



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

27 JULY 2015

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 29 JUNE 2015

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

STAFF REPORTS

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

COUNCIL COMMITTEE MINUTES

Howard & Sons Pyrotechnics Pty Ltd Community Liaison Minutes- 10 June 2015
Traffic Advisory Local Minutes - 18th June 2015
Youth Council Minutes - 23 June 2015
Operations Committee Minutes - 16th July 2015

DELEGATES REPORTS - NIL

NOTICES OF MOTION

Current Status of Flood Mitigation Works in the Vale of Clwydd - Councillor M Ticehurst
Three Tree Lodge Lithgow Limited and Portland & District Olympic Pool Association Incorporated - Contingency Assets - Councillor M Ticehurst
Councillor Information Sessions - Councillor M Ticehurst
Council Leadership and Management of Community Appeals - Councillor M Ticehurst
Water Standpipe Charges - Councillor F Inzitari

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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GENERAL MANAGERS REPORTS

ITEM-1 GM - 27/07/15 - NATIONAL STRONGER REGIONS FUND APPLICATION

REPORT BY: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 14-413: Ordinary Meeting of Council held on 27 October 2014
Min No 15-74: Ordinary Meeting of Council held on 20 April 2015
Min No 15-116: Ordinary Meeting of Council held on 1 June 2015

SUMMARY

Applications under Round Two of the Australian Government's \$1 billion National Stronger Regions fund has recently opened.

Councils and incorporated not-for-profit organisations are eligible to apply for grants of between \$20,000 and \$10 million.

Applications for Round Two applications opened on 15 May 2015 and close on 31 July 2015.

COMMENTARY

The National Stronger Regions Fund is a Federal Government initiative to boost social and economic development in Australia's regions by funding priority infrastructure projects in local communities. The *National Strong Regions Fund* (NSRF) will provide \$1 billion in funding over five years commencing from 2014/15.

The Government's focus by introducing this funding opportunity is on strengthening economies in regions by improving productivity, economic opportunity, employment and workforce skills.

The objective of the NSRF is to fund projects for capital projects that involve construction of new infrastructure, or the upgrade, extension or enhancement of existing infrastructure. The projects should support economic growth beyond the period of construction.

Councils' are eligible to apply for grants between \$20,000 and \$10 million. Funding must be **matched**, in cash, on at least a dollar for dollar basis and the funded part of the project must be completed on or before Tuesday 31 December 2019. In addition to this:

- Funding will be provided for capital projects which involve construction of new infrastructure, or the upgrade, extension or enhancement of existing infrastructure.
- The project must deliver an economic benefit to the region beyond the period of construction.

- Projects should support disadvantaged regions or areas of disadvantage within a region.

The desired outcomes of the funding scheme are:

- Improved level of economic activity in regions
- Increased productivity in the regions
- Increased employment and more skilled workforce in the regions
- Increased capacity and improved capability of regions to deliver major projects, and to secure and manage investment funding
- Improved partnerships between Local, State and Territory governments, the private sector and community groups
- More stable and viable communities, where people choose to live.

Projects seeking funding will be considered in consultation with the Australian Government's National Infrastructure Committee.

Council resolved for this funding round:

THAT Council make application for funding under Round Two of the National Stronger Regions Fund for the Lithgow Region Infrastructure Revitalisation Project.

Council made an application in Round 1 of the Program but was unsuccessful. The feedback in relation to the application was positive and would be worthy of another application. The Round 1 application by Council was for the Lithgow Region Infrastructure Revitalisation Project - Cook Street Plaza. The total project cost was estimated at \$1,801,415 million with contributions from Lithgow City Council being \$953,622 and a grant sought from the NSW Government of \$847,793.

In this funding round an application is being prepared for a project that includes the former application plus the inclusion of another section of the overall Revitalisation Project. This overall project is to complete a range of capital improvements to Lithgow's town centre. Known as the Lithgow Revitalisation Infrastructure Project, the project includes upgrades to Cook Street Plaza and the 'square' at the intersection of Eskbank St and Main Street, Lithgow (known as Eskbank Square).

The following upgrades form part of the project:

- Upgrade of essential services to the space and surrounds
- Installation of new pedestrian pavements and Main Street pedestrian street crossing
- Installation of a performance stage and outdoor gallery frame
- Installation of green walls, shade and shelter
- Installation of new public seating
- Extended raised thresholds reinforcing pedestrian priority and connection between sides of Main Street and intersections

The total cost of the Lithgow Revitalisation Infrastructure Project is \$2,899,000 and the funding application is seeking funding of \$1,449,500 from the National Stronger Regions Fund.

The economic problem and challenge that exists in Lithgow that this project aims to address is a change in demographics and economic activity within the Lithgow LGA as a whole. The current economic trend suggests new residents moving from Sydney seeking an affordable 'tree change' whilst still maintaining the benefits associated with being geographically close to Sydney. Lithgow has key infrastructure in the form of direct road and electrified rail links to Sydney's CBD which is unrivalled in the Central West region. This coupled with affordable housing and lower living costs make the region attractive to a number of markets including retirees, tree-changers, families and small business.

The problem we have as a town is that we are set up as a service town for local industries, not for a new demographic who are mainly from Sydney. Data and surveys show that the housing prices of the coast, Blue Mountains and Southern Highlands are now too high, and our aim is to make Lithgow their destination to live. To make this happen we need to make the changes to cater for the new generation.

Lithgow needs to service the changing needs of residents and has already undertaken a number of projects to start this process including the development of a range of key infrastructure projects such as a new indoor swimming pool, encouraging the establishment of higher education service providers and the upgrade of a number of essential services including the Wallerawang and Portland Sewerage Treatment Plants to deal with population increases.

The funding for the main street will directly address the economic problem of the new demographics by providing a main street that is in keeping with the needs of the new residents and build on the trends we are already experiencing for our new future.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

This program will provide funding of \$1 billion over 5 years, commencing in 2014-15, to fund priority infrastructure in regional communities.

- Grants must be between \$20,000 and \$10 million.
- Local government and incorporated not-for-profit organisations are eligible to apply.
- Grant funding must be matched in cash on at least a dollar for dollar basis.

Council has the matching funding of \$1,449,500 available for the funding application.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the application for funding under Round Two of the National Stronger Regions Fund for the Lithgow Region Infrastructure Revitalisation Project.

**ITEM-2 GM - 27/07/15 - RETURNS UNDER SEC 449 - LG ACT 1993
DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED
PERSONS**

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

To advise Council of the returns required to be lodged with the General Manager under Section 449 of the Local Government Act 1993 for Councillors & Designated Person for the period 1 July 2014 to 30 June 2015.

COMMENTARY

Section 449 of the Local Government Act requires Councillors and designated persons to lodge returns under Section 449 for the period 1 July 2014 to 30 June 2015.

Section 449 Provides:

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.

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
- Team Leader Building
- Team Leader Planning
- Team Leader Environment
- Strategic Land Use Planner(s)
- Property Officer
- Building & Development Officers (4)

The Returns have now been issued to all persons (councillors and designated persons) and are due to be returned by no later than 30 September 2015.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Note the report on Disclosure of Interests under Section 449 of the Local Government Act 1993 for the period 1 July 2014 to 30 June 2015
2. Note that the relevant forms have been issued to all councillors and designated staff
3. Note that the Returns are to be provided to the General Manager by no later than 30 September 2015.

ITEM-3 GM - 27/07/15 - LITHGOW AQUATIC CENTRE FUNDING

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

Councillor Ticehurst, and supported by Councillor McGinnes, has made further false accusations in relation to the Lithgow Aquatic Centre. This time in relation to the funding of the centre.

COMMENTARY

At the Council meeting held on Monday 29 June 2015 Councillor Martin Ticehurst made very derogatory and defamatory remarks against Council's General Manager in relation to the funding provided for the Lithgow Aquatic Centre. At the centre of this was Clr Ticehurst's false and emphatic belief that funding of \$3M provided by the NSW State Government had been provided solely for Stage 4 of the Lithgow Aquatic Centre. Stage 4 being the refurbishment of the existing 50M pool. This position was supported by Clr Joe McGinnes. Added to this were also separate false claims by Clr McGinnes that the funding had come about only through his and Clr Ticehurst's efforts.

During the Council meeting it was clearly and repeatedly enunciated by Council's General Manager that the \$3M in grant funding had been provided to Lithgow City Council for stages 2, 3 and 4. The Funding Agreement with the Minister for Trade, Tourism and Major Events clearly shows that the funding was provided for stages 2, 3 and 4 as correctly described by Council's General Manager at the 29 June 2015 Council meeting. This Agreement is included in the attachments.

