



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

10 FEBRUARY 2014

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 16 DECEMBER 2013

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 3 FEBRUARY 2014

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES

Bushfire Appeal Committee

STAFF REPORTS

General Managers Reports

Environment and Development Reports

Operation Reports

Corporate and Community Reports

COUNCIL COMMITTEE MINUTES

Environmental Advisory Committee Minutes - 28 November 2013

Howard Sons Pyrotechnics Pty Ltd Community Liaison Committee Meeting Minutes - 22 January 2014

Crime Prevention Committee Minutes - 16 December 2013

Disability Access Committee Minutes - 17 December 2013

Aquatic centre Committee Minutes - 5 December 2013

Operations Committee Minutes - 16 December 2013

Operations Committee Minutes - 17 January 2014

Sports Advisory Committee Minutes - 10 December 2013

Sports Advisory Committee Minutes - 28 January 2014

DELEGATES REPORTS - NIL

NOTICES OF MOTION - NIL

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 - 10/02/14 - MAYORAL BUSHFIRE APPEAL COMMITTEE

REPORT BY: COUNCILLOR M STATHAM - MAYOR

SUMMARY

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 Local Government Area. To assist the community rebuild after the October fires I established the Lithgow City Council Mayoral Bushfire Appeal. I now seek Council's endorsement of the establishment of the Lithgow City Council Bushfire Appeal Committee with the role of overseeing and co-ordinating the distribution of funds.

COMMENTARY

In establishing the Mayoral Bushfire Appeal Fund, Council has already applied for, and been granted Deductible Gift Recipient (DGR) status in October 2013 which required the preparation of a Public Fund Rules (PFR) document. Council's PFR document outlines the rules and principles that Council will use to manage the collection and distribution of funds. The Deductible Gift Recipient status was granted on the basis of this document which can be found in Attachment 1.

It is proposed that a Mayoral Bushfire Appeal Committee be established, with the role of overseeing and co-ordinating the distribution of funds. A draft Terms of Reference for the Committee has been prepared and is included in Attachment 2 for endorsement. In accordance with the Public Fund Rules Clause 16, I propose the establishment of the Mayoral Bushfire Appeal Committee be constituted with the majority membership being of responsible persons who will have a degree of responsibility to the general community.

The following members of the community have been selected to form the Committee along with two representatives from Council:

- Councillor Maree Statham (Chair)
- Councillor Colin Hunter
- Jill Marjoram - General Manager, Lithgow Hospital.
- Wayne Clarke - member of the Rapid Response Team from the Christian Brethren Church.
- Greg Wardle - Operations Co-Coordinator, Chifley/Lithgow Rural Fire Service.

The Mayoral Bushfire Appeal Committee will identify the areas of greatest need for financial assistance in helping the fire affected residents recover from the October 2013 Lithgow and Blue Mountains Bushfires natural disaster.

All funds received will either be:

- Allocated by Council directly to those residents adversely affected by the bushfires via specific grant or program;
- Contributed to a community group providing a support service/disaster recovery activity; or
- Donated to Australian charities who will manage the distribution of donated monies to victims of the bushfires on behalf of Lithgow City Council. The funds will be distributed to the following charities:
 - Salvation Army
 - Other charitable organisations as determined by the management committee.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The appeal funds are to be held in Council's Trust Account. The donated funds will not be used for any administration or other non charitable purpose.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Deductible Gift Recipient

RECOMMENDATION

THAT:

1. Council establish the Mayoral Bushfire Appeal Committee
2. Council appoint the Mayoral Bushfire Appeal Committee. With the members to be:
 - Councillor M Statham
 - Councillor C Hunter
 - Jill Marjoram
 - Wayne Clarke
 - Greg Wardle
3. Council authorise the Committee to disburse funds in accordance with the Mayoral Bushfire Appeal Public Funds Rules.

GENERAL MANAGERS REPORTS

ITEM-2 GM - 10/02/14 - FINANCIAL ASSISTANCE - ZIG ZAG RAILWAY

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

Council resolved previously to advertise a proposal under Section 356 of the NSW Local Government Act 1993 to provide financial assistance of up to \$10,000 to the Zig Zag Railway. A decision is now required from Council to complete this arrangement.

COMMENTARY

During the Lithgow State Mine Fire in October 2013 significant damage was done to the Zig Zag Railway infrastructure. Several councillors visited the site on Thursday 28 October 2013 to view the damage.

At the Council meeting held on Monday 16th December 2013 Council resolved (13-421) to advertise under Section 356 of the NSW Local Government Act 1993 to provide financial assistance of up to \$10,000 to the Zig Zag Railway.

The proposal was advertised from 19th December 2013 with submissions closing on 20th January 2014.

No submissions were received in relation to this proposal.

Council may now resolve to provide assistance to Zig Zag Railway under Section 356 of the NSW Local Government Act 1993. The Zig Zag Railway have requested assistance by way of the use of Council machinery to help clean up the site. Zig Zag Railway are seeking this assistance in February 2014.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

A contribution of \$10,000

LEGAL IMPLICATIONS

In compliance with Section 356 of the NSW Local Government Act 1993.

RECOMMENDATION

THAT Council provide assistance by way of the use of Council machinery to help clean up the site to the value of \$10,000.

ITEM-3 GM - 10/02/14 - INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL AND LOCAL GOVERNMENT ACTS TASKFORCE

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

The final reports of the Independent Local Government Review Panel and the Local Government Acts Taskforce have been released and submissions are now being sought in relation to these. Submissions on these reports close on Friday 7 March 2014.

COMMENTARY

The Independent Local Government Review Panel and the Local Government Acts Taskforce have released their final reports. It is understood that the NSW Government's response to these reports will be made following the receipt of submissions.

The Independent Local Government Review Panel was appointed by the NSW Government in April 2012 and was task with formulating options for governance models, structures and boundary changes:

- To improve the strength and effectiveness of local government
- To help drive the key strategic directions set out in the Destination 2036 Action Plan, and to further the objectives of NSW 2021: A Plan to Make NSW Number One (the State Plan).

In addition some additional items from the Destination 2036 Action Plan were referred to the Panel for consideration. The Panel was also asked to consider the particular governance challenges and issues facing communities and all levels of government in the far west of NSW; as well as the proposals for restructuring of local government water utilities advanced in the 2009 Armstrong-Gellatly report and a more recent report by Infrastructure NSW. The Panel sought to address all those additional matters as far as time and resources allowed.

The Panel has concluded that new directions must be pursued to revitalise the culture, structures and operations of NSW local government, as well as its relations with the State. This must be done first and foremost so that local government can provide better services, infrastructure and representation for the communities it is intended to serve.

The Review was carried out in four stages. The Panel looked at all aspects of the local government system, not just councils but also their regional organisations and associations, the statutory bodies that regulate them and the key state agencies with which they need to work to achieve desired outcomes for their local communities.

Councils now have an opportunity to comment on the final reports of the Panel and the Taskforce. Councils have until Friday, 7 March 2014 to make a written submission.

Local Government NSW (LGNSW) has been very critical of the limited consultation deadline for councils to respond and is calling on the NSW Premier, to extend the consultation period until the end of April 2014. The Report has been considered extremely detailed and complex and there are significant changes in the Review Panel's recommendations since the last discussion paper.

One of the main concerns is that council amalgamations are still being proposed with a very detailed 'merger' blueprint for a future state government without the current 'no forced amalgamations' policy. Another issue is the new structures proposed for Local Government, particularly in rural and regional areas, referred to as Joint Organisations, Rural Councils and Community Boards.

It is understood that Local Government NSW (LGNSW) will be making a comprehensive submission and given the importance and complexity of the combined reports, LGNSW has already called on the NSW Government to extend the submissions response date from Friday 7 March until the end of April 2014.

LGNSW has advised that it plans to canvass the views of mayors and councillors during a series of Sydney metropolitan, regional and rural forums during March, after there has been time to consider the reports.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Independent Local Government Review Panel – Final Report October 2013
2. Local Government Acts Taskforce – Report to the Minister for Local Government the Hon Don Page MP, A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988
3. Independent Local Government Review Panel – Media Release, Release of the Panel's Final Report: Revitalising Local Government
4. Premier and Cabinet, Division of Local Government Circular 14/01 – Release of final reports: Independent Local Government Review Panel and Local Government Acts Taskforce
5. Local Government NSW, Media Release; LGNSW demands the NSW Government extend time for council to respond to Review Panel Report, 8 January 2014

RECOMMENDATION

THAT Council:

1. Note the release of the reports by the Independent Local Government Review Panel and Local Government Acts Taskforce;

2. Write to the Minister for Local Government seeking an extension of time for the consideration of submissions;
3. Hold a Council Information Session in relation in relation to the reports;
4. Authorise the Mayor, Deputy Mayor and General Manager to make submissions on behalf of Council to the reports.

