



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

29 FEBRUARY 2016

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 8 FEBRUARY 2016

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

Meadow Flat Hall Management Committee Minutes - 10 February 2016
Traffic Advisory Local Committee - 18 February 2016
Operations Committee Meeting - 18 February 2016

DELEGATES REPORTS - NIL

NOTICES OF MOTION

Resolution of Access to 17 Barton Avenue, Wallerawang - Clr M Ticehurst
Vandalism Lithgow City Council's Managed Blackfellows Hands Reserve - Clr M Ticehurst
Proposed Railway Walkway over Inch Street Lithgow - Clr M Ticehurst

QUESTIONS WITH NOTICE - NIL

NOTICE OF RECISSIONS - NIL

BUSINESS OF GREAT URGENCY

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

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>4</u>
<u>ITEM-1</u>	<u>GM - 29/02/16 - RESOURCES FOR REGIONS FUNDING</u>	<u>4</u>
	<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>	<u>8</u>
<u>ITEM-2</u>	<u>ENVIRO - 29/02/16 - DA228/15 - EXEMPTION TO SECTION 64 (SEWER & WATER) CONTRIBUTIONS FOR PROPOSED LITHGOW AGED CARE DEVELOPMENT- MAPLE CRESCENT- SHORT STREET LITHGOW</u>	<u>8</u>
<u>ITEM-3</u>	<u>ENVIRO - 29/02/16 - PROPOSED LEASE OF SOUTH LITTLETON HALL - EAST STREET LITHGOW TO LITHGOW CHAPTER GROUP - ORDER OF THE EASTERN STAR</u>	<u>12</u>
<u>ITEM-4</u>	<u>ENVIRO - 29/02/16 - DA245/13 - MARRANGAROO ESTATE PTY LTD VOLUNTARY PLANNING AGREEMENT</u>	<u>15</u>
	<u>OPERATION REPORTS</u>	<u>17</u>
<u>ITEM-5</u>	<u>OPER - 29/02/16 - WATER REPORT</u>	<u>17</u>
	<u>CORPORATE AND COMMUNITY REPORTS</u>	<u>21</u>
<u>ITEM-6</u>	<u>CORP - 29/02/16 - EXCESSIVE WATER ACCOUNT FOR PROPERTY 17390 - REQUEST FOR CONSIDERATION</u>	<u>21</u>
<u>ITEM-7</u>	<u>CORP - 29/02/16 - REQUEST FOR CONSIDERATION - EXCESSIVE WATER ACCOUNT FOR PROPERTY 102778</u>	<u>23</u>
<u>ITEM-8</u>	<u>CORP - 29/02/16 - NOMINATIONS FOR THE CRIME PREVENTION COMMITTEE AND CBD REVITALISATION COMMITTEE</u>	<u>25</u>
<u>ITEM-9</u>	<u>CORP - 29/02/16 - COUNCIL INVESTMENTS HELD TO 31 JANUARY 2016</u>	<u>26</u>
<u>ITEM-10</u>	<u>CORP - 29/02/16 - QUARTERLY PERFORMANCE REPORT ON 2015-2016 OPERATIONAL PLAN FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2015</u>	<u>30</u>
	<u>COUNCIL COMMITTEE MINUTES</u>	<u>35</u>
<u>ITEM-11</u>	<u>ENVIRO - 29/02/16 - MEADOW FLAT HALL MANAGEMENT COMMITTEE MINUTES - 10 FEBRUARY 2016</u>	<u>35</u>
<u>ITEM-12</u>	<u>OPER - 29/02/16 - TRAFFIC ADVISORY LOCAL COMMITTEE - 18 FEBRUARY 2016</u>	<u>36</u>
<u>ITEM-13</u>	<u>OPER - 29/02/16 - OPERATIONS COMMITTEE MEETING - 18 FEBRUARY 2016</u>	<u>37</u>
	<u>NOTICE OF MOTION</u>	<u>39</u>

<u>ITEM-14</u>	<u>NOTICE OF MOTION - 29/02/16 - RESOLUTION OF ACCESS TO 17 BARTON AVENUE, WALLERAWANG - CLR M TICEHURST</u>	<u>39</u>
<u>ITEM-15</u>	<u>NOTICE OF MOTION - 29/02/16 - VANDALISM AT LITHGOW CITY COUNCIL'S MANAGED BLACKFELLOWS HANDS RESERVE - CLR M TICEHURST</u>	<u>42</u>
<u>ITEM-16</u>	<u>NOTICE OF MOTION - 29/02/16 - PROPOSED RAILWAY WALKWAY OVER INCH STREET LITHGOW - CLR M TICEHURST</u>	<u>44</u>
<u>BUSINESS OF GREAT URGENCY</u>		<u>46</u>

GENERAL MANAGERS REPORTS

ITEM-1 GM - 29/02/16 - RESOURCES FOR REGIONS FUNDING

REPORT BY: R BAILEY – GENERAL MANAGER

SUMMARY

The NSW Government is inviting Expressions of Interest (Eoi) for funding under the Resources for Regions program.

Up to \$32 million is available in the 2015-16 program. Eoi closes on 7 April 2016 and all Regional NSW councils are eligible to apply.

COMMENTARY

The NSW Government has recognised that mining can place unique pressures on regional infrastructure and services. Since its implementation in 2012, Resources for Regions has delivered \$208 million to 32 projects across the State's most affected mining communities, revitalising infrastructure and relieving specific burdens that mining related activities can have on towns.

One of these projects has been funding for the replacement of the rail over-bridge at Wallerawang, known locally as the Black Bridge.

The Restart NSW Fund was set up to improve economic growth and productivity in the State and to fund infrastructure projects that will improve local infrastructure in regional areas affected by mining operations.

The NSW Government has committed to reserve three per cent of the Restart NSW Fund for the Resources for Regions program.

The 2015-16 Resources for Regions program will provide further opportunities for mining affected communities across regional NSW. Here all regional Local Government Areas (LGAs) have been invited to submit an expression of interest (Eoi) for projects that will benefit the local community. The funding is a competitive process and applicants will be required to demonstrate the level of mining affectedness and undergo an economic assessment.

Up to \$32 million is available in the 2015-16 program.

Joint Organisations of Councils (JOCs) and/or individual local councils, community groups, local businesses and non-government organisations may submit Eoi's. Project applications involving partnerships between groups are encouraged. Applicants are also being encouraged to work with individual firms and industry organisations to identify potential projects.

Organisations submitting projects must demonstrate that their community and infrastructure is mining affected by providing evidence of one or more of the following:

- Significant mining industry presence within the LGA boundary. Mining presence may be in any of the three stages of mining: exploration and development; mine operations; or, contraction and mine remediation.
- Significant mine related demand for social and community services.
- Significant mining industry related impact on infrastructure.

The program is open to projects that cater for both economic and social infrastructure. Economic infrastructure includes roads, rail, local facilities to improve the movement of freight, airports, public transport, local water and sewerage projects.

