



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

10 APRIL 2017

AT 7.00pm

---

# AGENDA

---

## **ACKNOWLEDGEMENT OF COUNTRY**

## **APOLOGIES**

## **PRESENT**

## **CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 MARCH 2017**

## **DECLARATION OF INTEREST**

## **COMMEMORATIONS AND ANNOUNCEMENTS**

## **PUBLIC FORUM**

## **PRESENTATIONS**

Nil

## **MAYORAL MINUTES**

Eurobodalla Shire Council Balloon Release Ban

## **STAFF REPORTS**

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

## **COUNCIL COMMITTEE MINUTES**

Sports Advisory Committee - 28 March 2017  
Operations Committee - 3 April 2017

## **DELEGATES REPORTS**

Nil

## **NOTICES OF MOTION**

Council Advertising Cost – Councillor W McAndrew

---

## **QUESTIONS WITH NOTICE**

Nil

## **NOTICE OF RECISSIONS**

Funding For Halloween 2017 – Cllr Lesslie

## **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>MAYORAL MINUTE</u>	<u>5</u>
<u>ITEM-1</u>	<u>MAYORAL MINUTE - 10/04/17 - EUROBODALLA SHIRE COUNCIL BALLOON RELEASE BAN</u>	<u>5</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>7</u>
<u>ITEM-2</u>	<u>GM - 10/04/17 - EXPRESSIONS OF INTEREST - LEGAL TENDER SERVICES</u>	<u>7</u>
<u>ITEM-3</u>	<u>GM - 10/04/17 - REQUEST FOR COUNCIL INVOLVEMENT WITH WW1 PROJECT</u>	<u>10</u>
	<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>	<u>12</u>
<u>ITEM-4</u>	<u>ENVIRO - 10/04/17 - PROPOSED ROAD NAMES- 002/07DA &amp; DA148/15 HASSANS WALLS SUBDIVISION</u>	<u>12</u>
<u>ITEM-5</u>	<u>ENVIRO - 10/04/17 - EXEMPTION TO SECTION 94A CONTRIBUTIONS &amp; PROPOSED WAIVING OF COUNCIL DA FEES FOR PROPOSED REMEDIATION WORKS TO THE ZIG ZAG RAILWAY LINE- CLARENCE</u>	<u>14</u>
<u>ITEM-6</u>	<u>ENVIRO - 10/04/17 - PROPOSED STATE SIGNIFICANT DEVELOPMENT FOR REFUSE DERIVED FUEL, WASTE TO ENERGY PLANT AT MT PIPER POWER STATION PORTLAND</u>	<u>16</u>
<u>ITEM-7</u>	<u>ENVIRO – 10/04/17 – DRAFT FARMERS CREEK PRECINCT MASTER PLAN</u>	<u>18</u>
	<u>OPERATION REPORTS</u>	<u>22</u>
<u>ITEM-8</u>	<u>OPER - 10/04/2017 - LITHGOW CBD REVISTALISATION STAGE 1 - PROJECT UPDATE</u>	<u>22</u>
<u>ITEM-9</u>	<u>OPER - 10/04/17 - LITHGOW FLOOD STUDY – ADOPTION OF THE LITHGOW FLOOD STUDY REVIEW</u>	<u>24</u>
<u>ITEM-10</u>	<u>OPER - 10/04/17 - WATER REPORT</u>	<u>26</u>
	<u>CORPORATE AND COMMUNITY REPORTS</u>	<u>29</u>
<u>ITEM-11</u>	<u>CORP - 10/04/17 - CIVIC BALLROOM FEE REDUCTION REQUEST</u>	<u>29</u>
<u>ITEM-12</u>	<u>CORP - 10/04/17 - EVENT ATTRACTION POLICY</u>	<u>31</u>
<u>ITEM-13</u>	<u>CORP - 10/04/17 - RETAIL SHOPPER SURVEY</u>	<u>32</u>
<u>ITEM-14</u>	<u>CORP - 10/04/17 - STATE HERITAGE LISTING FOR ESKBANK HOUSE AND MUSEUM</u>	<u>34</u>
<u>ITEM-15</u>	<u>CORP - 10/04/017 - ESTABLISHMENT OF ALCOHOL FREE ZONES</u>	<u>36</u>
<u>ITEM-16</u>	<u>CORP - 10/04/17 - COMMUNITY NOMINATIONS TO COUNCIL COMMITTEES</u>	<u>39</u>
<u>ITEM-17</u>	<u>CORP - 10/04/17 - ROUND 2 NON-RECURRENT FINANCIAL ASSISTANCE RECOMMENDATIONS</u>	<u>41</u>
<u>ITEM-18</u>	<u>CORP - 10/04/17 - HALLOWEEN BUDGET REPORT</u>	<u>48</u>

---

<b><u>COUNCIL COMMITTEE MINUTES</u></b>	<b><u>51</u></b>
<b><u>ITEM-19</u></b> <b><u>OPER - 10/04/17 - SPORTS ADVISORY COMMITTEE MEETING</u></b>	<b><u>51</u></b>
	<b><u>MINUTES 28 MARCH 2017</u></b>
<b><u>ITEM-20</u></b> <b><u>OPER - 10/04/17- OPERATIONS COMMITTEE MINUTES - 3 April</u></b>	<b><u>52</u></b>
	<b><u>2017</u></b>
<b><u>NOTICE OF MOTION</u></b>	<b><u>53</u></b>
<b><u>ITEM-21</u></b> <b><u>NOTICE OF MOTION - 10/04/17 - COUNCIL ADVERTISING COST</u></b>	<b><u>53</u></b>
<b><u>NOTICE OF RECISSION MOTION</u></b>	<b><u>54</u></b>
<b><u>ITEM-22</u></b> <b><u>NOTICE OF RECISSION MOTION - 10/04/17 - FUNDING FOR</u></b>	<b><u>54</u></b>
	<b><u>HALLOWEEN 2017</u></b>
<b><u>BUSINESS OF GREAT URGENCY</u></b>	<b><u>55</u></b>
<b><u>CLOSED COUNCIL</u></b>	<b><u>55</u></b>
<b><u>ITEM-23</u></b> <b><u>CORP - CONFIDENTIAL COUNCIL - 10/04/17 - AWARDING OF</u></b>	<b><u>55</u></b>
	<b><u>TENDER 05/15 FOR BLAST FURNACE MASTERPLAN WORKS</u></b>

---

## MAYORAL MINUTE

### ITEM-1            MAYORAL MINUTE - 10/04/17 - EUROBODALLA SHIRE COUNCIL BALLOON RELEASE BAN

REPORT BY:    COUNCILLOR S LESSLIE

---

## SUMMARY

To advise of a request from the Mayor of Eurobodalla Shire Council for Council to support a ban that it has introduced on the release of balloons at Council events and in Council reserves. It is recommended that Council introduce a similar ban in its area.

## COMMENTARY

The Mayor of Eurobodalla Shire Council, Councillor Liz Innes, advised that on 14 February 2017 Council unanimously supported a Mayoral Motion to ban balloon releases at Council events and in Council managed reserves. The Mayor also advised that this decision it had received overwhelming support from the local community.

Councillor Innes submitted that:

*“Unfortunately balloons can cause significant harm to the natural environment. Although some balloons are made from a natural latex and are marked as an environmentally friendly option, these will still take months to break down and are known to harm and kill animals in both the marine environment and on land. The attached strings and clips on balloons will last much longer in the environment and go on to be eaten or entangle marine species.*

*Balloons can travel large distances once released, with balloons being found on Eurobodalla beaches from as far away as Sydney, Victoria and the Riverina.”*

It is noted that the NSW *Protection of the Environment Operations Act 1997 – Amendment (Balloons) Act 2000* made it illegal to release 20 or more gas filled balloons at, or about, the same time. Smaller number of balloons can be release but they are not permitted to have any attachments. On-the-spot fines apply and penalties are much higher for over 100 balloons.

Due to the difficulty in monitoring this issue the legislation is rarely enforced with balloon releases being a regular occurrence throughout Australia.

As a result of the harm that balloon releases do to the natural environment it is considered that a ban by Council on balloon releases at Council events and in Council managed reserves is an appropriate action for Council to take.

## POLICY IMPLICATIONS

Council is responsible for the management of its events and reserves and can enforce activities in those areas.

## FINANCIAL IMPLICATIONS

May require some signs to be installed.

## LEGAL IMPLICATIONS

Nil

## ATTACHMENTS

1. Letter from Eurobodalla Shire Council

## RECOMMENDATION

**THAT** the release of balloons be prohibited at all Council events and in Council reserves and the Mayor of Eurobodalla Shire Council be advised of this decision.

---

## GENERAL MANAGERS REPORTS

ITEM-2 GM - 10/04/17 - EXPRESSIONS OF INTEREST - LEGAL TENDER SERVICES

REPORT BY: A MUIR – ACTING GENERAL MANAGER

---

## REFERENCE

Min No 16 – 313: Ordinary Council Meeting of 21 November 2016

## SUMMARY

To advise Council of progress in relation to expressions of interest for Council's legal services.

## COMMENTARY

At Council's Ordinary Meeting of 21 November 2016 the following was resolved:

### 16 – 313 RESOLVED

**THAT** Council conduct a new public tender process for the future provision of the Council's Legal Services.

**MOVED:** Cr M F Ticehurst      **SECONDED:** Cr W McAndrew.

Within this recommendation there was no guidance given as to the specification of the legal services nor the period for any subsequent engagement. Consequently the assumption was made that the service sought was local legal services such as the 'day to day' matters which have been undertaken by LeFevre and Co. for some years. Such services include:

1. Matters relating to the Local Government Act 1993 and related legislation
2. Property and conveyancing
3. Matters relating to the land acquisition (Just Terms of Compensation) Act 1991
4. Matters relating to the Roads Act 1993
5. General legal advice
6. Other Local and District Court matters.

It was assumed that it was not intended to include specialist legal services such as matters in the Land and Environment Court.

It is suggested that a reasonable period for any engagement would be 3 years. Also the annual spend on local legal services over each of the last 3 years has been:

- 2014/15      \$40,077.92
- 2015/16      \$11,962.14
- 2016/17      \$16,395.00 (Year to date)

Through the operation of section 55 (3) (n) of the Local Government Act and Clause 163(3) of the Regulations a 'Tender' within the meaning of the Act and the process required would only be necessary in the event of a contract involving an estimated expenditure in excess of than \$150,000. Should a 3 year arrangement be entered into, it would not amount to a contract with an estimated expenditure in excess of \$150,000. Consequently, a formal 'tender' process would not be required.



