



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

16 NOVEMBER 2015

AT 7.00pm

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# AGENDA

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## **ACKNOWLEDGEMENT OF COUNTRY**

## **APOLOGIES**

## **PRESENT**

## **CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 OCTOBER 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**

Operations Committee Meeting - 15th October 2015  
Youth Council Minutes - 27 October 2015  
Sports Advisory Committee Meeting Minutes - 27th October 2015  
Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee Meeting Minutes - 28 October 2015

## **DELEGATES REPORTS - NIL**

## **NOTICES OF MOTION**

Private works under Section 67 of the NSW Local Government Act 1993 - Councillor M Ticehurst  
Flood Damage to the Boundary of 2 Bells Road Lithgow - Councillor M Ticehurst  
Investigate what the future plan is for the Old Police Station - Bridge St Lithgow - Councillor F Inzitari  
Rest Stop - Riverlett Hill - Councillor F Inzitari  
Press Release - Ipart Report - Lithgow City Council 'Unfit For The Future' - Councillor J McGinnes

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Report on the methodology of calculating the official crowd attendance for Halloween 2015 - Councillor J McGinnes

**QUESTIONS WITH NOTICE - NIL**

**NOTICE OF RECISSIONS - NIL**

**BUSINESS OF GREAT URGENCY**

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

**CLOSED COUNCIL**

Tender for Council Cleaning Services

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## **GENERAL MANAGERS REPORTS**

### **ITEM-1 GM - 16/11/15 - LOCAL GOVERNMENT REFORM - FIT FOR THE FUTURE**

**REPORT BY: R BAILEY - GENERAL MANAGER**

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## **REFERENCE**

Min No 14-456: Ordinary Meeting of Council held on 17 November 2014  
Min No 15-145: Ordinary Meeting of Council held on 29 June 2015  
Min No 15-269: Ordinary Meeting of Council held on 26 October 2015

## **SUMMARY**

The NSW Government received the Independent Pricing and Regulatory Tribunal (IPART) Assessment of Council Fit for the Future Proposals on Friday 16 October and released it to councils on Tuesday 20 October 2015.

Councils across NSW have been provided with a final 30 day consultation opportunity to inform the Government's position on local government reform and respond to the IPART findings.

Submissions are to be made by 18 November 2015.

## **COMMENTARY**

On Tuesday 20 October 2015 the Independent Pricing and Regulatory Tribunal's (IPART's) final assessment of councils' Fit for the Future proposals was publicly released and councils have been requested to lodge a formal response with the NSW Department of Premier and Cabinet.

The Fit for the Future (FFTF) reforms aim to improve the strength and effectiveness of local government in providing services and infrastructure that communities need. Council will be aware that on 10 September 2014 the State provided a response to the Independent Local Government Review Panel and Local Government Acts Taskforce reports. With the release of the templates and guidance for the Fit for the Future Program Council made its submission to the NSW Government and IPART consistent with the Fit for the Future criteria. This was submitted by the closing date of 30 June 2015.

The Government established four criteria it considered necessary for a council to be FFTF:

- Scale and capacity to engage effectively across community, industry and governments
- Sustainability
- Effectively managing infrastructure and delivering services for communities

- Efficiency

Benchmarks were identified for the above. These included:

**1. Sustainability**

- Operating Performance Ratio
- Own Source Revenue Ratio
- Building and Asset Renewal

**2. Effective Infrastructure and service management**

- Infrastructure Backlog Ratio
- Asset Maintenance Ratio
- Debt Service Ratio

**3. Efficiency**

- Real Operating Expenditure

The Government asked IPART to perform the role of the independent Expert Panel to assess how council proposals meet the FFTF criteria. According to the Terms of Reference, IPART was to:

1. Develop a methodology for assessing proposals
2. Undertake the assessments of whether each council is FFTF, consistent with the methodology, and
3. Provide the Government with a final assessment report by 16 October 2015.

Lithgow Council's submission was prepared after being workshopped with councillors. The starting point of this submission was the Local Government Independent Review Panel recommendation that Lithgow Council be a:

*“Council in Central West JO”*

Therefore the Panel believed that Lithgow City Council already had the scale and capacity.

Council's submission was prepared on the basis of a “stand alone” Council. The submission put forward by Council met four of the seven of the FFTF benchmark criteria that were set by the NSW Government for its financial sustainability over the next five years in respect of sustainability, infrastructure and service management and efficiency.

In addition to the above:

- TCorp assessed Council as being financially sustainable, with a ‘Sound’ financial sustainability rating
- Lithgow City Council was involved in an amalgamation process in 2004 where areas of the former Evans and Rylstone shires were included in the Lithgow LGA.
- Lithgow City Council has a long track record of operating under regional arrangements, including shared services and resource sharing through CENTROC and strategic alliances.

- Council is operating as per the Independent Review Panel Recommendation as a Council in a Joint Organisation
- Lithgow City Council is a strong performer in the delivery of large capital projects partnering with State and Federal Government funding bodies
- Council has implemented all recommendations from the 2007 Office of Local Government Promoting Better Practice Review, indicating that it is operating at best practice across all its operations
- Council participates in the NSW Local Government Professionals *Operational and Management Effectiveness Survey* demonstrating Council's commitment to benchmarking performance and enabling management decisions to improve its performance
- Council was given a rating of 'moderate' in the OLG Infrastructure Audit demonstrating its performance in managing infrastructure

Lithgow City Council was considered as 'not fit' according to the criteria set. The IPART report indicated the following;

- The council satisfies the scale and capacity criterion.
- The council does not satisfy the financial criteria overall. While it satisfies the infrastructure and service management criterion, it does not satisfy the sustainability and efficiency criteria.
- The council does not satisfy the sustainability criterion as a result of its forecast for a negative operating performance ratio by 2019-20.
- We consider a council's operating performance ratio is a key measure of financial sustainability that all Fit for the Future (FTFF) councils should meet; therefore the council is not fit.
- The council proposal is consistent with the ILGRP's option to stand alone.
- As the ILGRP did not identify another option for this council, it was not required to demonstrate how it met each of the elements of scale and capacity.
- Our analysis has not identified evidence for a better alternative to the council's proposal to stand alone.

The assessment by IPART was expected given that Council submitted an application that met four of the seven benchmark criteria that the Government had set. Council also submitted an 'Improvement Plan' with the aim to achieve the targets in the longer term.

The IPART assessment does not mean that Council is in a poor financial condition it means Council did not meet the criteria set by the Government.

Lithgow Council has demonstrated that it is progressive, innovative and improving. This was done through the recent winning of the AR Bluett Memorial Award. This in itself is a very significant achievement in terms of Local Government in NSW and the ability of the Council.

The Independent Local Government Review Panel (ILGRP) also stated that Lithgow City Council has the scale and capacity to stand alone.

### **30 DAY CONSULTATION PERIOD**

Councils have been provided with a 30-day consultation period, ending on Wednesday 18 November. Councils found to be unfit due to scale and capacity, and those with a



neighbouring council that has been deemed unfit due to scale and capacity, have been asked by the government to nominate their preferred amalgamation partners.

The government has reiterated that funding will be made available to support the costs of amalgamations for merger preferences that are submitted before the consultation period ends and which are supported by neighbouring councils and acceptable to the government. The government has also announced a Stronger Communities funding package that will be offered to acceptable merger proposals made by Wednesday 18 November to assist amalgamating councils to invest in community infrastructure.