Social infrastructure includes recreational facilities and childcare services and includes projects that support affordable housing and aboriginal employment and businesses.

Resources for Regions aims to provide grant funding for projects that:

1. Are able to demonstrate alignment with local government strategic plans, with the emphasis on projects that contribute the most to the advancement of mining affected regions.
2. Are able to demonstrate that their community and infrastructure services are subject to significant mining industry impact.
3. Deliver growth and economic benefits.
4. Have a Benefit to Cost Ratio (BCR) higher than 1.0.
5. Are not suitable for other programs.

The assessment criteria for Eols is to be centred around:

- Criteria 1: Strategic Assessment
- Criteria 2: Economic Assessment
- Criteria 3: Affordability
- Criteria 4: Deliverability

Councillors and staff were asked to provide suggestions on possible projects. Suggested projects have included:

- Lithgow CBD Revitalisation Stage 2 – existing funding may contribute to the project.
- Rural Fire Service (RFS) Remote Fire Fighting Training Centre – the NSW Rural Fire Service would provide the cost of construction but would be asking Council to; Supply land for the proposed centre; Project manage the construction; and cover the cost of the project – Council to be reimbursed 100% of all costs not including land.

- Transport Intermodal/Truck Exchange – no contributory funding is budgeted at this stage.
- RFS Headquarters upgrade with helipad (previous application) – contributory funding may be available from the RFS.
- Adventure Playground – Contributory funding will be available from Centennial Coal.
- Blast Furnace Park – next stage – Contributory funding is being made available in the 2016-17 and 2017-18 Council budget.
- Business Park Development – no contributory funding is available at this stage.
- Replace lighting at Tony Luchetti Sports grounds - no contributory funding is available at this stage.
- Grandstand Wallerawang Oval – no contributory funding is available at this stage.
- Union Theatre Dressing Rooms and Facilities – Council has budgeted contributory funds.

There is no set minimum or maximum amount that can be provided in grant funding under Resources for Regions.

Applicants are being encouraged to consider and propose the maximum co-contribution to the project, from council, industry, users and other Federal and State Government sources.

Completed forms and all necessary material must be lodged with Infrastructure (INSW) by 7 April 2016.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

As set out above.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Media Release – John Barilaro - \$32 Million Available for Mining Communities.
2. Restart NSW Resources for Regions, Expressions of Interest Guidelines 2015-16
3. NSW Local Government - Eligibility List

RECOMMENDATION

THAT a priority list of projects for Expressions of interest for the Resources for Regions be:

1. Rural Fire Service Remote Fires Fighting Training Centre
2. Lithgow CBD Revitalisation, Stage 2
3. Adventure Playground

ENVIRONMENT AND DEVELOPMENT REPORTS

**ITEM-2 ENVIRO - 29/02/16 - DA228/15 - EXEMPTION TO SECTION 64
(SEWER & WATER) CONTRIBUTIONS FOR PROPOSED
LITHGOW AGED CARE DEVELOPMENT- MAPLE CRESCENT-
SHORT STREET LITHGOW**

REPORT BY: J NICHOLS – DEVELOPMENT MANAGER

REFERENCE

Min No. 16-08: Ordinary Meeting of Council held on 8 February 2016

SUMMARY

To consider an exemption from Section 64 Water and Sewer Contributions for the Lithgow Aged Care Development.

COMMENTARY

At Council's ordinary meeting for 8 February, Council granted an exemption to this development from paying Section 94A Contributions. Based on the capital cost of the development this will equate to \$302,901.50 that the applicant will not be required to pay. The application is currently under assessment and as part of that assessment process, the liability for Water and Sewer Contributions have now been calculated and the applicant has made a separate submission requesting an exemption.

Lithgow Aged Care Limited have requested that Council consider an exemption to the Water and Sewerage Headworks Contributions applied under Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, as part of the development proposal DA228/15 - Lithgow Aged Care facility.

Proposal:

Development Application DA228/15 from Lithgow Aged Care Limited is on land known as Lots 1 & 2 DP 775471, Lots 2 & 3 DP319366, Lot 1 DP311786 and Lot B DP397063, Short Street (Maple Crescent) Lithgow NSW 2790 for the following proposal:

1. Demolition of part of the Coinda Aged Care Facility including Coates House; the function room and maintenance workshop; and a storage/garage building;
2. Construction of 144 new beds to increase the total to a 214 bed facility. This will be done by constructing 4 new buildings each with two levels with 18 single rooms;
3. Ancillary cut and fill (earthworks) and retaining walls; and
4. Associated connections to utilities, landscaping, driveways and vehicle parking and manoeuvring areas.

Section 64 Contributions:

Under the *Water Management Act 2000*, Section 305, an application for Certificate of Compliance must be submitted to Council. This Act states:

- (1) *A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.*
- (2) *An application must be accompanied by such information as the regulations may prescribe.*

Therefore, section 64 Contributions under *Local Government Act 1993* for Water and Sewer Headworks will be required to be paid prior to the release of the Certificate of Compliance under the *Water Management Act*. This is based on the increased number of beds resulting in increased demand on Council's water and sewerage facilities. The *Section 64 Determinations Equivalent Tenements Guidelines May 2009* by The Water Directorate has provided the following calculation to be applied:

Clause 8- Standard ET Figures – commercial user categories

Category	Standard Unit	Suggested Values	
		Water ET	Sewer ET
Nursing Home/Special Care Home/ Self Care Retirement-Serviced Unit	Bed	0.5	0.75

Therefore the following calculations will be applied to the development:

$$\begin{aligned} \text{Water} &= 0.5 \times 144 = 72 \text{ E.T} \\ \text{Sewer} &= 0.75 \times 144 = 108 \text{ E.T} \end{aligned}$$

The contributions under Council's Fees and Chargers 2015/2016 are currently:

$$\begin{aligned} \text{Water } \$2,900 \text{ per E.T} \times 72 \text{ E.T} &= \$208,800 \\ \text{Sewer } \$2,400 \text{ per E.T} \times 108 \text{ E.T} &= \$259,200 \end{aligned}$$

This is a total of \$468,000 for Section 64 Contributions to be charged for the proposed Lithgow Aged Care development.

Exemption request to Section 64 Contributions:

The applicant has requested that an exemption to the Section 64 Contributions be granted for this development. The applicant advises that the following should be considered for determining this exemption (full details within Attachment 1):

- This type of development is a privately funded community infrastructure project that will benefit the community;
- The proposal will assist in addressing the identified need for aged care given the increased ageing population within the Lithgow Local Government Area. The demand for residential care in Australia is increasing substantially as detailed in information supplied by the Australian Bureau of Statistics;
- Employment at the facility is proposed to increase by 45%, this does not include contractors and flow on effects to other business that the development would produce, for example: food supplies, bed linen, medical professions, financial planning, legal services, personal care etc;

- The proposal will allow for a changing entity in relation to employment opportunities in Lithgow, as the area needs to diversify its employment types; and
- Lithgow Aged Care currently sponsors five employees to further studies at CSU in Registered Nursing and Business studies and also fifteen more at TAFE for personal carers. With more staff employed this number will increase and again contribute to the Lithgow community by education.