ITEM-4 GM - 10/02/14 - LEASE FOR LITHGOW GOLF CLUB

REPORT BY: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 10-15: Ordinary Meeting of Council held on 18 January 2010
Min No 10-97: Ordinary Meeting of Council held on 22 March 2010

SUMMARY

Council previously granted a lease over Lot 1 DP 840412, commonly known as the Lithgow Golf Course, for the purposes of public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office. This lease is for five years and is due to expire in April 2015.

In preparation of the expiry of the lease this report proposes that Council investigate options for the future use of the course.

COMMENTARY

Council previously granted a lease to the Lithgow Golf Club Limited. General conditions of the lease include:

- The lease period be for five (5) years.
- The rent commences at \$5,000 and be subject to annual CPI increase.
- The golf club to undertake a minimum of \$5,000 maintenance on the golf club house each year.
- A service level agreement be negotiated annually.

The land is classified as Community Land under the NSW Local Government Act. It is permissible for Council to continue to grant a 'lease, license or other estate' over community land, however, the Local Government Act 1993 (the Act) contains restrictions on the granting of such leases.

The Act provides that community land cannot be leased or licensed for more than 21 years and must have a Plan of Management. A Plan of Management for this land was developed in 2009. Section 47 of the Act provides that:

47 Leases, licences and other estates in respect of community land-terms greater than 5 years

- (1) *If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:*
- (a) *give public notice of the proposal, and*

- (b) *exhibit notice of the proposal on the land to which the proposal relates, and*
 - (c) *give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and*
 - (d) *give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.*
- (2) *A notice of the proposal must include:*
- *information sufficient to identify the community land concerned*
 - *the purpose for which the land will be used under the proposed lease, licence or other estate*
 - *the term of the proposed lease, licence or other estate (including particulars of any options for renewal)*
 - *the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)*
 - *a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.*
- (3) *Any person may make a submission in writing to the council during the period specified for the purpose in the notice.*
- (4) *Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.*
- (5) *If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence or other estate except with the Minister's consent.*
- (6) *If the council applies for the Minister's consent, it must forward with its application:*
- *a copy of the plan of management for the land*
 - *details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision*
 - *a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate*
 - *a copy of the newspaper notice of the proposal*
 - *a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate*
 - *a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.*
- (7) *On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.*
- (8) *After considering the application and any report of the Director of Planning, the Minister, if satisfied that:*

- (a) subsections (1), (2) and (6) have been complied with, and
 - (b) such consent would not contravene section 46, and
 - (c) in all the circumstances, it is desirable to grant consent, may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.
- (8A) On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).
- (9) The Minister's consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).
- (10) For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:
- (a) would suffer a disadvantage or penalty if the same or a similar lease, licence or estate were not to be granted, for a further term, after the expiry of the current lease, licence or other estate, or
 - (b) would enjoy an advantage or benefit if the same or a similar lease, licence or estate were to be so granted, is taken to confer an option for renewal for a term equal to the further term.

Sections 47A and 47 (1-4) of the Act apply to leases of five years or less. Section 47 (5-10) may apply at the Minister's request.

47A Leases, licences and other estates in respect of community land-terms of 5 years or less

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
 - (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)-(9) are to apply to the proposal.
- (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)-(9) are to apply to the proposal:
 - (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)-(8), and
 - (b) section 47 (9) has effect with respect to the Minister's consent.

Council would be entitled to once again merely go through the above process and give public notice of a new five year lease. Alternatively Council may also wish to explore

other opportunities such as the term of a lease, the use of the land or how the site is managed. This may be done by way of a working party that is then to report back to Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL at this stage.

LEGAL IMPLICATIONS

Council will be required to comply with the Local Government Act 1993

ATTACHMENTS

1. Plan of Management for the Lithgow Golf Course.

RECOMMENDATION

THAT Council appoint a working party to explore and investigate options for the future use of the Lithgow Golf Course.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-5 ENVIRO - 10/02/14 - UNION THEATRE CONTRACT VARIATIONS TENDER 05/13

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 13-203: Ordinary Meeting of Council held on 17 June 2013
Min No 13-295: Ordinary Meeting of Council held on 19 August 2013

SUMMARY

To advise Council of minor variations to the Union Theatre contract and obtain Council agreement.

COMMENTARY

Work has been completed on construction of building improvements to access and toilet facilities at the Union Theatre by M Bruton Building Co. This work has been completed to a high standard and has significantly improved facilities available to all users of the building, including those with disabilities.

During construction issues were identified that required extra work by the builder not specified by the tender documents. The builder has submitted the following claim for variations to the contract:

- 1. Demolish and construct new brick wall/footing to female toilet.
\$7,872.00**

Comment: The existing single brick wall that was to be repaired and rendered internally was unstable and dangerous following demolition works requiring demolition and reconstruction.

- 2. Remove and relocate disused electrical meter from new stairwell.
\$1,690.00**

Comment: Following demolition additional electrical metering was found enclosed behind a wall adjacent to the old shop area which required removal prior to construction of the new stair.

- 3. Carry out structural alterations as detailed by the structural engineer to the underside of the mezzanine for the new internal fire stair.
\$4,150.00**

Comment: Opening the mezzanine for the fire stair revealed that the existing structure was unable to be modified for the installation of the stairs without extensive structural improvements that required assessment and documentation by the structural engineer.

**4. Install tactile indicators to accessible ramps.
\$448.00**

Comment: Required to comply with BCA requirements.

| | |
|----------------------|---------------------------|
| Total | \$12,470.00 |
| GST | \$1,247.00 |
| Total Claimed | <u>\$13,717.00</u> |

The tender that was approved by Council was for \$328,460 which was \$52,454.60 less than the next lowest tender. The variations as submitted are considered to be reasonable and are recommended for approval.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The variations are well within the budget available for the project.

LEGAL IMPLICATIONS

Council is required under the contract to pay any reasonable variations.

RECOMMENDATION

THAT Council authorise variations to the value of \$13,717.00 be paid to M Bruton Building Co for the Union Theatre Tender 05/13.

**ITEM-6 ENVIRO - 10/02/14 - PROPOSED RIGHT OF CARRIAGEWAY
ACROSS LAND OCCUPIED BY CLARENCE - DARGAN BUSHFIRE
BRIGADE (2)**

REPORT BY - A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 11-309: Ordinary Meeting of Council held on 1 August 2011
Min No 11-336: Ordinary Meeting of Council held on 12 September 2011

SUMMARY

To provide Council with an updated proposal to provide a right of carriageway across land owned by Council occupied by the Clarence/Dargan Bushfire Brigade to land owned by Mr and Mrs De Beuzeville

COMMENTARY

Some Councillors may recall this issue that was the subject of much discussion in 2011 which stemmed from wider access issues in the Clarence area. One of the outcomes related to the provision of a right of carriageway across council owned land occupied by the Clarence/Dargan bushfire brigade. Council initially agreed to a Right of Carriageway provide to Mr Jeff Turner and subsequently also agreed to include Mr and Mrs De Beuzeville. The details are as follows:

Council initially agreed on 1/08/ 2011

“That Council advise Mr Jeff Turner, property owner in the area, that it has no objection to him obtaining a right of carriageway over Council land adjacent to the Clarence/Dargan Bushfire Brigade shed on the basis that the survey and dedication be entirely at his cost; the position of the right of carriageway be undertaken in consultation with the Clarence/Dargan Bushfire Brigade to ensure that it does not interfere with their operations; approval is obtained from Zig Zag railway so that the right of carriageway traverses through their property onto Mr Turner’s property; and all legal and constructions costs be borne by Mr Turner.