The funding will provide each new rural/regional council of \$5 million to invest in community infrastructure projects such as sporting fields, libraries, and parks and funding of up to \$5 million for each new rural/regional council to ensure ratepayers do not pay for the up-front costs of merging, hence a total of \$10 million. This funding is based upon two councils merging, an additional \$5 million would be available if there were a third council involved in the merger (into one new council). This funding will be available to those mergers agreed to by councils and the NSW Government.

The government will consider responses by councils and decide on the next steps by the end of 2015.

At the 26 October 2015 Council Meeting it was resolved that:

1. Note the presentation of the final report from IPART on the Assessment of Council Fit for the Future Proposals
2. Note that Lithgow City Council has been assessed by IPART under the Government's Fit for the Future criteria as 'Not Fit'
3. Note that the Independent Local Government Review Panel has assessed Lithgow City Council as having sufficient scale and capacity
4. Note that Lithgow City Council's submission was considered consistent with the ILGRP's option to 'stand alone'.
5. Note that IPART's analysis did not identify evidence for a better alternative to the Council's proposal to stand alone.
6. Determine that its preferred position is to 'stand alone'
7. Authorise a working party to hold discussions with interested neighbouring councils on their preference for merger(s)
8. Authorise the working party to have the authority to explore any options that it considers feasible
9. Appoint the Mayor, Deputy Mayor and General Manager as representatives on the working party

Of Lithgow's close neighbouring councils only Oberon was identified as not meeting the scale and capacity criteria. Discussions were held with representatives of Oberon Council on Tuesday 27 October 2015. It is also understood that the Oberon representatives also met with representatives from Bathurst Regional Council the following day. It was indicated that a public meeting was to be held in Oberon on Monday 9 November 2015.

Contact was also made with Lithgow's other close neighbouring councils:

- Blue Mountains - email response from Blue Mountains advising that 'Blue Mountains Councillors are unanimous in their opposition to any merger'
- Mid-Western Regional – no formal response though the Council's General Manager phoned and advised that the Council did not have an interest in merging with Lithgow.
- Bathurst Regional – no formal response though informal discussions have taken place with the Mayor and General Manager with advice that Bathurst Regional Council does not have an interest in merging with Lithgow.

Oberon Council held a public meeting on Monday 9 November 2015 to gauge community opinion on the matter. From the feedback provided on this meeting there appears to be a very large degree of support for Oberon Council to stand alone. Oberon Council will not be meeting formally until Tuesday 17 November 2015 to make a resolution on this issue.

### **IPART Feedback**

Councils have until 18 November 2015 to provide feedback to the Government on their IPART assessment. Councils whose submission was assessed by IPART as being not fit due to scale and capacity, or who neighbour a council who was not fit due to scale and capacity, have been asked to identify any preferences the council may have regarding mergers.

If councils meet the above then they are required to nominate their merger preferences.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

### **ATTACHMENTS**

1. Letter - Blair Comley, NSW Premier and Cabinet
2. Local Government Reform 30 Day Consultation Period, Additional FAQs
3. Stronger Communities Fund - Funding for Councils and Communities
4. Stronger Councils. Stronger Communities. Next Steps - the final consultation opportunity for Council.

### **RECOMMENDATION**

**THAT** Council make a submission that it wishes to stand alone and does not see any prospects of a merger with another council.

**ITEM-2                    GM - 16/11/15 - REVIEW OF POLICY 9.9 PAYMENT OF EXPENSES  
AND PROVISION OF FACILITIES TO COUNCILLORS**

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**REFERENCE**

Min No 14-385:            Ordinary Meeting of Council held on 29 September 2014  
Min No 14-454:            Ordinary Meeting of Council held on 17 November 2014  
Min No 15-217:            Ordinary Meeting of Council held on 7 September 2015

**SUMMARY**

This report is to present Policy 9.5 for the 'Payment of Expenses and Provision of Facilities to Councillors Version 6, for adoption.

**COMMENTARY**

Policy 9.5 for the 'Payment of expenses and Provision of Facilities to Councillors' was reviewed and submitted to the Council on Monday 7 September 2015. Subsequently the document was advertised from Thursday 17 September 2015 until 16 October 2015 for public comment. No comments were received.

Through their role councillors are entitled to be provided with the necessary resources and facilities including the reimbursement of expenses in order to enable them to fully perform the role of a Councillor.

Council's services, as detailed in this Policy, are available to councillors while carrying out the functions of civic office. These services, unless specified, are not available for use by a spouse, partner or members of a Councillor's family.

Where possible councillors are encouraged to pool or share facilities where possible in order to make the best use of Council's resources. Councillors are also encouraged to limit their use of the expenses and resources provided for in this Policy to the minimum required whilst still allowing them to effectively and efficiently discharge the functions of their civic office.

Expense limits apply to several categories of expenditure. If an expense limit applies it will be shown against that item. Councillors who exceed an annual limit will be required to reimburse Council. Note that all expense limits are exclusive of GST.

Facilities supplied to Councillors are not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

This Policy is to be read in conjunction with the Council's Code of Conduct.

The Policy deals with:

Part 1 – PAYMENT OF EXPENSES

- Responsibility and Accountability
- Travel (Inside and outside of the Lithgow City Council LGA and overseas travel)
- Official Engagements and Functions
- Annual Councillor Professional Development Discretionary Vote
- Expenses Associated with Councillors Attending, at their Discretion, Conferences, (including the Annual Local Government Association or Shires Conferences) Seminars, Councillor Professional Development and Training Programs, Elected Member Courses and Local Government and Shires Associations Industry Working Groups.
- Legal and insurance expenses and obligations

## Part 2. FACILITIES

- Stationery
- Postage
- Communications
- Secretarial Services
- Training
- Resource Centre and Office Accommodation
- Additional Expenses and Facilities for the Mayor
- Expenses and Facilities for Councillors with Disabilities
- Carer Expenses

## **POLICY IMPLICATIONS**

As outlined in the report.

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Policy 9.5, Version 6, for the 'Payment of Expenses and Provision of Facilities to Councillors'

## **RECOMMENDATION**

**THAT** Council:

1. Re-Adopt Policy 9.5 for the 'Payment of Expenses and Provision of Facilities to Councillors,' Version 6;
2. Advise the Division of Local Government that the Policy has been publically advertised and adopted.

## **ENVIRONMENT AND DEVELOPMENT REPORTS**

### **ITEM-3            ENVIRO - 16/11/15 - RURAL LANDS STUDY - PROJECT MATTERS**

**REPORT BY:    A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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#### **REFERENCE**

Min No 15-66:            Ordinary Meeting of Council held on 23 March 2015  
Min No 15-127:         Ordinary Meeting of Council held on 1 June 2015  
Min No 15-224:         Ordinary Meeting of Council held on 7 September 2015

#### **SUMMARY**

This report details matters arising from the Rural Lands Project Steering Committee (the Committee) that require Council action.

#### **COMMENTARY**

A meeting of the Committee was scheduled for 14 October 2015. Due to unforeseen circumstances a quorum could not be achieved.

An informal meeting was instead held with the Deputy Mayor Cllr Thompson, Council officers and the consultant recommended by the Committee to undertake the Rural and Rural Residential Strategy Review, Mr Ian Sinclair of Edge Land Planning.

