

# DEVELOPMENT ASSESSMENT REPORT – DA295/16 - PROPOSED MAUSOLEUM - HARTLEY CEMETERY, GREAT WESTERN HIGHWAY HARTLEY NSW 2790

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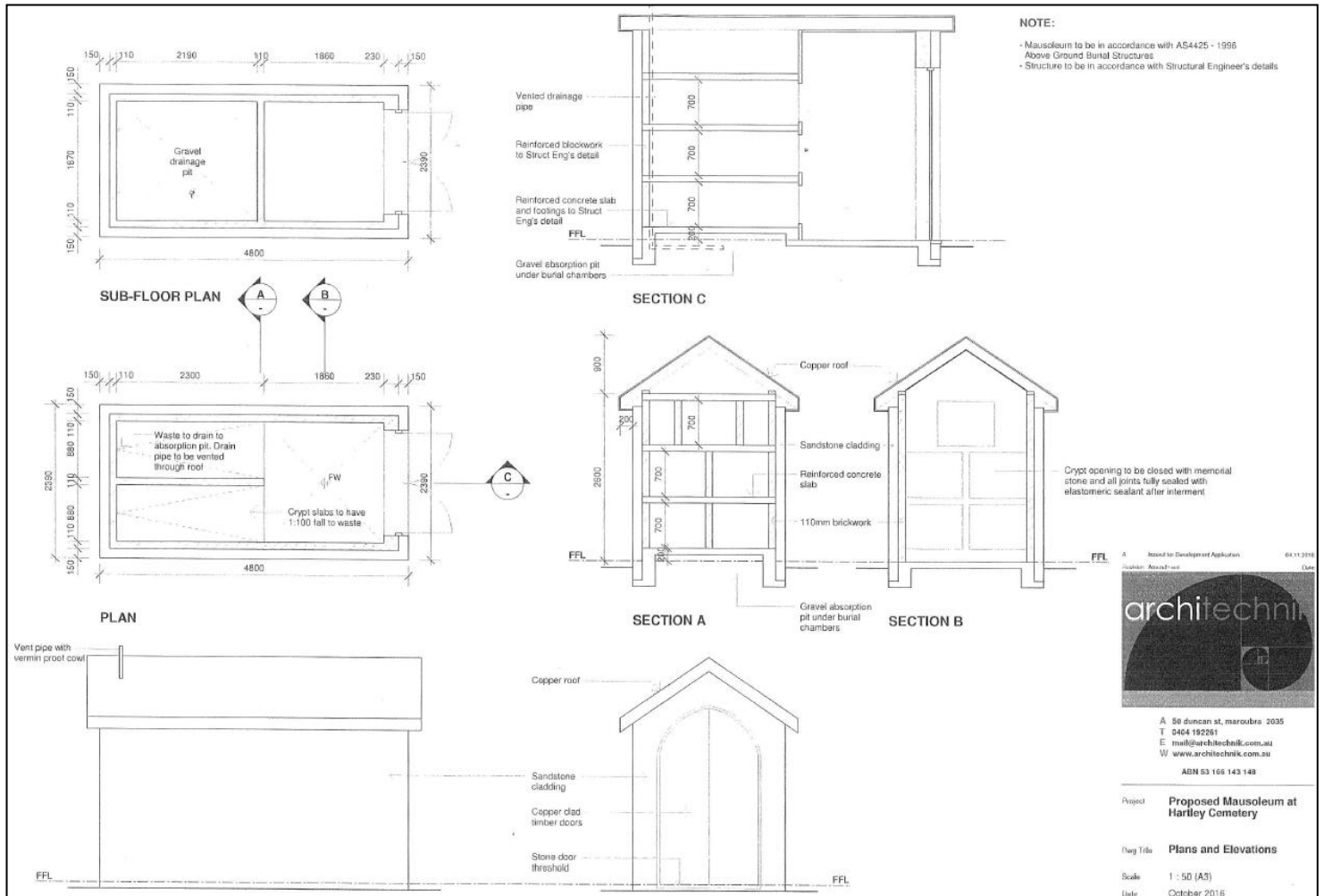
## 1. PROPOSAL

Council is in receipt of Development Application DA295/16 for a mausoleum at the Hartley Cemetery, Great Western Highway Hartley NSW 2790.

The existing cemetery has two mausoleums and a number of gravesites, with access from the Great Western Highway. The proposal is to be located 25m west, in line with one of the existing mausoleums (see below map).



The mausoleum will hold five crypts with a viewing area being constructed of brickwork with sandstone cladding, copper clad timber doors and a copper roof. The mausoleum will be 11.47m<sup>2</sup> with a 4.8m length, 2.39m width and a height of 3.5m at the highest point (2.6m wall height). See below elevations:



## 2. SUMMARY

To assess and recommend determination of DA295/16, with a recommendation for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description : Lots 7017, 7018 & 7016 DP1057029 and Lot 7320 DP1165385  
 Property Address : Great Western Highway Hartley NSW 2790

**4. ZONING:** The land is zoned R 5 Large Lot Residential in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

**5. PERMISSIBILITY:** The development being a mausoleum is permissible under Lithgow Local Environmental Plan 2014 as an ancillary structure associated with an existing public cemetery. A cemetery is defined as below:

***cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.*

## **5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)**

### **Policy 7.5 Notification Of Development Applications**

This policy applies to the development, however the following clause was applied to the development:

#### ***2. APPLICATIONS FOR WHICH NOTIFICATION WILL NOT BE GIVEN UNDER THIS POLICY***

*Development applications for the following types of development will not be notified. (NB: Any structure must conform to applicable setback requirements):*

- *Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.*

Given the proposal is for a mausoleum, a small building in an exciting public cemetery, it is considered the development is of a minor nature with no impacts on adjoining landowners. Therefore, no adjoining or adjacent landowners have been notified of the proposal as part of this process.