Subsequently expressions of interest were sought for the provision of local legal services seeking interest from suitably qualified and experienced legal firms wishing to submit a tender to provide legal services to Council. (Given the information relating to Local Government Act tender requirements, the subsequent proposal lodged by a firm would simply be a quotation.) In response to this process nine submissions were received from parties interested in providing such services to Council. Copies of submissions are attached to the business paper outlining the various experience of each of the firms. The firms that have submitted an expression of interest are;

1. Higgins Lawyers
2. LeFevre & Co.
3. Swaab Attorneys
4. Forum Law Solicitors
5. Holding Redlich
6. Redenbach Lee
7. Pikes and Verekers Lawyers
8. Osbornes Lawyers
9. Local Government Law

Some enquires were received through the process as to Council's requirements for the successful firm to be located in the Lithgow Local Government Area. Whilst expressions of interest from firms outside Lithgow were not excluded there are certain practical realities of being able to achieve face to face access at short notice in relation to local legal services which make it far more sensible for the firm to be based in Lithgow. One of the firms that did express an interest, Pikes and Verekers Lawyers, has been providing specialised services to Council for many years particularly in relation to planning appeals and litigation in the Land and Environment Court.

In summary it is recommended that Council proceed to seeking formal 'quotations' from those parties who lodged an expression of interest from the Lithgow Local Government Area. These firms are Higgins Lawyers and LeFevre & Co. The specifications and criteria for assessment of the quotation will include:

- Price (eg hourly rate and retainer if relevant over the period of the engagement)
- Demonstrated understanding and application of the Local Government Act 1993 and related legislation
- Demonstrated understanding and application of the Land Acquisition (Just Terms Compensation) Act.
- Demonstrated understanding and application of the Roads Act 1993.
- Demonstrated experience in Local and District Court matters.
- Demonstrated experience in property conveyancing.
- Demonstrated experience in drawing up Deeds and Memorandums of Understanding.
- Demonstrated experience in working with local government authorities or other public authorities.
- Accessibility.
- General capability.

#### **POLICY IMPLICATIONS**

As it is proposed not to conduct a 'Tender' process but rather 'quotations' from selected firms, Council's tender policy does not apply.

#### **FINANCIAL IMPLICATIONS**

Price will form part of the selection criteria.

### **LEGAL IMPLICATIONS**

As it is proposed not to conduct a 'Tender' process but rather 'quotations' from selected firms, the requirements of the Local Government Act and Regulations in relation to tendering do not apply.

### **ATTACHMENTS**

1. Expressions of Interest.

### **RECOMMENDATION**

**THAT** Council request quotations from LeFevre and Co and Higgins Lawyers to provide Local Legal Services for a period of 3 years.

**ITEM-3            GM - 10/04/17 - REQUEST FOR COUNCIL INVOLVEMENT WITH WW1 PROJECT****REPORT BY:    A MUIR – ACTING GENERAL MANAGER**

---

**REFERENCE**

Min 17-59:            Ordinary Meeting of Council 27 February 2017

**SUMMARY**

This report provides an update on submissions received from Mr Ian Burrett, Secretary of the Lithgow WWI Commemorative Plaque Project Committee, requesting Council involvement in a project to identify people from the greater Lithgow area who served and returned from WW1, and to include their names on the Lithgow war memorial.

**COMMENTARY**

Council will recall this matter from its meeting of 27 February 2017 where the following was resolved:

**17-59 RESOLVED****THAT** Council:

1. Move a deferment of the item until Council can meet with interested parties.
2. That Council extend an invitation to make a presentation to Council at an Information Session.

**MOVED:** Cr W McAndrew**SECONDED:** Cr R Thompson.

Councillors subsequently received a presentation from Mr Burrett at an information session and an additional submission (attached). Representatives of the Lithgow RSL sub-branch were also on hand to answer questions at the information session and were invited to provide a submission which is also attached.

Whilst Councillors should review the submission from the RSL sub-branch in addition to Mr Burrett's latest submission (both attached) the position of staff on this matter has not changed. The RSL sub branch is the body that Council should see as representing returned servicemen and women as well as the appropriate commemoration of those who served and made the ultimate sacrifice. It is difficult to support this project in the absence of the RSL sub branches support.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

## ATTACHMENTS

1. Submission provided by Mr I Burrett at a Councillor Information Session.
2. Correspondence from the Returned Services League – Lithgow Sub-Branch.

## RECOMMENDATION

**THAT** Council decline Mr Burrett's request for Council involvement in his WW1 research project.

## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-4            ENVIRO - 10/04/17 - PROPOSED ROAD NAMES- 002/07DA & DA148/15 HASSANS WALLS SUBDIVISION

**REPORT BY: J NICHOLS - ACTING GROUP MANAGER ENVIRONMENT & DEVELOPMENT**

---

## SUMMARY

To advise Council of road naming proposal for 002/07DA & DA148/15 being two new roads within the subdivision off Hassans Walls Road, Lithgow.

## COMMENTARY

Council has received a submission to name the internal roads in the new subdivision being constructed at Lot 702 DP1150747 Hassans Walls Road, Lithgow under Development Applications 002/07DA & DA148/15. The applicant has requested that Council name these roads as follows (see map Attachment 1):

### Road 1

Proposed Name:        **Mayview Drive**

Applicant Reasoning: "Having a charming name like this as the entrance will be very welcoming and set the charisma for the estate envisaged by the developer."

### Road 2

Proposed Name:        **Willowbank Avenue**

Applicant Reasoning: "Due to the existing willows along the proposed road and suits the street perfectly."

The Geographical Names Board Road Naming Policy 2013 is applicable with the proposed road names complying with their requirements.

## POLICY IMPLICATIONS

These roads will be named in accordance with Council's Road Naming Policy.

## FINANCIAL IMPLICATIONS

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be the responsibility of the applicant.

## LEGAL IMPLICATIONS

Nil.

## ATTACHMENTS

1. Map showing proposed road names and layout of subdivision

## RECOMMENDATION

**THAT** Council proceed with the road naming process for Mayview Drive and Willowbank Avenue by:

1. Commencing the online road naming process in accordance with NSW Addressing User Manual. This will include advertisement in the local newspaper and requesting submissions on the proposed name from surrounding residents and emergency services.
2. If submissions against the proposal, or alternatives suggested, these submissions will be reported back to Council for determination.
3. If no submissions against the proposal, or alternatives suggested, Council will proceed with the online road naming process and gazettal of 'Mayview Drive' and Willowbank Avenue'.

**ITEM-5            ENVIRO - 10/04/17 - EXEMPTION TO SECTION 94A CONTRIBUTIONS & PROPOSED WAIVING OF COUNCIL DA FEES FOR PROPOSED REMEDIATION WORKS TO THE ZIG ZAG RAILWAY LINE- CLARENCE**

**REPORT BY:    J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT & DEVELOPMENT**

## **SUMMARY**

To advise of a request on behalf of Zig Zag Railway to provide an exemption from development contributions.

## **COMMENTARY**

Council has received Development Application DA059/17 from Cardno on behalf of Zig Zag Railway Co-op Pty Limited on land known as Lots 217 & 150 DP 751650, Lot 1 DP1140300 and Lot 9 DP788554, Chifley Road Clarence for remediation works to the Zig Zag Railway line. These works are required due to landslips occurring after the October 2013 fires and heavy rains.

The proposal seeks the construction of a gabion basket gravity retaining wall running in an approximately east-west alignment below where the landslides previously occurred. The land between the retaining wall and the tracks will be graded to provide a long term stable embankment. The regraded surface below and above the retaining wall will be revegetated with native species upon completion of works.

### **Section 94A Development Contributions**

The applicant has requested that an exemption to the Section 94A Development Contributions Plan 2015 be permitted for this development. The estimated cost of the development is \$480,000.00 and therefore the Section 94A levy applicable to this development would be a total of **\$4800.00**.

The proposal meets the requirements for exemption under Clause C7 of the Section 94A Development Contributions Plan 2015:

#### ***C7 Are there any exemptions to the levy?***

#### ***Other developments exempted from the levy.***

*The following types of development or components of development will also be exempted from a levy under this Plan:*

- Development that involves the rebuilding or repair after natural disasters such as flooding or bushfires;

The proposal is remediation of the Zig Zag Railway line as a result of fires (removing vegetation) and heavy rains that led to flooding which resulted in landslips of this particular section of railway. Therefore, it could be considered that the development involves rebuilding as a result of natural disasters and meets the exemption requirements.

### **Council's Development Application Fees**

The applicant has requested that Council waive the Development Application Fees due to the Zig Zag Railway having limited financial means. The fees that have been paid on lodgement and have been requested to be waived:

DA057/17:

Archive Fee	\$57.00
Development Application Fee	\$1,698.20

CC050/17:

Compliance Inspection Fee	\$ 999.98
Construction Certificate Fee	\$ 1,209.09
GST	\$ 220.91

Total Fees: **\$4,185.18**

It is noted that the Long Service Levy paid as part of CC050/17 for \$1,680.00 cannot be refunded to the applicant.

### Conclusion

Zig Zag Railway Co-op Pty Limited may be categorised as a not-for-profit organisation with limited financial means undertaking a remediation project that may benefit the community in relation to tourism. It will assist in addressing issues that led to the closure of the Zig Zag Railway in 2013 which was a tourist attraction of the Lithgow district. Therefore, although an exemption from Section 94A Contributions and the Development Application Fees will result in Council forgoing potentially **\$8,985.18** in revenue, the benefits provided by the development may be significant in allowing the potential re-opening of the Zig Zag Railway.

### OTHER MATTERS

The application has been sent to adjoining and adjacent landowners for commenting. The application has been referred to Water NSW, Roads & Maritime Services and Department of Primary Industries- Crown Lands for commenting. The development will be assessed and determined by delegation in due course as required under the *Environmental Planning & Assessment Act 1979*.

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

If approved, the exemption from Section 94A Contributions and the Development Application Fees will result in Council forgoing potentially **\$8,985.18** in revenue.

### LEGAL IMPLICATIONS

Nil

### ATTACHMENTS

1. Letter from Cardno requesting exemption to Section 94A Contributions and Development Application fees.

### RECOMMENDATION

**THAT** an exemption to the Section 94A Development Contribution Plan 2015 levy and refund of the Development Application and related fees of \$4,185.18 is applied to DA059/17 for remediation works of the Zig Zag Railway.