Discussion was held regarding the project plan/ timeline and the consultation plan. It was noted that given the delays experienced in the commencement of the project, that the project timeline was now very tight and that there is very little room for delay in achieving the various key milestones of the project. However, completion of the project for final presentation to Council by July/August 2016 is still considered achievable.

Integral to keeping the project on track would be the strict observance of meeting dates scheduled for the committee meetings and Councillor briefing sessions.

Following the meeting of the Committee on 22 July, a short list of two consultants was invited to revise and present their fee proposals to the Committee. After several unsuccessful attempts to convene a meeting of the Committee to receive the presentations, one of the consultants withdrew their proposal.

Therefore, the Committee members unanimously agreed to appoint Edge Land Planning to undertake the Rural and Rural Residential Strategy Review project. Whilst recommending the engagement of the consultant was within the terms of reference of the committee, under the circumstances it was able to occur through the delegated authority of the Group Manager of Environment and Development. This Consultant is considered an expert in the field of Rural Planning and has completed in excess of 30 Rural Planning Strategies throughout NSW and Queensland.

**POLICY IMPLICATIONS**

NIL arising from this report

**FINANCIAL IMPLICATIONS**

The consultant's upper limiting fee is within the allocated budget for the project in 2014/15 carried forward into the 2015/16 Operational Plan.

**LEGAL IMPLICATIONS**

NIL arising from this report

**RECOMMENDATION**

**THAT** Council note the appointment of Edge Land Planning to complete the Rural and Rural Residential Strategy Review.

**ITEM-4            ENVIRO - 16/11/15 - DA042/15 - WESTFUND VOLUNTARY  
PLANNING AGREEMENT**

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

## **REFERENCE**

Min No 15-244: Ordinary Meeting of Council held on 28 September 2015

## **SUMMARY**

To advise and seek endorsement of a Voluntary Planning Agreement for Westfund Limited.

## **COMMENTARY**

At Council's ordinary meeting of 28 September 2015 it resolved to endorse the Voluntary Planning Agreement proposed by Westfund for a contribution of \$50,000 to the expansion of a footpath/cycleway around Lake Pillans and further that the draft Voluntary Planning Agreement be placed on public exhibition for a period of 28 days.

The appropriate exhibition process has been carried out with no submissions being received. Consequently the Voluntary Planning Agreement is ready for final endorsement by Council. Once endorsed the Voluntary Planning Agreement may be finalised and notified to the Minister for Planning and Environment.

## **POLICY IMPLICATIONS**

Policy 7.10 – Planning Agreements applies. The Policy provides that final endorsement of the Planning Agreement is to be reported to Council.

## **FINANCIAL IMPLICATIONS**

In this case the proposed VPA will realise an additional \$15,000 revenue than would have been realised under Section 94A.

## **LEGAL IMPLICATIONS**

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 93F – 93L) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H). The Voluntary Planning Agreement has been exhibited for a period of at least 28 days pursuant to Section 935 of the Environmental Planning and Assessment Act 1979.

## **ATTACHMENTS**

1. Planning Agreement

## **RECOMMENDATION**

### **THAT:**

1. Council endorse the Voluntary Planning Agreement on behalf of Westfund Pty Ltd consisting of a contribution of \$50,000 to go toward the expansion of a footpath/cycleway around Lake Pillans.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning and Environment.



**ITEM-5            ENVIRO - 16/11/15 - REQUEST FOR EXEMPTION - SECTION 94A  
CONTRIBUTIONS- ENERGY AUSTRALIA NSW PTY LTD**

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

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**SUMMARY**

To advise Council of a request received from Energy Australia NSW PTY LTD for Council to exempt the payment of Section 94A Contributions for the demolition of cooling towers at the Wallerawang Power Station.

**COMMENTARY**

Council is in receipt of a request from Energy Australia NSW PTY LTD seeking an exemption of Section 94A Contributions of \$5,000.00 which will be required as a result from a development application for the demolition of cooling towers.

The development application is for the demolition of 2 cooling towers (Unit 7A and 7B). The towers are constructed of untreated tallwood and are built on a concrete basin. The proposal involves the demolition of the towers leaving the concrete basins for future uses.

The property was previously a 1000MW Coal Fired Power Station from 1976 to 2014. Presently the Power Station is closed with the property undergoing decommissioning, deconstruction and rehabilitation works.

Part C7 of Council's Section 94A Development Contributions Plan 2012 states that Council may consider exempting developments or components of developments from the Section 94A plan involved in the following applications:

- m) An application for an industrial, retail or commercial development where there is no intensification of use or increase in floor space of an existing building;*

It should be noted that the Section 94A Contribution Plan 2012 has recently been replaced with a new plan, but the 2012 plan was in existence at the time the application was lodged.

Energy Australia has provided the following statement as part of their submission seeking exemption:

*A Principal Contractor will be engaged to complete the demolition works. This contractor will present to site in a similar manner to other works completed at Wallerawang and Mt Piper Power Stations for scheduled maintenance activities, the difference being that the plant is being demolished rather than having maintenance performed. As such Energy Australia is requesting an exemption from the 94A Development Contributions Plan as the impact on the community of carrying out these*

*works will be very similar to other maintenance works carried out at the Power Stations, for which Energy Australia has not been subject to contributions.*

As the development is part of an industrial site and involves demolition works, there would be no intensification or an increase in floor space. Of course, if future uses eventuate for the site then they may be subject to contributions.

The development can be exempted under the 2012 Section 94A Contribution Plan in accordance with the provisions of Part C7, subclause m) of the Plan as the development would be reducing the footprint of the area through the plant being decommissioned.

### **POLICY IMPLICATIONS**

No specific policy implications arise in the context of Council's Policy Register, however the Lithgow City Council Section 94A Development Contributions Plan 2012 is in essence a Council Policy.

### **FINANCIAL IMPLICATIONS**

Council would forego \$5,000 in contributions if the contribution was exempted.

### **LEGAL IMPLICATIONS**

The Contributions Plan has been duly made under the provisions of Section 94A of the Environmental Planning and Assessment Act.

### **RECOMMENDATION**

**THAT** Council provide an exemption to Section 94A contributions to Energy Australia NSW PTY LTD for the demolition of cooling towers at the Wallerawang Power Station site.

## OPERATION REPORTS

### ITEM-6 OPER - 16/11/15 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

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## REFERENCE

Min No 15-276: Ordinary Meeting of Council held on 26<sup>th</sup> October 2015

## SUMMARY

This report provides an update on various water management issues as per Minute Number 15-276.

## COMMENTARY

### Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam # 2 capacity on Monday, 2<sup>nd</sup> November 2015 was 100%. Oberon Dam capacity on Monday, 2<sup>nd</sup> November 2015 was 64%.

### 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 2015/2016. 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 2013/2014 & 2014/2015.

