *No variation to stormwater management is allowed without prior agreement of the Sydney Catchment Authority.*
Reason for Conditions 7 to 11 – To ensure the stormwater management measures are appropriately designed, managed and maintained so as to achieve a sustainable neutral or beneficial effect on water quality over the longer term.
2. A Division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

OPERATION REPORTS

ITEM-11 OPER - 28/10/13 - TENDER EVALUATION REPORT - SOUTH BOWNFELS SEWERAGE SCHEME UPGRADE

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

The aim of this report is to evaluate the tenders received for the upgrade of the South Littleton/South Bowenfels wastewater upgrade and recommend to Council acceptance of the most beneficial tender.

COMMENTARY

The South Bowenfels Sewerage Scheme Upgrade involves the replacement of the existing South Bowenfels and South Littleton sewerage pump stations and their connecting pipelines. This infrastructure is now at its capacity and the upgrade is to provide sufficient system capacity to accommodate the higher flows associated with the ultimate development of the two catchments in the future.

Tenders for the South Littleton/Bowenfels Sewerage Scheme Upgrade were advertised through the Electronic Tenderlink.Com and in the Sydney Morning Herald on Tuesday 6 August 2013 and in the Lithgow Mercury on Thursday 8 August 2013. The closing date for tenders was extended to Wednesday 4 September 2013. At the closing date 11 tender responses were received electronically and recorded in accordance with the current SWP.

The tender called for prices; against a specific scope of work and the pricing of three separable portions of that same scope of work. The tender explicitly sought innovative design that might result in cost benefits to Council.

Tender Evaluation

Tender prices were ranked based on price and scored on a scale from 0 to 5, and weightings were applied based on the following criteria:-

- 50%; Separable Portion 1 (rising and gravity mains)
- 70%; Separable Portion 2 (South Bowenfels pump station)
- 60%; and Separable Portion 3 (South Littleton pump station)

Technical Schedules submitted with the tenders were also scored on a scale from 0 to 5 against a prescribed criteria and weighted according to the relative importance of each schedule.

Tenders were ranked according to their Total Weighted Scores. The tender prices that accompanied those total weighted scores are shown below:

Eden	\$2,502,200 (Inc gst)
Precision Civil Infrastructure	\$3,368,373 (Inc gst)
TCM	\$4,007,400 (Inc gst)
TWS	\$4,022,871 (Inc gst)
Kerroc	\$3,759,915 (Inc gst)
Eire	\$4,288,004 (Inc gst)

Redline	\$4,178,959 (Inc gst)
Haslin	\$4,738,960 (Inc gst)
Ledonne	\$3,618,976 (Inc gst)
Diona	\$4,936,972 (Inc gst)
Thiess	\$5,073,611 (Inc gst)

A tender evaluation committee consisting of Public Works Department officers and Council officers was established to review the tenders received.

The results of the review process indicated that if a single contract is to be awarded then the tender submitted by Precision Civil Infrastructure would be recommended for \$3,368,373 (Inc gst).

If multiple contracts based on the separable tendered options are to be awarded the following tenders would be recommended:

SP1 (rising and gravity mains) Eire	\$1,758,091 (Inc gst)
SP 2 (South Bowenfels pump station) Precision	\$730,677 (Inc gst)
SP3 (South Littleton pump station) TCM	\$709,320 (Inc gst)
Total	\$3,198,088 (Inc gst)

The difference between these two possible outcomes, i.e. the award of a single contractor or three separate contractors, is \$170,285 (Inc gst) or 5% of the tender price.

The advantages to council of supervising a single contract as opposed to three separable portions and the difficulties of coordinating the three separable portions works to ensure that the whole project is completed and is operational without delays tend to suggest that the single contract is the most beneficial to Council

Summary

Three of the eleven tenderers were qualitatively assessed as unacceptable, which included the lowest tender whose tender contained too many errors or omissions. On the other hand, the recommended tenderer who was Tender Price Ranked at 2, has been highly recommended by the PWD, and has presented a most professional tender submission, resulting in an overall ranking of 1 for the total weighted score.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

There are sufficient funds in Sewerage Fund to finance this project including \$750,000 allocated in 2012/13 and \$2,500,000 provided in 2013/14 Budget, thus a total of \$3.25M.

Budget Information

Western Railway Line and Barton St crossing	\$115,620 (excl gst)
Main St and Enfield Ave services maze crossing	\$83,250 (excl gst)
South Bowenfels Sewerage Scheme Upgrade	\$3,062,148 (excl gst)
Total	\$3,261,018 (excl gst)

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Tender Score card review

RECOMMENDATION

THAT Council:

1. Accept the tender from Precision Civil Infrastructure Pty Ltd at a price of \$3,368,373 (inc GST) for the upgrade of the South Littleton/South Bowenfels Wastewater Infrastructure;
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this project.

ITEM-12 OPER - 28/10/13 - TENDERS FOR SUPPLY AND DELIVERY OF PRE-MIXED CONCRETE

REPORT BY: C SCHUMACHER – WORKS MANAGER OPERATIONS

SUMMARY

To advise Council of tenders received for supply & delivery of pre-mixed concrete to be utilised on both maintenance and capital works projects for a period up to 2 years, 30th June 2015.

COMMENTARY

Presently Council has no contracts for the supply of pre-mixed concrete products, therefore pursuant to s167 of the Local Government (General) Regulation 2005 tenders were invited for the procurement of such goods and services.