Clr Ticehurst's belief that the funding was for stage 4 only appears to have come from his inadequate research where he located a webpage that stated "Lithgow Aquatic Centre renovations" as the purpose of the funding. Clr Ticehurst provided no further evidence than this to justify his claims.

Funding for the centre came as a result of the tireless and persistent efforts of Mayor Maree Statham, Councilor Ray Thompson and Council generally.

No known efforts were ever made by Councillor Ticehurst or Councillor McGinnes to attract any funding for the facility.

In addition to the above criticisms and allegations Clr Ticehurst also issued a media release wherein he made further false allegations in relation to the pool. These false allegations include:

- "It's certainly not a normal public indoor heated pool – it's been best described as nothing more than a pool – indoors!"
- "...that with the Council refusing to take the pool temperature higher than 27 degrees so as to avoid major internal condensation and with no indoor air-conditioning or heating in this new facility for patron comfort.."

In response to the allegations:

- The Indoor Pool is DEFINITELY a heated pool. Solar energy boosted with gas heating is used to heat the pool water.
- Council's target range for the heating of the pool is 27 to 29 degrees Celsius. This target range has been selected in an attempt to accommodate as many different types of users possible.
- Good, environmentally friendly, design principles have been used to remove the need for mechanical devices to reduce humidity and condensation
- Under floor heating is provided at the facility making it comfortable to use during colder periods

This latest attack by Clr Ticehurst comes on the back of his very persistent, false, misleading and aggressive campaign in relation to the 2014-15 Lithgow Pool swimming season when he made numerous demands for the closure of the pool over concerns about ducks being spotted in the pool grounds. On this occasion Clr Ticehurst made very false and unsubstantiated claims that two women had become sick at the Council pool as a result of swimming at the Lithgow pool and one who missed several days work after allegedly swimming in the pool. Not only did Clr Ticehurst make such unsubstantiated allegations he made it to numerous persons and organisations. Despite many requests Clr Ticehurst never provided any evidence to support his claims.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Correspondence from the Office of Sport, dated 7 July 2015
2. Funding Agreement – Lithgow Aquatic Centre
3. Email, including Media Release, by Clr Martin Ticehurst

RECOMMENDATION

THAT Council:

1. Note that the Grant Funding of \$3,000,000 from the NSW State Government was for stages 2, 3 and 4 of the Lithgow Aquatic Centre
2. Acknowledge and congratulate Mayor Maree Statham and Councillor Ray Thompson for their efforts in successfully lobbying for the funding for the Lithgow Aquatic Centre

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-4 ENVIRO - 27/07/15 - SECTION 73A AMENDMENT TO LITHGOW LOCAL ENVIRONMENTAL PLAN 2014

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 13-390:	Ordinary Meeting of Council held on 28 October 2013
Min No 13-391:	Ordinary Meeting of Council held on 28 October 2013
Min No 14-07	Extra Ordinary Meeting of Council held on 3 February 2014
Min No 14-36	Extra Ordinary Meeting of Council held on 3 February 2014
Min No 14-124	Ordinary Meeting of Council held on 24 March 2014
Min No 14-128	Ordinary Meeting of Council held on 24 March 2014
Min No 15-15:	Ordinary Meeting of Council held on 9 February 2015

SUMMARY

The purpose of this report is to inform Council of some minor errors that have been identified within the gazetted version of the Lithgow Local Environmental Plan 2014 (LLEP2014) and gain approval to prepare an amendment to correct these minor errors.

COMMENTARY

Several minor errors have been identified in the process of working with the Lithgow Local Environmental Plan 2014 over the past seven months since its commencement. These errors may be summarised as follows:

Lot Size Map	Correction of lot size in a small area around the corner of Castlereagh and Great Western Highways
Schedule 5 Part 1 Environmental Heritage	Correction of property descriptions for Theatre Royal, Main St Lithgow and Northbrook, Pipers Flat Road Wallerawang
Heritage Map	Correct Heritage Map to reflect Schedule 5 amendments above
Schedule 1 Additional Permitted Uses Clause 2(1)	Correct the lot description that changed due to registration of a subdivision that only showed on property systems after of LEP2014 to reflect only that property owned by Westfund as intended by Council resolution.

It is not unusual that errors of this nature are identified post commencement of LEPs, particularly Principal LEPs covering all of a Local Government Area. Therefore, in

planning reforms in 2005, the Act was amended to introduce Section 73A of the Act to expedite LEPs to correct minor errors.

Section 73A of the Environmental Planning and Assessment Act 1979 allows certain types of minor amendments to be made to Environmental Planning Instruments (such as Principal LEPs) without following the usual procedures for preparing LEPs (particularly public exhibition) under Part 3 of the Act.

Section 73A may be used to prepare a LEP to amend another LEP to:

- (a) correct an obvious error in the principal instrument such as misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or formatting error, or
- (b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature.

Planning Circular PS 06-2014 (Attachment 1 to this report) states that “the ability to make an amendment in accordance with Section 73A will need to be assessed on the facts of each individual case. While judgement will need to be exercised in such assessments, the consequence of an amendment being made in accordance with Section 73A should be that:

- there is no need for exhibition of the draft instrument (eg public exhibition has previously occurred and gazettal of the Section 73A amendment will be sufficient notification), and
- the amendment will not have any material effect “on the ground”.

Attachment 3 to this report details the proposed minor amendments and provides justification for the use of the Section 73A expedited amendment process to correct these errors.

Planning Circular PS 06-2014 also outlines the process for making a Section 73A amendment as summarised below:

1. Council resolves to prepare the LEP amendment in accordance with Section 73A.
2. The NSW Department of Planning and Environment (the Department) will check information and if it agrees the amendment is subject to Section 73A the application will be referred to the LEP Review Panel for consideration.
3. If LEP Review Panel does not agree the amendment is subject to Section 73A it will advise Council in writing and provide suggestions on how best to deal with the outstanding matters.
4. If appropriate for Section 73A the Legal Services Branch of the Department will prepare drafting instructions for the Parliamentary Counsel (PC) and request an opinion.

5. Once the opinion is received by the Department it will confirm with Council that is still wishes to proceed.
6. The Department will then forward the PC opinion along with Council's report as endorsed by the Department to the Minister.
7. The Minister will decide where to make the Plan or not.
8. If the Minister decides to make the plan amendment, public notification will occur through the publication of the amending LEP in the Government Gazette.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The LEP amendment will be undertaken in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and will, if approved, amend Lithgow Local Environmental Plan 2014.

ATTACHMENTS

1. Department of Planning Circular 06-2014 - Minor amendments to LEPs using S.73A
2. Map showing area of Lot Size Amendment
3. Table detailing proposed minor amendments.

RECOMMENDATION

THAT

1. Council prepare an LEP amendment in accordance with Section 73A of the Environmental Planning and Assessment Act to amend Lithgow Local Environmental Plan 2014 (LLEP2014) to:
 - a) Amend the Lot Size Map of LLEP2014 to identify the land shown in attachment 2 from 2ha to 40ha.
 - b) Amend I 351 in Schedule 5 of the LLEP2014 by deleting 210-212 Main St and Lot 10 DP 131092 and replacing with 208 Main St and Lot 1 DP 169176 respectively
 - c) Amend I220 in Schedule 5 of the LLEP2014 by deleting Lot 1 DP 1124158 and replacing with Lot 2 DP 1124158 respectively
 - d) Delete Lot 1 DP 868379 in Schedule 1 Clause 2 (1) and replace with Lot 1 DP 1198292.
2. Council notify the Department of Planning and Environment of its resolution to prepare an amendment to LLEP2014 in accordance with Section 73A of the Environmental Planning and Assessment Act, 1979 and forward all the necessary documentation as outlined in the Act and Planning Circular PS 06-2014.

ITEM-5 ENVIRO - 27/07/15 - AMENDMENT TO THE PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2010 TO ENHANCE WOODHEATER FRAMEWORK

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report seeks Council support to the amendment to the *Protection of the Environment Operations (Clean Air) Regulation 2010* as it relates to the Lithgow Local Area. If supported by Council this will provide that from 1 September 2016, new wood heaters within land zoned R1 and R2 within the Lithgow LGA must meet specific emission and efficiency standards as set out in AS/NZS 4012 and AS/NZS 4013 unless a special approval is obtained.

COMMENTARY

Local government primarily manages wood smoke from wood heaters and open fireplaces in New South Wales. This includes approval of installation of appliances through section 68 Of the Local Government Act as well as compliance and education to reduce wood smoke which can include wood heater replacement; community education programs; enforcement of wood smoke regulation; management of wood smoke; and investigating resident complaints. These compliance roles are primarily through the provisions of the Protection of the Environment Operations Act and its Clean Air Regulations.