Subsequently on 31/10/2011the Council agreed to:

Indicate to Mr and Mrs De Beuzeville that it has no objection to them becoming a party to a right of way across the Clarence bushfire brigade land under the same terms and conditions afforded to Mr Turner providing the RTA has no objection. Should the RTA object then Council reaffirm its resolution allowing a right of way for Mr Turner only.

Subsequent to these resolutions, Surveyor, Steve Anderson, acting on behalf of Mr and Mrs De Beuzeville has been proceeding to arrange for the creation of a right of

carriageway. Correspondence has been provided to Mr Turner by Council and also contact made by Mr Anderson to Mr Turner. Mr Turner has not responded to Council's correspondence and it appears as though, through his discussions with Mr Anderson, that he will not be proceeding at this stage. Subsequently, at this stage the right of carriageway can only proceed with Mr and Mrs De Beuzeville as the beneficiaries.

Mr Anderson has corresponded with Council indicating that, through discussions with Roads and Maritime Services that the location of the proposed right of carriageway may need to be altered. The Clarence/Dargan Bushfire Brigade have indicated that they have no objection, providing there is no impact or interaction with their two driveways situated on the property. Mr Anderson proposes a broad right of carriageway 6 to 10 metres wide with the actual physical construction to be somewhere within this right of carriageway. This has been discussed on site with a representative from the Clarence/Dargan Bushfire Brigade and once again, it has been reiterated that there is no objection in principle provided the physically constructed access does not interfere with the operation requirements particularly the exit driveway.

To gain access to their property, Mr and Mrs De Beuzeville would also have to gain land owned by Zig Zag Railway who have provided their consent.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

All costs in relation to the creation of the right of carriageway and construction of the access will need to be borne by Mr & Mrs De Buezeville.

LEGAL IMPLICATIONS

The Right of Carriageway will be created under Section 88B of the Conveyancing Act.

ATTACHMENTS

1. Letter from Mr and Mrs De Beuzeville.

RECOMMENDATION

THAT:

1. Council agree to the creation of a Right of Carriageway across Lot 74 DP 237413 to benefit Lot 16 DP 751650 currently owned by Mr & Mrs De Buezeville.
2. The final width of the Right of Carriageway be a maximum of 10 metres.
3. The final location of the access point be determined in conjunction with the Clarence/Dargan Bushfire Brigade so as not to impact on their operational activities.
4. All costs associated with the creation of the Right of Carriageway and construction of the access therein to be borne by Mr and Mrs De Buezeville.

**ITEM-7 ENVIRO - 10/02/14 - DA240/13 - PROPOSED ALTERATIONS TO
ESKBANK HOUSE LOT 1 IN DP 365772 70 INCH STREET LITHGOW
NSW 2790**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To assess and recommend determination of Development Application DA240/13. Recommendation will be for approval subject to conditions.

COMMENTARY

Lithgow City Council has submitted a Development Application for building alterations on land known as Lot 1 DP 365772, Eskbank House, 70 Inch Street Lithgow NSW 2790.

The proposed development includes the following alterations to the existing property and building:

1. Removal and replacement of rear courtyard roofing and repairs to gutters and roofing;
2. External battened screens;
3. Disabled toilet upgrade to meet current Australian Standards; and
4. Fencing internal kitchen gardens.

The use of the building is not proposed to change and the development will allow for improvement of the heritage building and property.

The proposal was notified to adjacent and adjoining land owners for a period of 14 day period with no submissions received.

The application has been assessed in accordance with the relevant planning instruments that relate to the land. The proposal has an acceptable impact on the surrounding neighbourhood and environment and can be approved subject to conditions.

OTHER ISSUES

The majority of the conditions of consent that are recommended to be imposed relate to the appropriate construction of the development and to heritage works being recorded through photographs for Council's records. Additionally, a heritage condition is suggested to be imposed relating to the applicant exploring alternative types of battened screens, for a more traditional type of screening.

POLICY IMPLICATIONS

Policy 7.6 Development Applications by Councillors and Staff and Relatives or on Council Owned Land is applicable for this Development Application as Council owner Lot 1 DP 365772. The policy states:

'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.'

Therefore, the application will be determined by the elected Council.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979.

ATTACHMENTS

1. Complete 79C Planning Report under separate cover.
2. Proposed Plans

RECOMMENDATION

THAT:

1. Development Application DA240/13 be approved with conditions of consent as detailed in the 79C report.
2. A **Division** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM-8 ENVIRO - 10/02/14 - 057/11DA - PROPOSED MODIFICATION TO
TOURIST FACILITY - LOT 51 IN DP 1131349 79 JERRY'S MEADOW
ROAD SODWALLS**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 12-474: Ordinary Meeting of Council held on 17 December 2012

SUMMARY

To assess and recommend determination of a modification of consent S96052/13 for DA057/11. Recommendation will be for approval subject to conditions.

COMMENTARY

Council is in receipt of Section 96 Modification of Consent S96052/13 for Development Application 057/11 which is a tourist facility proposal on Lot 51 in DP 1131349, 79 Jerry's Meadow Road, Sodwalls. The modification seeks to stage the approved tourist facility into three stages and change the design of the building which is detailed in the attached plans. The application was originally called in by Councillor Hunter on 27 November 2012 for determination on the 17 December 2012 when it was approved. Therefore, the modification of consent is referred to the elected Council for its determination.

The subject lot currently retains a dwelling and garage onsite with established driveway from Jerry's Meadow Road. The site is relatively clear retaining minimal trees. The proposed short term accommodation will have a maximum of 6 adults and 2 children including the permanent residents. One sign is proposed within the property visible from Jerry's Meadow Road and car parking will be available onsite.

The modification proposes the following stages:

- Stage 1:** Library facilities ancillary to a dwelling (no accommodation to be undertaken)
- Stage 2:** Two bedrooms for a tourist facility including kitchen, dining areas. The library would be utilised as the manager's residence
- Stage 3:** Completion of the tourist facility with three bedrooms & managers residence, with the manager's residence as part of Stage 2 converted back to a library.

The modification also proposed the following design changes to the building:

- Change the ridge height from 7.7m to 5.6m
- Decrease the floor area from 371m² to 281m²
- Change the location of windows, doors, veranda and chimneys
- Change the internal floor plan to allow improved layout and functionality of the development.

The proposal was notified to adjacent and adjoining land owners for a period of 14 day period with no submissions received.

The application has been assessed in accordance with the relevant planning instruments that relate to the land. The proposal has an acceptable impact on the surrounding neighbourhood and environment and can be approved subject to conditions.

OTHER ISSUES

The modification has necessitated a change to the conditions of consent to allow for a staged development into 3 stages, meaning a majority of the conditions require amendment in order to relate to the appropriate stages. Additional advisory conditions were implemented to ensure the applicant is aware of their obligations during construction of the proposal.

POLICY IMPLICATIONS

Original application was 'Called in' under Policy 7.7 Calling in of Development Applications by Councillors.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979.

ATTACHMENTS

1. Complete 79C Planning Report under separate cover.
2. Proposed Plans

RECOMMENDATION

THAT:

1. Modification of consent Application S96052/13 for Development Application 057/11 be approved with conditions of consent as detailed in the 79C report with reference to amended BASIX Certificate when received.
2. A **Division** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM-9 ENVIRO - 10/02/14 - DA136/13 - PROPOSED
TELECOMMUNICATIONS MONOPOLE, ANTENNAS & ASSOCIATED
FACILITIES, MADDOX LANE, LIDSDALE**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 13-263: Ordinary Meeting of Council held on 29 July 2013
Min No 13-367: Ordinary Meeting of Council held on 28 October 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 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.

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.

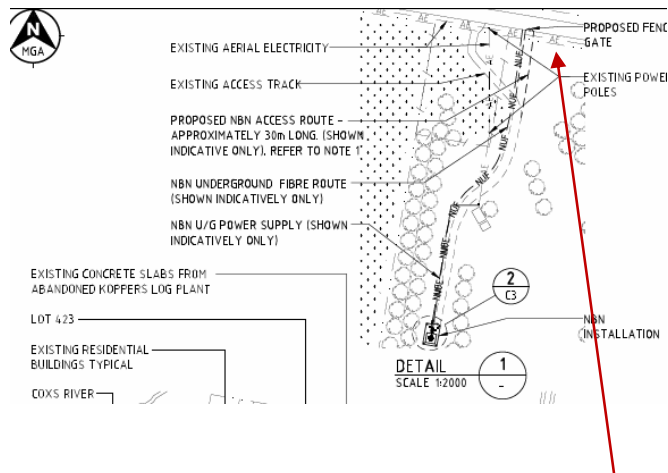


Image 3 – Location of proposed new entry

Zoning

The subject property is zoned part 2(v) Village and part 1(c) Rural (Small Holdings) under Lithgow City Local Environmental Plan 1994. The proposed development is defined as a ‘utility Installation’ under the 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.