Therefore, if an exemption from Section 64 Contributions was granted Council would potentially forego \$468,000 in revenue. Whilst the benefits of such a facility will be significant, there will be impacts on Council's water and sewerage infrastructure that should be the responsibility of the developer and not impact on all ratepayers. With this in mind it will be suggested that it would not be appropriate to provide a full exemption, but rather a discount. In this regard a discount of 25% will be suggested. This would reduce the water and sewer contributions from \$468,000 to \$351,000, or a discount of \$117,000.

OTHER MATTERS

The application will be determined by the Western Joint Regional Planning Panel as the development exceeds a value of \$20,000,000. The application was notified and no public submissions were received. The application is currently being assessed by the Mine Subsidence Board, Water NSW and Council Officers.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Under the *Water Management Act 2000*, Section 305, an application for Certificate of Compliance must be supplied in relation to payments under Section 64 of the *Local Government Act 1993* for water and sewer headworks. This financial implication applies to the development given the increased beds associated with the proposal and the additional load on Council's water and sewer systems.

The *Section 64 Determinations Equivalent Tenements Guidelines May 2009* by The Water Directorate has provided that a total of \$468,000 for Section 64 contributions is applicable to be charged for the proposed Lithgow Aged Care Development. However, it has been requested by the applicant that consideration to an exemption of the contributions be applied. Therefore, Council would not receive the contribution of \$468,000 if it agrees to apply an exemption to the payment of the Section 64 Contribution. If Council applies a 25% discount, it would forego \$117,000 in revenue.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter from Lithgow Aged Care Limited requesting exemption to Section 64 Contributions.

RECOMMENDATION

THAT a discount of 25% be provided on Section 64 Contributions relating to DA228/15 given the development is to be carried out by a not for profit organisation for privately funded essential community infrastructure.

ITEM-3 ENVIRO - 29/02/16 - PROPOSED LEASE OF SOUTH LITTLETON HALL - EAST STREET LITHGOW TO LITHGOW CHAPTER GROUP - ORDER OF THE EASTERN STAR

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 14-292: Ordinary meeting of Council held 30 June 2014
Min No 15-173: Ordinary meeting of Council held 27 July 2015

SUMMARY

The purpose of this report is to:

- Advise of the outcome of the public exhibition of 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.
- Obtain Council endorsement of the lease.

COMMENTARY

Council at its ordinary meeting of 27 July 2015 resolved to:

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, to Lithgow Chapter No.39 Order of the Eastern Star subject to the following terms and conditions:
 - i. Lease term of 5yrs with no option
 - ii. Rent \$464pa + 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 outgoing 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 No 39 Order of the Eastern Star to meet all Councils legal costs associated with the subject lease in accordance with Council Policy 1.1 Leases – Legal Costs

PUBLIC EXHIBITION

The draft lease was publicly exhibited with submission on the proposed lease, were received by Council up until Thursday 24th December 2015, one (1) submission

received during the exhibition process. This submission did not object to the leasing of the premises but inferred that the applicable rental should be increased.

The minimum rental charges were determined utilising the IPart assessment for use of Crown lands by community not for profit groups, as this method was considered the most equitable means of determining charges for similar uses on community land under Council control.

The minimum rental as at the April quarter 2015 was \$464.00pa + CPI. The current rental as at the December quarter 2015 is \$469.00 + CPI per annum. The tenant is however to be responsible for all outgoings associated with the premises, including water usage charges, electricity and other utilities.

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 \$462.00pa + 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 complied 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. Proposed Lease
2. 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, to Lithgow Chapter No39, Order of the Eastern Star subject to the following terms and conditions:

- i. Lease term of 5yrs with no option
 - ii. Rent \$469.00pa + 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 Lessee meet all Councils legal costs associated with the subject lease in accordance with Council Policy 1.1 Leases - Legal Costs.
 3. Authorise the affixing of the Council Seal to the lease document and/or other relevant documentation.

ITEM-4 ENVIRO - 29/02/16 - DA245/13 - MARRANGAROO ESTATE PTY LTD VOLUNTARY PLANNING AGREEMENT

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 15-35: Ordinary Meeting of Council held on 2 March 2015
Min No 15-324: Ordinary Meeting of Council held on 14 December 2015

SUMMARY

To advise and seek endorsement of a Draft Voluntary Planning Agreement (VPA) for Marangaroo Estate Pty Ltd.

COMMENTARY

On 2 March 2015, DA245/13 was approved for a subdivision of 1 into 61 lots on land known as Lot 702 DP 1135310, Great Western Highway Marrangaroo.

A condition of development consent was imposed as follows:

- 2. The Applicant must enter into a planning agreement under section 93F of the Environmental Planning and Assessment Act 1979 with Council that is in the terms outlined in the email correspondence containing the offer dated 23 February 2015. The general terms of the agreement will be that the developer shall make a contribution of \$1,700 per additional residential allotment for community facilities in the local government area and an additional \$50,000 to the improvement/embellishment of the existing park/playground in Girraween Drive, Marrangaroo. Such agreement must be entered into prior to the issue of a Construction Certificate for subdivision works.*

The agreement was endorsed to be notified by Council as per Council's Policy 7.10 – Planning Agreements on 14 December 2015. The draft Agreement was subsequently advertised from 24 December 2015 to 29 January 2016. During this period no submissions were received.

POLICY IMPLICATIONS

Policy 7.10 – Planning Agreements applies. The Policy provides that a draft VPA is to be reported to Council for final endorsement following its exhibition.

FINANCIAL IMPLICATIONS

In this case the proposed VPA will realise \$1,700 per allotment (\$103,700 in total) to go towards community facilities and an additional \$50,000 to be spent on improvements to the existing park/playground.

LEGAL IMPLICATIONS

The legislative basis for the Planning Agreement is incorporated in the *Environmental Planning and Assessment Act 1979* (EP&A Act) (Sections 93F – 93L) and the *Environmental Planning and Assessment Regulations 2000* (Clauses 25B – 25H). Section 935 of EP&A Act provides that public notice must be given of a proposed Planning Agreement for at least 28 days before it can be entered into. This has been completed and the Planning Agreement can be endorsed and finalised.

ATTACHMENTS

1. Voluntary Planning Agreement

RECOMMENDATION

THAT:

1. Council endorse the Voluntary Planning Agreement proposed by Marangaroo Estate Pty Ltd in association with DA245/13 for a contribution of \$1,700 per allotment to go towards community facilities and an additional \$50,000 to be spent on improvements to the existing park/playground in Girraween Drive, Marrangaroo.
2. The Voluntary Planning Agreement be notified to the Department of Planning and Environment.

OPERATION REPORTS

ITEM-5 OPER - 29/02/16 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 16-12: Ordinary Meeting of Council held on 8th February 2016

SUMMARY

This report provides an update on various water management issues as per Minute Number 16-12.