**ITEM-6                    ENVIRO - 10/04/17 - PROPOSED STATE SIGNIFICANT DEVELOPMENT FOR REFUSE DERIVED FUEL, WASTE TO ENERGY PLANT AT MT PIPER POWER STATION PORTLAND**

**REPORT BY:    J NICHOLS - ACTING GROUP MANAGER ENVIRONMENT & DEVELOPMENT**

## **SUMMARY**

To provide Council with information on a request from the Department of Planning & Environment (DP&E) for Secretary's Environmental Assessment Requirements (SEARs) for a proposed refuse derived fuel (RDF), waste to energy plant at the Mt Piper Power Station.

## **COMMENTARY**

The DP&E advised Council on 16 March 2017 that SEARs are being prepared under the *Environmental Planning and Assessment Act 1979* for a proposed RDF waste to energy plant at the Mt Piper Power Station, Boulder Road, Portland

### **Proposal**

The proposal is State Significant Development (SSD No.8294) as it is development for the purpose of 'electricity generating works that has a capital investment value of more than \$30 million' and for the purpose of 'waste incineration that handles more than 1,000 tonnes per year of waste'. The Minister for Planning is the consent authority for this application through DP&E.

The project brief states the following for the proposal from a Recycling Company:

*"RE.Group is working with Energy Australia to develop the proposed RDF waste to energy plant to improve the environmental outcomes and efficiency of coal usage at Mt Piper Power Station. The proposal would involve constructing a dedicated RDF boiler and associated RDF storage facility within the Mt Piper Power Station and integrating this with the station's existing electricity generating infrastructure. A portion of the ash generated by the plant would likely be disposed of within the ash repository at Mt Piper Power Station, while more contaminated ash and other waste would be transported to a suitably licensed waste disposal and recycling facility. The majority of the RDF consumed at the plant would be sourced from the greater Sydney metropolitan area.*

*The proposal would demonstrate the first use of hybrid renewable/fossil fuel waste to energy technology at an Australian power station. Waste to energy technology is widely used internationally, with hundreds of RDF electricity generating plants operating internationally. Such energy recovery plants provide broad environmental and community benefits, which reduces landfill waste and reduces reliance on fossil fuels."*

*"RDF is derived from municipal and other waste and consists of a mixture of non-recyclable materials such as dirty paper, plastics, fabrics and organic matter. About one-third of RDF comprised of biomass, making it a renewable energy source that is eligible for Large Scale Generation Certificates under the Commonwealth Renewable Energy (Electricity) Act 2000."*

*"A dedicated boiler would be constructed.....this boiler would connect to Mt Piper Power Station's existing systems and consume approximately 100,000 tonnes per annum of RDF."*

**Council considerations**

The next stage will be for the applicant to obtain the SEARs and produce an Environmental Impact Statement (EIS) in accordance with the *Environmental Planning and Assessment Regulation 2000* for assessment which will provide more detailed documentation on the project.

One of the issues that will need to be considered by Council in any submission to the DP&E is the proposal to import waste material from the Sydney metropolitan area. Council has previously had concerns with the importation of waste material from outside its area. Additional information and assessment will be reported to Council in the future once it is submitted to the DP&E.

**POLICY IMPLICATIONS**

Whilst not formalised in policy, Lithgow City Council has a long standing position of opposing the acceptance of waste from outside the Lithgow Local Government Area.

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Project brief for the proposed RDF waste to energy plant at the Mt Piper Power Station.

**RECOMMENDATION**

**THAT** the information on the proposed refuse derived fuel, waste to energy plant at the Mt Piper Power Station be noted and reported back to Council once the Environmental Impact Statement has been submitted to the Department of Planning & Environment.

**ITEM-7            ENVIRO – 10/04/17 – DRAFT FARMERS CREEK PRECINCT MASTER PLAN****REPORT BY:    J NICHOLS ACTING GROUP MANGER ENVIRONMENT & DEVELOPMENT**

---

**SUMMARY**

The purpose of this report is to recommend for exhibition the Draft Farmers Creek Precinct Masterplan. The Full Draft Masterplan is available as an attachment to this report.

**COMMENTARY**

Farmers Creek has the potential to be a unifying green corridor through the Lithgow urban area – as a place for local leisure and recreation, to link together and access other attractions within the town area, to restore native vegetation and enhance the city's biodiversity while also "softening" the urban landscape, to offer educational opportunities and nature encounters, and to enhance water quality.

To realise these benefits in a coordinated and staged manner an overarching vision and masterplan is required to guide the delivery of recreational opportunities and environmental improvements to the Farmers Creek Precinct. The masterplan is intended to describe "clear and achievable management strategies" for public land within the Farmers Creek precinct and to provide clarity and directions for the "future development use and management" of these community lands.

**A Vision for Farmers Creek**

The Masterplan envisions Farmers Creek as a green corridor of publicly accessible land through Lithgow's northern urban landscape. It will feature a high standard path, suitable for multiple uses, meandering along the creekside through a mixture of developed parks and playing fields as well as attractive semi-natural landscape settings and restored natural riparian vegetation communities. Connections to the urban pathway network and low-key facilities dot the path, which will also link activity centres and heritage or other attractions in and around the town area. The path and its surrounding green spaces will be conveniently accessible for leisure, recreation and fitness activities for locals and visitors.

Weed control, revegetation using native species and improvements to stormwater management undertaken as part of the corridor's improvements will deliver biodiversity and water quality benefits and also offer opportunities for outdoor education and interpretation.

The "new" Farmers Creek will become a valued, enjoyed and well managed asset for the Lithgow community.

**Strategic Alignment**

The Farmers Creek Precinct Master Plan also specifically aligns with a series of related strategic plans currently being implemented aimed at reinforcing the role of NSW as an economic powerhouse.

The Farmers Creek project is consistent with the statutory purpose and objectives of the Restart NSW Fund Act, in this instance, 'infrastructure projects that will improve local infrastructure in regional areas that are affected by mining operations'. In combining the statutory purpose of the Restart NSW Fund, which is to improve economic growth and productivity in NSW, with the priorities of 'Making it Happen' it is possible to illustrate how this project will achieve both.

### Local Strategic Alignment

The following plans and reports were reviewed to identify relevant information, directions, implications and constraints or opportunities to consider in the masterplan's preparation:

- Open Space and Recreational Needs Study, 2011;
- Greater Lithgow City Council Bicycle Plan, 1998;
- Lithgow Land Use Strategy 2010-2030;
- Community Strategic Plan 2025;
- Council Combined Delivery Program 2012-2016 and Operation Plan 2015/16;
- Strategic Asset Management Plan;
- Lithgow Blast Furnace Conservation Management Plan, 1997;
- Lithgow Flood Study Review, 2015; and
- Central Tablelands Local Land Services Transitional Catchment Action Plan, 2013.

Significantly, there was a general consensus among most documents of the need for, and value of an enhanced public open space corridor and pathway along the Farmers Creek corridor.

### Masterplanning Approach

In broad terms the overall masterplanning approach adopted is one of:

- incremental development – initially building on existing assets and then progressively extending a managed high-quality public open space system and shared path network, resulting over time in a green corridor supporting these recreational, amenity and biodiversity improvements by “advance” environmental restoration and enhancement measures in those sections of the creek corridor planned for future open space and path improvements – to both improve the environmental quality of these areas and provide attractive settings for future open space and recreational improvements;
- enhancing the natural and semi-natural attributes, and water quality management measures along the entire creek corridor;
- targeting early open space, shared path, amenity, vegetation and biodiversity enhancements in the more “visible” central sections of the creek corridor – to demonstrate the project's benefits to the Lithgow community and engender support for the project's continued roll-out; and
- generally progressing from downstream to upstream in terms of expanding and upgrading the open space system and shared path network, while initially focusing weed control and revegetation efforts in the creek's upstream segments and major tributaries.

### Proposed Staging

Enhancement of the Farmers Creek corridor has been planned as a staged process – with most initiatives or actions requiring sequential and coordinated implementation, while some could potentially be undertaken as stand-alone projects.

For the purposes of this masterplan the following three stages, and associated implementation periods, have been identified:

- Stage 1 – 1 to 4 years;
- Stage 2 – 5 to 10 years; and
- Stage 3 – 11 years and beyond.

These should be considered very indicative, and interpreted as a planning framework only. The actual timing of masterplan actions will very much depend on Council's budget cycles and competing priorities, levels of community support for the project, possible complimentary or related works, supplementary funding possibilities, and many other factors.

### **Key Masterplan Components**

- Shared Path Standards,
- Weed Control and Bush Regeneration / Revegetation,
- Landscape and Vegetation Management
- Water Quality Improvement and Water Sensitive,
- Urban Design (WSUD) Measures,
- Interpretive and Educational Measures,
- Community Involvement.

### **Cost Estimates and Implementation**

Council does not have the capacity to undertake all of these works immediately, or even into the foreseeable future. Development and management of Farmers Creek to enhance its recreational, environmental and aesthetic values will ultimately be reliant on, and largely determined by, the funding and resources available to Council. As such the works required to upgrade the creek corridor, as guided by this masterplan, must be assessed against the other priorities of Council and determined by the budget allocations assigned in Council's rolling Delivery Programs and Operational Plan.

Hence the masterplan sets out a prioritised and staged approach to the proposed actions and works and detailed in the Implementation and Cost Estimates Schedules for each planning unit.

Capital works (major projects) and other tangible on-ground works (such as weed control and riparian community restoration, or significant amenity plantings) involving a considerable commitment of funds and resources should be programmed into Council's prioritised "forward works" schedule. However recognising that funding and resources may come from many sources – including specific-purpose grant funding, volunteer programs, community initiatives and contributions, corporate sponsorship, or access to low-security prison work crews, to cite a few – a degree of flexibility and opportunism is warranted in the masterplan's implementation.

Full realisation of the upgrading of the Farmers Creek urban corridor, and main tributaries, as set out in this masterplan is estimated to cost in the order of \$9,005,000.

The total estimated orders of cost to implement each stage of this masterplan are as follows (rounded to the nearest \$000):

- Stage 1 – \$1,996,000;
- Stage 2 – \$2,205,000; and
- Stage 3 – \$4,803,000.