RESPONSE TO COUNCIL RESOLUTION Min No 13-367

This application was presented to Council for determination on 28 October 2013 where it was resolved by Council that:

The item be deferred to the next Council meeting for a group to be formed to include the applicant, councillors, council officers, resident representatives, Centennial and Energy Australia to investigate alternative sites.

A number of attempts were made to organise a meeting which proved to be difficult. A teleconference was held on 19 December 2013 with representatives of Centennial Coal, Energy Australia, Mr Jim Whitty and Mr Alan Beecroft representing the community, Councillor Wayne McAndrew, and Council staff including the Group Manager Environment and Development.

The applicant and NBN Co. declined Council's invitation to attend, generally stating that they could see no benefit in doing so as they had already investigated alternative sites and the subject site was the most acceptable and appropriate.

The brief for the meeting was to investigate alternative sites for the proposed Lidsdale NBN Co. monopole. The Minutes of the teleconference meeting form Attachment 2 to this report and were forwarded to the applicant on 3 January 2014 seeking a response.

It is advised that Centennial Coal is not willing to consider any options over their land due to possible future operations (which are located generally to the north of Maddox Lane).

Energy Australia advised they are willing to consider alternate locations for the proposed tower – within reason i.e. within operational requirements. Another location was recommended and an offer for an area of land behind 'Duke's' (Lidsdale) garage/service station.

NBN Co. Response

The alternate location was presented to NBN Co and their response is attached to this report. They have advised that this land has already been considered as an alternative. However it was not suitable for various technical reasons including distance to residents and distance to underground NBN cables. The applicant has advised that they wish to attend the Council meeting when the matter is reported for determination to make representations prior to determination by Council.

The applicant has requested that the Council determine DA136/13. The Council has before it a DA requiring determination. The application is recommended for approval.

OTHER ISSUES

The teleconference did not entirely produce the desired outcome sought through Council's October 2013 resolution in that the alternative site identified behind 'Duke's' (Lidsdale) garage/service station has not proven to be a viable alternative for the applicant and is a location that has indeed already been explored by the developer. There appear to be no other sites in proximity that are obvious alternatives. This leaves the Council to determine the Maddox Lane site upon its merits and the relevant planning assessment has been provided in the S.79C Report to this effect.

The majority of the conditions of consent that are recommended to be imposed relate to the appropriate construction of the development including access, and to the requirements of the SCA and RFS. The application includes some ameliorative elements such as the use of a monopole structure as opposed to a more intrusive lattice style one, a grey colour intended to be recessive against the horizon and sky, and located amongst pine trees to screen the lower portion of the pole. The proposed location is considered to be set away from residential uses to a satisfactory extent. These requirements are addressed by recommended Condition Number 1.

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.
2. Teleconference Minutes.
3. Letter from Paul Toole.
4. NBN Co. letter for alternate site.
5. Letter from John Cobb

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-10 ENVIRO - 10/02/14 - DA284/13 - UPGRADE EXISTING SIGNS, 888
GREAT WESTERN HIGHWAY BOWENFELS NSW 2790**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

Council is in receipt of a Development Application DA284/13 for the upgrade of existing signs on land known as the Shell Service Station, Lot 1 DP 862773, 888 Great Western Highway South Bowenfels.

COMMENTARY

The proposal seeks to upgrade the existing fascia and under-canopy signs to refresh the appearance of the Service Station. All new signs are proposed in similar locations to the existing signs.

The development is for:

- Removal of the existing canopy fascia and under canopy signs (the spreader, leader boards, no-entry signs),
- Installation of four non-illuminated spreaders (signs attached to panels located above the petrol bowsers),
- Installation of two non-illuminated hooped leader boards,
- Installation of two non-illuminated “no entry” signs,
- Installation of one LED illuminated Shell logo fascia sign,
- Installation of new non-illuminated fascia sign.

There are no changes proposed to the operation of the service station or to any other existing signs on the premise.

The site comprises of a Shell/Coles Express service station with an undercover forecourt, retail shop, restaurant and separate car wash facility.

OTHER ISSUES

A recent application (DA 224/13) for the upgrade of other signs on the property was approved by Council and the Roads and Maritime Services (RMS). Similar conditions that were previously imposed by the RMS on DA 224/13 are recommended to be conditioned on this development if the development is approved.

POLICY IMPLICATIONS

Council's *Policy 7.6 – Development Applications by Councillors and staff and relatives* requires Development Applications 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 that the property is owned by a relative of Councillor Inzitari, the proposal is reported to Council for determination.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. A complete Section 79C report.

RECOMMENDATION

THAT:

1. Council APPROVE DA 284/13 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.

OPERATION REPORTS

ITEM-11 OPER - 10/02/14 - LITHGOW AQUATIC CENTRE UPGRADE CONSULTANT FEE PROPOSAL FOR STAGE 4

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report aims to inform Council of a Fee Proposal for consultancy services for Stage 4 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.

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. In December 2013 Facility Design Group were engaged by Council to undertake consultancy and project management for stages 2 and 3 of the project.

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 for Stage 4. The fee proposal totalled \$128,000 ex GST.

Facility Design Group has completed a condition report for the 50m pool, which indicated that the existing pool plant has a remaining service life of only 1-3 years. The pool and

balance tank were found to have degraded substantially and have a maximum service life of 8 years. Other areas, such as the service delivery area, were found to be non-compliant with safety standards. Facility Design Group estimates that to upgrade the pool to standard and provide an additional 30 years design life would cost approximately \$1,815,000.

Section 55(3j) of the Local Government Act states 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.

It is suggested that for the reasons outlined above that Council not proceed to call for further quotations for consultancy services for stage 4 and accept Facility Design Group's fee proposal for consultancy for a total of \$128,000 + GST.

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 stage 4 of the aquatic centre redevelopment.
2. Lithgow 50m pool condition report

RECOMMENDATION

THAT:

1. Council not proceed to call tenders for the engagement of consultants to prepare the detailed design and contract documentation of Stage 4 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 \$128,000 ex GST for consultancy services for Lithgow Aquatic Centre Redevelopment Stage 4.

ITEM-12 OPER - 10/02/14 - REQUEST - ACQUISITION OF SMALL SECTION OF SHORT STREET LITHGOW - LITHGOW AGED CARE LTD

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

NIL

SUMMARY

Correspondence has been received from T J Le Fevre, Le Fevre & Co Solicitors & Attorneys dated 17 December 2013 regarding Lithgow Aged Care Limited – Proposed Road Closure and Title Consolidation.

COMMENTARY

Lithgow Aged Care Limited is the owner of Lots 1 & 2, DP 775471, Lot 1 DP 311786 and Lots 2 & 3 DP 319366 in Maple Crescent and Short Street, Lithgow. As a consequence of the recent amalgamation of the operations of Coinda Aged Peoples Homes Incorporated and Tanderra Lithgow Limited under the name of Lithgow Aged Care Limited, transfers are presently being processed at the Office of State Revenue and LPINSW to bring all the titles under the single name of Lithgow Aged Care Limited.

Lithgow Aged Care Limited intend on lodging a development application and acquiring from Council a small section of Short Street, Lithgow. They then intend to consolidate all the titles together with the section of closed road into a single title comprising one allotment.

It is requested of Council to apply to Crown Lands to close the relevant section of Short Street, Lithgow and transfer this section of Short Street to Lithgow Aged Care Limited. The proposed road closure drawing prepared by Craven Elliston and Hayes Pty Ltd is attached.

The section of road to be closed serves no other purpose than to provide access to the Coinda and Tanderra residential aged care facilities and 7 & 9 Church Street, Lithgow which are also owned by Lithgow Aged Care Limited. It is intended that the land will continue to provide access as well as additional car parking spaces.