COMMENTARY

Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam # 2 capacity on Monday, 8th February 2016 was 100%. Oberon Dam capacity on Monday, 8th February 2016 was 60%.

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
November	117	0	75
December	162	63	55
January	120	0	74
TOTAL	864	63	440

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
TOTAL	1,217	0	787	1,308	0	769

Clarence Transfer System

Water was transferred from the Clarence Colliery Dam to Farmers Creek No. 2 Dam during the month of December 2015. During this period 63ML were transferred to assist in restoring the volume stored. No water was transferred from the Clarence Colliery Dam to Farmers Creek No. 2 Dam during the month of January 2016.

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 30/1/2016 to 19/2/2016.

Wastewater Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 19th January 2016 and forwarded to Sydney Water for testing. All samples submitted for testing were within the acceptable license criteria with no failures at any of the three plants. Samples will again be taken on 24th February 2016 and forwarded to Sydney Water for testing. Results will not

be available until the next meeting. All test results are 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 30/1/2016 to 19/2/2016.

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 five (5) applications for household appliance rebates and one (1) application for water tank rebates for the period 30/1/2016 to 19/2/2016.

Water Reticulation Complaints

Five (5) complaints were received during the period 30/1/2016 to 19/2/2016 concerning water quality issues in the following areas. Testing of the water was undertaken at each location.

Locality	Concern	Notes
Airly Street, Glen Davis	Taste and odour issues.	A chlorine pump operated by Water NSW malfunctioned, causing a higher dose of chlorine than usual. The pump fault was addressed by Water NSW staff, with LCC staff undertaking flushing over a number of days.
Airly Street Glen Davis	Taste and odour issues.	
Fullagar Avenue, Lithgow	Caller advised dirty water.	The water was tested and found to be high in turbidity as a result of iron levels. The main was flushed, and council staff are investigating options for improving water quality in the Fullagar Avenue/Chivers Close area. At this stage network in this area is a dead end causing frequent build-up of high iron levels.
Fullagar Avenue, Lithgow	Customer advised dirty water.	
Hepburn Street, Lithgow	Caller advised dirty water. Requests Water mains flushed.	Dead end main required flushing.

Details of water complaints made in the last six (6) months are displayed in the attachment.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Water Quality Complaint Trend

RECOMMENDATION

THAT Council note the water report.

CORPORATE AND COMMUNITY REPORTS

ITEM-6 CORP - 29/02/16 - EXCESSIVE WATER ACCOUNT FOR PROPERTY 17390 - REQUEST FOR CONSIDERATION

REPORT BY: C BRICE – FINANCE MANAGER

SUMMARY

This report details the request for further consideration following the issue of an excessive water consumption account as a result of a broken water pipe at Property Number 17390. An invoice for repair work by a plumber for a burst pipe was submitted as documentary evidence.

COMMENTARY

On 12 November 2015 the property owner submitted a written request for consideration in relation to excessive water consumption as a result of a broken water pipe at their property.

The meter for the property was read by Council staff on 24 September 2015 and this showed a reading of 5,819 (a quarterly consumption of 1,650Kls). On reviewing the readings this showed as a high consumption and Council attended the property on 11 November 2015 to reread. The meter reading on this date then showed 5,381 confirming that there was an increase in consumption on the property. A phone call was made and discussions with the property owner took place confirming that the owner was aware there was a water leak.

The residential water account is made up of:

Tariff 1 - \$777.50 (<250kls consumption)

Tariff 2 - \$6,538.00 (>250kls consumption)

Total - \$7,313.50 (Minus \$2.00 for Pension Rebate)

The last four water accounts issued on the property prior to the account affected by the leak were for \$23.52 (9KI), \$94.55 (33KI), \$67.92 (24KI) and \$85.67 (30KI). The most recent account was issued in December for \$91.50 (20KI) based on the tier 2 charge of \$4.67 per kilolitre for domestic properties. All water consumed at the property will continue to be charged at the tier 2 charge of \$4.67 per kilolitre until the end of the current annual water period, being 31 August 2016.

The account issued on 24 September 2015 affected by the leak, was issued for \$7,313.50. When averaged using the previous four readings, an estimate of what the September bill would be if there was no leak, would result in a charge of \$74.64 (24KI). This is a difference of \$7,238.86 being charged. A maximum allowance of \$200.00 was provided on 24 December 2015 as per Policy 8.1 'Excessive Water Usage Allowance for Breakages'.

Should Council determine to rebate the balance between the calculated average charge and the amount originally charged a further adjustment of \$7,238.86 would be required.

POLICY IMPLICATIONS

Policy 8.1 'Excessive Water Usage Allowance for Breakages' and Policy 8.3 'Hardship Policy'.

FINANCIAL IMPLICATIONS

Notional loss of \$7,238.86 water consumption income.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Offer No further consideration additional to the \$200 rebate previously applied to water consumption charges on the property.
2. Advise the property owner in writing of Council's resolution and confirm the availability of a negotiated repayment arrangement under policy.

**ITEM-7 CORP - 29/02/16 - REQUEST FOR CONSIDERATION -
EXCESSIVE WATER ACCOUNT FOR PROPERTY 102778**

REPORT BY: C BRICE – FINANCE MANAGER

SUMMARY

To advise Council of a water breakage on property 102778 which caused an excessive water account to be issued. An invoice for repair work by a plumber for a leaking pipe was submitted as documentary evidence.

COMMENTARY

Council is in receipt of a request from the agent on behalf of the owners advising they are seeking relief for the excessive water account of \$6,214.68 (\$108.71 arrears) which is attributed to a disused water service in the back toilet (located inside the garage at the rear of the property).

The meter for the above property was read by Council staff on 9 October 2015 and this showed a reading of 4,149 (a quarterly consumption of 1,391kls). On reviewing the readings this showed as an extremely high consumption and Council attended the property on 16 October 2015 to reread. The meter reading then showed 4,166. The Meter Reader who attended the property on the day alerted the occupant of the large reading, the Meter Reader was advised that there was a leaking toilet during that period and had been fixed.

The residential water account is made up of:

Tariff 1 - \$777.50 (<250kls consumption)
Tariff 2 - \$5,328.47 (>250kls consumption)

Total - \$6,105.97

Debit brought forward - \$108.71 (not taken into consideration)

The last four water accounts issued on the property prior to the account affected by the leak were for \$94.72 (32KI), \$79.92 (27KI), \$79.92 (27KI) and \$103.60 (32KI). The most recent account was issued in December for \$163.45 (35KI) based on the tier 2 charge of \$4.67 per kilolitre for domestic properties. All water consumed at the property will continue to be charged at the tier 2 charge of \$4.67 per kilolitre until the end of the current annual water period, being 31 August 2016.

The account issued on 19 October 2015 affected by the leak, was issued for \$6,105.97. When averaged using the previous four readings, an estimate of what the October bill if there was no leak, would result in a charge of \$93.30 (30KI). This is a difference of \$6,012.67 being charged. A maximum allowance of \$200.00 was provided on 24 December 2015 as per Policy 8.1 'Excessive Water Usage Allowance for Breakages'.