Recent tendering for the supply & delivery of pre-mixed concrete closed on the 19th September 2013, and the following submissions were received from concrete providers within the Lithgow City Council LGA:

1. Hy-Tec Industries Pty Ltd
2. Hanson Construction Materials Pty Ltd

Further to the above 2 tenders, an additional late tender submission was received from Holcim (Australia) Pty Ltd. The late tender was not considered.

A large component of Council's maintenance and capital construction activities requires the use of medium to large volumes of concrete at any one time. Over the last three financial years Council has purchased a total of 725 cu meters of ready mixed concrete at a cost of \$391,754. Council predominately uses 20-25 MPa for the majority of its projects

Projects that commonly fall into the common categories requiring concrete can include:

- Footpath Construction/Maintenance.
- Kerb & Gutter Construction/Maintenance.
- Stormwater Drainage Pit Construction.
- Building Maintenance/Capital Works.
- Parks & Playground Construction/Maintenance.
- Flood Mitigation Works.
- Special Projects

The main issues reviewed in the tender documents include the prices for supply of ready mixed concrete with strengths ranging from 20Mpa to 32Mpa and the delivery tariffs.

Other relevant information that was assessed includes:

- Ability to supply concrete on request and in a timely manner.
- Hours of delivery
- Waiting time/Truck Standby Fee's
- Returned Concrete & Environmental Charges

- Cancellation of orders
- Minimum load charges
- Manual additions
- Small Aggregates
- Administration Charges
- Slump Modifications

Evaluation of both tenders on the aforementioned criteria indicates a benefit of accepting both submissions based on the locality of each concrete batching plant. Economies can be achieved by using the products supplied by Hanson Construction Materials Pty Ltd to service the Lithgow and close outskirts, whilst Hy-Tec Industries Pty Ltd would best provide product and delivery services to Wallerawang, Portland, rural villages and other rural areas.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Tender submission schedules received for supply of pre-mixed Concrete.

RECOMMENDATION

THAT Council:

1. Accept the tenders for the supply and delivery of pre-mixed concrete received from Hanson Construction Materials Pty Ltd at a rate of \$160 plus gst for 20Mpa plus delivery and Hy-Tec Industries Pty Ltd at a rate \$180 plus gst for 20 Mpa including delivery .
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this project.

**ITEM-13 OPER - 28/10/13 - LITHGOW AQUATIC CENTRE UPGRADE
CONSULTANT FEE PROPOSAL FOR STAGES 2 AND 3**

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report aims to inform Council of a Fee Proposal for consultancy and project management services for stages 2 and 3 of the Lithgow Aquatic Centre upgrade.

COMMENTARY

Lithgow City Council engaged Facility Design Group Architects in January 2011 to prepare a master plan for the Lithgow Aquatic Centre. The master plan included a four (4) stage redevelopment of the complex to incorporate an outdoor splash park, indoor 25 metre pool, kiosk, administration area, and new amenities.

The re-development plan comprises of the following stages:

Stage 1: Demolition of the existing toddler's pool and 15m learn to swim pool; construction of a new pool entry building including amenities, kiosk and administration; and construction of a hidroplay splash park.

Stage 2: Construction of a new 25m pool.

Stage 3: Enclosure of the 25m pool constructed in Stage 2.

Stage 4: Upgrade of the existing 50m pool, including retiling and the installation of a wet deck.

Stages 1, 2 and 3 have DA approval (DA046/11), and construction of stage 1 was successfully completed in July 2012.

Facility Design Group Architects were engaged by Council to assist with the stage 1 redevelopment, including the preparation of detailed structural, hydraulic and mechanical plans for the development application, and to oversee the tendering process.

Councillors will be aware that section 55 of the Local Government Act 1993 requires Councils to invite tenders before entering into a contract for the provision of services to the Council at a value in excess of \$150,000. Section 55(3) outlines the types of contracts that are exempt from the tender process. Extenuating circumstances and cases of emergency are defined by the Act and should be used as an exemption to the tendering requirements only after careful consideration with the reasons clearly documented.

Section 55(3)e states that a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenders, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders

Due in part to the time constraints associated with this project, the previous involvement of Facility Design Group in the development of the project, the economies of engaging a consultant familiar with the project, the consultant's experience in similar projects, and the success of Stage 1 of the project, Facility Design Group was recently invited to provide Council with a fee proposal

for consultancy services and project management for Stages 2 & 3. The fee proposal totalled \$211,500 ex GST, which included \$161,500 for technical design and contract documentation services, and \$50,000 for project management services.

Facility Design Group provided an updated opinion of cost for stages 2 and 3 in line with the fee proposal, with the total cost estimated at \$3,620,180 ex GST. A full breakdown of costs is attached.

It is suggested that for the reasons outlined above that Council not proceed to call tenders for consultancy services for stages 2 and 3 and accept Facility Design Group's fee proposal for design consultancy and project management for a total of \$211,500.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funding for this expenditure is available from the LIRS source of revenue previously reported to Council.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Facility Design Group fee proposal for design consultancy services and project management for stages 2 & 3 of the aquatic centre redevelopment.
2. Detailed opinion of cost breakdown for stages 2 & 3 of the aquatic centre redevelopment

RECOMMENDATION

THAT:

1. Council **NOT** proceed to call tenders for the engagement of consultants to prepare the detailed design and contract documentation of Stages 2 and 3 of the Lithgow Aquatic Centre due to the involvement of Facility Design Group in previous stages of the project
2. Council accept Facility Design Group's fee proposal for \$161,500 ex GST for consultancy services including technical design and contract administration.
3. Council accept Facility Design Group's fee proposal for \$50,000 ex GST for the project management for Stages 2 & 3 of the Lithgow Aquatic Centre Redevelopment.