The price of acquisition would have to be determined by valuation and negotiated with Lithgow Aged Care Limited should Council agree to the road closure and subsequent transfer of the closed road to Lithgow Aged Care Limited.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Road closure and transfer costs to be negotiated with Lithgow Aged Care Limited.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Correspondence from Le Fevre & Co dated 17th December 2013
2. Proposed road closure drawing, prepared by Craven, Elliston and Hayes
3. Aerial photograph with boundaries

RECOMMENDATION

THAT:

1. Council APPROVE in principle the proposal from Lithgow Aged Care Ltd to close a small section of Short Street, Lithgow and transfer this closed section of road at a negotiated price to Lithgow Aged Care Limited.
2. The General Manager be authorised to negotiate and finalise the transfer of the closed section of road.

**ITEM-13 OPER - 10/02/14 - TENDERS FOR THE CONSTRUCTION OF
LITHGOW AQUATIC CENTRE - STAGES 2/3**

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

NIL

SUMMARY

This report seeks a determination from Council to use the selective tendering process, pursuant to s166(b) of the Local Government (General) Regulation 2005, for the procurement of suitable contractors for the construction of an indoor 25m multi-purpose pool and associated plant at the Lithgow Aquatic Centre.

COMMENTARY

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

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

The preferred method of procurement, due to the nature of the specific works to be undertaken is the selective tendering method pursuant to s168.

Following an Expressions of Interest period, Council received submissions from the following seven (7) companies:

- 1. Beau Corp Aquatics
- 2. Icon Building Group
- 3. Camporeale Holdings
- 4. David Payne Constructions
- 5. Hines Constructions
- 6. Rapid Construction
- 7. Brodyn Pty Ltd

Companies were assessed based on their demonstrated experience in similar projects, quality management systems, WH&S compliance and financial capacity.

The following five (5) companies met the minimum selection criteria as outlined above and displayed impressive experience in the construction of indoor aquatic centres, and it is intended to invite these companies to submit tenders:

1. Beau Corp Aquatics
2. Icon Building Group
3. Hines Constructions
4. Rapid Construction
5. Brodyn Pty Ltd

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Council use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the construction of Stages 2 and 3 of the Lithgow Aquatic Centre.
2. Council invite tenders submissions from the following five companies;
 1. Beau Corp Aquatics
 2. Icon Building Group
 3. Hines Constructions
 4. Rapid Construction
 5. Brodyn Pty Ltd

ITEM-14 OPER - 10/02/14 - VOLUNTARY PURCHASE - 69 SANDFORD AVENUE LITHGOW

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-431: Ordinary Meeting of Council held on 16 December 2014.

SUMMARY

This report seeks approval from Council to purchase 69 Sandford Avenue Lithgow in order to carry out Flood Mitigation measures.

COMMENTARY

Council has been granted \$134,000 funding under the 2013/14 Floodplain Management Program from the NSW Department of Premier and Cabinet, Office of Environment and Heritage to purchase and demolish the flood affected property 69 Sandford Avenue.

The property is a deceased estate, and the executor of the property has expressed interest in selling the property to Council for the purpose of undertaking Flood Mitigation works.

The dwelling site is prone to significant inundation during flood events, and has been identified as a site for voluntary purchase by Council since the early 1990's.

The purchase of 69 Sandford Avenue, and the subsequent demolition of the dwelling will have a number of benefits for the community:

- Increase safety by the removal of a flood prone property
- Increase in floodway area, resulting in subsequent reduction in localised flood levels
- Allow Council to implement flood mitigation works around the vicinity of Tank Street bridge.

Once Council has acquired 69 Sandford Avenue, a development application to have the dwelling at the property demolished would need to be submitted. Policy 7.6 "Development Applications by Councillors and Staff and Relatives or on Council Owned Land", will be applicable to this Development Application. The policy states:

"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"

Therefore Council will be required to determine the application to demolish the dwelling at 69 Sandford Avenue, once lodged.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The total project cost is estimated at \$201,000, with \$134,000 to be funded by the NSW Office of Environment and Heritage, and the remaining \$67,000 to be funded by Council from the Flood Plain Management Program.

LEGAL IMPLICATIONS

Completion of purchase process for the property.

RECOMMENDATION

THAT:

1. Council proceed to purchase the property, 69 Sandford Avenue, Lithgow
2. Council delegate the General Manager to sign all required documentation for the Voluntary Purchase of 69 Sandford Avenue, Lithgow.
3. Council not apply Policy 7.6 and allow the General Manager or his representative delegated authority to determine a development application for the demolition of the dwelling located at 69 Sandford Avenue.

ITEM-15 OPER - 10/02/14 - WATER REPORT - JANUARY 2014

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-433: Ordinary Meeting of Council held on 16 December 2013

SUMMARY

This report provides an update on various water management issues as per Minute Number 13-433.

COMMENTARY

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

Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam #2 capacity on Monday, 3 February was 80%. Oberon Dam capacity on Monday, 3 February was 71.6%.

Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2013/2014 and Table 2 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2012/2013.

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

| Month | Oakey Park WTP (ML) | Clarence Transfer (ML) | Fish River Supply (ML) |
|----------------|----------------------------|-------------------------------|-------------------------------|
| July 2013 | 93 | 0 | 44 |
| August 2013 | 96 | 0 | 67 |
| September 2013 | 102 | 0 | 73 |
| October 2013 | 130 | 0 | 58 |
| November 2013 | 106 | 0 | 61 |
| December 2013 | 100 | 0 | 47 |
| TOTAL | 627 | 0 | 350 |

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

| Month | Oakey Park WTP (ML) | Clarence Transfer (ML) | Fish River Supply (ML) |
|----------------|---------------------|------------------------|------------------------|
| July 2012 | 107 | 0 | 53 |
| August 2012 | 106 | 0 | 49 |
| September 2012 | 115 | 0 | 55 |
| October 2012 | 140 | 0 | 65 |
| November 2012 | 140 | 5 | 62 |
| December 2012 | 135 | 81 | 76 |
| January 2013 | 146 | 73 | 68 |
| February 2013 | 92 | 0 | 66 |
| March 2013 | 114 | 0 | 81 |
| April 2013 | 109 | 0 | 106 |
| May 2013 | 123 | 0 | 62 |
| June 2013 | 154 | 0 | 70 |
| TOTAL | 1,481 | 159 | 813 |

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 November.

Monitoring results for the licence to operate the water treatment plant have been published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

Fish River Water Scheme Water Quality Summary

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

Due to the ongoing dry spell and depletion of level of storage in Farmers Creek Dam, supply from the Fish River Scheme has been introduced into the Lithgow Urban area via Shaft Street reservoir. This supply commenced on Monday 3 February 2014

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. Depending on the ongoing dry spell consideration to introducing more stringent water restrictions may be required.

Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in January with Council approving three (3) applications for household appliance rebates 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).

FINANCIAL IMPLICATIONS
NIL

POLICY IMPLICATIONS
NIL

LEGAL IMPLICATIONS
NIL

RECOMMENDATION

THAT Council note the water report.

CORPORATE AND COMMUNITY REPORTS

ITEM-16 CORP - 10/02/14 - COMMUNITY BUILDING PARTNERSHIP FUNDING

REPORT BY: M JOHNSON - MANAGER COMMUNITY & CULTURE

REFERENCE

Min No 13-258: Ordinary Meeting of Council held on 29 July 2013
Min No 13-339: Ordinary Meeting of Council held on 30 September 2013
Min No 13-408: Ordinary Meeting of Council held on November 2013

SUMMARY

This report advises Council of the receipt of grant funding from the NSW Government's Community Building Partnership (CBP) program for the Blast Furnace Park pedestrian/cycleway project and Capertee Village Rest Area toilet replacement project. It is recommended that Council accept these grant funds and notes that the funds will only be sufficient to complete some components of each project.

COMMENTARY

Council has recently received advice from the Premier of NSW, Barry O'Farrell MP that Council has been successful in receiving funding of \$20,000 each under the CBP program for the Blast Furnace Park pedestrian/cycleway project and the Capertee Village Rest Area toilet replacement project. These amounts are to be matched \$ for \$ by Council.

In the grant applications Council requested \$50,000 each for both projects which was to be matched by Council. It is recommended that Council still accept the grants of \$20,000 and also note that both projects must be completed by 31 March 2015.