Should Council determine to rebate the balance between the calculated average and the amount originally charged, a further adjustment of \$6,012.67 would be required.

The breakage has occurred on a private property and in this instance Council is not at fault and has been asked to consider removing or reducing the account.

Council Officers have investigated this request and denied removing or reducing the account as the policy only allows the \$200 concession.

POLICY IMPLICATIONS

Policy 8.1 'Excessive Water Usage Allowance for Breakages' and Policy 8.3 'Hardship Policy'.

FINANCIAL IMPLICATIONS

Possible write off of \$6,012.67.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Offer No further consideration additional to the \$200.00 rebate previously applied to water consumption charges on the property.
2. Advise the owner in writing of Council's resolution and confirm the availability of a negotiated repayment arrangement under policy.

**ITEM-8 CORP - 29/02/16 - NOMINATIONS FOR THE CRIME
PREVENTION COMMITTEE AND CBD REVITALISATION
COMMITTEE**

REPORT BY: V GULABOVSKI – COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min No 15-321: Ordinary Meeting of Council held on 14 December 2015.

SUMMARY

This report details the nominations received from the Lithgow District Chamber of Commerce for membership on the Crime Prevention Committee and the CBD Revitalisation Action Plan Committee.

COMMENTARY

At the Ordinary Meeting held on 14 December 2015 (Min 15-321), Council resolved to seek nominations from the Lithgow District Chamber of Commerce for membership on the Crime Prevention and CBD Revitalisation Action Plan Committees.

The Chamber has nominated the following members:

- Johan Nilsson, Vice President – for the Crime Prevention Committee
- Graham Hodson, Member - for the CBD Revitalisation Action Plan Committee

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

RECOMMENDATION

THAT Council endorse the appointment of Johan Nilsson to the Crime Prevention Committee and Graham Hodson to the CBD Revitalisation Action Plan Committee.

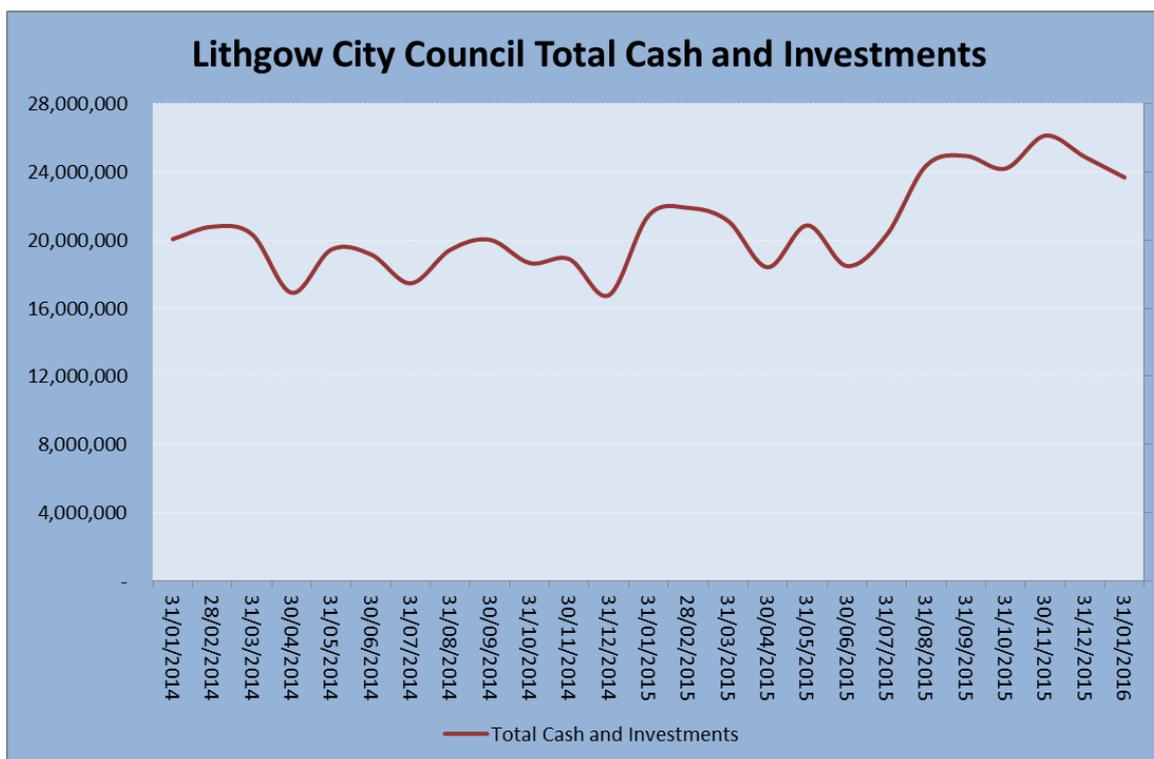
ST GEORGE	TD	19.01.16	19.05.16	121	2.4	976,735.93	986,203.58	4.27%
	TD	26.10.15	24.02.16	120	2.75	1,008,690.41	1,008,690.41	4.37%
ME BANK	TD	25.11.15	24.02.16	91	2.85	1,000,000.00	1,000,000.00	4.33%
	TD	23.12.15	06.04.16	105	2.95	1,000,000.00	1,000,000.00	4.33%
	TD	30.10.15	03.02.16	96	2.85	1,000,000.00	1,000,000.00	4.33%
		30.11.2015	02.03.16	93	2.9	1,000,000.00	1,000,000.00	4.33%
PEOPLE'S CHOICE CREDIT UNION	TD	14.12.15	30.03.16	107	2.9	0	1,000,000.00	4.33%
	TD	14.12.16	23.03.16	100	2.9	0	1,000,000.00	4.33%
NEWCASTLE PERMANENT	On Call	25.05.15			2	1,024,410.78	1,024,410.78	4.43
FAMILY FIRST CREDIT UNION	TD	03.11.15	01.02.16	90	2.5	1,034,878.11	1,034,878.11	4.48%
BANK OF QLD	TD	30.10.15	10.02.16	103	2.65	1,000,000.00	1,000,000.00	4.33%
MY STATE BANK	TD	25.11.15	02.03.16	98	2.9	1,000,000.00	1,000,000.00	4.33%
	TD	30.11.15	09.03.16	100	2.9	1,000,000.00	1,000,000.00	4.33%
TOTAL						24,109,438.51	23,105,250.19	100.00%

I, Juli-Ann Brozek, Lithgow City Council's Group 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.

Opening Balance of cash and investments as at 31 December 2015	\$24,884,485.69
Plus New Investments – January 2016	\$19,485.93
Less Investments redeemed – December 2015	\$1,225,917.99
Closing Balance of cash and investments as at 31 January 2016	\$23,678,053.63

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 31 January 2016 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 Minister’s Investment Order of 12 January 2011.