ITEM-14 OPER - 28/10/13 - WATER REPORT - OCTOBER 2013

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No. 13-268: Ordinary Meeting of Council held on 29 July 2013

SUMMARY

This report provides an update on various water management issues as per Minute Number 13-268.

COMMENTARY

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

Current Dam Levels for both Farmers Creek and Fish River

- Farmers Creek Dam #2 capacity on Monday 14 October was 90%
- Oberon Dam capacity on Monday 14 October was 83.82%

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 2013/2014 and Table 2 below indicates total output from the Oakey Park Water Treatment Plant (consumption) and the volume transferred from the Clarence Transfer System (CWTS) for 2012/2013.

Table 1 - Oakey Park Monthly Output and Clarence Transfer 2013/2014

Month Total	Oakey Park WTP (ML)	Clarence Transfer (ML)	Farmers Ck Dam Accumulative Yield (ML)	Fish Rivers Co-supply
July 2013	102.9	0	102	44
August 2013	102	0	204.9	67
September 2013	106.4	0	317.3	73

Table 2 - Oakey Park Monthly Output and Clarence Transfer 2012/2013

Month Total	Oakey Park WTP (ML)	Clarence Transfer (ML)	Farmers Ck Dam Accumulative Yield (ML)
July 2012	107	0	107
August 2012	106	0	213
September 2012	115	0	328
October 2012	140	0	468
November 2012	140	5	608
December 2012	135	81	743
January 2013	146	73	889
February 2013	92	0	981
March 2013	114	0	1,095
April 2013	109	0	1,204
May 2013	123	0	1,327
June 2013	154.5	0	1481.5

The monthly average for 2012/2013 was 123.4 ML.

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 June.

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.

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 August with Council approving ten (10) applications for a household appliance rebate and no applications for a water tank rebate.

Alternate Water Sources Update

The Lithgow villages and Marrangaroo Zone are currently being supplied from Fish River Water Scheme (FRWS). The Clarence Water Transfer Scheme construction is continuing.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

CORPORATE AND COMMUNITY REPORTS

ITEM-15 COMM - 28/10/13 - RECOGNITION OF SIR JOSEPH COOK

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No 10-179:	Ordinary Meeting of Council held on 3 May 2010
Min No 12-244:	Ordinary Meeting of Council held on 23 July 2012
Min No 12-369:	Ordinary Meeting of Council held on 15 October 2012
Min No 13-61:	Ordinary Meeting of Council held on 25 February 2013
Min No 13-175:	Ordinary Meeting of Council held on 27 May 2013
Min No 13-223:	Ordinary Meeting of Council held on 8 July 2013
Min No 13-297:	Ordinary Meeting of Council held on 19 August 2013

SUMMARY

This report discusses community submissions received during a 28 day public exhibition period of a proposal to name the new boardwalk on Hassans Walls in recognition of Sir Joseph Cook and recommends that the proposal proceed.

COMMENTARY

Following consideration of earlier proposals to recognise Sir Joseph Cook, Council resolved at the Ordinary Meeting of Council held 19 August 2013 (Min 13-297), THAT:
Council place on public exhibition for a period of 28 days, a proposal to name the new boardwalk and lookout on Hassans Walls as Sir Joseph Cook Lookout.

The proposal was subsequently exhibited for 28 days until 27 September 2013 with three written submissions received on the proposal.

Submission 1

Opposes the proposal and states that there is no proven link between Sir Joseph Cook and the creation of Hassans Walls lookout. Considers that the lookout should be named after Joseph Padley or others who were involved in its creation.

Submission 2

Opposes the proposal and suggests that the lookout be named in recognition of the traditional owners of the land. Proposes instead that the Civic Ballroom be named after Sir Joseph Cook.

Submission 3

Proposes that the lookout and boardwalk be named Padley's Lookout area and that a monument recognising Sir Joseph Cook be located elsewhere, possibly in Queen Elizabeth Park.

Conclusion

Council has on a number of occasions considered options for recognising Sir Joseph Cook. Council initially considered a proposal to rename Cook Street Plaza to Sir Joseph Cook Plaza. It was found however that Cook Street Plaza was named after the County of Cook and in turn Captain James Cook, therefore Council resolved at the Ordinary Meeting of Council held 15

October 2012 (Min 12-369), to investigate another icon to name after Sir Joseph Cook and instead investigate the renaming the Cook Street Plaza after Marjorie Jackson.

Following a suggestion from the Sir Joseph Cook 100th Anniversary Commemoration Projects Committee, Council then resolved at the Ordinary Meeting of Council held 25 February 2013 (Min-13-61) to exhibit for 28 days, a proposal to re-name the walking track from Eskbank Street to Bracey Lookout, known as Eskbank Track, to Sir Joseph Cook Track.

Following the exhibition period, this proposal was reported back to the Ordinary Meeting of Council on 27 May 2013 at which time Council resolved (Min 13-175) to research a more fitting location to honour Sir Joseph Cook.

Council then resolved at the Ordinary Meeting of Council held 19 August 2013 (Min 13-297), to exhibit the current proposal.