"Hard" works, the project's built infrastructure and facilities (such as the proposed shared path, bridges, boardwalks, etc.) dominate the project's total estimated cost, making up 80% of the total. These "hard" works are estimated to cost over \$7,191,000 in total – comprising over \$1,394,000 in Stage 1, \$1,390,000 in Stage 2 and \$4,406,000 in Stage 3. Once again it must be stressed that these costs are indicative and should be utilised as a planning framework. It is not proposed that Council commit to funding this level of expenditure.

### **Business Case and Cost Benefit Analysis 2016**

A Business Case has been developed (Attachment 2) to determine the magnitude of benefits generated relative to the expenditure required to complete this development. The objective of this Business Case is to assess whether this major project would be more beneficial for the community than a 'without project' case scenario.

Using a real discount rate of 7 per cent, the total project generates a net present value of over \$1.6 million with a benefit cost ratio of 1.66. Calculations are based on dollar values which are GST exclusive.

A benefit-cost ratio of 1.66 means that policymakers can expect \$1.66 in benefits for every \$1 in costs.

This suggests that investment in the Farmers Creek Precinct Project will return greater benefits than a 'without project' scenario.

Budget bids each year for the next 4 years from 2017/18 have been submitted for consideration by Council to assist implementation of the Master Plan. These funds will assist in achieving co-contribution grant funding opportunities into the future. The benefit of having a masterplan will provide a better chance to achieve external funding.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil at this time. However the final plan if adopted will have implications for Council Operation and Delivery Plan program in terms of financial resourcing as outlined above.

#### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Draft Farmers Creek Precinct Master Plan
2. Farmers Creek Precinct – Business Case and Cost Benefit Analysis 2016

### **RECOMMENDATION**

**THAT** Council adopt the Draft Farmers Creek Precinct Master Plan as presented for exhibition for a period of 28 days with the period for submissions being 42 days from the first day of the exhibition period.

---

## OPERATION REPORTS

**ITEM-8            OPER - 10/04/2017 - LITHGOW CBD REVITALISATION STAGE 1 - PROJECT UPDATE**

**REPORT BY:     J EDGECOMBE – WORKS MANAGER**

---

## REFERENCE

Min No 14-413:     Ordinary Meeting of Council held on 27 October 2014  
 Min No 15-73:     Ordinary Meeting of Council held on 20 April 2015  
 Min No 16-267:    Ordinary Meeting of Council held on 10 October 2016

## SUMMARY

Designs and specifications have been completed for the initial project of the Lithgow CBD Revitalisation Action Plan in preparation for an open tender to be called for the construction phase of the project.

## COMMENTARY

In May 2015 Council submitted an application for funding under Round 2 of the Australian Government's National Stronger Regions Fund in order to fund a catalyst Lithgow CBD Revitalisation Action Plan project. Lithgow City Council was successful in the application and obtained \$1,304,550.00 of funding for the major infrastructure works required to deliver the first two of the Main Street "Squares" identified in the Lithgow CBD Revitalisation Action Plan.

Council reappointed Turf Design & Environmental Partnership Consultants as the lead consultant to prepare design, development and construction documentation and to project manage a multi-disciplinary design team. Final Designs and Specifications were completed on 31 March 2017 ready for open tenders to be called in April.

The project was developed and selected to provide the following key benefits to the community:

- Diversify the local industry base
- Meet the needs of a changing population, families and businesses
- Need to accommodate the requirements of tourism
- Retain and attract new residents and investors
- Develop community cohesion
- Develop local jobs
- Increase competitiveness with neighbouring LGAs
- Make the region more attractive to current and future residents

The project involves the following key upgrades:

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

During the design process detailed designs and specifications were also obtained for the section of Main Street footpath between Cook Street and Eskbank Street to facilitate its upgrade after the completion of the “squares” project.

Once Council has been notified of the project progress to date, Council officers will arrange for the commencement of the open tender process in order to appoint a successful contractor. Upon receiving tender applications, a panel of four Council officers will objectively assess each application against predetermined selection criteria and recommend a successful applicant for approval by Council.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The Lithgow CBD Revitalisation Action Plan Project is a \$2,900,000.00 project funded under a 45:55 ratio. This requires \$1,594,450.00 of Council funds to match the \$1,304,550.00 in Australian Government funding.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Public Domain Designs – Cook Street Plaza and Eskbank Street Square
2. Council minute 14-413 – Endorsing the National Stronger Regions Fund application for the CBD Revitalisation Project.

**RECOMMENDATION**

**THAT** Council note the update regarding the Lithgow CBD Revitalisation Action Plan Project



**ITEM-9            OPER - 10/04/17 - LITHGOW FLOOD STUDY – ADOPTION OF THE LITHGOW FLOOD STUDY REVIEW****REPORT BY:    J EDGECOMBE – WORKS MANAGER**

---

**REFERENCE**Min No 12-367  
Min No 16-321Ordinary Meeting of Council held on 15 October 2012  
Ordinary Meeting of Council held on 21 November 2016**SUMMARY**

This report provides details regarding the progress of the Lithgow Flood Study.

**COMMENTARY**

On the 27<sup>th</sup> November 2016, members of the flood study working group met to discuss the progress of the Lithgow Flood Study Review. The consultant, Lyall and Associates presented their work to the group for discussion. From this meeting, it was found that subject to a review of and comparison between the GIS data from the Lithgow Floodplain Management Study (Kinhill, 1991) and the models from the draft review that is the subject of this report, there were no outstanding issues that require modification to the final draft document.

The next stage of the process was a public exhibition of the draft document, with the aim of allowing the public to voice their concerns and have any questions answered. The timeframe of this public exhibition was 60 days. During this period, a media release was prepared to inform the public of the locations of the document and how it could be sourced. Two flood study Information Sessions were also organised as part of this public exhibition period.

In order to ensure that those residents with properties that may be flood affected were aware of the proposed changes, Council officers contacted them to encourage attendance at the organised Flood Study Review Information Sessions. 465 properties (and their owners) received letters informing them that their property was affected by the new flood planning area. Of these 465 letters, approximately 35 residents attended the Flood Information Sessions. There were no formal complaints received regarding the content of the Review with the exception of some comment regarding anecdotal flooding. The consultant noted these comments and suggests that no further modification to the Review was required.

This Lithgow Flood Study Review, once adopted, will be the formal replacement of the current Flood Study from 1991. It includes flood data for the Farmers Creek catchment area as well as the Marrangaroo Creek catchment area. The flood data includes detail such as the Probable Maximum Flood and the Flood Planning Area as well as covering flood events such as the 1 in 5, 1 in 10, 1 in 50, 1 in 100, 1 in 200 and 1 in 500 year rainfall events.

The document prepared by Lyall and Associates satisfies the requirements of the Office of Environment and will provide an appropriate reference document for the residential areas covered by the flood analysis.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council adopt the Lithgow Flood Study Review proposed by Lyall and Associates as the formal Lithgow Flood Study.

**ITEM-10 OPER - 10/04/17 - WATER REPORT****REPORT BY: I STEWART – GROUP MANAGER OPERATIONS****REFERENCE**Min No 17-77: Ordinary Meeting of Council held on 20<sup>th</sup> March 2017**SUMMARY**

This report provides an update on various water management issues.

**COMMENTARY****Current Dam Levels for both Farmers Creek No. 2 Dam and Oberon Dam**Farmers Creek No. 2 Dam capacity on Monday 3<sup>rd</sup> April 2017 was 100%. Oberon Dam capacity on Monday 3<sup>rd</sup> April 2017 was 91.2%.**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 Water NSW (Fish River Scheme) for 2016/2017.

**Table 1 - Oakey Park Monthly Output and Clarence Transfer 2016/2017**

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	112	0	58
August	97	0	66
September	95	0	66
October	111	0	66
November	124	0	56
December	148	0	47
January	112	0	96
February	104	0	69
March	100	0	55
<b>TOTAL</b>	<b>1,003</b>	<b>0</b>	<b>579</b>

### 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 11/03/17 to 31/03/17.

### Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 22/03/2017 and forwarded to Australian Laboratory Services (ALS) for testing. There was one (1) non-compliance at the Wallerawang STP and one (1) non-compliance at the Portland STP as detailed below in Table 2. All test results are published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

**Table 2 – Treatment Plants Monitoring Results**

Plant	Non Compliance	Licence Limit	Date Sampled	Cause of Non Compliance	Action Taken to Mitigate Adverse Effects of the Non Compliance	Action Taken to Prevent Future Reoccurrence Of Non Compliance
Wallerawang STP	Ammonia 2.75mg's/L	2mg's/L	22/03/17	Potential contamination of sample taken from outfall point with creek water	Sampling procedure review and change in sampling personnel	Investigate the possibility of altering the sampling location
Portland STP	Faecal Coliforms 3600 units/ 100mL	600 units/ 100mL	22/03/17	Removal of Trickling Filter During Plant Upgrade	Increase Cleaning to Reduce load On Remaining Filter	Augmentation of Portland Sewerage Treatment Plant

### Fish River Water Scheme Water Quality Summary

Fish River Water Supply supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal from 11/03/17 to 31/03/17. 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 11/03/17 to 31/03/17.

### Current Water Restrictions Update

Level 1 restrictions are effective from Monday, 17 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 a household appliance rebate and one application for a water tank rebate for the period 11/03/17 to 31/03/17.

### Water Reticulation Complaints

No complaints were received during the period 11/03/17 to 31/03/17 concerning water quality issues.

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

**RECOMMENDATION**

**THAT** Council notes the water report.

## **CORPORATE AND COMMUNITY REPORTS**

### **ITEM-11          CORP - 10/04/17 - CIVIC BALLROOM FEE REDUCTION REQUEST**

**REPORT BY:      M JOHNSON - MANAGER COMMUNITY AND CULTURE**

---

## **SUMMARY**

This report details a request from AMA Event Management for a reduction in Civic Ballroom hire fees for the holding of monthly markets.

## **COMMENTARY**

AMA Event Management has taken over the management of monthly markets at the Civic Ballroom which were formerly run by the Lithgow Lions Club. The Lions Club has withdrawn from running the markets due to low patronage.

AMA has requested a partial waiver of Civic Ballroom hire charges for their 26 March 2017 and subsequent monthly community markets.

Council had agreed to reduced charges for the monthly Lions Club markets in previous years with the Lions Club paying approximately \$300 per hire, approximately \$200 less than the charity rate of \$506 per hire (which itself is 50% of the full hire rate of \$1,012.)