The Environment Protection Authority (EPA) is proposing to amend the current wood heater regulatory framework under the *Protection of the Environment Operations (Clean Air) Regulation 2010*. This is designed to provide a streamlined but flexible framework for councils to choose an appropriate level of control for wood heater installations in their local government area. Smoke emissions for domestic solid fuel heaters are largely managed by Council as it affects local air quality.

The amendment to the Regulation proposes:

1. A new schedule of additional controls council can choose to implement either in their entire local government area or designated areas such as high density neighbourhoods, new development precincts or localities affected by wood smoke because of their topography (this approach is similar to control of burning in the open in NSW); and
2. Incorporates updated Australian/New Zealand Standards for wood heaters which set more stringent emission limits and new efficiency limits.

The amendment to the Regulation presents councils with the opportunity to consider listing their local government area on the appropriate part of a new Schedule in accordance with the level of wood heater control desired by their community. The new schedule is outlined below.

New Schedule
<p><u>Part 1</u></p> <p>No new wood heaters, except with an approval.</p>
<p><u>Part 2</u></p> <p>Except with an approval, from 1 September 2016 new wood heaters must have:</p> <ul style="list-style-type: none"> • an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012; and • a minimum efficiency of 60% as tested in accordance with AS/NZS 4013.
<p><u>Part 3</u></p> <p>No new open fire places, except with an approval.</p>
<p><u>Not listed</u></p> <p>General Regulation requirements apply.</p>

It is proposed for the Lithgow local government area that part two of the new schedule be adopted whereby, providing new wood heaters meet the emission and efficiency requirements, that they may be installed in R1 and R2 zones without the necessity for approval under the regulations. If heaters do not meet these requirements a special approval will be necessary. Approval under section 68 of the Local Government Act will be necessary in either event. The proposed amendment will incorporate the updated Australian/New Zealand Standards that include more stringent limits for wood heater emissions and efficiency. The Regulation adopts a staged approach to setting efficiency and emissions limits for new solid fuel heaters:

- 55 per cent efficiency and 2.5 grams of particle emissions per kilogram of fuel burnt (g/kg) (1.4 g/kg for catalytic heaters) from the date the Regulation commences; and
- 60 per cent efficiency and 1.5 g/kg (0.8 g/kg for catalytic heaters) from 1 September 2019.

The amendment to the Regulation is designed to complement existing development controls and regulatory powers that are available to local government under the Local Government Act 1993 and Protection of the Environment Operations Act 1997. If a council chooses not to be listed in the Schedule, the general Regulation requirements apply. A similar approach is currently used to control open burning in NSW.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Financial support up to \$15,000 for the implementation of the new Regulation will be provided for;

- **Development of council policies and procedures**
Update of relevant planning instruments, development of approval procedures, aligning planning instruments with Regulation approvals, information and guidance material for local residents and retailers, consultation with communities to identify designated areas.
- **Community education materials and campaigns**
Includes production of information and promotional materials, eg, website material, brochures, advertising hard copy, displays, mass media space and time.

This will assist to combine community consultation with the EPA's consultation process and start putting procedures in place to implement the Schedule in their local government area when the new framework commences on 1 September 2016.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Protection of the Environment Operation (Clean Air) Amendment (Heaters and Fireplaces) Regulation 2014.

RECOMMENDATION

THAT Council Nominate land zoned R1 and R2 in the Lithgow LGA on the Schedule of the *Protection of the Environment Operations (Clean Air) Regulation 2010*; for the control measure Part 2 being:

Part 2

Except with an approval, from 1 September 2016 new wood heaters must have:

- an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012; and
- a minimum efficiency of 60% as tested in accordance with AS/NZS 4013.

ITEM-6 ENVIRO - 27/07/15 - DA193/14 PROPOSED ADDITIONS TO THE REAR OF THE UNION THEATRE, BRIDGE STREET LITHGOW NSW 2790

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To assess and recommend determination of DA193/14. Recommendation will be for approval subject to conditions/refusal.

COMMENTARY

The proposal is for a two storey addition at the rear of the Union Theatre to allow for the construction of dressing rooms and a back stage area. Minor internal alterations are also proposed to be undertaken.

The statement of Environmental Effects states that the proposal involves:

Existing stage front:

- *Provide a low rise chair lift to the front of the stage.*

North wing of the building:

- *Remove rear window and retain for reuse within the new additions;*
- *A new door is proposed to replace a window opening;*
- *Widen existing north door to provide for piano access to new store.*

South wing:

- *Remove rear window and retain for reuse within the new additions;*
- *A new door is proposed to replace a window opening.*

Existing steel stairs to North deck:

- *To be relocated in new work.*

Lower floor area:

- *Remove existing entry doors and retain opening;*
- *Partition walls to provide for male and female dressing rooms;*
- *Remove existing partition walls.*

Works to be added to the rear area include:

- *Upper level addition of makeup room, green room, unisex toilets (x2 including an accessible toilet) and scene storage room.*
- *Lower level addition of locker room, unisex (x2) toilets/shower and storage area;*
- *Interconnecting lift and stairs.*

The lower level is proposed to be built of a selected bagged render finish, while the upper level is proposed to be built from corrugated galvanised iron.

The Union Theatre is connected to the adjoining building, being the old Hoskins Institute, which the Lithgow Musical society previously utilised for their change rooms and props. The University of Western Sydney now occupies the building, after upgrade works were undertaken. As the space within the old Hoskins Institute is now unavailable, the Union Theatre requires the proposed additional works to help sustain the ongoing use.

PERMISSIBILITY

The development constituting a place of assembly is permissible in the zone.

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

Though not relevant to the consideration of the development application, Council has allocated \$400,000 towards the project and will be looking for additional funding to allow the project to proceed. The total cost of the project is anticipated to be in the vicinity of \$800,000 and the balance will need to be funded from other sources. To this end, a development consent will assist in funding applications.

LEGAL IMPLICATIONS

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979. A full assessment is reported in the attached Section 79C assessment report.

ATTACHMENTS

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

RECOMMENDATION

THAT:

1. Development Application DA193/14 be **APPROVED** subject to conditions on the consent.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993

**ITEM-7 ENVIRO - 27/07/15 - DA096/15 - WALKWAYS PATHWAYS
PLATFORMS FENCING CARPARK - BLAST FURNACE PARK
LITHGOW - EXEMPTION FROM SECTION 94A CONTRIBUTIONS**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To request that an exemption be provided for DA096/15 - walkways, pathways, platforms, fencing & carpark - blast furnace park Lithgow, in relation to Section 94A Development Contributions.

COMMENTARY

Council is in receipt of a Council Development Application requesting approval for walkways, pathways, platforms, fencing and carparking upgrades at the Blast Furnace Park, Inch Street Lithgow. The land being Lot 2 DP776568 is owned by Council and is considered a recreational area and carpark.

The development cost is estimated at \$422,000 and therefore the following provisions of the Lithgow City Council Section 94A Development Contributions Plan 2012 (S94A Plan) applies:

Schedule 2- Summary of Section 94A Levy Rates:

<i>Type of Development</i>	<i>Levy (%)</i>
<i>All development types valued at \$100,000 or less</i>	<i>0.0%</i>
<i>All development types valued at \$100,001 and up to \$200,000</i>	<i>0.5%</i>
<i>All development types valued in excess of \$200,000</i>	<i>1%</i>

A contribution of \$4,220 would apply for this development. However, it has been requested by the applicant that consideration to the following provision of the S94A Plan be applied:

C7- Are there any exemptions to the levy?

Council may consider exempting developments or component 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 or carparks;*

Therefore, given the development made by Lithgow City Council is to enhance an existing recreational area and carpark that is a State Heritage item and significant to Lithgow, it is considered that an exemption under Clause 7 of the S94A Plan could be accepted.

OTHER MATTERS

The development application will be required to be determined by the elected Council at a later date when assessment has been finalised.

POLICY IMPLICATIONS

The following policy implications apply to the Development Application:

7.6 DEVELOPMENT APPLICATIONS BY COUNCILLORS AND STAFF OR ON COUNCIL OWNED LAND

- 1. 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 the owner of the land to which the application relates, or where the development application on Council owned land, that such an application be referred to Councillor consideration and determination.*

Therefore, the application will be referred to the elected Council for determination at a later date.

FINANCIAL IMPLICATIONS

Council will not receive a contribution of \$4,220 in relation to Section 94A Development Contribution Plan 2012, which goes towards costs within the Lithgow Local Government Area as detailed in Appendix A of the Plan.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the Section 94A contributions be waived for DA096/15 for walkways, pathways, platforms, fencing and carparking upgrades at the Blast Furnace Park, as per Clause C7 (h) of the Lithgow City Section 94A Development Contributions Plan 2012.