Given the amount of time that has elapsed and the number of options that have been considered by Council, it is considered appropriate that the new boardwalk and lookout on Hassans Walls being a significant piece of new infrastructure, be named after Sir Joseph Cook.

Council is also asked to note that subsequent to its resolution at the Ordinary Meeting of Council held 8 July 2013 (Min 13-223) to rename Cook Street Plaza to Marjorie Jackson Plaza and its resolution at the Ordinary Meeting of Council held 3 May 2010 (Min 10-179) to rename the unnamed park in Church Street Lithgow to Jim Robson Park, advice has been received from the Geographic Names Board of NSW stating that it is currently reviewing the Commemorative Naming Policy, in particular the naming of features after people still living. The Board has therefore deferred the names of Marjorie Jackson Plaza and Jim Robson Park whilst the review is being undertaken.

This policy review may also delay the adoption of the re-naming of the Hassans Walls lookout and boardwalk.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Submission 1
2. Submission 2
3. Submission 3
4. Advice from Geographic Names Board of NSW

RECOMMENDATION

THAT Council proceeds with the proposal to name the new boardwalk and lookout on Hassans Walls as Sir Joseph Cook Lookout and boardwalk.

FINANCE REPORTS

ITEM-16 FINAN - 28/10/13 - DELOITTE ACCESS ECONOMICS REVIEW OF LOCAL GOVERNMENT RATING EXEMPTION PROVISIONS

REPORT BY - C FARNSWORTH - FINANCE MANAGER

SUMMARY

To advise Council of a review on the current provisions for rating exemptions in NSW under Sections 554, 555, 556, 557 and 558 of the Local Government Act 1993 with a recommendation that the information be noted.

COMMENTARY

Deloitte Access Economics were commissioned by Local Government NSW (LGNSW) to conduct a review on the current provisions for rating exemptions in NSW under Sections 554, 555, 556, 557 and 558 of the Local Government Act 1993. Recommendations for reform were made in conjunction with the review of the Local Government Act.

The review includes the effect any changes will have on various Acts and Regulations, including the Local Government (General) Regulation 2005, the State Owned Corporations Act 1989, National Parks and Wildlife Act 1974, Nature Conservation Trust Act 2001, Water Management Act 2000, Education Act 1990, Charitable Fundraising Act 1991 and Health Services Act 1997.

The appropriateness of existing rate exemptions were evaluated against a Council's ability to raise sufficient general revenue to provide required services and facilities to the community.

The review includes comparisons of current rating exemptions in NSW to both interstate and overseas practices as well as alternative forms of rate relief.

To ensure that a Council's revenue base is sustainable in the long term, it is essential that any rate exemption such as rebates, are appropriately targeted to only capture legitimate purposes of land use.

Where rating exemptions are granted on a property the amount will be added to the notional yield and distributed across all assessable properties.

The findings highlighted areas where appropriate changes to current rating exemption legislation would achieve a more equitable balance whilst taking into consideration a ratepayers 'capacity to pay', and the overall benefit to the community as a whole.

Reform recommendations which may be considered include:

1. Exemptions in regard to Crown land not held under a lease for private purposes - commercial enterprises such as Forestry Corporation NSW.
2. Exemption in regard to National parks and conservation areas - commercial activities.

3. Exemption in regard to land used for certain religious and charitable purposes - commercial purposes.
4. Exemption in regard to land used in conjunction with education - non-student residential accommodation, commercial precincts.
5. Exemption in regard to rail infrastructure facilities - commercial activity.

The review recommends that effective refinement could be achieved by a Council requesting more specific information on exempt activities conducted by the entity or by granting only partial rebates in lieu of full rate exemptions.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the review on the current provisions for rating exemptions in NSW under Sections 554, 555, 556, 557 and 558 of the Local Government Act 1993.

**ITEM-17 FINAN - 28/10/13 - RETURNS UNDER SEC 449 LG ACT 1993
DISCLOSING INTERESTS OF COUNCILLORS & DESIGNATED
PERSONS**

REPORT BY - C FARNSWORTH - FINANCE MANAGER

SUMMARY

To advise Council of returns lodged with the General Manager under Section 449 of the Local Government Act 1993 for Councillors & Designated Person for the period 1 July 2012 to 30 June 2013 and seek confirmation of the positions noted as designated persons.

COMMENTARY

Section 449 of the Local Government Act requires Councillors and designated persons to lodge returns under Section 449 for the period 1 July 2012 to 30 June 2013.

At the due date for the returns, all designated persons and seven elected Councillors have responded by supply their completed return. Councillor J McGinnes responded by supply of his return after the due date on 15 October 2013. The return for suspended Councillor M Ticehurst remains outstanding as at 17 October 2013.

Section 449 states:

*Division 2 Disclosure of interests in written returns
Table of Provisions*

449 Returns disclosing interests of councillors and designated persons

- 1. A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form in Part 1 of Schedule 3.*
- 2. A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in the previous year or if the person ceases to be a councillor or designated person within the 3-month period.*
- 3. A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form in Part 1 of Schedule 3.*
- 4. A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.*
- 5. Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.*
- 6. Nothing in this section or Schedule 3 requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.*

Section 450A requires the returns lodged under section 449 to be tabled at a meeting of Council and as such the returns are available at this meeting.