Council Policy 4.2 - Financial Assistance states that Council provides financial assistance to not-for-profit community groups and organisations under Section 356 of Local Government Act, 1993. Financial assistance will be provided on the basis of the relative merits of each application and the benefits to the community provided by the project/activities of the organisation.

Council has allocated \$10,000 in the current year financial assistance allocation for four (4) Civic Ballroom and Tony Luchetti Showground fee waiver packages each up to the value of \$2,500. These are provided once only to each applicant; are not to be provided to organisations already receiving Financial Assistance for major events at these venues, and; applications are to be received at least 3 months prior to the event for consideration by a meeting of Council. No packages have yet been allocated in the current year.

AMA event Management is a for profit group although they state in their request (attached) that some funds raised at the markets are donated to the local community and the markets bring social and economic benefits to the local community.

In view of the withdrawal of the Lions Club, it would be a loss to the local community if markets don't continue in the future.

It is recommended that Council approve a reduction in Civic Ballroom Hire fees for the 26 March and planned 13 May and 10 June 2017 markets from the full \$1,012 hire charge, to the charity rate of \$506. This represents a total reduction of \$1,518 in the current year, funded from the existing financial assistance allocation. It is further recommended that in order to encourage the provision of regular markets in the future, Council create a Civic Ballroom markets hire fee in 2017/18 of 50% of the normal hire charge.

**POLICY IMPLICATIONS**

Financial Assistance is provided in accordance with Policy 4.2 Financial Assistance

**FINANCIAL IMPLICATIONS**

Council has allocated \$10,000 in the current year financial assistance allocation for four (4) Civic Ballroom and Tony Luchetti Showground fee waiver packages each up to the value of \$2,500. No packages have yet been allocated in the current year.

The reduction in Civic Ballroom Hire fees for the 26 March and planned 13 May and 10 June 2017 markets from the full \$1,012 hire charge, to the charity rate of \$506 represents a total reduction of \$1,518 in the current year, funded from the existing financial assistance allocation.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Request from AMA Event management

**RECOMMENDATION**

**THAT** Council:

1. Approve a reduction in Civic Ballroom Hire fees for the 26 March and the planned 13 May and 10 June 2017 markets held by AMA Event Management to the charity rate of \$506 per hire, to a total value of \$1,518.
2. Create a Civic Ballroom markets hire fee in 2017/18 representing 50% of the normal hire charge.

**ITEM-12          CORP - 10/04/17 - EVENT ATTRACTION POLICY****REPORT BY:    A SHELTON – ACTING GROUP MANAGER CORPORATE & COMMUNITY**

---

**REFERENCE**

Min No 17-39 Ordinary Meeting of Council held 6 February 2017

**SUMMARY**

To present to Council Draft Policy 4.9, Events Attraction Package – Section 356 of the Local Government Act for adoption.

**COMMENTARY**

At the Ordinary Council meeting held on 6 February 2017 Council resolved to place the Draft Policy 4.9, Events Attraction Package – Section 356 of the Local Government Act on exhibition for a period of 28 days before being presented to Council for final adoption.

The draft policy was placed on exhibition at Council's Administration building, Lithgow Library and on Council's website from 17 February 2017 to 17 March 2017.

No submissions were received following the exhibition of the draft policy.

**POLICY IMPLICATIONS**

Policy 4.9, Events Attraction Package – Section 356 of the Local Government Act will be a new policy within Council's policy register.

**FINANCIAL IMPLICATIONS**

The annual financial contribution to the Events Attraction Package will be considered as part of Council's budget process.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Draft Policy 4.9 Events Attraction Package – Section 356 of the Local Government Act

**RECOMMENDATION**

**THAT** Council ADOPT Policy 4.9, Events Attraction Package – Section 356 of the Local Government Act and that it become operative immediately.



**ITEM-13            CORP - 10/04/17 - RETAIL SHOPPER SURVEY****REPORT BY:    A SHELTON – ACTING GROUP MANAGER CORPORATE & COMMUNITY**

---

**SUMMARY**

To seek Council endorsement of the Retail Shopper Survey Report.

**COMMENTARY**

In 2016 Council received a grant of \$7,500 (ex GST) from the NSW Department of Industry for the development of the Lithgow City Council Retail Shopper Survey.

The objectives of the survey were to:

1. Identify Lithgow's retail draw:
  - a) Identify Lithgow's current retail draw from people using the Lithgow's main retail centre and who usually reside elsewhere.
  - b) Identify what products and services these visitors are purchasing and using.
2. Identify where Lithgow residents shop outside of the LGA and for what products and services.
3. Identify the potential gaps in retail supply/offerings within the Lithgow retail centres.

The survey focused on the Lithgow Main St Retail Precinct which is defined by Main St between Lithgow St and Bridge St also including business activities along located Mort St, Railway Parade and Bridge St.

Following expressions of interest being sought, Council engaged AP Sheere Consulting to conduct the survey and prepare the report that was completed in late 2016.

38 face-to-face surveys were conducted and an additional 176 participants completed the online survey, giving a total of 214 participants. Of the 184 Lithgow residents surveyed, 11.4% shopped outside the LGA the most - namely in Penrith and Bathurst. 14% of survey respondents resided outside the area with some making specific shopping trips to Lithgow. 47% of these respondents cited Lithgow as their predominant shopping venue. 45% of respondents usually residing in the Blue Mountains were most likely to do the majority of their shopping in Lithgow.

The survey report identified a number of retail opportunities including Menswear, shoe shops and large electrical retailers.

Threats to the Lithgow retail precinct were also identified, which included potential fragmenting of the retail footprint, the reliance on the energy sector for disposable income, high ratios of low-income earners and competition by neighbouring LGA's.

An effective marketing plan has been highlighted as a need to target both the residents in the Lithgow LGA but also those in neighbouring LGA's. This would require resources to develop and implement.

Council endorsement of the Retail Shopper Survey is now sought to enable the final payment of \$2,500 ex GST to be claimed.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Potential budgetary implications should Council decide to proceed with the development of the marketing plan.

Council endorsement of the report is sought to enable the final payment of \$2,500 (ex gst) for the grant from NSW Department of Industry

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Retail Shopper Survey Report

**RECOMMENDATION**

**THAT** Council

1. Receives and endorses the Retail Shopper Survey.
2. The survey report be placed on Council's website as a resource for businesses owners.

**ITEM-14            CORP - 10/04/17 - STATE HERITAGE LISTING FOR ESKBANK HOUSE AND MUSEUM****REPORT BY:    M JOHNSON – MANAGER COMMUNITY AND CULTURE**

---

**SUMMARY**

This report recommends that Council approve the nomination of Eskbank House and Museum for inclusion on the State Heritage Register

**COMMENTARY**

Eskbank House and Museum is listed as an item of assessed state significance (I312) in Schedule 5 of Lithgow Local Environmental Plan 2014. The site is recognised by the National Trust.

However, it has not as yet been listed on the State Heritage Register by the Heritage Council of the Office of Environment and Heritage. Such a listing would provide legal protections under the *Heritage Act 1977* and would enable Council to access funding for maintenance, capital works and interpretation from the NSW and Commonwealth governments. A Conservation and Management Plan conducted by Integrated Design Associates in 2012, with funding from the Office of Environment and Heritage and Lithgow City Council, assessed Eskbank House as being eligible for listing as it is of State Significance as a rare highly intact early Victorian town villa and outbuildings group with high regional and local social, historic and aesthetic significance.

Eskbank House was built by early colonist Thomas Brown and has close associations with the formation of the coal, iron and steel industries in Lithgow, as well as mid-twentieth century civic pride.

Thomas Brown (1811-1881) arrived with his wife Mary from Dumfriesshire in Scotland in 1838 and in 1840 acquired Lot 1 of the Parish of Lett, County of Cook. He built Eskbank House in 1842. Brown served as Hartley magistrate, was a Member of the NSW Legislative Council, and endowed Eskbank (Lithgow) Public School and the former St Mary's Church.

Eskbank House was the foundation site for most early industrial development in Lithgow. Brown founded a railway siding (Eskbank Station) and Eskbank Colliery, initiated commercial and residential subdivisions, and leased large portions of the estate to emerging industries. The most important of these was the Eskbank Ironworks, which was the first successful smelting of iron in Australia and the Blast Furnace, where the first Australian steel was produced in 1907. From 1881 until 1948 the property was owned by various ironmasters, including James Rutherford, William Sandford and George and Charles Hoskins (Australian Iron and Steel).

In 1948 retailer Eric Bracey purchased the property from Australian Iron and Steel and transferred the deeds to Lithgow Council, opening it as a museum, under the care of the Lithgow District Historical Society, in 1966. Lithgow Council took over the management of the property from the Lithgow and District Historical Society in 2003 and it remains a museum in 2017.

This 175-year history and these rich associations meet the criteria for listing on the State Heritage Register as a property that is of particular importance to the people of NSW and enriches our understanding of our history and identity.

Lithgow City Council has borne most of the cost of the upkeep of Eskbank House and Museum, its outbuildings and grounds, since 1948. Council has secured some external funding for maintenance

and capital works through special (one-off) state and Commonwealth government programmes and a now exhausted bequest from the Bracey family. However, access to funding for major and emergency works through the NSW Heritage Grants Scheme or Australian Government heritage grants is contingent on the property being listed on the State Heritage Register.

In 2010 Council staff applied to the NSW Office of Environment and Heritage for funding to complete a Conservation and Management Plan for Eskbank House, with the aim of listing Eskbank House on the State Heritage Register. The Conservation and Management Plan was completed in 2012 by Margi Fallon of Integrated Design Associates. Mrs Fallon assessed Eskbank House and Museum (including its outbuildings) as being of State Significance as a rare highly intact early Victorian town villa and outbuildings group with high regional and local social, historic and aesthetic significance. As such, Eskbank House is eligible for listing on the State Heritage Register, as it is of particular importance to the people of NSW and enriches our understanding of our history and identity.

Registering the property on the State Heritage Register is a relatively straightforward process, requiring the submission of a completed State Heritage Register Nomination form (signed by the General Manager) as well as the completed Conservation and Management Plan to the Heritage Council. Margi Fallon has drafted the State Heritage Register Nomination form and this has been completed by Council's Cultural Development Officer and is ready to be signed.

The Heritage Council will seek further information as required and advise Council of their decision in due course.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

Registering the property on the State Heritage Register would enable Council to access funding for maintenance, capital works and interpretation from the NSW and Commonwealth governments.