Blast Furnace Park Pedestrian/Cycleway Project

The project involves creating a pedestrian/cycleway linking the key heritage sites of the Union Theatre, Eskbank Rail depot, Eskbank House and Museum, Blast Furnace Park and Lake Pillans.

The pedestrian/cycleway will utilise the disused rail corridor from Eskbank House, over Inch Street to Blast Furnace Park onto an existing carpark and paved area to Lake Pillans. The funding submission detailed the project as "the rejuvenation of an old railway bridge into a pedestrian cycleway in the Lithgow area" however the \$20,000 CBP funding with a Council minimum contribution of \$20,000 will not be sufficient to complete rejuvenation of the old railway bridge. Council staff will be liaising with The Office of Communities to amend the project to the improvement of pedestrian/cycleway between Blast Furnace carpark, Eskbank House and the Eskbank Rail depot.

Under the grant conditions Council is required to match a minimum of \$20,000. There is approximately \$30,000 in remaining funds from the Lithgow History Avenue project which could be applied as Council's matching contribution towards the pedestrian/cycleway project, giving a total of approximately \$50,000.

Capertee Village Rest Area Toilet Replacement Project

The project involves constructing a new disability compliant toilet block using water saving technologies. The existing toilet block is unable to cope with the increasing number of visitors using the facility as Clarence Pirie Park is a major stopover for tourist vehicle traffic, including NSW Trainlink services on the Castlereagh Highway between Lithgow and Mudgee. The next available public toilet facility on the highway is 30kms away. An improved facility will also increase usage of the park by local residents.

Upgrades to Clarence Pirie Park, the adjoining rest area and the toilets, together with upgrades to Pearsons Lookout, were identified as high priority issues for Capertee residents in the community consultations undertaken by Council in 2012 as part of the Capertee Village Improvement plan.

Council has also applied for funding under the 2013/14 Country Passenger Transport Infrastructure Program for \$138,000 to install a bus shelter, two access compliant toilets, shaded picnic tables and improved lighting. No announcement on this application is expected before July 2014. Council applied unsuccessfully for a very similar project at this location in 2012/13 under this program.

Council needs to source its \$20,000 matching contribution to the CBP funding which will allow \$40,000 in total for the project. Council's Delivery Program 2013-2017 includes an amount of \$90,000 to upgrade toilet facilities at Clarence Pirie Park in 2015/16. Council should consider bringing forward all or part of this allocation forward to 2014/15 as part of the 2014/15 budget process.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council is to receive \$20,000 Community Building Partnership funding for the Blast Furnace Park pedestrian/cycleway project and a further \$20,000 for the Capertee Village Rest Area toilet replacement project. This funding needs to be matched by Council.

\$30,000 in unspent funds remains in the Lithgow History Avenue project which Council can allocate as its matching contribution to the Blast Furnace Park pedestrian/cycleway project.

Council's Delivery Program 2013-2017 includes an amount of \$90,000 to upgrade toilet facilities at Clarence Pirie Park in 2015/16 which is recommended to be brought forward as Council's required matching funds.

LEGAL IMPLICATIONS

Local Government Act NSW 1993

RECOMMENDATION

THAT Council:

1. Accepts the \$20,000 Community Building Partnership funding for the Blast Furnace Park pedestrian/cycleway project and a further \$20,000 for the Capertee Village Rest Area toilet replacement project.
2. Negotiates with the Office of Communities to amend the Project from the rejuvenation of the railway bridge to pedestrian and cycleway improvements in the Blast Furnace, Eskbank House and Lake Pillans areas.
3. Proceeds with pedestrian and cycleway improvements between Blast Furnace Park and Eskbank Rail Depot utilising the Community Building Partnership funding and remaining History Avenue funding.
4. During the 2014/15 Budget Process bring forward Council's \$90,000 budget allocation for the upgrade of toilet facilities at Clarence Pirie Park from 2015/16 to 2014/15.

**ITEM-17 CORP - 10/02/14 - COUNCIL INVESTMENTS HELD TO 31
DECEMBER 2013**

REPORT FROM: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY

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
 Min No 13-385: Ordinary meeting of Council held on 28 October 2013
 Min No 13-406: Ordinary meeting of Council held on 25 November 2013
 Min No 13-435: Ordinary meeting of Council held on 16 December 2013

SUMMARY

To advise Council of investments held as at 31 December 2013 in the 2013/14 financial year.

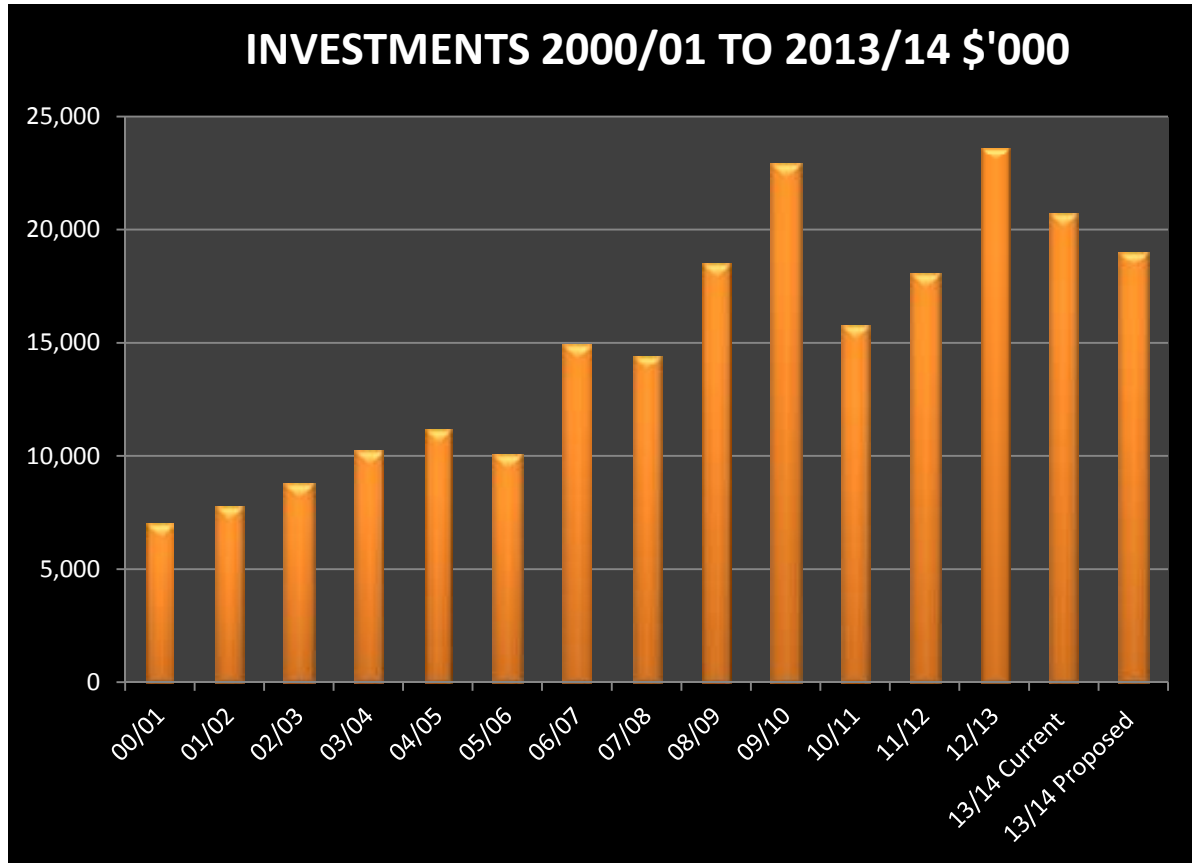
COMMENTARY

Council's total investment portfolio, as at 31 December 2013 when compared to 30 November 2013, has decreased by \$37,443.99 from \$20,700,906.35 to \$20,663,462.36.