FINANCIAL IMPLICATIONS

Interest earned to 31 January 2016 is \$203,540.02. 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 \$23,105,250.19 and cash of \$503,803.44 for the period ending 31 January 2016 be noted.

**ITEM-10 CORP - 29/02/16 - QUARTERLY PERFORMANCE REPORT ON
2015-2016 OPERATIONAL PLAN FOR THE PERIOD 1 OCTOBER
TO 31 DECEMBER 2015**

REPORT BY: J BROZEK – GROUP MANAGER CORPORATE AND COMMUNITY

REFERENCE

Min No 15-121: Ordinary Meeting of Council held on 1 June 2015.
Min No 15-303: Ordinary Meeting of Council held on 16 November 2015.

SUMMARY

This report provides the Quarterly Performance Report on the 2015-2016 Operational Plan for the period of 1 October to 31 December 2016 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 October to December 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
December Quarter	80,804	80,795	9

2015/16 Quarterly Budget Comparison Fund			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
General	54,452	54,443	9

Water	7,822	7,822	0
Wastewater	18,530	18,530	0

The proposed budget adjustments listed below result in no movement in Council’s cash position.

During 2016, Finance developed a new on-cost methodology. This is based on a redistribution of employee on-costs from across Council’s budget programs to a centralised on-cost area. This will improve Council’s budgeting and costings reporting. The first stage of introducing this new accounting methodology has been applied as part of the December review. The impact on Council’s bottom line is \$0. The impact in this review is simply moving staff leave budgets from program budgets back to a central “On-Cost” budget area. This is the key impact in the budget review and sees no impact on Council’s cash position.

Included in the variations is also a reallocation of internal expenses for Council owned properties. The budget is being moved from Recreation Office (Operations) to Buildings (Environment & Development). The bottom line impact on the December Review is nil, this is simply a reclassification of the budget to the correct operational area.

2015/16 Quarterly Budget Variations				
	Division	Program	Variation	Reason
1)	Office of General Manager	Executive Support –	(106,849)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology, and Minor adjustments to other expenses.
2)	Office of General Manager	Human Resources –	9,933	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
3)	Environment & Development	General Administration	15,000	Increased expenditure on Legal expenses pertaining to leases for Council properties. Funded from savings in other legal expenses budgets within Environment & Development.
4)	Environment & Development	Environmental Protection – Expenses	23,996	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology, and increased expenditure due to Hassan’s Walls PRMFP Grant - Crown Lands.
5)	Environment & Development	Environmental Protection – Revenue	(25,909)	Increased Grant Income in Environmental protection, Hassan’s Wall’s PRMFP Grant - Crown Lands.
6)	Environment & Development	Regulatory Services -	(614)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.

2015/16 Quarterly Budget Variations				
	Division	Program	Variation	Reason
7)	Environment & Development	Buildings	79,915	Budget transfer from Recreation for internal property expenses. Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
8)	Environment & Development	Waste Management - Expenses	3,619	Increased Expenditure on Waste trenches. Funded through cuts to other waste projects, Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
9)	Corporate & Community	Library - Expenses	(41,534)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
10)	Corporate & Community	Community & Culture	(20,934)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
11)	Corporate & Community	On-costs	946,842	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
12)	Corporate & Community	Customer Service - Expenses	(84,620)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
13)	Corporate & Community	Finance - Expenses	(58,085)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
14)	Corporate & Community	Records - Expenses	(16,610)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
15)	Corporate & Community	Information Technology - Expenses	(48,770)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
16)	Corporate & Community	Visitors Centre	(30,333)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
17)	Operations	General Administration Operations - Expenses	(348,695)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology, \$6,000 increase in expenditure for the Reg Cowen Memorial Award.
18)	Operations	General Administration Operations - Revenue	(6,000)	Increase Revenue for Reg Cowen Memorial Award.
19)	Operations	Emergency Services - Expenses	12,653	Council Rates and Water Charges on RFS building transferred from Lithgow Buildings

2015/16 Quarterly Budget Variations				
	Division	Program	Variation	Reason
				cost centre.
20)	Operations	Plant and Depot - Expenses	(119,698)	Leave budget transferred to the on-cost area within Corporate to adjust for the new on-cost methodology.
21)	Operations	Recreation Office – Expenses	(183,035)	Rates and Water charges on Lithgow Council properties moved to Lithgow Buildings cost centre. No bottom line impact on budget at a total level.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications as reported in the October to December 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 October – 31 December 2015.

RECOMMENDATION

THAT:

1. The surplus of \$9,230 for the 2015-2016 Operational Plan as detailed in the Quarterly Performance Report for the period 1 October to 31 December 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.

COUNCIL COMMITTEE MINUTES

ITEM-11 ENVIRO - 29/02/16 - MEADOW FLAT HALL MANAGEMENT COMMITTEE MINUTES - 10 FEBRUARY 2016

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

This report presents the minutes of the Meadow Flat Hall Management Committee Meeting held on 10 February 2016.

COMMENTARY

At the Meadow Flat Hall Management Committee Meeting held on 10 February 2016, there were a number of items discussed which are outlined in the attached minutes.

Council will note that there are several items that will require formal consideration and resolution. These relate to new membership, changes to the terms of reference and authorisation to conduct functions in 2016 to improve the patronage and promotion of the facility.

ATTACHMENTS

1. Minutes of the Meadow Flat Hall Management Committee Meeting held on 10 February 2016.

RECOMMENDATION

THAT:

1. Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 10 February 2016.
2. Donna Wright and Glenda Weekes be appointed to the Meadow Flat Hall Advisory Committee.
3. Geoffrey Welsman be appointed to the Meadow Flat Hall Advisory Committee.
4. Despite the terms of reference, the Meadow Flat Hall Advisory Committee be authorised to organise two functions in 2016.
5. The current Terms of Reference for the Meadow Flat Hall Advisory Committee be amended as follows:
 - The number of community members be increased from 7 to 8
 - Community members must either be residents of the Lithgow Local Government area or reside within 20km's of the hall.

ITEM-13 OPER - 29/02/16 - OPERATIONS COMMITTEE MEETING - 18 FEBRUARY 2016

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Operations Committee Meeting held on 18th February 2016.

COMMENTARY

At the Operations Committee held on 18th February 2016, there were numerous items discussed by the Committee, including:

- Review of Major Projects – Roads
- Review of Major Projects – Water and Wastewater
- Endeavour Park Development Options
- Lake Wallace Litter Issues
- Lithgow CBD Review of Rubbish Receptacles

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

- 2015/2015 Roads to Recovery Amended Program

THAT Council approves the following additional projects for the Roads to Recovery program for 2015/16:

- Magpie Hollow Road rehabilitation and reseal from Martins Lane to Mortens Hill - \$100,000;
- Curly Dick Road gravel and seal from end of existing seal to Diamond Swamp Road - \$100,000;
- Coxs River Road gravel and seal from Duddawarra Bridge to new work in the vicinity of Lowther Siding - \$220,000;
- Rydal Hampton road bitumen reseal selected sections - \$100,000; and
- Glen Alice Road connect two existing sections of sealed pavement (missing Link) - \$40,000.