**ITEM-8 ENVIRO - 27/07/15 - DEVELOPMENT APPLICATION 090/95DA
 MODIFICATION OF CONSENT FOR METROMIX QUARRY- 122
 OAKEY FOREST ROAD MARRANGAROO**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To assess and recommend determination of 090/95DA Modification of Consent S96020/15 for Metromix Quarry. The recommendation is for approval subject to amended and additional conditions of consent.

COMMENTARY

Existing Consent:

The original development consent for the quarry was completed under delegation for the continued use of the Quartzite Quarry in 1995. This was then modified in 2004 to increase the transportation hours and recently in 2015 to increase the extraction boundary by 1.2ha.

The quarry is owned by Metromix Pty Limited and approved for 220,000t per year of product, utilising drilling & blasting, load & haul, and crushing & screening operations with maximum truck movements of 250/day.

The site contains stockpiles that do not exceed 70,000t with maximum heights of 6m. The product is transported off site by trucks with 85-90% turning right onto the Great Western Highway to Lithgow and 10 -15% turn left towards Wallerawang & Bathurst. Traffic movements include 12 to 20 light vehicles per day with a maximum of 250 truck movements per day. The quarry employs 11 persons at the site with the approved hours of operation as follows:

Hours of Operation		
Activity	Hours	Days*
Extraction	7:00am to 5:00pm	Monday to Saturday
Processing	7:00am to 5:00pm	Monday to Saturday
Sales	7:00am to 5:00pm 7:00am to 2:00pm	Monday to Friday Saturday**
Maintenance	7:00am to 5:30pm 7:00am to 12 noon 24 hours	Monday to Friday Saturday Monday to Sundays#
* Public holidays excluded ** Occasional Saturdays only # Maintenance is rarely undertaken beyond normal hours but is sometimes required at short notice for short period and then, it is required to be inaudible at nearby residences.		

It is estimated that the Marrangaroo Quarry will continue for approximately 32 years with the current extraction limits for quartzite and resource available.

Proposed Modification:

Council is now in receipt of a modification of development consent application S96020/15 for 090/95DA from Metromix Pty Ltd to allow the temporary transport of up to 100,000 tonnes per annum of overburden as 'general fill' to the Forty Bends Upgrade project of the Great Western Highway by Roads and Maritime Services.

This proposed overburden product (fill) is in addition to the existing extraction of the quartzite materials. No changes to operation hours, maximum truck movements or licencing requirements are required and the proposal will cease once the Forty Bends Upgrade is completed.

PERMISSIBILITY UNDER LOCAL ENVIRONMENTAL PLAN 1994 (LEP1994)

The development was originally permissible in the zone under Clause 9 of Council's previous LEP1994 which indicated that an extractive industry is permissible in the zoning. This permissibility is not proposed to change as part of this modification. It is considered that the proposal is consistent with the aims and objectives of the previous zone 1(a) Rural (General).

PERMISSIBILITY UNDER LITHGOW LOCAL ENVIRONMENTAL PLAN 2014 (LEP2014)

The development was originally approved under LEP 1994, however the proposal is currently permitted with consent within the RU1 Primary Production zone of LEP2014 and meets the objectives of the current zone. With conditions of consent the development will adequately meet requirements of LEP2014 for terrestrial biodiversity, sensitive lands and groundwater vulnerability.

EXHIBITION & COMMUNITY CONCERNS

Although the Regulation does not require the notification of the modification, Council undertook notification to adjoining and adjacent landowners with no submissions received. The application was referred to Water NSW, Roads and Maritime Services, Environment Protection Authority, NSW Trade & Investment - Resource & Energy and Crown Lands for commenting with no objection to the proposal subject to conditions of consent as detailed in the attached Section 79C report.

CONCLUSION

The proposal complies with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality subject to conditions of consent being imposed. As such it is recommended that development consent be granted subject to the conditions as detailed within the Section 79C assessment (Attachment 1).

OTHER MATTERS

The development is substantially the same development given the change is to allow overburden produced at the site to be taken offsite. The extractive industry will operate in the same manner, with an increase in material being transported offsite. No changes are required from the approved truck movements, operation hours, method of extraction or processing and stockpiling for this proposal.

POLICY IMPLICATIONS

Council's *Policy 7.6 – Development Applications By Councillors And Staff Or On Council Owned Land* states:

1. *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 the owner of the land to which the application relates, or where the development application on Council owned land, that such an application be referred to Council for consideration and determination.*

The Modification of Consent Application could be argued to technically relate to Council owned land, Lot 68 DP 813538 from the original consent, however, it is noted that the land owned by Council is not being varied by this application. As previous modifications have come before Council, it is considered reasonable that this proposal also be determined by Council.

FINANCIAL IMPLICATIONS

As part of the previous modification S96043/14 approved in 2015 it was agreed that the applicant/operator would provide a yearly contribution as per the below condition of consent.

30. *The applicant shall make a contribution of \$8,000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics) toward the ongoing maintenance of Oakey Forest Road. This contribution shall be paid prior to 30 June at the end of each financial year. The payment for the 2014/2015 financial year shall be \$8,000 (plus GST) and the first CPI adjusted payment shall be for the 2015/2016 financial year.*

This condition is proposed to change as a result of this modification with the applicant prepared to pay a further contribution of \$2,000 per annum for the extent of the overburden extraction offsite with the below to be added:

- 30A. *The applicant shall make an additional contribution of \$2,000 (plus GST) per annum, to be adjusted annually in accordance with CPI (All Groups Index for Sydney published by the Australian Bureau of Statistics), toward the ongoing maintenance of Oakey Forest Road for the period of overburden sale as 'general fill'.*

LEGAL IMPLICATIONS

The application must be assessed in accordance with the heads of consideration of Section 79C (1) of the Environmental Planning & Assessment Act 1979. A full assessment under Section 79C is attached.

ATTACHMENTS

1. Complete Section 79C Planning Report under separate cover which includes plans.

RECOMMENDATION

THAT:

1. Section 96(2) Modification of consent no. S96020/15 for 090/95DA being Metromix Quarry development be **APPROVED**, subject to the conditions outlined in the attached Section 79C report.

2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-9 ENVIRO - 27/07/15 - OLD LITHGOW POWER STATION SITE -
DEVELOPMENT APPLICATION OWNERS CONSENT**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

This report outlines a submission provided to Council from COC Ltd seeking Council landowners consent to lodge a development application for the placement and shaping of clean fill material on the old Lithgow Power Station site at State Mine Gully Road, Lithgow.

COMMENTARY

A number of preliminary discussions have been held with representatives of COC Ltd who in due course would like to negotiate the lease or potential purchase of the former Lithgow Power Station site adjacent to State Mine Heritage Park. An opportunity has arisen whereby COC have been offered upwards of 6,000 tonnes of certified clean fill from a roadworks project on the Bells Line of Road. The placement of such an amount of fill on the site and reshaping the site requires development consent from Council and would also require Council's consent as the landowner to physically place the material on its site.

The problem at this stage is that COC Ltd has no legal rights to the site and no formal plans have been submitted as to the final landform or end use of the site. These issues will need to be addressed either as part of a formal proposal from COC Ltd for the lease or purchase of the site and/or be included in a development application.

At this stage should Council be amendable to signing the development application, it provides no more authority than allowing the development application to be considered. The DA would still need to be reported to Council for determination and, as the owner of the site, Council would still need to provide its approval for the physical work to be carried out on its land. It is likely that this would occur prior to any formal lease or purchase of the site.

POLICY IMPLICATIONS

Policy 7.6 – Development Applications by Councillors and Staff or on Council Owned Land will apply to this matter whereby any development application lodged will require determination by the elected council.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Clause 49 of the Environmental Planning and Assessment Regulation provides that a development application may be made by the owner of the land to which the development application relates, or by any other person, with the consent in writing of the owner of that land.

ATTACHMENTS

1. Correspondence from COC Ltd.

RECOMMENDATION

THAT Council provide its consent as the owner of the old Lithgow Power Station site, being Lot 931 DP 868140, for the lodgement of a development application by COC Ltd for the emplacement of up to 10,000 tonnes of certified clean fill material on the site including the general shaping of the material into a final landform.

ITEM-10 ENVIRO - 27/07/15 - PROPOSED LEASE OF SOUTH LITTLETON HALL - EAST STREET LITHGOW TO LITHGOW CHAPTER GROUP

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 14-292: Ordinary meeting of Council held 30 June 2014

SUMMARY

The purpose of this report is to:

- Outline the proposal from the Lithgow Chapter group to establish a 5 year lease of ‘community’ classified public land being part of Lot 114 DP 28254, known as South Littleton Hall. The terms of the proposed lease are outlined in this report;
- Obtain Council support to give public notice of the lease proposal for a period of twenty-eight (28) days and receive public submissions for a period of forty-two (42) days.