**Table 1 - Oakey Park Monthly Output and Clarence Transfer 2015/2016**

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	113	0	50
August	112	0	66
September	117	0	57
October	123	0	63
<b>TOTAL</b>	<b>465</b>	<b>0</b>	<b>236</b>

**Table 2 - Oakey Park Monthly Output and Clarence Transfer 2013/2014 & 2014/2015**

Month	2013/14			2014/15		
	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	93	0	44	80	0	63
August	96	0	67	145	0	45
September	102	0	73	105	0	66
October	130	0	58	112	0	61
November	106	0	61	120	0	65
December	100	0	47	84	0	36
January	111	0	109	89	0	100
February	93	0	73	95	0	66
March	62	0	68	143	0	67
April	105	0	61	99	0	71
May	118	0	59	105	0	55
June	101	0	67	131	0	74
<b>TOTAL</b>	<b>1,217</b>	<b>0</b>	<b>787</b>	<b>1,308</b>	<b>0</b>	<b>769</b>

### **Clarence Transfer System**

Water has not been transferred from the Clarence Colliery Dam to Farmers Creek No 2 Dam since January 2013 when 158 ML were transferred during the period November 2012 to January 2013.

### **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 17/10/2015 to 6/11/2015.

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 17/10/2015 to 6/11/2015.

### Current Water Restrictions Update

Level 1 restrictions are effective from Monday, 17<sup>th</sup> March 2014.

### Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving one (1) application for household appliance rebates and no applications for water tank rebates for the period 17/10/2015 to 6/11/2015.

### Water Reticulation Complaints

Three (3) varying complaints were received during the period 17/10/2015 to 6/11/2015 concerning water quality issues in the following areas:

Locality	Concern	Notes
Mort Street, Lithgow	Caller stated that the water has discoloured her towels.	A water sample was taken from this location and was found to comply with the ADWG limits. The iron levels were slightly high, but still within ADWG limits. The main was flushed to clear any remaining iron.
Francis Street, Lithgow	Customer concerned about the quality of the water particularly very chlorinated taste (Wednesday of last week) comes and goes in waves sometimes tastes okay and other days really chlorinated. Also when customer has been away for a couple of days water is very brown when first turn tap on.	A water sample was taken from this location and was found to comply with the ADWG limits. The chlorine levels at this location may be lower than normal on occasion, as it is toward the end of the network. Regular monitoring of chlorine levels is undertaken in this location to ensure chlorine meets minimum ADWG values.
Union Street, Lithgow	Caller stated that Council were working on the mains in the Area yesterday. The water has come through dirty and her toilet is not filling up.	New main connected to Union Street network. Repairs have been carried out.

### POLICY IMPLICATIONS

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council note the water report.

**ITEM-7            OPER - 16/11/15 - OAKEY PARK WATER TREATMENT PLANT  
FILTER UPGRADE**

**REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

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**SUMMARY**

To recommend to council a tender proposal from Xylem Water Solutions Australia Limited to design and install a new media filtration system at the Oakey Park Water Treatment Plant.

**COMMENTARY**

The six (6) monomedia gravity sand filters currently in operation at Oakey Park Water Treatment Plant (OPWTP) have not been replaced or upgraded since the plant was commissioned in 1985.

Council engaged Hydrological Pty Ltd to undertake an investigation into the condition of the filters at OPWTP in 2012. The report concluded that filter media, which is the sand used to filter particles out of the water, was in poor condition and was in need of replacement. The investigation also found that there was media loss and clogging of media. The report included three filter replacement options being;

1. Reinstatement of the original design (e.g. monomedia with PVC laterals)
2. Conversion to dual media without modification of the underdrain design (e.g. dual media with PVC laterals)
3. Modification of the underdrain system and a full dual media replacement (e.g. dual media with concrete encased nozzles)

The report estimated indicated costs of \$50,000, \$65,000 and \$70,000 ex GST per filter for each option respectively. These figures did not include the cost of lateral replacement or upgrade.

A monomedia system would be similar to the existing, with sand used for filtration media. A dual media system would include both sand and anthracite media. Anthracite is a courser media, which provides more solids retention capacity, increasing filter run times.

Further to the filter upgrade report Council also engaged NSW Public Works to undertake a detailed investigation into the Oakey Park Water Treatment Plant to review the possible options for upgrade of this plant. The report from NSW Public Works (2015) also highlighted the age and condition of the filters as a concern and recommended an upgrade of the filters.

Prior to seeking tenders for the filter upgrade Council officers visited Cowra Water Treatment Plant (WTP) in September 2015. Cowra completed an upgrade of their filters using the Xylem Leopold underdrain system in 2014. Operators from Cowra WTP provided positive feedback from their experiences using the Xylem filtration system. The Xylem Leopold system is an integrated underdrain which replaces the traditional

separate air and water PVS laterals. The system is designed to allow uniform distribution and improved efficiency during backwashing, to increase filter run times and water quality.

Council's operational staff have also spoken to representatives from Lachlan Shire Council who have been using the Xylem Leopold underdrain system since 2013. The staff at Lachlan also provided positive feedback on the upgraded filtration system by Xylem.

The Local Government Procurement (LGP) online vendor panel was used to call for tenders on 9<sup>th</sup> October 2015. The tender specifications called for the supply and installation of a new underdrain system and a full media replacement for the six (6) gravity sand filters at OPWTP. A total of 29 notifications were sent to companies. Upon closing of submissions on 2<sup>nd</sup> November 2015, only one (1) submission was received, being from Xylem Water Solutions Australia Limited for \$582,879.00 inc GST.

Xylem also quoted an additional fee of \$18,700.00 inc GST per filter for epoxy coating. It is not known at this stage the condition of the concrete within the filters and therefore if epoxy coating, or further concrete rectification works will be required. Xylem have proposed to first undertake a full upgrade of Filter 5, which is currently out of service. This will then be commissioned and used to validate the design prior to upgrade of the remaining five (5) filters.

During the upgrade, the Lithgow WTP will remain online, with works being undertaken in the following stages:

1. Filter 5 upgrade and design validation (5 weeks)
2. Filter 4 and Filter 6 (7 weeks)
3. Filters 1, 2, and 3 (5 weeks)

It is strongly recommended that this work is undertaken during winter, when the water demand for Lithgow is lowest. The Xylem Leopold underdrain system is imported from America and has a six month manufacture and shipping lead time. Therefore, the engagement of Xylem to complete this work during winter 2016 would need to occur by December 2015.

To ensure the security of supply during this period, Council will liaise with Water NSW (formerly State Water) regarding emergency access to the Fish River Supply Scheme if the Lithgow WTP could not function for any reason.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

Fund of \$979,000 have been allocated to Oakey Park Water Treatment Plant Upgrade in the 2015/16 budget.

#### **LEGAL IMPLICATIONS**

NIL



## **ATTACHMENTS**

1. Oakey Park WTP Filter Upgrade Proposal by Xylem Water Solutions Australia Limited

## **RECOMMENDATION**

**THAT** Council:

1. **ACCEPT** the tender from Xylem Water Solutions Australia for Five Hundred and Eighty Two Thousand Eight Hundred and Seventy Nine Dollars (\$582,879.00 GST inclusive) for the upgrade of the Filters at the Oakey Park Water Treatment Plant.
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this matter.

## CORPORATE AND COMMUNITY REPORTS

### ITEM-8 CORP - 16/11/15 - QUARTERLY PERFORMANCE REPORT ON 2015-2016 OPERATIONAL PLAN FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2015

**REPORT BY: J BROZEK – GROUP MANAGER CORPORATE AND COMMUNITY**

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## REFERENCE

Min No 15-121: Ordinary Meeting of Council held on 1 June 2015.

## SUMMARY

This report provides the Quarterly Performance Report on the 2015-2016 Operational Plan for the period of 1 July to 30 September 2015 with a recommendation that variations to income and expenditure estimates are voted and the revised budget surplus of \$9,230 being no movement from the original budget result be noted.