Section 441 defines designated persons as:

- *the general manager*
- *other senior staff of the council*
- *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest*
- *a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

In addition to the General Manager the following positions have been classified as designated persons:

- Group Manager Building & Development
- Group Manager Operations
- Group Manager Corporate & Community
- Finance Manager
- Development Manager
- Water & Waste Manager
- Information Technology Manager
- Community & Culture Manager
- Tourism Manager
- Works Engineer
- Team Leader Building
- Team Leader Planning
- Team Leader Environment
- Strategic Land Use Planner(s)
- Property Officer
- Building & Development Officers (4)

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Register of Disclosures by Councillors and Designated Persons Section 449 Local Government Act 1993 as at 30 June 2013 (to be tabled at the meeting)

RECOMMENDATION

THAT:

1. Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the period 1 July 2012 to 30 June 2013 from all designated persons and eight Councillors
2. Note that as at the date of this report 17 October 2013 suspended Councillor Martin Ticehurst had not submitted a disclosure under Section 449 of the Local Government Act 1993 for the period 1 July 2012 to 30 June 2013
3. Reaffirm the following positions as 'designated persons' for the period 1 July 2013 to 30 June 2014:
 - General Manager
 - Group Manager Building & Development
 - Group Manager Operations
 - Group Manager Corporate & Community
 - Finance Manager
 - Development Manager
 - Water & Waste Manager
 - Information Technology Manager
 - Community & Culture Manager
 - Tourism Manager
 - Works Engineer
 - Team Leader Building
 - Team Leader Planning
 - Team Leader Environment
 - Strategic Land Use Planner(s)
 - Property Officer
 - Building & Development Officers
4. Council advise the Division of Local Government that a Return has not been received from suspended Councillor M Ticehurst as at 17 October 2013.

**ITEM-18 FINAN - 28/10/13 - VALUER GENERAL PROPERTY REVALUATIONS
FROM 1 JULY 2014**

REPORT BY - C FARNSWORTH - FINANCE MANAGER

SUMMARY

To advise Council of a revaluation of all properties in the Lithgow LGA by the Valuer General which will be applicable from the 2014/15 rating year.

COMMENTARY

New land values for rating purposes are to be provided every three years. The process is conducted by the Valuer General and the process will be similar to the following:

- July 13 - Nov 13: Market analysis & determination of land values as at 1 July 13
- Nov 13: Land values audit by land & property information
- Dec 13 - Jan 14: Land values issued to Council
- Jan 14 - Feb 14: Notices of Valuation issued to landowners
- Feb 14 - Apr 14: VG asks for objections for a period of 60 days
- Mar 14 - Apr 14: Objection period closes & considered by the VG
- July 14: New valuations will apply for the rating year commencing 1 July

The unimproved capital land value provided by the VG is the value of the land only and does not include structural improvements and the legal effect of encumbrances such as easements, but does include clearing, filling, draining and retaining walls.

An easement is an acquired legal right used by the owner of the land over the land of another. Land valuations do not take easements into account, as the valuations are required to be made on the hypothetical basis that the land is free of impediments to title. However, the physical effects of an easement, for example transmission lines, access roads and pipes laid for drainage will be reflected in the land value.

Properties listed on the State Heritage Register are valued under the provisions of s 124 and 125 of the Heritage Act 1977. The value is known as the heritage value and takes into consideration the impact of the heritage listing for rating and taxation purposes.

The Valuer General will individually notify each property owner of their valuation during January - February 2014. The notification will include steps that can be taken *by the owner* should they wish to enquire or object to the valuation, Council is not involved in this process and does not receive the objections.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Draft 2014/15 Operational Plan & Delivery Program: Rate Models

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note that the Valuer General will revalue all properties in the Lithgow LGA applicable from the 2014/15 rating year.

ITEM-19 FINAN - 28/10/13 - ADVICE OF INELIGIBILITY OF DVA PENSIONERS TO CLAIM A REBATE FOR 2013/14 RATING YEAR

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min No 12-275: Ordinary Meeting of Council held on 15 October 2012

SUMMARY

The purpose of this report is to advise Council that four Department of Veteran Affairs pensioners no longer receive a Centrelink Pension Concession Card which deems them ineligible to receive a rebate on their annual rate notice. A recommendation is included that Council continue to allow the rebate for the 2013/14 financial year at its own cost of \$1,900.

COMMENTARY

At the meeting of 15 October 2012 Council considered a report on five Department of Veteran Affairs pensioners whose records no longer match with Centrelink and therefore Council could not verify their ongoing eligibility to receive a rebate on annual rates and charges.

Minute No: 12-275 from the meeting of 15 October 2012 resolved that:

THAT:

1. *Council write off 2012-13 annual income of \$1,625 as the equivalent pension rate rebate on the following five DVA pensioner properties:*

- Property No: 12250
- Property No: 14510
- Property No: 27350
- Property No: 52480
- Property No: 63750

2. *Council consider the rebate of the five properties on an annual basis*

During August 2013 four of the five Department of Veteran Affairs (DVA) pensioners were again rejected from holding a Pension Concession Card, due to their personal changing circumstances and accordingly this made them ineligible to receive a concession on Council rates.

The personal circumstances of pensioners are known to change on a regular basis but Council should consider the current rejections in isolation due to the fact that the rejected pensioners are all war widows, aged in their late 80's or 90's and they have claimed, and been granted, a Council pension rebate for many years.