COMMENTARY

The South Littleton Hall was historically used as a Scouts Halls for many years before the Littleton Corp of the organisation folded in the year 2000. The hall was used sporadically throughout the remaining decade, and in 2009 Council considered its options in regards to its future viability.

Following community consultation, the Lithgow Men’s Shed group volunteered to undertake renovation of the hall as a project for its members. Subsequently, the hall was extensively renovated by the Lithgow Men’s Shed group in 2011 with \$33,000 in funding being provided from State and Federal Government grants, together with a \$10,000 Council contribution. The Men’s Shed group occupied the South Littleton Hall up until early 2014 when they relocated to the old amenities building at the Lithgow Aquatic Centre. Despite public expressions of interest being called for the continued use of the building, the premises have remained vacant since that time.

Council has now received a request from the Lithgow Chapter group to enter into a lease agreement to allow exclusive occupation of Council owned “community” land containing the South Littleton Hall in East St Lithgow.

The proposed lease of this site for community purposes is authorised in accordance with s.46 of the Local Government Act 1993, and s.8.7(2) of the Generic Community Lands POM 2013.

The Lithgow Chapter group is part of the United Grand Chapter of Australia, which operates as a not for profit organisation. The Chapter Group has historically resided in the Masonic Hall in Mort St Lithgow, however the building has recently been sold, requiring the group to find a new location for their operation.

Chapter membership priorities include extensive charity work, donations to community and other organisations and promoting a social hub for like minded individuals. Over the

last ten (10) years, the Lithgow Chapter has made the following donations to Lithgow and other charitable organisations:

Three Tree Lodge (towards installation of sprinkler system)	\$3,500
Mayor's Bush Fire Appeal	\$500
Lithgow Private Hospital (towards Phaco Machine)	\$1,500
LINC - for Doreen's Place	\$1,500
Lithgow VRA	\$10,850
Lithgow Arthritis Group	\$250
Lithgow Women's and Children's Crisis Centre	\$160
Lithgow Early Intervention	\$1,250
Tanderra	\$200
Vinnies, Salvation Army, Churches (for Winter and Christmas Appeals)	\$1,100
Lithgow Aged Care	\$3,500
Cerebral Palsy, Macular degeneration, Vision Australia, Diabetes Australia, Fred Hollows, MS, Bowel cancer research, Royal North Shore Spinal Unit, RPA Heart Research, 2009 Bush Fire Appeal, United Grand Chapter of Australia Disaster Fund.	\$12,000

Hire Charges and Rental

There is no designated hire fee for the South Littleton Hall within the 15/16 Fees and Charges, however hire charges for similar public halls of this category for not for profit groups is \$20 per hour. Based on minimum usage of 6hrs a month, the annual hire fee would amount to \$1,440pa. The Chapter group have contents that they need to relocate from their current location including, chairs tables, rugs, kitchen utensils and small white goods. There is no secure storage area in the hall to allow these items to be appropriately secured if the hall was to be hired by the group with other users permitted access. Therefore, the group is requesting a lease of the premises for exclusive access and use.

It is considered that in granting this lease, the community asset will be utilised by a community focussed organisation. Although not available in the term of the lease for wider community use; it will satisfy its purpose as a community meeting place and make good use of a valuable community asset.

The Chapter group has expressed an interest in maintaining the gardens around the building and generally improving the presentation of the facility. This proposed financial support for the Lithgow Chapter group aligns with Council's objective of supporting

community organisations that engage and foster community enhancement as part of Council’s strategy to Care for our Community in the Community Strategic Plan 2026.

The general terms of the lease, as proposed for the Lithgow Chapter group are provided in the table below.

Table 1

Lease Term	5yrs
Option to renew	No
Yearly Rental	\$1,440pa + CPI
Exhibition of proposed lease Require	Yes. 28 days/42 for receipt of submissions
Legal Costs for establishment of lease to be met by Lessee	Yes
Share of Utilities	100% by lessee (except rates and building insurance)
Rent Review	Annual CPI
Public Liability	\$20Mil
Security Deposit	Nil
Standard Annexure B & C to lease	Yes

MATTERS AFFECTING THE GRANTING OF A LEASE

Public Land Classification

The subject land has a total site area of 3149m² of which approx 190m is the area containing the hall that is proposed to be utilised by the Lithgow Chapter group and is the subject of the proposed lease. The land is classified as “Community” in accordance with s.25 & 26 of the Local Government Act 1993, and is categorised as “General Community Use” under the Lithgow Generic Community Lands Plan of Management (POM) 2013.

Environmental Planning Instrument – Land Zoning

The proposed lease area is zoned RE1 Public Recreation under the Lithgow Local Environmental Plan 2014. The use of this site as a “community facility” is permissible in the zone and continues the long history of the sites use for these purposes.

POLICY IMPLICATIONS

NIL arising from the recommendations of this report as proposal is compliant with the following adopted Council Policies:

Policy 1.1 Leases – Legal Costs

Lessee to meet all legal costs associated with preparation and registration of lease.

Policy 10.14 Property Leases

Any rental reductions from market rent to be reported to Council.

FINANCIAL IMPLICATIONS

The lease will generate rental income of \$1,440pa + CPI for the period of the lease.

LEGAL IMPLICATIONS

The proposed lease of this site as a community hall is authorised in accordance with s.46 of the Local Government Act 1993, and s.8.7(2) of the Generic Community Lands POM 2013.

Council is required to comply with Section 47 and 47A of the Local Government Act relating to public notification and exhibition of the lease proposal prior to executing a final lease.

Lease documents to be prepared by Council's solicitor in compliance with current legislation.

ATTACHMENTS

1. Plan of land area subject to proposed lease.

RECOMMENDATION

THAT Council:

1. Grant a lease of a 190m² section of Lot 114 DP 28254 known as South Littleton Hall East St Lithgow, as shown on the attached plan, subject to the following terms and conditions:
 - i. Lease term of 5yrs with no option
 - ii. Rent \$1,440.00pa + CPI
 - iii. Public Liability Insurance of \$20M, or amount as required by Council at the time of renewal of the lessee's public liability policy.
 - iv. Lessee to meet 100% of all outgoings excluding property rates and insurances.
2. The lease proposal be publicly notified for a period of twenty-eight (28) days in accordance with Section 47 and 47A of the Local Government Act and any submissions received be duly considered by Council in a further report prior to finalising any lease agreement.
3. Lithgow Chapter group to meet all Councils legal costs associated with the subject lease in accordance with Council Policy 1.1 Leases - Legal Costs.

OPERATION REPORTS

ITEM-11 OPER - 27/07/15 - WATER NSW - UV DISINFECTION DEED OF AGREEMENT

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 15-162: Ordinary Meeting of Council held on 29 June 2015

SUMMARY

An offer from Water NSW was accepted at the last Ordinary Council meeting detailing an agreement between Council and Water NSW (formerly Sydney Catchment Authority) concerning compensation towards the cost of running the UV disinfection system located at Lithgow and Wallerawang sewerage treatment plants.

COMMENTARY

At the Ordinary Meeting of Council held on 29 June 2015 Council resolved the following:

THAT Council accept the offer from WaterNSW in an amount of \$400,000 plus GST (less \$6,803) as a contribution to the ongoing operation of the UV disinfection systems as Lithgow and Wallerawang Sewage treatment plants.

A Deed of Agreement has now been received from WaterNSW which requires the affixing of the Council seal.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Deed of Agreement

RECOMMENDATION

THAT Council authorise the Council seal to be affixed to the deed of agreement between Lithgow City Council and Water NSW for the funding for ongoing operation of the UV disinfection systems at Lithgow and Wallerawang Sewage treatment plants.

ITEM-12 OPER - 27/07/15 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 15-149: Ordinary Meeting of Council held on 29th June 2015

SUMMARY

This report provides an update on various water management issues as per Minute Number 15-149.

COMMENTARY

Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam # 2 capacity on Tuesday, 30th June 2015 was 100%. Oberon Dam capacity on Tuesday, 30th June 2015 was 57%.

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 2014/2015. 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 & 2013/2014.