## COMMENTARY

The July to September Quarterly Performance Report on the 2015-2016 Operational Plan has been prepared and details are provided with the attachment to the Business Paper.

This report provides a detailed summary of achievements against the Delivery Program 2013-2017.

Note: A negative balance is identified in brackets.

2015/16 Quarterly Budget Comparison			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	79,242	79,233	9
September Quarter	84,956	84,947	9

2015/16 Quarterly Budget Comparison Fund			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
General	53,755	53,747	8

Water	7,898	7,898	0
Wastewater	23,303	23,302	1

All variations are funded from carry forward unspent funds from the 2014-15 Financial Year, with the only exception being a successful grant application for environmental improvement work at Farmers Creek. The revised September quarter of the 2015-2016 budget has been adjusted as detailed in the following table and recommended for adoption.

2015/16 Quarterly Budget Variations				
	Division	Program	Variation	Reason
1)	Operations Capital	Operations Capital – Expense	2,894,751	Expenditure on Country Passenger Infrastructure program, Flood Damage RMS MR351 and Toll Response projects, Black Bridge replacement project, Lithgow Railway Interchange project and Flood plain Management projects funded from unexpended grants being carried forward.
2)	Operations Capital	Operations Capital – Income	(3,394,299)	Revenue for grant income expected to be received for Lithgow Railway Interchange Project and Wallerawang Black Bridge.
3)	Operations Capital	Operations Capital – Reserve Transfer	499,548	Increase transfer from reserve to fund projects identified above.
4)	Operations Capital	Recreation Capital – Expense	2,918,029	Expenditure on shade structures, Farmers Creek Cycleway and Aquatic Centre Stage 4 funded from unexpended grant funds.
5)	Operations Capital	Recreation Capital – Income	(2,250,000)	Revenue for grant income expected to be received for Aquatic Centre Stage 4 project.
6)	Operations Capital	Recreation Capital – Reserve Transfer	(668,029)	Increase transfer from reserve to fund projects on Recreation Program as above.
7)	Water Capital	Water Infrastructure – Expense	2,596,627	Expenditure on SCADA system, chlorinator renewals, telemetry upgrade, mains renewal, lagoon desludging, dam safety, reservoirs upgrade, water treatment plant upgrade and reticulation improvements funded from 14/15 carry forwards.
8)	Water Capital	Water Infrastructure – Reserve Transfer	(2,596,627)	Increase transfer from reserve to fund projects on Water Program as above.

## 2015/16 Quarterly Budget Variations

	Division	Program	Variation	Reason
9)	Waste Water Capital	Waste Water Infrastructure – Expense	1,632,000	Expenditure on Lithgow mains lining, sewer land acquisition, pump station access and upgrade, sewer vent replacement, Wallerawang sewerage treatment plant upgrade, smoke tester, telemetry upgrade, Portland desludging and South Bowenfels upgrade funded from 14/15 carry forwards
10)	Waste Water Capital	Waste Water Infrastructure – Reserve Transfer	(1,632,000)	Increase transfer from reserve to fund projects on Waste Water Program as above.
11)	Development and Planning Capital	Strategic Planning – Expense	150,000	Expenditure on rural lands study, Hassan's Walls Management Plan and heritage planning and DCP funded from 14/15 carry forwards.
12)	Development and Planning Capital	Strategic Planning – Reserve Transfer	(150,000)	Increase transfer from reserve to fund projects on Strategic Planning Program as above
13)	Development and Planning Capital	Buildings – Expense	169,396	Expenditure on Lake Lyell toilets, Rydal toilet block, Capertee public toilets, administration centre air conditioning, Crystal Theatre improvements, and Union Theatre improvements funded from 14/15 carry forwards and unexpended grant funds.
14)	Development and Planning Capital	Buildings – Reserve Transfer	(169,396)	Increase transfer from reserve to fund projects on Building Program as above.
15)	Waste Capital	Waste – Expense	625,000	Expenditure on Angus Place rehabilitation, Lithgow landfill rehabilitation and planning, Tarana transfer station and Lithgow resource recovery funded from 14/15 carry forwards.
16)	Waste Capital	Waste – Reserve Transfer	(625,000)	Increase transfer from reserve to fund projects on Waste Program as above.
17)	Executive	Economic – Expense	33,603	The following projects including Cultural and Creative Program, Business Network Program, Investment Prospectus, Business Training Program and Innovative Regions Program funded from carry forward unspent grants.
18)	Executive	Economic – Reserve Transfer	(33,603)	Transfer from reserve to fund economic development programs listed above.
19)	Executive	Human Resources – Expense	53,941	The following projects to be carried forward from 2014/15; Employee Survey, WHS Management System and Employee Health Program They will be

## 2015/16 Quarterly Budget Variations

	Division	Program	Variation	Reason
				funded from carry forward reserve.
20)	Executive	Human Resources – Reserve Transfer	(53,941)	Increased transfers from reserve to fund human resources programs listed above.
21)	Corporate & Community	Corporate & Community – Expense	89,986	Internal audit unexpended funds carry forward from 2014/15.
22)	Corporate & Community	Corporate & Community – Reserve Transfer	(89,986)	Increase transfers from reserve to fund corporate and community projects listed above.
23)	Human Health Compliance and Environment	Environment – Expense	190,058	Expenditure for on site sewerage management, litter grant, willow removal programs, crown lands grant, illegal dumping grant and local land services grant funded from unspent grant carry forward monies.
24)	Human Health Compliance and Environment	Environment – Reserve Transfer	(190,058)	Increased transfer from reserve to fund projects on Environment Program as above.
25)	Human Health Compliance and Environment	Environment – Expense	10,000	Farmers Creek Environmental Improvement project grant application was successful.
26)	Human Health Compliance and Environment	Environment – Income	(10,000)	Additional grant funding received for Farmers Creek Environmental Improvement project.
27)	Community & Culture	Library – Expense	5,386	Expenditure for children nook council program, remote communities program and law week activities funded from unspent grant funding.
28)	Community & Culture	Library – Reserve Transfer	(5,386)	Increased transfer from reserve to fund projects on Library Program.
29)	Community & Culture	Community & Culture – Expense	3,833	Expenditure for Eskbank House Conservation Plan funded from unspent grant funding carried forward.
30)	Community & Culture	Community & Culture – Reserve Transfer	(3,833)	Increased transfer from reserve to fund project as above.
31)	Finance	Finance – Expense	11,541	Asset identification and valuation funded from 14/15 carry forwards.
32)	Finance	Finance – Reserve Transfer	(11,541)	Increased transfer from reserve to fund projects as above.
33)	Finance	Records Management – Expense	10,742	Expenditure for archival of records funded from 14/15 carry forwards.
34)	Finance	Records Management –	(10,742)	Increased transfer from reserve to fund

## 2015/16 Quarterly Budget Variations

	Division	Program	Variation	Reason
		Reserve Transfer		projects as above.
35)	Information Technology Capital	Information Technology – Expense	112,503	Expenditure on independent security audit, finance review, library system upgrade, security cameras, corporate reporting, electronic content management upgrade and EHC project funded from 14/15 carry forwards and unexpended grants.
36)	Information Technology Capital	Information Technology – Reserve Transfer	(112,503)	Increase transfer from reserve to fund projects on Information Technology Program as above.
37)	Community & Culture Capital	Community & Culture – Expense	255,442	Expenditure on Blast Furnace Park Cultural Heritage Precinct funded from 14/15 carry forwards and unexpended grants.
38)	Community & Culture Capital	Community & Culture – Income	(60,000)	Increase revenue for grant income expected to be received for Blast Furnace Park Cultural Heritage Precinct project.
39)	Community & Culture Capital	Community & Culture – Reserve Transfer	(195,442)	Increase transfer from reserve to fund projects as above.
40)	Tourism Capital	Tourism Capital – Expense	121,048	Expenditure on town entry signage funded from 14/15 carry forwards.
41)	Tourism Capital	Tourism Capital – Reserve Transfer	(121,048)	Increase transfer from reserve to fund projects as above.
		<b>Total Variations</b>		

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

The financial implications as reported in the July to September Quarterly Performance Report, 2015-2016 Operational Plan.