#### **LEGAL IMPLICATIONS**

Registering the property on the State Heritage Register will provide legal protections under the Heritage Act 1977.

#### **RECOMMENDATION**

**THAT** Council approve the nomination of Eskbank House and Museum for inclusion on the State Heritage Register and authorise the Acting General Manager to execute all necessary documentation.

**ITEM-15            CORP - 10/04/017 - ESTABLISHMENT OF ALCOHOL FREE ZONES****REPORT BY:            M JOHNSON – MANAGER COMMUNITY & CULTURE**

---

**REFERENCE**

Min 13-62:            Ordinary Meeting of Council 25 February 2013  
 Min 17-56:            Ordinary Meeting of Council 27 February 2017

**SUMMARY**

Following the recent completion of a public exhibition process, this report recommends re-establishment of Alcohol Free zones at specific locations in Lithgow, Portland and Wallerawang.

**COMMENTARY**

At the Ordinary meeting of Council held 27 February 2017 (Min 17-56), Council resolved to place on public exhibition, a proposal under Section 644 of the Local Government Act 1993 to extend the operation of the Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD areas for a further 4 years.

The proposal was placed on exhibition until 31 March 2017. As required by the legislation, the proposal was advertised by way of a newspaper notice and the Police, liquor licensees and Mingaan Aboriginal Corporation were also advised and invited to make submissions as were Lithgow, Portland and Wallerawang Tidy Towns and Lithgow Chamber of Commerce.

Council has powers under Sections 644 of the local Government Act 1993 to establish Alcohol Free Zones on roads, footpaths and public carparks. The establishment of an Alcohol Free Zone gives powers to the Police to seize, tip out or otherwise dispose of open containers of alcohol. The Police may also issue a warning or where a person does not cooperate with the Police, they can be charged with obstruction under Section 660 of the Local Government Act 1993.

**The Lithgow Alcohol Free Zone**

The public areas included in the proposed re-established Lithgow CBD Alcohol Free Zone are unchanged from those in the existing Alcohol Free Zone and include the following:

- Main Street (from Bridge Street to Laurence Street)
- Main Street Lane and Burns Lane (between Bridge Street and Bank Lane)
- Tank Street (from Bridge Street to Read Avenue)
- Bridge Street (from Tank Street to Main Street Lane)
- Railway Parade (from Tank Street to Sandford Avenue and including Gray and Station Streets.)
- Eskbank Street (from Mort Street to Railway Parade)
- Cook Street Plaza
- Bank Lane
- Tatts Lane
- Collins Laneway
- Exchange Walkway
- Bank Street between Main Street and Gray Street.
- Mort Street between Bridge and Lithgow Streets,
- Bridge Street between Mort Street and Main Street Lane,
- Cook Street between Mort Street and Main Street Lane,

- Eskbank carpark,
- Burns Lane carpark,
- Bank Lane between Mort Street and Main Street Lane,
- Naomi Street between Mort Street and Main Street.
- Lithgow Street between Mort Street and Main Street.

### **The Portland Alcohol Free Zone**

The public areas included in the proposed re-established Portland CBD Alcohol Free Zone are unchanged from those in the existing Alcohol Free Zone and include the following:

- Williwa Street from Lett Street to Saville Street.
- Lett Street from Vale Street to Williwa Street
- Scheidel Lane
- Cox Street from Villiers Street to Vale Street.
- Vale Street from Lett Street to Wolgan Street
- Wolgan Street from Villiers Street to Williwa Street.
- Villiers Street from Lett Street to Wolgan Street
- Wallerawang Road from Cullen Street to Wolgan Street
- Cullen Street from Wallerawang Road to Williwa Street

### **The Wallerawang Alcohol Free Zone**

The public areas included in the proposed re-established Wallerawang CBD Alcohol Free Zone are unchanged from those in the existing Alcohol Free Zone and include the following:

- Main Street between Pipers Flat Road (Black Bridge) and the Royal Hotel including Daintree Lane, Blackberry Lane and Doggett Lane.

### **Community Submissions**

Two submissions were received in support of the proposal from Inspector Sammut of Lithgow Police and Portland Development Association. No submissions have been received opposing the proposal or suggesting amendments.

The re-establishment of the Alcohol Free Zones will come into effect 7 days after Council resolves to adopt the proposal, publishes a notice to that effect and once the areas included in the zones are adequately signposted. There is no requirement for Council to re-exhibit any changes that it makes to the zone boundaries at tonight's Council meeting if it chooses to do so.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There will be minimal cost in altering the dates of operation on existing signage.

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993

### **ATTACHMENTS**

1. Proposal to establish the Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD areas for a further 4 years with recommended amendments marked.
2. Maps of proposal.
3. Submission from Portland Development Association
4. Submission from Inspector Sammut

## RECOMMENDATION

THAT Council:

1. Establishes Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further 4 years in accordance with Section 644 of the Local Government Act 1993 in the following areas:

### Lithgow

- Main Street (from Bridge Street to Laurence Street)
- Main Street Lane and Burns Lane (between Bridge Street and Bank Lane)
- Tank Street (from Bridge Street to Read Avenue)
- Bridge Street (from Tank Street to Main Street Lane)
- Railway Parade (from Tank Street to Sandford Avenue and including Gray and Station Streets.)
- Eskbank Street (from Mort Street to Railway Parade)
- Cook Street Plaza
- Bank Lane
- Tatts Lane
- Collins Laneway
- Exchange Walkway
- Bank Street between Main Street and Gray Street.
- Mort Street between Bridge and Lithgow Streets,
- Bridge Street between Mort Street and Main Street Lane,
- Cook Street between Mort Street and Main Street Lane,
- Eskbank carpark,
- Burns Lane carpark,
- Bank Lane between Mort Street and Main Street Lane,
- Naomi Street between Mort Street and Main Street.
- Lithgow Street between Mort Street and Main Street.

### Portland

- Williwa Street from Lett Street to Saville Street.
- Lett Street from Vale Street to Williwa Street
- Scheidel Lane
- Cox Street from Villiers Street to Vale Street.
- Vale Street from Lett Street to Wolgan Street
- Wolgan Street from Villiers Street to Williwa Street.
- Villiers Street from Lett Street to Wolgan Street
- Wallerawang Road from Cullen Street to Wolgan Street
- Cullen Street from Wallerawang Road to Williwa Street

### Wallerawang

- Main Street between Pipers Flat Road (Black Bridge) and the Royal Hotel including Daintree Lane, Blackberry Lane and Doggett Lane.
2. Advises the Police and all affected liquor licensees of the establishment of the Alcohol Free Zones in these areas.
  3. Advises the general community of the establishment of the Alcohol Free Zones in these areas by way of publishing a notice to that effect.
  4. Installs appropriate signage.

**ITEM-16 CORP - 10/04/17 - COMMUNITY NOMINATIONS TO COUNCIL COMMITTEES****REPORT BY: M JOHNSON – MANAGER COMMUNITY AND CULTURE****REFERENCE**

Min 16-246: Ordinary Meeting of Council 10 October 2016  
 Min 16-247: Ordinary Meeting of Council 10 October 2016  
 Min 16-248: Ordinary Meeting of Council 10 October 2016  
 Min 17-15: Ordinary Meeting of Council 27 February 2017

**SUMMARY**

This report recommends the appointment of community representatives to Council Committees.

**COMMENTARY**

At the Ordinary Meeting of Council held on 10 October 2016 (Mins 16-246, 16-247 and 16-248), Council resolved to appoint Councillors to a number of Council Committees and to call for community nominations for each committee in accordance with the terms of reference.

Council subsequently advertised for community representatives on the following committees with nominations received as shown. Nominations have been sought for a number of other Council committees and will be reported to Council once sufficient nominations are received.

<b>Committee</b>	<b>Nominations Received</b>
<b>Environmental Advisory Committee</b> One community representative and one alternate and a number of organisations representatives	<b>Community Representatives</b> Damien Roebuck Col Hunter <b>Organisation Representatives</b> Julie Favell (Lithgow Environment Group) Trish Kidd (Lithgow Oberon Landcare Association) Sue Graves (Lithgow Tidy Towns) Peter Evans (Central Tablelands Local Land Services)
<b>Community Development Committee</b> Six representatives	Rachael Young Glenda Anthes Leanne Walding Brian Williamson Sebastian Caruso Paul Phillips
<b>Lithgow Crime Prevention Committee</b> Two representatives	Danny Whitty

It should be noted that Col Hunter is a candidate in the 8 April 2017 by election. Should he be appointed to the Environmental Advisory Committee and be elected as a Councillor, then it will be necessary to seek a replacement.



**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Environmental Advisory Committee nominations
2. Community Development nominations
3. Lithgow Crime Prevention nominations

**RECOMMENDATION****THAT** Council:

1. Appoint the following representatives to Council Committees.

<b>Committee</b>	<b>Representatives</b>
<p><b>Environmental Advisory Committee</b> One community representative and one alternate and a number of organisations representatives</p>	<p><b>Community Representatives</b> Damien Roebuck Col Hunter (subject to recommendation No. 2)</p> <p><b>Organisation Representatives</b> Julie Favell (Lithgow Environment Group) Trish Kidd (Lithgow Oberon Landcare Association) Sue Graves (Lithgow Tidy Towns) Peter Evans (Central Tablelands Local Land Services)</p>
<p><b>Community Development Committee</b> Six representatives</p>	<p>Rachael Young Glenda Anthes Leanne Walding Brian Williamson Sebastian Caruso Paul Phillips</p>
<p><b>Lithgow Crime Prevention Committee</b> Two representatives</p>	<p>Danny Whitty</p> <p>One vacancy</p>

2. Should Col Hunter be elected to Council in the 8 April 2017 by election then his appointment as a community representative to the Environmental Advisory Committee not proceed and another representative be sought.
2. Note that further nominations will be sought for the remaining vacancies and reported to Council at a later date.
3. Note that nominations for other Council committees will be reported to Council at a later date once sufficient nominations are received.