Table 1 - Oakey Park Monthly Output and Clarence Transfer 2014/2015

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July 2014	80	0	63
August 2014	145	0	45
September 2014	105	0	66
October 2014	112	0	61
November 2014	120	0	65
December 2014	84	0	36
January 2015	89	0	100
February 2015	95	0	66
March 2015	143	0	67

April 2015	99	0	71
May 2015	105	0	55
June 2015	131	0	74
TOTAL	1,308	0	769

Table 2 - Oakey Park Monthly Output and Clarence Transfer 2012/2013 & 2013/2014

Month	2012/13			2013/14		
	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	107	0	53	93	0	44
August	106	0	49	96	0	67
September	115	0	55	102	0	73
October	140	0	65	130	0	58
November	140	5	62	106	0	61
December	135	81	76	100	0	47
January	146	73	68	111	0	109
February	92	0	66	93	0	73
March	114	0	81	62	0	68
April	109	0	106	105	0	61
May	123	0	62	118	0	59
June	154	0	70	101	0	67
TOTAL	1,481	159	813	1,217	0	787

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG values were exceeded for the period 20/6/2015 to 17/7/2015.

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

Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 20/6/2015 to 17/7/2015.

Current Water Restrictions Update

Level 1 restrictions are effective from Monday, 17th March 2014.

Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving four (4) applications for household appliance rebates and no applications for water tank rebates for the period 20/6/2015 to 17/7/2015.

Water Reticulation Complaints

Five (5) varying complaints were received during the period 20/6/2015 to 17/7/2015 concerning water quality issues in the following areas:

Locality	Concern	Notes
Musket Parade, Lithgow	Caller advised dirty water.	Flushed following burst main
Ramsay Street, Lithgow	All water dirty, has tried running taps but still no good.	Main flushed dead end main
Bayonet Street, Lithgow	Caller advised dirty water.	Flushed following burst main.
Bayonet Street, Lithgow	Caller advised dirty water. Water has been back on since 11.00.	Flushed following burst main
Main Street, Portland	Caller stated dirty water.	Flushed following a burst main

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

CORPORATE AND COMMUNITY REPORTS

ITEM-13 CORP - 27/07/15 - COUNCIL INVESTMENTS HELD TO 30 JUNE 2015

REPORT by: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY

REFERENCE

Min No 15-18:	Ordinary meeting of Council held on 9 February 2015
Min No 15-45:	Ordinary meeting of Council held on 2 March 2015
Min No 15-63:	Ordinary meeting of Council held on 23 March 2015
Min No 15-88:	Ordinary meeting of Council held on 20 April 2015
Min No 15-123:	Ordinary meeting of Council held on 1 June 2015

SUMMARY

To advise Council of investments held as at 30 June 2015 in the 2014/15 financial year.

COMMENTARY

Council's total investment portfolio, as at 30 June 2015 when compared to 31 May 2015, has decreased by \$2,016,500.00 from \$17,680,884.01 to \$15,664,384.01.

There is an overall decrease in cash and investments of \$2,390,025.43.

INVESTMENT REGISTER 2014/15								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.05.15	VALUE 30.06.15	% OF TOTAL
AMP	On Call	26.08.14			2.55	1,020,872.81	1,023,153.69	5.77%
CBA	On Call				1.95	1,515,519.39	1,517,948.37	8.57%
IMBS	TD	18.05.15	17.08.15	91	2.75	1,033,700.93	1,033,700.93	5.85%
	TD	23.03.15	02.07.15	101	3.00	1,008,476.71	1,008,476.71	5.70%
NAB	TD	25.05.15	24.08.15	91	2.97	1,044,036.94	1,044,036.94	5.90%
	TD	21.04.15	20.07.15	90	3.00	1,008,737.04	1,008,737.04	5.71%
	TD	17.03.15	15.06.15	90	3.12	1,035,896.61	0.00	0.00%
	TD	27.02.15	01.07.15	124	3.10	1,000,000.00	1,000,000.00	5.65%
WESTPAC	TD	09.04.15	09.07.15	91	2.76	1,000,000.00	1,000,000.00	5.65%
ST GEORGE	TD	19.03.15	19.06.15	92	2.95	963,455.81	970,619.70	5.45%
	TD	26.03.15	26.06.15	92	2.95	1,000,000.00	1,007,522.86	5.65%
ME BANK	TD	23.02.15	24.08.15	182	3.00	504,300.68	504,300.68	2.86%
	TD	27.02.15	24.06.15	117	2.97	2,000,000.00	1,000,000.00	11.31%
NEWCASTLE PERMANENT	On Call	25.05.15			2.00	1,024,410.78	1,024,410.78	5.79%
FAMILY FIRST CREDIT UNION	TD	07.05.15	05.08.15	90	2.75	1,021,476.31	1,021,476.31	5.78%
BANK OF QUEENSLAND	TD	27.02.15	01.07.15	124	3.02	1,500,000.00	1,500,000.00	8.50%
TOTAL						17,680,884.01	15,664,384.01	

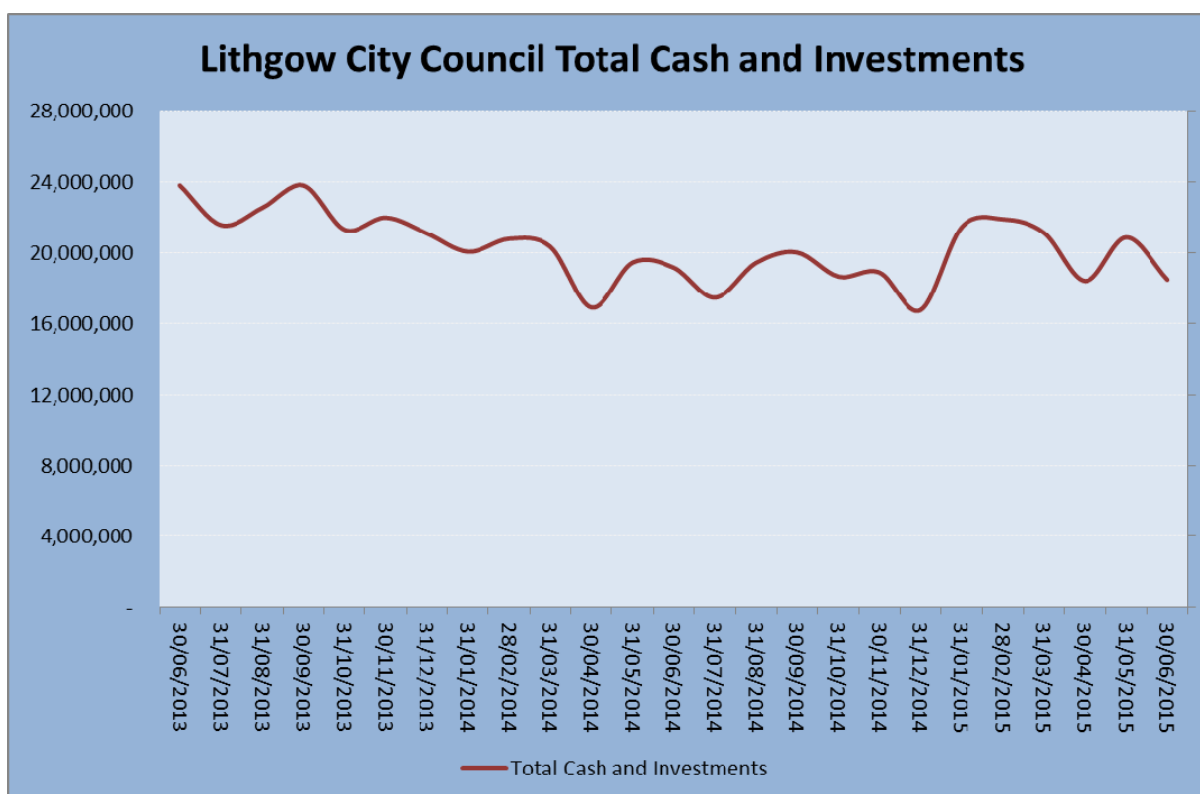
I, Juli-Ann Brozek, Lithgow City Council's Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

The movement in Investments for the month of May 2015 were as follows:

Opening Balance of cash and investments as at 31 May 2015	\$20,868,115.37
Plus New Investments – June 2015	\$19,396.61
Less Investments redeemed – June 2015	\$2,409,422.04
Closing Balance of cash and investments as at 30 June 2015	\$18,478,089.94

If the movement in the bank account is negative, this is shown as a net redemption. If the movement in the bank account is positive this is shown as a net new investment.

On the graph below historical and current investments to 30 June 2015 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 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 which includes the Minsters Investment Order of 12 January 2011.

FINANCIAL IMPLICATIONS

Interest earned to 30 June 2015 is \$534,711.83. Interest is paid on the maturity date of the investment, however an entry is performed at month end to account for interest earned but not yet received. The budget for 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. Interest Returns are determined by average funds invested and the rate of interest return.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 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 2011
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A (2), 14c(1) & (2)

RECOMMENDATION

THAT Investments of \$15,664,384.01 and cash of \$2,813,705.93 for the period ending 30 June 2015 be noted.