The Group Manager of Corporate and Community, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, that Council's 2015-2016 Operational Plan has been reviewed and the financial position of Council is satisfactory.

### LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

## **ATTACHMENTS**

1. Quarterly Progress Report 1 July – 30 September 2015.

## **RECOMMENDATION**

### **THAT:**

1. The surplus of \$9,230.73 for the 2015-2016 Operational Plan as detailed in the Quarterly Performance Report for the period 1 July to 30 September 2015 be adopted.

2. Council adopt the variations to the Council budget as outlined in the report.
3. The Council notes that the Group Manager of Corporate and Community, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2015-2016 Operational Plan has been reviewed and the financial position of Council is satisfactory.



**ITEM-9            CORP - 16/11/15 - 2014/15 ANNUAL REPORT**

**REPORT BY: J BROZEK – GROUP MANAGER CORPORATE AND COMMUNITY**

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**REFERENCE**

Min No 13-404:            Ordinary Meeting of Council held on 25 November 2013  
Min No 14-464:            Ordinary Meeting of Council held on 17 November 2014

**SUMMARY**

This report provides a copy of the Annual Report 2014-2015 to Council for its information.

**COMMENTARY**

The Local Government Act 1993 states:

*Within 5 months after the end of each year, a council must prepare a report (its “annual report”) for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*

The Annual Report for the year 2014-2015 has been prepared and will be forwarded to the Office of Local Government. A copy of the Report has been provided to Councillors within their Business Papers Packages.

Copies of the Annual Report will be placed on Council’s website and a hard copy will be available for viewing at the Council’s Administration Centre, the Lithgow Library Learning Centre and Portland, Wallerawang and Rydal Libraries.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

The Annual Report was produced internally and funded from the recurrent budget.

**LEGAL IMPLICATIONS**

The Annual Report was prepared in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009.

**ATTACHMENTS**

1. Annual Report 2014-2015.

**RECOMMENDATION**

**THAT** Council **ADOPT** the Lithgow City Council Annual Report 2014-2015.

**ITEM-10            CORP - 16/11/15 - COUNCIL INVESTMENTS HELD TO 31 OCTOBER 2015**

**REPORT FROM: J BROZEK – GROUP MANAGER CORPORATE AND COMMUNITY**

**REFERENCE**

Min No 15-176:            Ordinary meeting of Council held on 27 July 2015  
 Min No 15-197:            Ordinary meeting of Council held on 17 August 2015  
 Min No 15-253            Ordinary meeting of Council held on 28 September 2015  
 Min No 15-277            Ordinary meeting of Council held on 26 October 2015

**SUMMARY**

To advise Council of investments held as at 31 October 2015 in the 2015/16 financial year.

**COMMENTARY**

Council's total investment portfolio, as at 31 October 2015 when compared to 30 September 2015, has increased by \$26,489.04 from \$21,606,714.19 to \$21,633,203.23. While cash in Council's bank account decreased by \$772,316.69 from \$3,333,129.35 to \$2,560,812.66.

There is an overall decrease in cash and investments of \$745,827.65 since 30 September 2015.

INVESTMENT REGISTER 2015/16								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.09.15	VALUE 31.10.15	% OF TOTAL
AMP	On Call	26.08.14			2.55	1,027,442.53	1,027,442.53	4.76%
CBA	On Call				1.95	4,522,980.48	4,530,229.64	20.95%
AMP	TD	29.10.15	17.02.16	111	2.65	1,000,000.00	1,000,000.00	4.62%
	TD	24.8.2015	16.12.15	114	2.75	1,000,000.00	1,000,000.00	4.62%
IMBS	TD	17.08.15	18.11.15	90	2.75	1,000,000.00	1,000,000.00	4.62%
	TD	30.09.15	13.01.16	105	2.75	1,016,848.45	1,000,000.00	4.62%
NAB	TD	24.08.15	02.12.15	100	2.90	1,000,000.00	1,000,000.00	4.62%
	TD	21.10.15	20.01.16	91	2.90	1,016,281.85	1,023,674.25	4.73%
	TD	29.09.15	06.01.16	99	2.90	1,000,000.00	1,000,000.00	4.62%
WESTPAC	TD	09.10.15	09.01.16	92	2.00	1,006,881.10	1,013,606.50	4.69%
ST GEORGE	TD	19.09.15	19.01.16	122	2.90	963,455.81	976,735.93	4.51%
	TD	26.10.15	24.02.16	120	2.75	1,000,000.00	1,008,690.41	4.66%
ME BANK	TD	24.08.15	25.11.15	93	2.80	1,000,000.00	1,000,000.00	4.62%
	TD	23.09.15	23.12.15	91	2.75	1,000,000.00	1,000,000.00	4.62%
	TD	30.10.15	03.02.16	96	2.85	1,000,000.00	1,000,000.00	4.62%
NEWCASTLE PERMANENT	On Call	25.05.15			2.00	1,024,410.78	1,024,410.78	4.74%
FAMILY FIRST CREDIT UNION	TD	05.08.15	03.11.15	90	2.55	1,028,413.19	1,028,413.19	4.76%
BANK OF QLD	TD	30.10.15	10.02.16	103	2.65	1,000,000.00	1,000,000.00	4.62%
<b>TOTAL</b>						<b>21,606,714.19</b>	<b>21,633,203.23</b>	<b>100.00</b>



## **FINANCIAL IMPLICATIONS**

Interest earned to 31 October 2015 is \$123,620. 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 \$21,633,203.23 and cash of \$2,560,812.66 for the period ending 31 October be noted.

## **COUNCIL COMMITTEE MINUTES**

**ITEM-11            OPER - 16/11/15 - OPERATIONS COMMITTEE MEETING - 15TH  
OCTOBER 2015**

**REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

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### **SUMMARY**

This report details the Minutes of the Operations Committee Meeting held on 15<sup>th</sup> October 2015.

### **COMMENTARY**

At the Operations Committee Meeting held on 15<sup>th</sup> October 2015, the Committee discussed the inspections of major worksites and determined an inspection schedule according to priorities determined by the Committee. These are outlined in the attached minutes.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

### **ATTACHMENTS**

1. Minutes from the Operations Committee meeting of 15<sup>th</sup> October 2015.

### **RECOMMENDATION**

**THAT** Council note the minutes of the Operations Committee held on 15<sup>th</sup> October 2015.

**ITEM-12          CORP - 16/11/15 - YOUTH COUNCIL MINUTES - 27 OCTOBER 2015**

**REPORT BY:        M JONES – COMMUNITY DEVELOPMENT OFFICER**

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**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  
Min No 15-181:         Ordinary Meeting of Council held on 27 July 2015  
Min No 15-256:         Ordinary Meeting of Council held on 28 September 2015  
Min No 15-281:         Ordinary Meeting of Council held on 26 October 2015

**SUMMARY**

This report details the minutes of the Youth Council meeting held 27 October 2015.