Council officers contacted each pensioner to advise that their DVA Pension had been rejected. We also contacted Centrelink who talked in general terms, advising that some DVA pensions have changed and ultimately the flow on affected many NSW pensioners, rejecting their pension

rebate. The Department of Veteran Affairs advised that it is a decision of the individual Council as to whether the pension rebate is continued to be granted under these circumstances.

Council may continue to grant the pension rebate to the DVA pensioners but it must be noted that reimbursement cannot be sought from the State Government and Council will meet the write off by reducing general, water and sewerage rate income.

The properties involved for 2013/14 are:

- Property No: 12250
- Property No: 14510
- Property No: 27350
- Property No: 63750

POLICY IMPLICATIONS

Council write off 2013/14 annual income of \$1,900 being the value of the pension rebate due to the four properties listed.

FINANCIAL IMPLICATIONS

Reduction of \$1,900 rate Income as detailed in Council's 2013/14 Operational Plan.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Write off 2013/14 annual income of \$1,900 as the equivalent pension rate rebate on the following four DVA pensioner properties:
 - Property No: 12250
 - Property No: 14510
 - Property No: 27350
 - Property No: 63750
2. Consider the rebate of the four properties on an annual basis.

ITEM-20 FINAN - 28/10/13 - COUNCIL INVESTMENTS HELD TO 30 SEPT 2013

REPORT FROM - C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min No 13-302: Ordinary meeting of Council held on 19 August 2013
 Min No 13-323: Ordinary meeting of Council held on 9 September 2013

SUMMARY

To advise Council of investments held as at 30 September 2013 in the 2013/14 financial year.

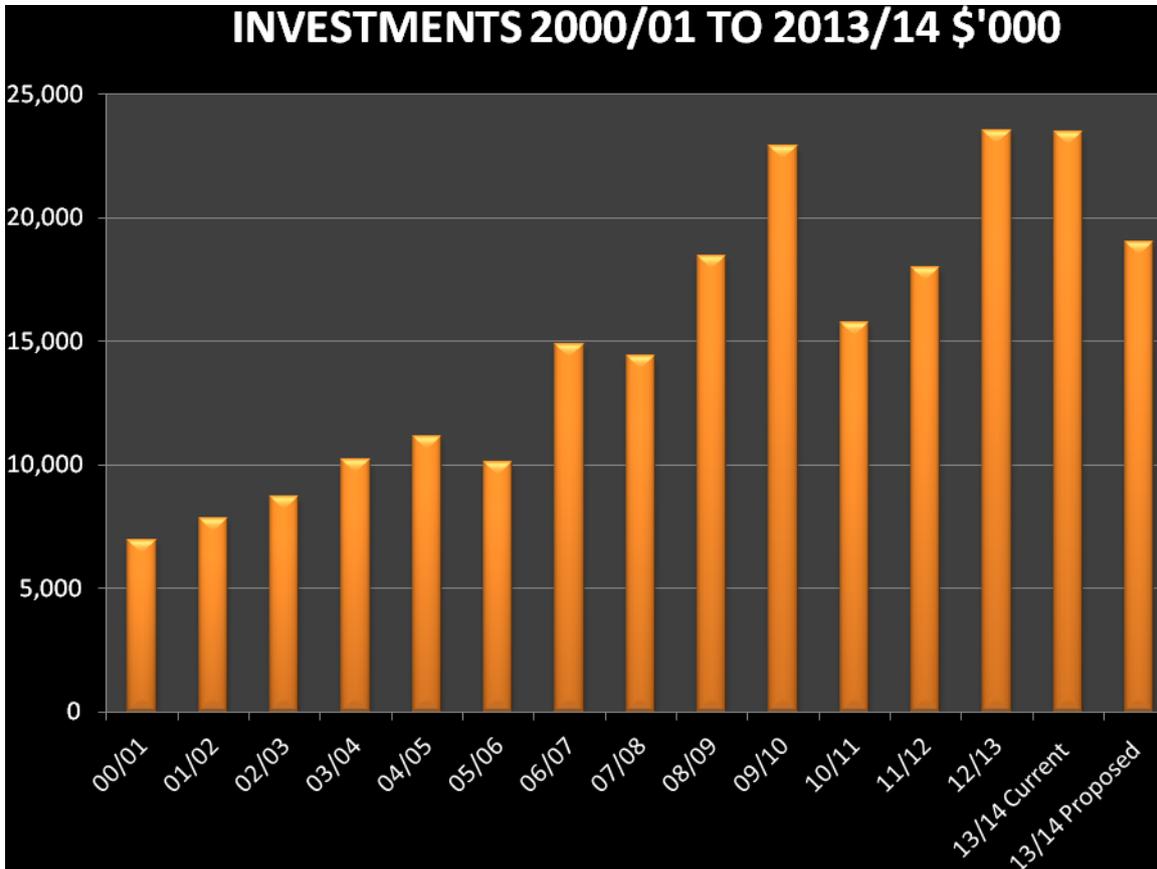
COMMENTARY

Council's total investment portfolio, as at 30 September 2013 when compared to 31 August 2013, has increased by \$2,063,409.69 from \$21,429,726.24 to \$23,493,135.93.