**ITEM-17            CORP - 10/04/17 - ROUND 2 NON-RECURRENT FINANCIAL ASSISTANCE  
RECOMMENDATIONS****REPORT BY:    M JOHNSON – MANAGER COMMUNITY & CORPORATE**

---

**REFERENCE**

Min 16-129:	Ordinary Meeting of Council 6 June 2016
Min 16-140:	Ordinary Meeting of Council 6 June 2016
Min 16-183:	Ordinary Meeting of Council 18 July 2016
Min 16-264:	Ordinary Meeting of Council 12 December 2016
Min 16-310:	Ordinary Meeting of Council 21 November 2016

**SUMMARY**

This report details Round 2 Non-Recurrent Financial Assistance applications received in October 2016 and recommends those projects to receive funding.

**COMMENTARY**

Council called for applications during October 2016 for Round 2 Non-Recurrent Financial Assistance. Financial Assistance applications are normally first considered by Council's Community Development Committee which recommends to Council which projects are to be funded.

As Council Committees had not yet been reformed since the September 2016 Local Government elections the matter was referred directly to Council for determination at the Ordinary Meeting of Council held 12 December 2016.

Council resolved however (Min 16-264) **THAT:** this item be referred back to the Community Development Committee for review for consideration of requests in line with Council policy.

Council committees, including the Community Development Committee, have not yet been reformed while community nominations are being sought, and are not likely to meet until at least May 2017. Due to the need to approve and allocate the funding this financial year, the Councillor members of the Community Development Committee, Councillors Statham and Coleman, have therefore met to review the applications received and to make recommendations on projects to be funded. Their recommendations are presented below for approval by Council.

Council has allocated a total of \$156,844 Financial Assistance in the 2016/17 Delivery Program for distribution to community organisations, comprised of \$69,844 for Recurrent Financial Assistance and \$87,000 for Non-Recurrent Financial Assistance of which \$21,622 remains for allocation in Round 2.

Sixteen (16) applications to the value of \$30,223 were received and eleven (11) projects to the value of \$18,470 are recommended for funding, leaving a further \$3,152 for future allocation by Council if required.

Organisation and Project Name	Project Outline	Amount requested	Amount Recommended
<b>Lithgow High School</b>  Lithgow High Youth Futures	A program for small group of students to create artwork/ mural for Lithgow Men's Shed. Students will work with the Men's shed throughout 2017 on the project. Funds needed for materials, e.g. plywood, paint, brushes etc.	\$1,500	\$1,500
<b>Josephite Foundation</b>  No Interest Loan Scheme and Step-up Loan Program	Small service requests funds to install alarm and CCTV system to increase security and improve safety of staff and clients after a recent break-in which resulted in majority of furniture destroyed and computer equipment stolen.	\$2,826	\$2,500
<b>Days for Girls</b>  Days for Girls: Period	A local group of retired ladies/ volunteers coming together to develop sustainable feminine hygiene products for young girls and women in Timor Leste (who presently have no reliable protection and are unable to attend school or work).	\$4,051	\$0  Council Policy 4.2 Financial Assistance states that Council only provides financial assistance to not-for-profit community organisations located within the Lithgow Local Government Area to support local projects and activities which benefit the Lithgow community
<b>Lithgow Theatre group</b>	Financial assistance to organise One Act serious plays to expand repertoire and attend and compete in Amateur Play Festivals, including Port Macquarie and Wyong Play Festivals. By doing so, the Lithgow Theatre Group will be able to provide a more varied number of theatre plays to the Lithgow community, which will broaden the cultural capital and entertainment styles available locally.	\$1,948	\$1,500

Organisation and Project Name	Project Outline	Amount requested	Amount Recommended
<b>Gorrie Ban</b>  Assistance for Seniors	Take isolated seniors on out of town bus trips 4 times during 2017.	\$3,000	\$3,000
<b>Lithgow Bears rugby league club</b>  Safety equipment - new padding for goal posts	New padding for goal posts	\$1,000	\$0  It is considered that this project is not of broad community benefit and that other sources of funding would be available for this project.
<b>Lithgow Community Housing</b>  Supporting healthy Tenancies	To assist people entering new tenancies with cleaning materials packages which include cleaning products, buckets, mops, cloths, brooms, toilet brush, light bulbs, garbage bags and pegs.	\$2,000	\$0  It is considered that this project is also not of broad community benefit and that the applicant should be able to fund this.
<b>Lithgow District Car Club Inc.</b>  Yvonne Martin memorial motor sport park	Rate reimbursement	\$1,315	\$1,201– General rate component only
<b>First Portland Scout Group</b>  Property rates rebate	Rate reimbursement	\$1,235	\$0  First Portland Scout Group is exempt from General Rates. Their financial assistance request is for water/sewer rates which are not allowed under Council Financial Assistance Policy

Organisation and Project Name	Project Outline	Amount requested	Amount Recommended
<b>Lithgow Regional Branch, National Trust of Australia (NSW)</b>  Annual John Wellings Award 2017	The John Wellings Award encourages young people to explore their local heritage by holding an art and writing competition on a different heritage subject each year. The funding will cover the cost of prizes to students and schools, advertising and administration.	\$400	\$400
<b>Central Tablelands Life Education Supporters group</b>  Towing of the Life Education Mobile Learning Centre	Funding to cover costs associated with the towing of the Life Education learning centre into 13 schools within the Lithgow LGA. Costs include, driver labour, fuel and distance moved.	\$1,625	\$1,500
<b>Portland Film Society</b>	To offset Council fees associated with meeting at the Crystal Theatre in Portland.	\$1,500	\$1,500
<b>Cullen Bullen Progress Association</b>  Rate reimbursement	Refund Community Hall Rates	\$1,000	\$570 – General rate component only
<b>Lara Jean Association</b>  Movie Mayhem	Funding to conduct special event days, such as Movie Mayhem, for kids with special needs and their families.	\$3,000	\$2,000

Organisation and Project Name	Project Outline	Amount requested	Amount Recommended
Julie Hughan  Light the Night - Leukaemia Foundation	Fee waiver for use of Civic Ballroom for the Light the Night Ball and Light the Night Walk at Queen Elizabeth Park.	\$1,024	\$0  Council resolved 21 November 2016 (Min 16-310) to instead make a donation to the Leukaemia Foundation
Barton Park Giant Trees Arboretum Inc	Purchase self-drive mower to mow 40 acres of land; trees in collection need to be numbered with Perspex signs; and each grove also needs interpretive signage.	\$2,799	\$2,799
Total		\$30,233	\$18,470

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The Council provides Financial Assistance to not-for-profit community groups and has allocated a total of \$162,487 in the 2016/17 Delivery Program as follows:

\$69,844 for Recurrent Financial Assistance.

\$1,000 for waivers by the General Manager of fees for the use of Council facilities throughout the year.

\$2,500 for Sporting Related Financial Assistance including the waiving of sportsground hire fees and charges and Financial Assistance for junior representatives.

\$10,000 for four packages of up to \$2,500 each to nonprofit community groups towards the cost of hiring the Civic Ballroom and/or Tony Luchetti Showground for major events that demonstrate an economic and social benefit to Lithgow.

\$73,500 in Non-Recurrent Financial Assistance of which \$21,622 remains for allocation in Round 2.

Eleven (11) projects to the value of \$18,470 are recommended for funding in Round 2, leaving a further \$3,152 for future allocation by Council if required.

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

## RECOMMENDATION

### THAT

1. Provide Round 2 Non-Recurrent Financial Assistance to the value of \$18,470 to the following eleven (11) organisations.

Organisation and Project Name	Project Outline	Amount Recommended
<b>Lithgow High School</b> Lithgow High Youth Futures	A program for small group of students to create artwork/ mural for Lithgow Men's Shed. Students will work with the Men's shed throughout 2017 on the project. Funds needed for materials, e.g. plywood, paint, brushes etc.	\$1,500
<b>Josephite Foundation</b>  No Interest Loan Scheme and Step-up Loan Program	Small service requests funds to install alarm and CCTV system to increase security and improve safety of staff and clients after a recent break-in which resulted in majority of furniture destroyed and computer equipment stolen.	\$2,500
<b>Lithgow Theatre Group</b>	Financial assistance to organise One Act serious plays to expand repertoire and attend and compete in Amateur Play Festivals, including Port Macquarie and Wyong Play Festivals. By doing so, the Lithgow Theatre Group will be able to provide a more varied number of theatre plays to the Lithgow community, which will broaden the cultural capital and entertainment styles available locally.	\$1,500
<b>Gorrie Ban</b>  Assistance for Seniors	Take isolated seniors on out of town bus trips 4 times during 2017.	\$3,000
<b>Lithgow District Car Club Inc.</b>  Yvonne Martin memorial motor sport park	Rate reimbursement	\$1,201– General rate component only
<b>Lithgow Regional Branch, National Trust of Australia (NSW)</b>  Annual John Wellings Award 2017	The John Wellings Award encourages young people to explore their local heritage by holding an art and writing competition on a different heritage subject each year. The funding will cover the cost of prizes to students and schools, advertising and administration.	\$400

Organisation and Project Name	Project Outline	Amount Recommended
<p><b>Central Tablelands Life Education Supporters group</b></p> <p>Towing of the Life Education Mobile Learning Centre</p>	<p>Funding to cover costs associated with the towing of the Life Education learning centre into 13 schools within the Lithgow LGA. Costs include, driver labour, fuel and distance moved.</p>	<p>\$1,500</p>
<p><b>Portland Film Society</b></p>	<p>To offset Council fees associated with meeting at the Crystal Theatre in Portland.</p>	<p>\$1,500</p>
<p><b>Cullen Bullen Progress Association</b></p> <p>Rate reimbursement</p>	<p>Refund Community Hall Rates</p>	<p>\$570 – General rate component only</p>
<p><b>Lara Jean Association</b></p> <p>Movie Mayhem</p>	<p>Funding to conduct special event days, such as Movie Mayhem, for kids with special needs and their families.</p>	<p>\$2,000</p>
<p><b>Barton Park Giant Trees Arboretum Inc</b></p>	<p>Purchase self-drive mower to mow 40 acres of land; trees in collection need to be numbered with Perspex signs; and each grove also needs interpretive signage.</p>	<p>\$2,799</p>
<p>Total</p>		<p>\$18,470</p>



**ITEM-18 CORP - 10/04/17 - HALLOWEEN BUDGET REPORT****REPORT BY: A SHELTON – ACTING GROUP MANAGER CORPORATE & COMMUNITY****REFERENCE**

Min No 17-36: Ordinary Meeting of Council held on 6 February 2016

**SUMMARY**

To provide Council with revised costings of Halloween 2016.