| INVESTMENT REGISTER 2013/14 | | | | | | | | |
|------------------------------------|-----------------|--------------------|-----------------|-------------|------------|-----------------------|-----------------------|-------------------|
| INSTITUTION | INV TYPE | DATE LODGED | DATE DUE | DAYS | INT | VALUE 30.11.13 | VALUE 31.12.13 | % OF TOTAL |
| ANZ | TD | 09.12.13 | 10.03.14 | 91 | 3.31 | 883,200.35 | 890,488.81 | 4.31% |
| | TD | 09.12.13 | 10.03.14 | 91 | 3.31 | 526,174.78 | 530,516.95 | 2.57% |
| | TD | 25.09.13 | 06.01.14 | 102 | 3.32 | 527,419.78 | 527,419.78 | 2.55% |
| | TD | 03.10.13 | 03.01.14 | 92 | 3.30 | 1,043,099.46 | 1,043,099.46 | 5.05% |
| CBA | On Call | | | | 2.45 | 1,111,494.04 | 1,527,763.89 | 7.39% |
| | TD | 09.09.13 | 09.12.13 | 90 | 3.32 | 509,699.95 | 0.00 | 0.00% |
| | TD | 25.11.13 | 24.02.14 | 91 | 3.29 | 1,024,843.59 | 1,024,843.59 | 4.96% |
| IMBS | TD | 25.09.13 | 03.01.14 | 100 | 3.55 | 1,027,193.13 | 1,027,193.13 | 4.97% |
| | TD | 25.09.13 | 03.01.14 | 100 | 3.55 | 513,596.57 | 513,596.57 | 2.49% |
| | TD | 27.11.13 | 25.02.14 | 90 | 3.50 | 514,682.26 | 514,682.26 | 2.49% |
| NAB | TD | 28.11.13 | 26.02.14 | 90 | 3.70 | 1,194,666.82 | 1,194,666.82 | 5.78% |
| | TD | 22.10.13 | 22.04.14 | 182 | 3.80 | 1,088,763.39 | 1,088,763.39 | 5.27% |
| | TD | 08.12.13 | 08.03.14 | 90 | 3.70 | 523,823.94 | 534,384.67 | 2.59% |
| | TD | 01.12.13 | 01.03.14 | 90 | 3.70 | 1,500,000.00 | 1,514,054.80 | 7.33% |
| WESTPAC | TD | 01.10.13 | 02.04.14 | 183 | 3.54 | 1,252,472.47 | 1,252,472.47 | 6.06% |
| | TD | 17.09.13 | 18.02.14 | 153 | 3.58 | 1,057,666.68 | 1,057,666.68 | 5.12% |
| | TD | 04.10.13 | 10.04.14 | 188 | 3.57 | 524,061.21 | 524,061.21 | 2.54% |
| ST GEORGE | TD | 19.10.13 | 19.04.14 | 182 | 3.40 | 918,158.59 | 918,158.59 | 4.44% |
| | TD | 15.10.13 | 13.01.14 | 90 | 3.28 | 546,557.64 | 546,557.64 | 2.64% |
| | TD | 12.11.13 | 10.02.14 | 90 | 3.27 | 546,209.31 | 546,209.31 | 2.64% |
| | TD | 26.11.13 | 24.02.14 | 90 | 3.27 | 543,710.31 | 543,710.31 | 2.63% |
| | TD | 25.09.13 | 08.01.14 | 105 | 3.27 | 518,384.45 | 518,384.45 | 2.51% |
| | TD | 12.12.13 | 12.03.14 | 90 | 3.28 | 504,637.81 | 508,802.25 | 2.46% |
| | TD | 09.12.13 | 11.03.14 | 92 | 3.27 | 509,896.43 | 514,091.55 | 2.49% |
| SUNCORP | TD | 04.12.13 | 04.03.14 | 90 | 3.62 | 1,247,394.12 | 1,258,774.51 | 6.09% |
| | TD | 25.11.13 | 24.02.14 | 91 | 3.55 | 543,099.27 | 543,099.27 | 2.63% |
| | | | TOTAL | | | 20,700,906.35 | 20,663,462.36 | 100.00% |

| | | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|------------------------------|--|------|--------------|--------------|--|
| INTERNAL LN (Commercial Loan Int Rate) | Gen to Sew | 15.01.11 | On Receipt of Ext Loan | | 7.41 | 2,750,000.00 | 2,750,000.00 | |
| I, Juli-Ann Brozek, Lithgow City Council's Manager Corporate & Community 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 investment to 31 December 2013 are shown.



A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received e.g. Water, Wastewater, Stormwater, Domestic Waste, Parking, or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 13 February 2012, Council adopted a draft of the Investment Policy as Policy 8.2 which includes the Ministers Investment Order of 12 January 2011.

FINANCIAL IMPLICATIONS

Interest received to 31 December 2013 is \$288,055.82 and is paid on the maturity date of the investment. Interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 13 February 2012 Council adopted a draft of the Investment Policy as Policy 8.2 and all investments comply with this Policy which includes references to 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 \$20,663,462.36 for the period ending 31 December be noted.

ITEM-18 CORP - 10/02/14 - REVIEW OF COUNCIL POLICIES

REPORT FROM: J BROZEK - GROUP MANAGER CORPORATE & COMMUNITY

REFERENCE

Min No 09-189: Ordinary Meeting of Council held on 9 May 2009.
Min No 13-398: Ordinary Meeting of Council held on 25 November 2013.

SUMMARY

This report provides Council with Policies 4.1 - 4.15 inclusive for consideration. Following the outcome of a recent review of Council policies it recommends amendments to the Policy Register.

COMMENTARY

A review of Council policies has been completed by the Executive Management Team and there are a number of suggested changes to the Policy Register for Council's consideration.

It has been determined that a number of policies are no longer relevant or outdated due to the implementation of new processes or changes in legislation and as such are being recommended for deletion. In order to provide a clearer Policy Register it is proposed that all the policies be re-numbered.

At the Ordinary Meeting of Council held on Monday 25 November 2013 it was resolved to review the recommended amendments to Council policies in sections, hence Policies 4.1 - 4.15 inclusive are presented to Council for consideration.

| Existing Policy No. | Policy Name | Proposed Changes | New Policy No. |
|----------------------------|-------------------------------------------------------------------------|--------------------------|-----------------------|
| 4.1 | Community Representatives - Appointment to Committees or Working Groups | Minor formatting changes | 4.1 |
| 4.2 | Voluntary Work – Community Volunteers | Rescinded | - |
| 4.3 | Donations – GST Treatment for Grants and Contributions | Rescinded | - |

| | | | |
|------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 4.4 | Financial Assistance – Section 356 Of The Local Government Act | TBA | 4.2 |
| 4.5 | Financial Assistance to Community Groups and Organisations – Interest Free Loans | Minor formatting changes | 4.3 |
| 4.6 | Request for Financial Assistance by Waiving of Fees for Council Facilities | Minor formatting changes | 4.4 |
| 4.7 | Halls – Senior Citizens Week | Rescinded | - |
| 4.8 | Union Theatre/Civic Ballroom – Functions by Charitable Organisations | Rescinded | - |
| 4.9 | Lithgow City Council Artwork Collection | Combined with Policy 4.10 | 4.5 |
| 4.10 | Loans from Council’s Art Collection | Rescinded - combined into Policy 4.9 | - |
| 4.11 | Complaints – Disclosure Of Identity – Freedom Of Information Act 1989 | Rescinded - combined with Policy 4.12 to make new Policy 4.13. Freedom of Information Act 1989 has been superseded. | - |
| 4.12 | Complaints and Procedures | Rescinded - combined with Policy 4.11 to make new Policy 4.13 | - |
| 4.13 | Customer Service Policy | Policy 4.11 & 4.12 have been combined | 4.6 |
| 4.14 | Lithgow Library Learning Centre Child Protection Policy | Minor formatting changes | 4.7 |
| 4.15 | Consultation with Indigenous People | Minor formatting changes, change of name to refer to Indigenous People rather than Aboriginal people so that Policy refers to Torres Strait Islanders and other ethnic groups | 4.8 |

The proposed changes to these Policies are not considered to be major and therefore do not require public exhibition as they will only refine Council’s policy position.

POLICY IMPLICATIONS

The proposed changes will refine Council's policy position.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The policies have been reviewed in terms of legislative requirements and subsequently amendments have been made.