**COMMENTARY**

At the 27 October 2015 Youth Council meeting, various items were discussed including:

- Youthweek 2016
- Area Health/Council Scholarship Program
- Improvements to the old pool entry (Men’s Shed building)

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

Local Government Act 1993

**ATTACHMENTS**

1. Minutes of the Youth Council meeting held 27 October 2015.

**RECOMMENDATION**

**THAT** Council note the minutes of the Youth Council meeting held 27 October 2015.

**ITEM-13            OPER - 16/11/15 - SPORTS ADVISORY COMMITTEE MEETING  
MINUTES - 27TH OCTOBER 2015**

**REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

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**REFERENCE**

Min No 15-284:            Ordinary Meeting of Council held on 26<sup>th</sup> October 2015

**SUMMARY**

This report details the Minutes of the Sports Advisory Committee Meeting held on 27<sup>th</sup> October 2015.

**COMMENTARY**

At the Sports Advisory Committee held on 27<sup>th</sup> October 2015, there were numerous items discussed by the Committee, including:

- Financial Assistance Requests
- 2015 LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking Requests

**ATTACHMENTS**

1. Minutes of the Sports Advisory Committee meeting held on 27<sup>th</sup> October 2015.

**RECOMMENDATION**

**THAT** Council note the minutes of the Sports Advisory Committee held on 27<sup>th</sup> October 2015.



**ITEM-14            ENVIRO - 16/11/15 - HOWARD & SONS PYROTECHNICS PTY LTD  
COMMUNITY LIAISON COMMITTEE MEETING MINUTES- 28  
OCTOBER 2015**

**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
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
Min No 15-178:	Ordinary meeting of Council held on 27 June 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 28 October 2015. 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 at this meeting:

- Update on bunker system for container trucks
- Safe Work NSW (WorkCover) investigation update in relation to Bogan Gate incident
- Damaged headstones
- Information on excess payments in relation to insurance claims
- Wallerawang waste facility

No the items require a resolution of the Council.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes from the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee 28 October 2015.

## **RECOMMENDATION**

**THAT** the minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee Meeting held on 28 October 2015 be noted.

## NOTICES OF MOTION

### ITEM-15 NOTICE OF MOTION - 16/11/15 - PRIVATE WORKS UNDER SECTION 67 OF THE NSW LOCAL GOVERNMENT ACT 1993 - COUNCILLOR M TICEHURST

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## REFERENCE

Section 67 Private Works of the Local Government Act 1993.  
Previous Lithgow City Council Annual Reports.

## COMMENTARY

Section 67 of the NSW Local Government Act 1993, refers to Private Works by a Council, including Lithgow City Council: -

### 67 Private works

- (1) A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.

Examples of the kind of work that a council might carry out under this section include:

- paving and road making
  - kerbing and guttering
  - fencing and ditching
  - tree planting and tree maintenance
  - demolition and excavation
  - land clearing and tree felling
  - water, sewerage and drainage connections
  - gas and electricity connections.
- (2) A council must not carry out work under this section unless:
- (a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or
  - (b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.
- (3) A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2) (b) in its next annual report.
- (4) A report of work to which subsection (2) (b) applies must be given to the next meeting of the council after the work is carried out specifying:
- the person for whom the work was carried out

- the nature of the work
  - the type and quantity of materials used
  - the charge made for those materials
  - the total of the number of hours taken by each person who carried out the work
  - the total amount charged for carrying out the work (including the charge made for materials)
  - the reason for carrying out the work.
- (5) This section does not apply to work carried out by a council, or by two or more councils jointly, for another council or for a public authority.
- (6) This section does not apply to any graffiti removal work carried out by a council in accordance with Part 4 of the Graffiti Control Act 2008.

With respect to Section 67 Private Works of the Local Government Act 1993, the two most recent Lithgow City Council Annual Reports record that: -

**Summary of Resolutions Concerning Work Carried Out on Private Land and any Subsidies Related to the Work**

There were no resolutions passed during **2013-2014** in accordance with the provisions of section 67(2)(b) of the Local Government Act 1993 relating to Council subsidising the cost of any works carried out on private lands.

**Summary of Resolutions concerning work Carried Out on Private Land and any subsidies Related to the Work**

There were no resolutions passed during **2012/13** in accordance with the provisions of section 67(2)(b) of the Local Government Act 1993 relating to Council subsidising the cost of any works carried out on private lands.

**RECOMMENDATION**

**THAT:**

1. Council note Section 67 Private Works of the Local Government Act 1993.
2. Council's General Manager and/or Senior Council Officers provide a report to the Council on the financial and legal responsibilities arising out of any proposed Private Works undertaken by the Lithgow City Council under Section 67 Private Works of the Local Government Act 1993

**ITEM-16 NOTICE OF MOTION - 16/11/15 - FLOOD DAMAGE TO THE BOUNDARY OF 2 BELLS ROAD LITHGOW - COUNCILLOR M TICEHURST**

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**REFERENCE**

Various media reports in the Lithgow Mercury.

**COMMENTARY**

In February 2013, major flood damage occurred to the boundary of 2 Bells Road Lithgow. It has yet to be resolved or repaired.

- Q. Could the General Manager and/or Senior Council Officers provide a report to the Council on the major flood damage that occurred to the boundary of 2 Bells Road Lithgow in February 2013 and an update of where the matter is currently at and recommendations on how it may be resolved and repaired?

**ATTACHMENTS**

1. Photographs and various Media Reports published in the Lithgow Mercury.

**RECOMMENDATION**

**THAT** the General Manager and/or Senior Council Officers provide a report to the Council on the major flood damage that occurred to the boundary of 2 Bells Road Lithgow in February 2013 and an update of where the matter is currently at and recommendations on how it may be resolved and repaired?

**ITEM-17 NOTICE OF MOTION - 16/11/15 - INVESTIGATE WHAT THE FUTURE PLAN IS FOR THE OLD POLICE STATION - BRIDGE ST LITHGOW - COUNCILLOR F INZITARI**

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**COMMENTARY**

It has been many years now since the Police Station was relocated from Bridge St to it's current location in Mort Street. The old Police Station has not only become an eyesore, but the neglect and non maintenance of this building is quite evident, and it is a blemish to not only Bridge St, but the CBD in general.

Bridge St has seen many buildings being refurbished in recent years. Examples being

Court House  
New College (Old Library)  
Tin Shed Cafe  
Old Shell Service Station

And the new soon to be open, Lithgow Workmens Club Motel.

The old Police Station is not only a disgrace, but an embarrassing blight on what is otherwise a vibrant part of our CBD. I did try a few years ago to start the process of a possible acquisition to Council, but after months, even years, I was passed on from department to department with no solution offered.

I feel the time has come for Council to up the pressure, and to hopefully get this building demolished, or refurbished and utilised productively.