- Access Issues Dengate 17 Barton Ave

THAT Council:

1. Offer to provide a right of carriageway to be determined via the transmission easement located on Council owned land at an agreed level of compensation following valuation by Council's valuer to provide access from Barton Ave to the boundary of 17 Barton Avenue with all costs associated with the creation of the right of carriageway to be the responsibility of the applicant; and

2. Authorise the affixing of the Council seal to any documentation requiring the seal; and
3. Authorize the General Manager to finalise the transfer of the right of carriageway.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Operations Committee Meeting of 18th February 2016.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Operations Committee held on 18th February 2016
2. **APPROVE** the following additional projects for the Roads to Recovery program for 2015/16:
 - Magpie Hollow Road rehabilitation and reseal from Martins Lane to Mortens Hill - \$100,000;
 - Curly Dick Road gravel and seal from end of existing seal to Diamond Swamp Road - \$100,000;
 - Coxs River Road gravel and seal from Duddawarra Bridge to new work in the vicinity of Lowther Siding - \$220,000;
 - Rydal Hampton road bitumen reseal selected sections - \$100,000; and
 - Glen Alice Road connects two existing sections of sealed pavement (missing Link) - \$40,000.
3. Offer to provide a right of carriageway to be determined via the transmission easement located on Council owned land at an agreed level of compensation following valuation by Council's valuer to provide access from Barton Ave to the boundary of 17 Barton Avenue with ALL costs associated with the creation of the right of carriageway and agreement of same to be the responsibility of the applicant
4. Authorise the General Manager to finalise the transfer of the right of carriageway
5. Authorise the affixing of the Council seal to any documentation requiring the seal

NOTICE OF MOTION

ITEM-14 NOTICE OF MOTION - 29/02/16 - RESOLUTION OF ACCESS TO 17 BARTON AVENUE, WALLERAWANG - CLR M TICEHURST

COMMENTARY

With the permission of the writers residing at 17 Barton Avenue Wallerawang, I understand most Councillors would be aware of the following: -

“This is a sequence of events in my efforts to obtain suitable access to the above address. My initial formal correspondence regarding the access situation between myself and Council began on 26th May 2003 . Our first official response was on the 27th of April 2011 from Mr Chris Schumacher who suggested in an email that due to the issues we have raised being of a complex nature, he suggested that a meeting of Council officers or on site meeting be convened.

Our Initial OnSite Meeting 18th May 2011 Mr Chris Schumacher (Works Manager) met with us on site to review the difficulties and discuss the possibility of access to the above address. It was agreed that there are serious access issues with the site. They include emergency access of ambulance, fire trucks services etc. when and if required. Additionally noted was that services, notably, water, sewerage and gas lines ran inside our front property boundary. There is NO registered easement for these services on our property. The current property boundaries extend to the edge of the escarpment of Barton Avenue, not the front fence.

Mr Schumacher said that the possibility of land purchase should be agreeable to create new access to the property but would require the proposal to go to the Ordinary Meeting of Council on the 1st August 2011. The inclusion of this proposal in the meeting agenda did not go through for this date as Council required a survey plan of the requested portion of land to accompany the initial presentation. The requested land survey was secured (and paid) for readiness in the presentation to Council at the next meeting date that Mr Schumacher could secure. The inclusion of the proposal was then set by Mr Schumacher for the Ordinary Meeting of Council on 13th February, 2012. The next response from Mr Schumacher, on the afternoon of the Meeting date, was an apology that the suggested presentation to meeting and impending purchase could not proceed due to the current Zoning of the Council land surveyed as it was “Community title”.

Mr Schumacher was unaware of this zoning. Council could not sell off land with this zoning classification and the zoning had to be altered to “operational”. At this point he commiserated with us and left us to wait till the L.E.P. change went through and the land zoning changed. Following the receipt of an email to Council by on 3rd April, 2012 from myself which included distressed content over access issues, Mr Iain Stewart personally visited us on site to endeavour to quell concerns that had arisen and to inform us that the zoning of the land must change for Council to be able to assist with an access solution. The timeframe for this required change could not be qualified at the time. So we patiently continued to wait!!! In the meantime As we, in

retirement, had downsized and relocated to this address permanently, we applied for the building of a garage to store our excess belongings in.

Council had determined that this was unable to be considered due to insufficient access to the property (letter dated 29th April 2013) Difficult to understand this as Council, with the same access difficulties, had previously approved the restoration of the existing cottage and the addition of a two storey extension. Both had been signed off as fit for “occupation” on 20th March, 2013. ! On the 10th March 2015 Mr I Stewart sent a letter on behalf of Council advising us of the changing of the zoning of “community titled” land to “operational”. It also provides the opportunity for creation of legal access to your property from Barton Avenue. There was no previous notification of this significant change from the Strategic Planning Department.

A further letter dated 29th June 2015 from Mr I Stewart gave confirmation of Council now being prepared to negotiate access either by a right of way across Council property or the subdivision and sale of allotment adjacent to our property on land currently owned by Council. We were then verbally advised that we would need to seek an assessment of the value of the land in question and surveyed documentation for presentation to Council in a D.A. for change of boundaries. The survey had previously been documented and paid for. Now, as instructed by Council, the valuation was sought at random and received from Mr Philip Humphries of Opteon Property Group, Bathurst. I have no personal allegiance to this company or personnel. The professionally assessed valuation of the change of boundary area was valued at \$15000.

It is to be noted that this allotment of land has a 38.4 metre easement running north to south on the land which negates any future development within the easement and therefore decreases the value of the property value as per his report. I must note that the value of the surveyed land was minimal prior to the L.E.P. change! Therefore we may be further disadvantaged by having to wait for the L.E.P. change. On December 30th 2015 a D.A. for change of boundaries, was submitted to Council. This contained all the relevant information required by Council for the sale (change in boundaries) of “operational land”. We were informed, at the desk when lodging this application, that this could not be entered into the registry until the GM had “signed off” or approved the D.A. It was only then that it could be registered and a date of registration number handed to us and a deposit fee paid. After a ten day lapse we entered Council for an update. We were then informed VERBALLY by Mr Iain Stewart that the matter was to go to a Council meeting on the 8th February 2016 to enable a vote of Council members.

No other correspondence had been received in regard to this fact. My husband went to Council chambers on Friday 5th February 2016 to collect the meeting agenda for our reference. Having noticed that the item was not listed on the agenda he sought clarification from staff. Mr Iain Stewart came to the desk and formally advised him the item had been “pulled” from the agenda by the General Manager Mr Roger Bailey. This was to be the THIRD time in the process of trying to gain an access solution that this has happened in a five year period. We had received no official phone call, email or correspondence of this action and have not to this date! My files are extremely well kept and therefore any documentation that may be required to be viewed is available upon request. All this brings us to current situation. We look

forward to a finalisation to this struggle to achieve a safe, legal and viable access onto our property.