INVESTMENT REGISTER 2013/14								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.08.13	VALUE 30.09.13	% OF TOTAL
ANZ	TD	09.09.13	09.12.13	91	3.31	875,622.02	883,200.35	3.84%
	TD	09.09.13	09.12.13	91	3.31	521,659.92	526,174.78	2.29%
	TD	25.09.13	06.01.14	102	3.32	522,766.87	522,766.87	2.27%
	TD	03.07.13	03.10.13	92	3.46	1,034,081.14	1,034,081.14	4.49%
CBA	On Call				2.45	2,141,243.24	2,144,296.02	9.32%
	TD	09.09.13	09.12.13	90	3.32	505,017.81	509,699.95	2.22%
	TD	06.09.13	05.11.13	60	3.29	0.00	500,000.00	2.17%
	TD	12.08.13	12.09.13	30	3.33	501,528.77	0.00	0.00%
	TD	24.09.13	25.11.13	60	3.30	1,013,107.74	1,019,130.87	4.43%
IMBS	TD	25.09.13	03.01.14	100	3.55	1,017,086.36	1,027,193.13	4.46%
	TD	25.09.13	03.01.14	100	3.55	508,543.18	513,596.57	2.23%
	TD	29.08.13	27.11.13	90	3.60	510,153.77	510,153.77	2.22%
NAB	TD	30.08.13	30.11.13	90	3.80	1,183,576.86	1,183,576.86	5.14%
	TD	24.07.13	24.10.13	90	4.02	1,078,077.13	1,078,077.13	4.69%
	TD	08.06.13	08.12.13	180	4.06	523,823.94	523,823.94	2.28%
	TD	02.09.13	01.12.13	90	3.80	0.00	1,500,000.00	6.52%
WESTPAC	TD	09.04.13	09.10.13	182	4.26	606,949.68	606,949.68	2.64%
	TD	28.06.13	01.10.13	92	3.80	1,240,206.32	1,240,206.32	5.39%
	TD	09.04.13	09.10.13	182	4.26	266,358.25	266,358.25	1.16%
	TD	17.09.13	18.02.14	153	3.58	1,047,632.37	1,057,666.68	4.60%
	TD	03.06.13	03.10.13	90	3.89	517,431.70	517,431.70	2.25%
ST GEORGE	TD	19.04.13	19.10.13	182	4.05	899,885.97	899,885.97	3.91%
	TD	15.07.13	15.10.13	92	3.54	541,723.95	541,723.95	2.35%
	TD	13.08.13	12.11.13	90	3.39	541,681.45	541,681.45	2.35%
	TD	26.08.13	26.11.13	90	3.21	539,346.48	539,346.48	2.34%
	TD	25.09.13	08.01.14	104	3.27	513,722.94	518,384.45	2.25%
	TD	12.12.13	12.12.13	91	3.31	500,000.00	504,637.81	2.19%
	TD	09.09.13	09.12.13	91	3.30	505,302.74	509,896.17	2.22%
SUNCORP	TD	05.09.13	04.12.13	90	3.70	1,235,060.48	1,247,394.12	5.42%
	TD	22.08.13	25.11.13	91	3.70	538,135.16	538,135.16	2.34%
			TOTAL			21,429,726.24	23,505,469.57	100.00%
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.31	2,750,000.00	2,750,000.00	

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

On the graph below historical and current investments to 30 September 2013 are shown.



POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 30 September 2013 is \$16,966.69 and is paid on the maturity date of the investment.

LEGAL IMPLICATIONS

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

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

RECOMMENDATION

THAT Investments of \$23,505,469.57 for the period ending 30 September 2013 be noted.

COMMITTEE MEETINGS

ITEM-21 ENVIRO - 28/10/13 - ENVIRONMENTAL ADVISORY COMMITTEE
MINUTES - 11/09/13

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 11 September 2013.

COMMENTARY

At the Environmental Advisory Committee meeting held on 11/09/13 there were a number of items discussed including;

- The Generic Community Lands Plan of Management
- Update on recycle bins
- Hassans Walls Boardwalk

None of the items discussed require a resolution from the Council

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Environmental Advisory Committee meeting of 11/09/13

RECOMMENDATION

THAT Council notes the minutes of the Environmental Advisory Committee held on 11 September 2013.

**ITEM-22 OPER - 28/10/13 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 24 SEPTEMBER 2013**

REPORT BY - L KEARNEY – ASSETS AND PROJECT ENGINEER

REFERENCE

Min No 13-326: Ordinary Meeting of Council held on 9 September 2013

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 24th September 2013.

COMMENTARY

At the Sports Advisory Committee held on 24th September 2013, there were numerous items discussed by the Committee including:

1. Financial Assistance Requests
2. 2013 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
3. Booking Requests
4. Participation and Facility Program - NSW Department of Sport and Recreation
5. Lithgow District Junior Cricket Association – 2013 / 2014 Delegates

Item 7 was outside the Committee’s delegations and require Council to formally approve the recommendation, being:

THAT:

1. Council support the Lithgow Hockey Association making an application for funding of \$16,500.00 under the NSW Department of Sport and Recreation’s Participation and Facility Program for the improvements at Glanmire Oval, Lithgow (as they are the organisation providing the matching funding of \$16,500.00); and
2. Council make an application for funding of \$50,000.00 under the NSW Department of Sport and Recreation’s Participation and Facility Program for the lighting upgrades at Kremer Park, Portland and Wallerawang Oval, Wallerawang.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Sports Advisory Committee meeting of 24th September 2013.