ATTACHMENTS

1. Policy 4.1 - Community Representatives - Appointment to Committees or Working Groups
2. Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans
3. Policy 4.6 - Request for Financial Assistance by Waiving of Fees for Council Facilities
4. Policy 4.9 - Lithgow City Council Artwork Collection
5. Policy 4.13 - Customer Service Policy
6. Policy 4.14 - Lithgow Library Learning Centre Child Protection Policy
7. Policy 4.15 - Consultation with Indigenous People

RECOMMENDATION

THAT Council

1. **ADOPT** Policies:

- Community Representatives - Appointment to Committees or Working Groups
- Financial Assistance to Community Groups and Organisations – Interest Free Loans
- Request for Financial Assistance by Waiving of Fees for Council Facilities
- Lithgow City Council Artwork Collection
- Customer Service Policy
- Lithgow Library Learning Centre Child Protection Policy
- Consultation with Indigenous People

2. Renumber the policies according to the schedule

COUNCIL COMMITTEE MINUTES

**ITEM-19 ENVIRO - 10/02/14 - ENVIRONMENTAL ADVISORY COMMITTEE
MINUTES - 28 NOVEMBER 2013**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 28 November 2013.

COMMENTARY

At the Environmental Advisory Committee meeting held on 28 November 2013 there were numerous items on the agenda including;

- Lithgow City Council Bushland Management Projects for 2013/14
- Padleys Lookout Boardwalk
- Community Service Work Scheme
- Lithgow Walking Track and Bike Trail
- SCA Funding for Community Groups (CPIG)

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 28 November 2013.

RECOMMENDATION

THAT Council notes the minutes of the Environmental Advisory Committee held on 28 November 2013.

**ITEM-20 ENVIRO - 10/02/14 - HOWARD SONS PYROTECHNICS PTY LTD
COMMUNITY LIAISON COMMITTEE MEETING MINUTES - 22
JANUARY 2014**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

| | |
|----------------|-------------------------------------------------------|
| Min No 12-470: | Ordinary meeting of Council held on 17 December 2012 |
| Min No 13-17: | Ordinary meeting of Council held on 4 February 2013 |
| Min No 13-90: | Ordinary meeting of Council held on 18 March 2013 |
| Min No 13-216: | Ordinary meeting of Council held on 17 June 2013 |
| Min No 13-350: | Ordinary meeting of Council held on 30 September 2013 |

SUMMARY

This report details the latest Minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee.

COMMENTARY

The first meeting for 2014 for the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee was held on the 22 January 2014. No items arising from the meeting require a resolution by the Council and the minutes are provided for information.

The following matters of interest were discussed during this meeting:

- Howard & Sons Pyrotechnics advised that the older consent 449/00DA is the current operational consent and the new one 190/09DACC has not been activated. A summary sheet was provided to show the conditions that would be relevant to the current operations.
- An update on where the business was up to in relation to bunker system for container trucks.
- A request for clarification of if the cement bunkers design just before the tip they were active and if they still comply.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee.

RECOMMENDATION

THAT the minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee held on 22 January 2014 be noted.

**ITEM-21 CORP - 10/02/14 - CRIME PREVENTION COMMITTEE MINUTES - 16
DECEMBER 2013**

REPORT BY: M JOHNSON – MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No 13-67: Ordinary Meeting of Council held on 25 February 2013
Min No 13-134: Ordinary Meeting of Council held on 15 April 2013
Min No 13-188: Ordinary Meeting of Council held on 26 May 2013
Min No 13-306: Ordinary Meeting of Council held on 19 August 2013

SUMMARY

This report details the Minutes of the Crime Prevention Committee Meeting held on 16 December 2013.

COMMENTARY

At the Crime Prevention Committee meeting held on 16 December 2013, a number of items were discussed by the Committee including;

1. An unsuccessful Crime Prevention Grant Application, discussed in Item 4.
2. A report in Item 6 by Inspector Sammut of Chifley Command on crime incident data for the period September – November 2013.
3. Discussion in General Business regarding Committee attendance and meeting schedule for the 2014 calendar year. It was agreed that Council officers would write to Committee members who have not attended for 3 consecutive meetings advising that they have been removed from the Committee and advertise for replacement representatives to the Committee.

The Committee further agreed to hold meetings each 3 months (as permissible under the current Terms of Reference) in place of the current 6 week cycle.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Crime Prevention Committee meeting of 16 December 2013

RECOMMENDATION

THAT Council notes the minutes of the Crime Prevention Committee held on the 16 December 2013.

**ITEM-22 CORP - 10/02/14 - DISABILITY ACCESS COMMITTEE MINUTES - 17
DECEMBER 2013**

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

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
Min No 13-389: Ordinary Meeting of Council held on 28 October 2013
Min No 13-410: Ordinary Meeting of Council held on 25 November 2013

SUMMARY

This report details the minutes of the Disability Access Committee meeting held on 17 December 2013.

COMMENTARY

At the Disability Access Committee meeting held on 17 December 2013 various items were discussed by the committee including:

- Completion of work addressing the disability access issues outside the Civic Ballroom.
- The draft Disability Access Plan was tabled for review.
- Access issues for consideration during the Lithgow CBD Revitalisation program.

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 17 December 2013.

RECOMMENDATION

THAT Council notes the minutes of the Disability Access Committee meeting held 17 December 2013.

**ITEM-23 OPER - 10/02/14 - AQUATIC CENTRE COMMITTEE MEETING
MINUTES - 5 DECEMBER 2013**

REPORT BY - I STEWART GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Aquatic Centre Committee Meeting held on 5 December 2013.

COMMENTARY

At the Aquatic Centre Committee meeting held on 5 December 2013, there were a number of items discussed by the Committee including:

1. Resources for Regions
2. Local Infrastructure Renewal Scheme (LIRS)
3. 50m outdoor pool service life assessment
4. Aquatic Centre Stages 2/3 Design

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Aquatic Centre Committee meeting of 5 December 2013.

RECOMMENDATION

THAT Council notes the minutes of the Aquatic Centre Committee held on 5 December 2013.

ITEM-24 OPER - 10/02/14 - 16 DECEMBER 2013 - OPERATIONS COMMITTEE MEETING MINUTES

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Details of the Minutes of the Operations Committee Meeting held on Monday, 16 December 2013 for Council adoption.

COMMENTARY

At the Operations Committee Meeting held on Monday, 16 December 2013 there were a number of items discussed by the Committee, with all items being actioned under the Committee's delegated authority.

Items discussed included:

- Traffic Facilities Minor Safety Improvements Letter
- Correspondence from the Hon. Andrew Stoner MP – Wattlemount Road
- Update On Wolgan Road
- Portland Lanes
- Reserve Road
- Main Street Pavement Testing

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Operations Committee Meeting held on Monday, 16 December 2013.

RECOMMENDATION

THAT Council note the minutes of the Operations Committee meeting held on Monday, 16 December 2013.

**ITEM-25 OPER - 10/02/14 - 17 JANUARY 2014 - OPERATIONS COMMITTEE
MEETING MINUTES**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Details of the Minutes of the Operations Committee Meeting held on Monday, 17 January 2014 for Council adoption.

COMMENTARY

At the Operations Committee Meeting held on Monday, 17 January 2014 there were a number of items discussed by the Committee, with all items being actioned under the Committee's delegated authority.

Items discussed included:

- Portland Onsite Meeting

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Operations Committee Meeting held on Monday, 17 January 2014.

RECOMMENDATION

THAT Council note the minutes of the Operations Committee meeting held on Monday, 17 January 2013.

**ITEM-26 OPER - 10/02/14 - 10 DECEMBER 2013 - SPORTS ADVISORY
COMMITTEE MEETING MINUTES**

REPORT BY - I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-415: Ordinary Meeting of Council held on 25 November 2013.

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 10th December 2013.

COMMENTARY

At the Sports Advisory Committee held on 10th December 2013, there were numerous items discussed by the Committee including:

- Financial Assistance Requests
- 2013 LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking Requests
- 2014 Meeting Dates

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Sports Advisory Committee meeting of 10th December 2013.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee held on the 10th December 2013.

**ITEM-27 OPER - 10/02/14 - 28 JANUARY 2014 - SPORTS ADVISORY
COMMITTEE MEETING MINUTES**

REPORT BY - I STEWART – GROUP MANANGER OPERATIONS

REFERENCE

Min No 13-415: Ordinary Meeting of Council held on 25 November 2013.

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 28th January 2014.

COMMENTARY

At the Sports Advisory Committee held on 28th January 2014, there were numerous items discussed by the Committee including:

- Financial Assistance Requests
- Booking Requests
- Lithgow District Football Association Inc – New Members

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Sports Advisory Committee meeting of 28th January 2014.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee held on the 28th January 2014.

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.*