ITEM-14 CORP - 27/07/15 - TENDERS FOR RESTORATION AND REMEDIAL WORKS AT LITHGOW BLAST FURNACE

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

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 restoration and remedial works at Lithgow Blast Furnace.

COMMENTARY

Council commissioned Richmond+Ross Consulting Engineers in late 2014 to undertake a structural assessment of the three remaining high structures on the site - the Davey Engine House, Compressor Cooling House and Railway Support Piers. The Richmond+Ross report recommended that Council undertake remedial and conservation works to preserve the structures and to protect public safety. As it is a heritage listed site, the works aim to prevent further decay and render the remains structurally sound in order to ensure that the site remain a safe tourist attraction.

Richmond+ Ross has since provided Council with a detailed works specification for the works that are the subject of this selective tender.

The restoration and remedial works are planned as a precursor to the implementation of the Blast Furnace concept plan which includes fencing, walkways, viewing platforms and interpretative signage. These additional works are scheduled for late 2015 – early 2016.

The scope of restoration and remedial works generally comprises:

1. Erection and removal of scaffolding
2. Repair and reconstruction of brickwork
3. Removal, treatment and replacement of selected embedded metal parts
4. Removal of plant growth from brickwork
5. Replacement of broken and/or damaged metal tie rods
6. Waterproofing and capping tops of brickwork
7. Repair spalling concrete lintels

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 - Local Government (General) Regulation 2005);
- 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 - Local Government (General) Regulation 2005);
- c) The selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts (s169 - Local Government (General) Regulation 2005)

Due to the sensitive nature of restoration projects involving state listed heritage sites, the preferred method of procurement is selective tender pursuant to s168 Local Government (General) Regulation 2005.

Subsequent to a call for Expressions of Interest, Council received submissions from the following seven companies:

1. Crossgrove Pty Ltd
2. HBS Group Pty Ltd
3. Hines Constructions Pty Ltd
4. Mick Bruton Building Pty Ltd
5. Mick Farber Constructions Pty Ltd
6. Murphy's Construction Group Pty Ltd
7. Peter O'Brien Constructions Pty Ltd

The above companies were assessed based on their demonstrated experience and past performance in similar heritage projects, understanding of the project requirements, key personnel and demonstrated capability and capacity.

Of the seven applications submitted, five companies best met the predetermined criteria and displayed impressive experience in both heritage work and undertaking projects of this nature. Therefore it is the intention to invite the following companies to submit tenders:

1. Crossgrove Pty Ltd
2. HBS Group Pty Ltd
3. Mick Bruton Building Pty Ltd
4. Mick Farber Constructions Pty Ltd
5. Murphy's Construction Group Pty Ltd

The two remaining companies, Hines Constructions and Peter O'Brien Constructions, demonstrated extensive commercial construction experience, however they have been excluded as they did not demonstrate experience with heritage projects, did not respond to the heritage requirements of the project brief and did not provide details of key personnel with heritage experience.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funding for this expenditure is available within the 2015/16 budget as previously reported to Council.

LEGAL IMPLICATIONS

s55 of the Local Government Act

Sections 166(b), 167, 168 and 169 of the Local Government (General) Regulation 2005

RECOMMENDATION

THAT Council:

1. Use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the restoration and remedial works at Lithgow Blast Furnace.
2. Invite tender submissions from the following five companies:
 - i) Crossgrove Pty Ltd
 - ii) HBS Group Pty Ltd
 - iii) Mick Bruton Building Pty Ltd
 - iv) Mick Farber Constructions Pty Ltd
 - v) Murphy's Construction Group Pty Ltd

COUNCIL COMMITTEE MINUTES

ITEM-15 ENVIRO - 27/07/15 - HOWARD & SONS PYROTECHNICS PTY LTD COMMUNITY LIAISON COMMITTEE MEETING MINUTES- 10 JUNE 2015

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 14-64: Ordinary meeting of Council held on 10 February 2014
Min No 14-287: Ordinary meeting of Council held on 30 June 2014
Min No 15-48: Ordinary meeting of Council held on 2 March 2015

SUMMARY

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

COMMENTARY

The meeting for the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee was held on the 10 June 2015. No items arising from the meeting require a resolution from the Council and the minutes are provided for information.

The following matters of interest were discussed during this meeting:

- Update on bunker system for container trucks
- Work cover investigation update in relation to Bogan Gate incident
- Damaged headstones
- Information on excess payments in relation to insurance claims

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee 10 June 2015.

RECOMMENDATION

THAT Council note the minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee Meeting held on 10 June 2015.

ITEM-16 OPER - 27/07/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 18TH JUNE 2015

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Advisory Local Committee Meeting held on 18th June 2015.

COMMENTARY

At the Traffic Advisory Local Committee meeting held on 18th June 2015, the following items were discussed by the Committee:

- Limit Compression Braking Signage – Great Western Highway
- The Wild West Downhill 2015
- Accident History - Lithgow Intersections - Great Western Highway

The following items were outside the Committee’s delegations and require Council to formally approve the recommendation:

- Business arising from the Minutes

THAT Council install Stop signs at the intersection of John Mackey Drive and Pipers Flat Road.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Traffic Advisory Local Committee meeting held on 18th June 2015.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Traffic Advisory Local Committee held on the 18th June 2015
2. Install Stop signs at the intersection of John Mackey Drive and Pipers Flat Road.

REPORT BY: M JONES – COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min No 15 -89: Ordinary Meeting of Council held on 20 April 2015
Min No 15 -126: Ordinary Meeting of Council held on 1 June 2015

SUMMARY

This report details the minutes of the Youth Council meeting held 23 June 2015 and recommends that Council appoints two new members to Youth Council.

COMMENTARY

At the 23 June 2015 Youth Council meeting, various items were discussed including:

- The Youth Council PCYC Scholarship Program.
- Halloween 2015 volunteering opportunities.
- Two nominations to Youth Council were received from Lithgow High School students Jesse Grant and Stella Culliton after nominations were called for via media release, Council Facebook pages and presentations at school assemblies. The committee recommends that Council accept both nominations to Youth Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act 1993

ATTACHMENTS

1. Minutes of the Youth Council meeting held 23 June 2015.

RECOMMENDATION

THAT Council:

1. Note the minutes from the Youth Council meeting held 23 June 2015.
2. Appoint Jesse Grant and Stella Culliton to Youth Council Committee.

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Operations Committee Meeting held on 16th July 2015.

COMMENTARY

At the Operations Committee Meeting held on 16th July 2015, there were a number of items discussed by the Committee including:

- Review Of Major Projects
- Purchasing Of Crown Roads
- Recreation Facilities Asset Management Plan
- South Littleton/South Bowenfels Sewerage Scheme Upgrade

The following items were outside the Committee's delegations and require Council to formally approve the recommendation:

- Cemetery Operations Policy Review

THAT Council advertise a revised Cemetery Operations Policy with the deletion of the clause relating to buy back of unused plots.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Operations Committee meeting of 16th July 2015.
2. Policy 2.1 Cemetery Operations Policy

RECOMMENDATION

THAT Council:

1. Note the minutes of the Operations Committee held on 16th July 2015
2. Advertise a revised Cemetery Operations Policy with the deletion of the clause relating to buy back of unused plots.

NOTICES OF MOTION

ITEM-19 NOTICE OF MOTION - 27/07/15 - CURRENT STATUS OF FLOOD MITIGATION WORKS IN THE VALE OF CLWYDD - COUNCILLOR M TICEHURST

REFERENCE

Lithgow Mercury 'Out at the Vale, it's a sorry state of affairs'.

COMMENTARY

In the Lithgow Mercury of 11 March 2014, it was reported that,

"IF the council wants to buy it this time they can have it." That was the comment by a defeated Sid Wilson at the weekend as he surveyed the distressing damage to his Hartley Valley Road home after the third flood in little more than a year. The Vale of Clwydd bore the brunt of the flooding after brief but torrential rain swept the Lithgow valley on Friday afternoon. The rain gained momentum as it moved in from the south west with private registrations of more than 60 mm in the eastern end of the city. The result was all too familiar distress for residents in a section of The Vale. Water cascading down the mountain, this time aggravated by debris from the October bushfires, swept through a number of homes that were only just recovering from damage in a November flood. In fact tradesmen told the Mercury they had only completed repairs on two of the flooded homes two days earlier. At Sid Wilson's home the 'high tide mark' indicated where the water had reached the window of his home — more than a metre. "There's a new lawnmower and whipper snipper buried beneath the debris in my garage," he said. "A 20 pound gas bottle is somewhere down the creek." In the house next door Sid's grandson Joel also had a tale of woe. Not only was his home flooded — again — but his Commodore ute may be a write off after being caught in the floodwaters while parked in the street. It was taken away on Saturday on a tow truck. His troubles didn't end there; Joel — a mineworker at Ulan — slipped in the mud and fractured a bone in his hand. But he took time to praise GIO Insurance for a quick response to the crisis. Another elderly neighbour, Jean Mayers, was also cleaning up a massive mess in her home where workmen had completed repairs to her bathroom only on Wednesday. She was possibly regretting her decision not to sell to council after last year's flood. Across the road a Lithgow Council crew was working to clear blocked mains that had led to sewer surcharges the previous afternoon. Then there was the mud; it was everywhere along that section of The Vale. Although more rain was forecast Mother Nature decided to bypass the Vale over the weekend — finally something was going right for the Vale of Clwydd."