RECOMMENDATION

THAT:

1. Council note the minutes of the Sports Advisory Committee held on the 24th September 2013;
2. Council support the Lithgow Hockey Association making an application for funding of \$16,500.00 under the NSW Department of Sport and Recreation's Participation and Facility Program for the improvements at Glanmire Oval, Lithgow (as they are the organisation providing the matching funding of \$16,500.00); and
3. Council make an application for funding of \$50,000.00 under the NSW Department of Sport and Recreation's Participation and Facility Program for the lighting upgrades at Kremer Park, Portland and Wallerawang Oval, Wallerawang.

**ITEM-23 COMM - 28/10/13 - COMMUNITY DEVELOPMENT COMMITTEE
MINUTES - 8 OCTOBER 2013**

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No 13-209: Ordinary Meeting of Council held on 17 June 2013

SUMMARY

This report details the minutes of the Community Development Committee meeting held on 8 October 2013.

COMMENTARY

At the Community Development Committee meeting held on 8 October 2013 various items were discussed by the committee. Matters of interest include:

- Planning for Australia Day 2014
- Signage at Marjorie Jackson Plaza
- War Memorial Queen Elizabeth Park
- Update on Current Projects including Lithgow History Avenue, Blast Furnace Park, Eskbank House Fence, Bowenfels Gun Emplacement Site and Grandparents Day.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Community Development Committee meeting 8 October 2013.

RECOMMENDATION

THAT Council notes the minutes of the Community Development Committee meeting held 8 October 2013.

**ITEM-24 COMM - 28/10/13 - DISABILITY ACCESS COMMITTEE MINUTES - 8
OCTOBER 2013**

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min No 13-185: Ordinary Meeting of Council held on 27 May 2013
Min No 13-275: Ordinary Meeting of Council held on 29 July 2013
Min No 13-325: Ordinary Meeting of Council held on 9 September 2013

SUMMARY

This report details the minutes of the Disability Access Committee meeting held on 8 October 2013.

COMMENTARY

At the Disability Access Committee meeting held on 8 October 2013 various items were discussed by the committee. Matters of interest include:

- Access issues at the Lithgow Valley Plaza.
- Disability Access at the entrance of the Civic Ballroom.
- Overview of the Pedestrian Access and Mobility Plan (PAMP) of the Great Western Highway through Lithgow.
- Access issues outside the Portland Chemist.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Disability Access Committee meeting 8 October 2013.

RECOMMENDATION

THAT Council notes the minutes of the Disability Access Committee meeting held 8 October 2013.

NOTICES OF MOTION

ITEM-25 NOTICE OF MOTION - 28/10/13 - PROPERTY HERITAGE LISTING - COUNCILLOR P PILBEAM

COMMENTARY

Through consultation, councillor information sessions and submissions from the ratepayers of Lithgow LGA.

RECOMMENDATION

THAT Council list all proposed Heritage Conservation zone on the differed list and develop policy of consultation with affected land owners before any zone is imposed.

**ITEM-26 NOTICE OF MOTION - 28/10/13 - DA'S WITH SEPTIC SYSTEMS -
COUNCILLOR P PILBEAM**

COMMENTARY

Through consultation, councillor information sessions and submissions from the ratepayers of Lithgow LGA.

RECOMMENDATION

THAT Council resolves that lots of under 4000m² are assessed on merit when DA's are submitted with regards to septic systems.

**ITEM - 27 LATE REPORT - ENVIRO - 28/10/13 - POSSIBLE ACCEPTANCE
OF WASTE FROM BLUE MOUNTAINS AREA - LITHGOW
LANDFILL - RECENT BUSHFIRES**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To advise the Council of a request to accept waste from Blue Mountains area at Lithgow Landfill due to recent bushfire damage.

COMMENTARY

Council has received advice through the Environment Protection Authority in relation to the co-ordination of disaster management following the recent bushfires in the Lithgow and Blue Mountains area. A potentially serious issue has arisen whereby the waste management facility at Blaxland would not be capable of handling all waste from damaged structures particularly from the Winmalee area and the EPA is investigating other possible landfills where waste could be taken. Particularly in relation to the damaged structures in the Mt Victoria area and the damage of 13 structures in relation to the State Mine (some within the Lithgow LGA) Council has been requested to consider allowing waste from these areas to be disposed of at the Lithgow Landfill. A preliminary estimate of waste is as follows:

Mount Victoria fire -	8 structures, 1,200 t (780 t contaminated, ie assumed proportion of asbestos)
Lithgow State Mine fire -	13 structures, 1,800 t (1,170 t contaminated, ie assumed proportion of asbestos)

Should Council choose to accept the tonnages from the Mt Victoria and Lithgow State Mine fires then this would not be a significant impost on the Lithgow facility. However, given the distance of travel and quantities involved for the Links View Road fire (approximately 43,000 tonnes) it is suggested that this waste should go to a Sydney based landfill.

POLICY IMPLICATIONS

Council has a long standing policy not to accept waste from outside the Local Government area. However, given the current situation it would not be unreasonable to accept some waste in this instance.

FINANCIAL IMPLICATIONS

Fees will be payable to Council's Contractor Henry Plant and Equipment Hire. There may be some instances where hardship may apply, but this would need to be considered on a case by case basis.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council temporarily (6 month maximum) waive its requirement to not accept waste from outside of its Local Government Area and accept up to 1,200 tonnes of waste at the Lithgow Landfill from the damaged properties associated with the Mt Victoria fire and up to 1,800 tonnes of waste from damaged structures relating to the Lithgow State Mine fire.

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.*