- Q. Could the General Manager and/or Senior Council Officers provide a report to this Ordinary Meeting of Council on the current status of resolving the Access to 17 Barton Avenue Wallerawang?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide a report to this Ordinary Meeting of Council on the current status of resolving the Access to 17 Barton Avenue Wallerawang.

General Manager's Comments:

See Item 13 Operations Committee Meeting.

ITEM-15 NOTICE OF MOTION - 29/02/16 - VANDALISM AT LITHGOW CITY COUNCIL'S MANAGED BLACKFELLOWS HANDS RESERVE - CLR M TICEHURST

REFERENCE

ABC Radio News Report on 21 December 2015
Grief at graffiti and other damage at Blackfellows Hands Aboriginal Place and call for better protection

COMMENTARY

In late December last year, ABC Central West Radio News reported that,

“Maiyingu Marragu, an area of bushland with dramatic rock formations and ancient art near Lithgow in central west New South Wales, has been a significant place for Indigenous people for generations. The overhanging cliffs — dark and moss covered in places, vibrant orange and yellow in others — shelter cool, sandy flats and caves, some of which were sacred places for important life events such as childbirth. The area, which is also known as Blackfellows Hands Reserve, was declared an Aboriginal Place (AP) under the National Parks and Wildlife Service Act in 2008 and it recently received funding for interpretive signage to explain the significance of the area to visitors. However, local elders and others are concerned about ongoing damage from vandals and are working towards better protection and recognition of the place. In a cave within Maiyingu Marragu, that is a women's sacred place, Auntie Helen Riley is angry as she points out vandalism on the rock face. “[I feel] disgusted because it's not only Aboriginal heritage and history, it's European's history; it's everybody's history.” The graffiti ranges from names and pictures drawn on with charcoal to more deeply etched efforts. “By the look of that [it was] done with a hammer, a chisel or a screwdriver because it's embedded in the rock,” Ms Riley explained. Her group, the Mingaan Wiradjuri Aboriginal Corporation, wants to get a rock art specialist to the area to run a workshop to repair the damage. Local Wiradjuri people and others are also concerned about other issues at Maiyingu Marragu including damage to tracks and vegetation caused by trail bikes and four-wheel-drives vehicles. Ms Riley said some visitors also illegally took timber and left a mess including faeces. “We try to keep it clean because we bring Aboriginal and European children out here and give them stories and take them for walks in the bush.” To give visitors a greater understanding of the significance of the place, the Mingaan Wiradjuri Aboriginal Corporation recently received a grant of \$23,000 which it used to install interpretive signage in several locations in the Maiyingu Marragu area. As well it has just received confirmation of a \$15,000 grant from the Office of Environment and Heritage to install the first of what Ms Riley hopes will be a series of bollards to prevent four-wheel-drives and trail bikes from accessing the rock art site. The group is also working with the Local Lands Services to look at some other funding sources, such as on-ground incentives and the two organisations have also talked about running fire methodology workshops in the Maiyingu Marragu. Ms Riley said she and others would keep advocating for further protection and recognition. “We're not against people doing anything but they should be protecting what is here not destroying it.”

- Q. Could the General Manager and/or Senior Council Officers provide a report to this Ordinary Meeting of Council on the actions the Lithgow City Council is taking to prevent future vandalism and protect Blackfellows Hands Reserve?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide a report to this Ordinary Meeting of Council on the actions the Lithgow City Council is taking to prevent future vandalism and protect the Blackfellows Hands Reserve.

**ITEM-16 NOTICE OF MOTION - 29/02/16 - PROPOSED RAILWAY
WALKWAY OVER INCH STREET LITHGOW - CLR M TICEHURST**

REFERENCE

Lithgow City Council Resolution 13 – 258 at the Ordinary Meeting of Lithgow City Council on 29 July 2013.

Lithgow City Council Agenda Item 13 at the Ordinary Meeting of Lithgow City Council on 25 November 2013.

COMMENTARY

Lithgow City Council resolution 13- 258 at the Ordinary Meeting of Lithgow City Council on 29 July 2013 states: -

THAT: 1. Given the push for developing the western end of the town as a tourist precinct a laid out in Council's Lithgow Cultural Precinct Study 2010 can a report be brought back to Council to incorporate the structure into a functional plan to create a pedestrian walk way to link Blast Furnace Park with Eskbank House; and

2. A report be provided to a future meeting of Council in relation to the future of the rail bridge.

MOVED: Councillor F Inzitari SECONDED: Councillor W McAndrew.

Following this resolution, Lithgow City Council Agenda Item 13 at the Ordinary Meeting of Lithgow City Council on 25 November 2013 reported: -

Inch Street Railway Bridge

As reported to Council on 29 July 2013 (Min 13-258), Council's Solicitors were requested in 2012 to provide advice on ownership of the bridge which was built in the early 20th century by Hoskins Ltd to service a private rail line. While Blast Furnace Park and Lake Pillans had been deeded to Council in 1995 by RailCorp, the bridge was not shown on the attached plans. RailCorp have provided advice that in their opinion, Council owns the bridge.

Legal advice was received from Council's solicitor on 22 July 2013 stating that "as the bridge is situated over the road, it is Council which owns everything above and below the road surface". "Accordingly, Council is responsible for the maintenance of the bridge near the Blast Furnace Historic Site entry".

Inch Street Railway Easement

An easement for railway purposes exists from the western end of the bridge to near the Eskbank House boundary over privately owned land which has in the past been used as a milk distribution depot. Access to this easement would be necessary to create a walkway/cycleway connecting the bridge, Eskbank House and the other elements of the heritage trail. Advice from Council's solicitor on 26 August 2013 is

that the existing right of way can't be used for pedestrian use. The reason being that it doesn't abut the Eskbank house boundary and therefore doesn't provide continuous access from the bridge to Eskbank House.

Inquiries are to be made by Council of the land owner as to the possibility of allowing the easement and adjoining land for pedestrian/cycle use.

Inch Street Railway Bridge Condition

Council subsequently commissioned a Structural Condition Assessment of the bridge from URS Consulting Engineers to determine its condition and suitability for pedestrian/cycle use. URS finds that the bridge is structurally sound but requires general painting and cleaning, removal of the steel plate walkway and railings. URS further recommends immediate actions for public safety reasons including removing broken and loose bottom flange bracing; removing timber transoms, and; removing soil around girder bracings. Council will schedule these works as soon as possible. URS estimates costs of approximately \$98,000 for a 2 metre wide precast concrete slab walkway with a protection screen. Painting and cleaning costs would be additional.

Together with additional works to the railway embankment on the eastern side of Inch Street to create the walkway, the likely cost of this project could be in the order of \$150,000-\$200,000. Council will be seeking heritage funding to meet these costs.

- Q. Could the General Manager and/or Senior Council Officers provide an update report to this Ordinary Meeting of Council on the previously proposed Railway Walkway over Inch Street Lithgow?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide an update report to this Ordinary Meeting of Council on the previously proposed Railway Walkway over Inch Street Lithgow.

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.*