**COMMENTARY**

At Council's Ordinary Meeting of 6 February 2016 a report was provided to Council on Halloween 2016. As part of this report, the following summary of income and expenditure was provided:

<b>Income</b>	
Lithgow City Council	\$90,000
Sponsorship	\$32,000
Income ride passes	\$9,282
<b>Total Income</b>	<b>\$131,282</b>

<b>Expenditure</b>	
Entertainment, Lighting, Props, Staging	\$66,224
Operational costs	\$32,688
Marketing	\$16,875
Operational staff and contingency	\$15,000
<b>Total Expenditure</b>	<b>\$130,787</b>

Council subsequently received a GIPA (Government Information (Public Access) Act 2009) seeking detailed information on the costs and income associated with the event Halloween 2016. Specifically the request sought the following:

1. A full, detailed and categorised Financial Accounting Report on the Lithgow City Council's 'Lithgow Halloween' Event held on Saturday 29 October 2016; with the report to include all of the actual, sponsored and in-kind income received by the Lithgow City Council; all actual and any in-kind expenditure incurred by the Lithgow City Council, including any and all related on-costs of the many Council Employees who were engaged full and part-time, before and after in facilitating the Event.
2. A copy of each individual Tax Invoice submitted for payment that involved any actual expenditure incurred by the Lithgow City Council for the Event."

Council Finance staff in conjunction with the Acting Group Manager Corporate and Community, conducted an audit of financial accounts, timesheets and Council officer diary notes, and prepared the response. Legal advice was also sought to confirm that parts of the request would not be supplied, particularly the copies of individual tax invoices.

As a result of this audit, discrepancies were noted between the actual costs and those reported to Council at the meeting held on 6 February 2017.

The updated financial information is shown below:

<b>Expenditure for Halloween 16</b>		<b>ex GST</b>
Creditors	\$	144,274.65
Plant charges	\$	1,859.03
Employee Costs	\$	7,587.86
<b>Total Expenses</b>	<b>\$</b>	<b>153,721.54</b>
<b>Income</b>		
Sponsorship	\$	32,976.82
Ride Sales	\$	8,329.07
<b>Total Income</b>	<b>\$</b>	<b>41,305.89</b>
<b>Nett Cost of Halloween</b>	<b>\$</b>	<b>112,415.65</b>
<b>Council budget allocation</b>	<b>\$</b>	<b>90,000.00</b>
<b>Budget Deficit(-)/ Surplus</b>	<b>-\$</b>	<b>22,415.65</b>

Sponsors were McDonalds, Energy Australia, Centennial Coal, Lithgow Workmen's Club and also a Regional Arts Grant.

It was identified during the audit that both employee costs and plant charges that totalled \$9,446.89 had not been charged to the Halloween cost account.

It has also subsequently been identified that an invoice of \$1,200 ex gst had been incorrectly costed to the Halloween budget instead of Lithglo, and so this further reduces the deficit/over expenditure to - \$21,215.65.

The variances between the original reported expenditure and the corrected figures following the audit are attributed to:

- \$21,749.27 of invoices had been incorrectly costed to other areas of the Tourism budget, primarily the events and advertising budgets.
- Employee costs of \$7586.86 that were found to be incorrectly costed on a check of timesheets
- Plant charges of \$1,859.03. These were found to be incorrectly costed on a check of timesheets
- An estimated \$15,000 on operational staff and contingency being found to be incorrect when checked against timesheets

It is noted that a recent media release attributed to Lithgow Rate Payers made certain claims in relation to the discrepancy. These claims were not accurate. Firstly, it appeared to use a gst inclusive figure to make a comparison with a gst exclusive figure. GST is claimed back and the comparison should be between non-gst figures. Secondly, the release inferred the discrepancy was greater as on-costs should be included. On-costs on wages are already allocated and as the expenditure is on a Council event it is irrelevant as it is an internal transaction.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Once a discrepancy was found in the original report it was important to report the matter to the next available Council meeting for accuracy and transparency purposes. It will be necessary to conduct an investigation to determine the reason why invoices were incorrectly costed. Council staff must ensure all future event expenditure is expensed to the appropriate cost account to allow for ease of reporting and transparency. It should be noted however, that salaried staff (eg Events Co-ordinator and Tourism Manager) are employed with a number of duties relevant to events. Their salaries are not and will not be specifically allocated to events.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Expenses information provided in GIPA request

**RECOMMENDATION**

**THAT** Council note the updated financial information regarding the Halloween 16 event.

## COUNCIL COMMITTEE MINUTES

ITEM-19            OPER - 10/04/17 - SPORTS ADVISORY COMMITTEE MEETING MINUTES 28  
                         MARCH 2017

REPORT BY:    I STEWART – GROUP MANAGER OPERATIONS

---

## SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 28 March 2017.

## COMMENTARY

At the Sports Advisory Committee held on 28 March 2017, there were numerous items discussed by the Committee, including:

- 2017 LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking Requests

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

- Financial Assistants Request – Emily Thompson

**THAT** Council provide Emily Thompson with \$300 toward the cost of participating in NSW under 15 State Blue Girls Hockey Team.

## POLICY IMPLICATIONS

NIL

## FINANCIAL IMPLICATIONS

NIL

## LEGAL IMPLICATIONS

NIL

## ATTACHMENTS

1. Minutes of the Sports Advisory Committee meeting held 28 March 2017.

## RECOMMENDATION

**THAT** Council provide Emily Thompson with \$300 toward the cost of participating in NSW under 15 State Blue Girls Hockey Team.

---

ITEM-20 OPER - 10/04/17- OPERATIONS COMMITTEE MINUTES - 3 April 2017

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

---

## SUMMARY

This report details the Minutes of the Operations Committee Meeting held on 3<sup>rd</sup> April 2017.

## COMMENTARY

At the Operations Committee held on 3<sup>rd</sup> April 2017, there were numerous items discussed including:

- Back Cullen Bullen Road
- Repair of Black Fellows Hands Fire Trail
- Draft Capital Works Program 2017/18

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

Item 7

- Main Street Lithgow – Future Repair Requirements  
**THAT** Council provides authority to the Acting General Manager to seek legal redress from Endeavour Energy for the restoration of the Main Street Footpath between Bridge Street and Eskbank Street Lithgow.

Item 9

- Proposed Acquisition of Lot 11 DP 239627 & Part Lot 12 DP 239627 – Chifley Road Lithgow  
**THAT** Council accepts the proposed acquisition of Lot 11 DP239627 & Part Lot 12 DP 239627 – Chifley Road Lithgow and agree to waive compensation for the acquisition.

## POLICY IMPLICATIONS

NIL

## FINANCIAL IMPLICATIONS

NIL

## LEGAL IMPLICATIONS

NIL

## ATTACHMENTS

1. Minutes from the Operations Committee Meeting of 3<sup>rd</sup> April 2017.

## RECOMMENDATION

**THAT** Council:

1. Provides authority to the Acting General Manager to seek legal redress from Endeavour Energy for the restoration of the Main Street Footpath between Bridge Street and Eskbank Street Lithgow.
2. Accepts the proposed acquisition of Lot 11 DP239627 & Part Lot 12 DP 239627 – Chifley Road Lithgow and agree to waive compensation for the acquisition.

**NOTICE OF MOTION****ITEM-21 NOTICE OF MOTION - 10/04/17 - COUNCIL ADVERTISING COST****REPORT BY: COUNCILLOR W MCANDREW**

---

**REFERENCE**

Min 16 – 314: Ordinary Meeting of Council 21 November 2016

Min 16 – 262: Ordinary Meeting of Council 12 December 2016

**COMMENTARY**

At its Ordinary meeting of 12 December 2016 Council was advised that its spend on advertising in the Lithgow Mercury Council column for 2015/2016 was \$39,055 (ex gst).

Given that for many years only one newspaper has circulated in the Local Government Area, quotations have never been sought to ensure if the best price is being obtained for advertising. In recent years, another publication, the Village Voice has emerged in the area. In order to ensure Council is obtaining the best value for money, it is suggested that prices be obtained from both local newspapers to carry out Council's statutory and non-statutory advertising. It would be suggested that the successful publication carry out advertising for a period of 2 years.

Given the Mercury spend in 2015/2016 it appears highly unlikely that a 2 year arrangement would exceed \$150,000, being the tender threshold under the Local Government Act. Therefore, it is suggested that quotation be sought from both publications. It is suggested that the Acting General Manager develop the specifications and assessment criteria, but price (half page and full page), distribution, readership and electronic platform form part of this.

**RECOMMENDATION****THAT:**

1. Council seek quotations from the Lithgow Mercury and the Village Voice to provide advertising for both statutory and non-statutory advertising for a period of 2 years.
2. The Acting General Manager prepare specifications and assessment criteria which shall include price (half page and full page), distribution, readership and provision of an electronic platform.

**NOTICE OF RECISSION MOTION**

**ITEM-22 NOTICE OF RECISSION MOTION - 10/04/17 - FUNDING FOR HALLOWEEN 2017**

---

At the Council meeting of the 6 February 2017 Council resolved

1. An amount of \$90,000 be proposed in the 2017/18 operational plan for the 2017 Lithgow Halloween Festival.
2. Letters of thanks to sponsors, event supporters and volunteers for making Lithgow Halloween 16 Festival a great success.

**RECOMMENDATION**

**THAT:**

1. Council Rescind the resolution of the 6 February 2017.
  2. Funding for Halloween 2017 be considered as part of Council's normal budgeting procedures.
- 

**This Notice of Rescission has been duly signed by 3 Lithgow City Councillors.**

Councillor S Lesslie, Councillor W McAndrew and Councillor C Coleman.

## 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-23            CORP - CONFIDENTIAL COUNCIL - 10/04/17 - AWARDING OF TENDER 05/15 FOR BLAST FURNACE MASTERPLAN WORKS

**REPORT BY:    M JOHNSON – MANAGER COMMUNITY AND CULTURE**

---

### Reason for Confidentiality

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

- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of the person who supplied it.

## REFERENCE

Min No 15-177:            Ordinary Meeting of Council held on 27 July 2015  
Min No 15-261:            Ordinary Meeting of Council held on 28 September 2015  
Min No 16-297:            Ordinary Meeting of Council held on 31 October 2016

## SUMMARY

This report seeks a determination from Council to award tender 05/15 for Lithgow Blast Furnace Masterplan works.

## RECOMMENDATION

**THAT** Council consider the report on Awarding of Tender for Lithgow Blast Furnace Masterplan Works in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.