**RECOMMENDATION**

**THAT** Council through the General Manager, to contact the relevant State Government Department and to raise our concerns over the lack of attention shown to the Old Police Station on Bridge St Lithgow, raise it's poor condition, and ask as to what future plans (if any) they have for the rehabilitation of the building.

## **SUMMARY**

Council to Request RMS remove the rest stop on eastern side - top of Riverlett Hill

## **COMMENTARY**

RMS have long commenced the roadworks on the section of Forty Bends and Hartley along the Great Western Highway. Some time ago, it was brought to my attention by several residents who reside on the top of Riverlett Hill, that they were concerned what plans the RMS had in relation to the rest stop that is situated outside their homes.

This particular rest stop was created back in 2011 (not to be confused with the long established rest stop on the western side) when the old highway was left behind, and the new road was built in order to remove a dangerous corner. The residents were not consulted at the time this occurred, and REST STOP signs were erected, and a portable toilet was placed on site.

Understandably, those residents were frustrated at not only the lack of communication with the RMS, but also with trucks and cars parking on their driveway entrances at all hours of the day, some for long periods of time which created unwanted confrontations. Also, concerns were raised with the safety of leaving their driveways when cars and trucks entered the rest stop at high speeds.

The RMS states that rest stops should not be further than 100 kilometres apart, there are currently rest stops located at Mt Lambie, Tunnell Hill, and Mt Boyce, so this particular rest stop was not warranted.

There is currently NO rest stop in NSW where residents have driveways leading into them. These residents are no different than the ones who reside on the old highway just past St Francis church at Bowenfels (south bound), where they have their own access lane WITHOUT a rest stop being created.

I had a meeting with senior RMS officials, road contract representatives, and residents back in June of this year, after learning the RMS had still planned to keep the rest stop in place once roadworks were completed. We shared our concerns and were informed that they would look at all options. To date, no options have been proposed, and the residents fear that when works commence on that section, they will be told nothing has changed and there would be nothing they can do.

I feel frustrated for them, as they have raised serious issues to the RMS and have suffered emotionally, and may even suffer financially if this rest stop devalues their properties.

Lets not forget that the residents were NEVER consulted back in 2011, and this rest stop should have never been placed there. I feel Lithgow Council should now step in and represent these residents and support their case.

## **RECOMMENDATION**

**THAT** Lithgow Council to strongly oppose the continuation of the rest stop at the top of Riverlett Hill (eastern side) to the RMS, and support the request from the residents who reside there, to have this rest stop removed when road works to that section is complete.



**ITEM-19 NOTICE OF MOTION - 16/11/15 - PRESS RELEASE - IPART  
REPORT - LITHGOW CITY COUNCIL 'UNFIT FOR THE FUTURE' -  
COUNCILLOR J MCGINNES**

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**COMMENTARY**

On Radio 90 4th November Mayor Statham conducted an interview on Council's "Fit For The Future"  
Transcript below.

Interviewer;

We have got to talk about fit for the future, look have Council been deemed not fit for the future where are we up to on that? I know, I think a report has to be done on that by the 18th....."

The mayor said "That's strange because last year we were deemed sound which is the highest rating you can go financially and our neighbours either side of us were deemed to be not sound, far from sound, and the now the only reason they have been fit for the future is because they have had a massive rate rise. Our Council have chose not to have a rate rise, if we have had had a rate rise we would have been found deemed fit for the future. I have had time to think about that, we ticked a lot of the boxes but having a rate rise is going to prove nothing but except getting the angst into the community, we are starting to get the community back on side I believe and they can see we are working hard in to trying to give them things for their rate money, so we knew we were not going to be fit for the future, you know when you put in the submission because of the amount of boxes you ticked you know there is three we could not tick but one of them was the rate rise it was the most important one you were able to tick. I believe that the only councils that were fit for the future there were only four that did not have a rate rise, all the others had a massive rate rise up to one hundred and fifteen aaaaar, a hundred and thirteen percent so when you have got a sixty or seventy percent rate rise we can all be fit for the future, Craig, but we are deemed not to be amalgamated..... so that I am very proud of."

Interviewer:

"So stand alone but the report going in on the 18th so we will have to wait for a decision I guess....."

Mayor Statham;

"That's correct

Interviewer:

"So we will have to wait on that one, Maree"

**Cr McGinnes comment;**

It can be seen that almost all of the information in the interview on Lithgow Councils Unfit For the Future report was false or misleading.

The T Corp report was 'sound' but with a 'negative outlook'. (see attached report card)  
Lithgow Council has a 10 year special rate which it is levying at the moment.

We have not been deemed not to be amalgamated.  
Lithgow Council must now set the record straight.

## ATTACHMENTS

1. I Part Report Card

## RECOMMENDATION

### THAT:

1. That a press release be issued immediately regarding the I Part report on Lithgow Council's "Fit for the Future" status where it was considered to be "Unfit for the Future" on financial grounds.
2. The press release is to contain information on Council's current financial situation and any proposed consultation process it intends to conduct with ratepayers and residents, which is required by the State Government and recently recommended by Cr Keith Rhoades Of the NSW Local Government Association where he advised;  
"My last word on reform for this week is also to remind you of the absolutely critical importance of engaging your communities over these next few weeks. Now is they time for them to have their say, and there are campaign resources on our website<<http://www.lgnsw.org.au/key-initiatives/communications-resources>> to help you facilitate that."
3. The press release is to contain accurate information on the T Corp assesment of Lithgow Council which was found to be "sound with a negative outlook"
4. The press release have attached the complete I Part -NOT FIT For The Future report card on Lithgow Council.dated 20 October 2015.
4. The press release is to report on the current status of the 10 Year Special Rate which Council has levied on the ratepayers of Lithgow for the past eight years and the previously stated intention to apply for another special rate when the current rate expires.
5. The press release is to list the various options available to Council.
6. The press release has a list of "For" and "Against" arguments is also to be included with those Councillors in favour of the status quo (Stand alone) be invited to compose the 'For' case and those councillors in favour of a merger be invited to compose the 'Against' case
7. That the Mayor retract the false and misleading information about Lithgow's Fit For THE Future report that was broadcast in an interview on Radio 90 on Thursday 5th November 2015

**ITEM-20 NOTICE OF MOTION - 16/11/15 - REPORT ON THE METHODOLOGY OF CALCULATING THE OFFICIAL CROWD ATTENDANCE FOR HALLOWEEN 2015 - COUNCILLOR J MCGINNES**

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**COMMENTARY**

2790 Facebook reported that the Mayor has reported official crowd attendance at Halloween 2015 is 27,000 Plus

**RECOMMENDATION**

**THAT** the General Manager and/or Senior Council Officers provide a report to the Council on the methodology employed in calculating the official crowd attendance figure of 27,000 plus for Halloween 2015.

## **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.*

## **CLOSED COUNCIL**

**ITEM-21            CLOSED COUNCIL - CONFIDENTIAL - ENVIRO - 16/11/15 - TENDER  
FOR COUNCIL CLEANING SERVICES**

**REPORT BY: a MUIR - GROUP MANAGER - ENVIRONMENT AND DEVELOPMENT**

### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A (2) (a) and (c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors),
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

### **SUMMARY**

To advise Council of the results of the tendering process for the carrying out of Council Cleaning Services.

### **RECOMMENDATION**

**THAT** Council consider the tender for council cleaning services in closed Council in accordance with Section 10A(2)(a) and (c) of the Local Government Act 1993.