- Q. Could the General Manager and/or Senior Council Officers provide an update to this Ordinary Meeting of Council on the current financial and works status of the Council's flood mitigation works in the Vale of Clwydd, involving in particular the Wilson and Mayer families?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide an update to this Ordinary Meeting of Council on the current financial and works status of the Council's flood mitigation works in the Vale of Clwydd, involving in particular the Wilson and Mayer families.

ITEM-20 NOTICE OF MOTION - 27/07/15 - THREE TREE LODGE LITHGOW LIMITED AND PORTLAND & DISTRICT OLYMPIC POOL ASSOCIATION INCORPORATED - CONTINGENCY ASSETS - COUNCILLOR M TICEHURST

REFERENCE

Agenda of the Ordinary Meeting of the Lithgow City Council 5 June 2006.
Letter from Crowe Horwath Auswild, Auditors for Lithgow City Council dated 15 April 2015.

COMMENTARY

The Lithgow City Council's 2013/2014 Financial Reports were audited by and publicly presented by Mr Graeme Bradley and Mrs Clare Wagner on behalf of Crowe Horwath Accountants and Advisors to the Council, Councillors and ratepayers and residents at the Ordinary Meeting of the Lithgow City Council on Monday 15 December 2014.

Under Section 420 of the Local Government Act 1993, Councillor Martin Ticehurst made a formal submission with regard to the Lithgow City Council's 2013/2014 Financial Reports.

Under Section 420 (3) of the same Act, the Lithgow City Council referred Councillor Ticehurst's formal submission to the Council's Auditors, Crowe Horwath Accountants and Advisors and it is noted further under Section 420 (4), that the Council may take such action as it considers appropriate with respect to the formal submission, including the giving of notice to the Director-General of Local Government of any matter that appears to require amendment of the Lithgow City Council's Financial Reports.

The formal submission by Councillor Ticehurst included the following request: -

LITHGOW CITY COUNCIL 2013/2014 FINANCIAL REPORTS.

2. In the attached Agenda of the Ordinary Meeting of the Lithgow City Council of 5 June 2006, the previous Lithgow City Council Auditors, Morse Group Bathurst reported to the Council at Item 13 (from Page 33) 'Media Release & Emailed Questions Councillor Martin Ticehurst – Three Tree Lodge & Portland Pool.
- Currently, I understand that **Three Tree Lodge** Lithgow Incorporated, as it was originally named, is still legally and financially recognised as a controlled asset by the Lithgow City Council, based as quoted by the Morse Group in 2006 on the specific conditions of the Tripartite Agreement between the parties in accordance with the requirements of the relevant accounting standards and regulatory framework in which the Council operates.
 - However, various Australian Government websites including ASIC all confirm that Three Tree Lodge Lithgow Incorporated became a Public Company, Three Tree Lodge Lithgow Limited on the 10 January 2011 and has also been since early 2012, a Registered Charity and Public Benevolent Institution?

- I would like the Lithgow City Council's new Accountants and Advisors Crowe Horwath to provide advice to the current Council on whether they agree or disagree with the previous Lithgow City Council Auditors, Morse Group Bathurst report to the Lithgow City Council at Item 13 (from Page 33) 'Media Release & Emailed Questions Councillor Martin Ticehurst – **Three Tree Lodge** – as set out in the attached Agenda of the Ordinary Meeting of the Lithgow City Council of 5 June 2006.
- Currently, I also understand that **Portland & District Olympic Pool Association Incorporated**, is still legally and financially recognised as a controlled asset by the Lithgow City Council, based as quoted by the Morse Group in 2006 on the specific conditions of the Deed of Agreement between the parties in accordance with the requirements of the relevant accounting standards and regulatory framework in which the Council operates.
- However, various Federal & State Government authorities and websites confirm that the Portland & District Olympic Pool Association Incorporated holds it's own ABN, Incorporation and Facebook page.
- I would like the Lithgow City Council's new Accountants and Advisors Crowe Horwath to provide advice to the current Council on whether they agree or disagree with the previous Lithgow City Council Auditors, Morse Group Bathurst report to the Lithgow City Council at Item 13 (from Page 33) 'Media Release & Emailed Questions Councillor Martin Ticehurst – **Portland & District Olympic Pool Association Incorporated** – as set out in the attached Agenda of the Ordinary Meeting of the Lithgow City Council of 5 June 2006.

The Lithgow City Council's new Auditors, Crowe Horwath Auswild have now provided their written response to Councillor Ticehurst's formal submission on the Lithgow City Council's 2013/2014 Financial Reports and it is attached for the information of the Council, Councillors, ratepayers and media.

With respect to the Three Tree Lodge Lithgow, Council's new Auditors said, "In my opinion, Council interest would appear to be a Contingent Asset – something may happen in the future and is uncertain as to when, how much and is not in the control of Council when it does happen."

With respect to the Portland & District Olympic Pool, Council's new Auditors said, "In my opinion, Council interest would appear to be a contingent Asset for reasons similar to Three Tree Lodge. Ownership of the pool appears to rest with the association."

ATTACHMENTS

1. Lithgow City Council's Auditors, Crowe Horwath Auswild written response to Councillor Ticehurst's formal submission on the Lithgow City Council's 2013/2014 Financial Reports

RECOMMENDATION

THAT Council:

1. Acknowledge and accept the formal written advice dated 15 April 2015 from its new Auditors, Crowe Horwath Auswild with respect to both Three Tree

- Lodge Lithgow and the Portland & District Olympic Pool as Contingent Assets of the Lithgow City Council.
2. Request Council's Auditors to list both Three Tree Lodge Lithgow and Portland & District Olympic Pool as Contingent Assets only and have them removed as Controlled Assets of Lithgow City Council.
 3. After receiving formal written advice dated 15 April 2015 from its new Auditors, Crowe Horwath Auswild confirming that both Three Tree Lodge Lithgow and the Portland & District Olympic Pool are Contingent Assets of the Lithgow City Council, give notice under Section 420 (4) of the Local Government Act to the Chief Executive Officer of the Office of Local Government to determine if any amendments are required to either past or current Lithgow City Council's Financial Reports.

ITEM-21 NOTICE OF MOTION - 27/07/15 - COUNCILLOR INFORMATION SESSIONS - COUNCILLOR M TICEHURS

REFERENCE

Councillor Information Sessions.

COMMENTARY

- Q. Could the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on the current need for holding Councillor Information Sessions?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on the current need for holding Councillor Information Sessions.

**ITEM-22 NOTICE OF MOTION - 27/07/15 - COUNCIL LEADERSHIP AND
MANAGEMENT OF COMMUNITY APPEALS - COUNCILLOR M
TICEHURST**

COMMENTARY

- Q. Could the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on how the Lithgow City Council can, in the event of a sudden tragic or major heart breaking incident occurring, can arrange for the immediate receipt of monetary contributions from the community which can shortly thereafter be surrendered to a third party to assist those involved or in need?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on how the Lithgow City Council can, in the event of a sudden tragic or major heart breaking incident occurring, can arrange for the immediate receipt of monetary contributions from the community which can shortly thereafter be surrendered to a third party to assist those involved or in need.

COMMENTARY

Council presently provides a service to the community of making water available, for charge, via water standpipes located throughout the local government area.

The charge is currently made up of:

- a one-off charge of \$58.05 for an access card
- a daily access fee of \$6.65 or a monthly access fee of \$202.00
- a per kilolitre charge of \$3.35

The arrangements for the collection of water requires the customer to prepay for access and the water. The customer is then required to collect and return the key to Council.

I feel that a more user friendly and efficient manner would be to remove the daily access charge completely. This should be done in the current year and a small increase made in future years to the kilolitre charge to compensate for the loss of revenue.

RECOMMENDATION

THAT Council be provided with a report on the feasibility of removing, in this financial year, the charge of a daily/monthly access fee for water standpipe consumers.

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.*