### **Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land**

This policy is applicable given the land is owned/managed by Lithgow City Council as the Hartley Cemetery. The policy states:

1. *That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is the owner of the land to which the application relates, or where the development application on Council owned land, that such an application be referred to Council for consideration and determination.*

Therefore, the proposal will require determination at a Council meeting.

## **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

### **Section 94A Development Contributions Plan 2015**

The Section 94A plan applies to all development, however, given the proposed estimated cost is \$11,000.00 under the threshold of \$100,000.00, no levy is applicable.

## **5.3 LEGAL IMPLICATIONS**

### **Environmental Planning and Assessment Act 1979**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow Local Environmental Plan 2014***

LEP 2014 – Compliance Check	
Clause	Compliance
<b>Land Use table</b> R5 Large Lot Residential	Yes

**Comment:** The proposed development will not impact on the location or scenic quality of the area. The proposal does not hinder on proposed residential development and will not require additional services or public facilities. There is no conflict between land uses given the land uses are existing and there is a neutral or beneficial effect on water quality of receiving catchments.

The proposal meets the requirements of the LEP.

#### ***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check	
Clause	Compliance
<b>10</b> Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes

**Comment:** The proposal has been assessed by Council's Building Officer in relation to the SEPP using the NoRBE tool. The proposal satisfied the requirements given the minor nature and will have a neutral or beneficial effect on water quality and therefore complies with the SEPP.

### 5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

### 5.3.3 Any Development Control Plan

Nil.

### 5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

### 5.3.5 Any matters prescribed by the regulations that apply to the land

The development has been forwarded to Council's Building Officer for assessment under appropriate regulations. It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Adjoining Landuse:** The surrounding area is generally for rural pursuits with the proposal to be established within an existing cemetery. The proposal will not cause any land use conflicts and the development is permissible within the zone given the land uses are not proposed to change.

**Context and Setting:** The proposed development will be located within an established cemetery and will have no major impact on the context and setting of the area. The development has been designed to complement existing features of similar development in the area.

**Access/ traffic:** The proposal will gain access via the existing access from the Great Western Highway and is considered adequate for the proposal given the minimal traffic increase.

**Flora and Fauna:** No proposed clearing is required and the development will have no impact on flora or fauna.

**Social and Economic Impact:** As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact. However, to ensure minimal impact to the existing cemetery and visitors, the following is recommended to be implemented within the conditions of consent:

- That all care is taken within and around the cemetery with machinery and workers to ensure no impact be made to existing gravesites and structures. A meeting onsite with Council's Cemetery Officer should be undertaken prior to any works. Discussions onsite should include vehicles paths, parking, materials storage and delineating the work site area.
- That the building be completed within 3 months of works commencing, to minimise impacts to visitors of the cemetery.
- That no works on the proposal be undertaken on weekends.
- That no works occur during any services. In this regard, the applicant/builder is to liaise with Council's Executive Assistant Operations.

**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

**Water:** The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore with appropriate conditions of consent it is considered that the development will have minimal impact on water.

### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for rural pursuits with the cemetery existing for many years. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity.

Therefore, the site is considered to be suitable for the proposed development being a public cemetery.

### 5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Council's Building Officer and Cemetery Officer for commenting with recommendations detailed below.

#### **COUNCIL'S BUILDING OFFICER**

I refer to the abovementioned development application in regards to your referral dated 30 November 2016 and provide the following comments.

#### **General**

The proposal provides for the construction of a Class 10a Mausoleum structure, having a floor area of 11.472m<sup>2</sup> at the abovementioned property.

A Constriction Certificate has been submitted to Council for consideration. The proposal generally satisfies the relevant provisions of the Building Code of Australia and AS4425:1996 'Above Ground Burial Structures'.

It is noted however that the structural details submitted have not been endorsed by a practising structural engineer and, that no details of roof framework (including snow loading) have been submitted. An advisory note should be imposed on the Development Consent in this regard.

#### **Points to Consider**

No site plan has been provided in relation to this proposal.

#### **Recommendation:**

Should approval be recommended, no objection is given to the proposal subject to the following conditions being imposed on the Development Consent:

#### **GENERAL**

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### **REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK**

2. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
3. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
  - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no

less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

4. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b) Stating that unauthorised entry to the work site is prohibited and
  - c) Showing the name, address and telephone number of the principle certifying authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
5. An appropriate fence preventing public access to the construction site shall be erected for the duration of Construction works

#### **REQUIREMENTS DURING CONSTRUCTION**

6. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	No work
Sunday and public holidays	No work

#### **REQUIREMENTS PRIOR TO USE**

7. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.

#### **ADVISORY NOTES**

- AN1. Prior to commencement of work, structural details endorsed by a Practising Structural Engineer are to be submitted to Council in respect to all structural members associated with the proposed Mausoleum (e.g. roof framework, reinforced concrete slab, brickwork, etc.). In this regard the structure must be designed to withstand a minimum Ground Snow Load (Sg) of 1.12kPa in accordance with AS1170.3:2003 and a Design Wind Velocity of N3 in accordance with AS4055:2012.
- AN3. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
  - b) Trenches complete with reinforcing and prior to filling with concrete.
  - c) Internal drainage carried out by licensed plumber prior to covering
  - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
  - e) Framing when external wall and roof cladding is in place and prior to internal linings.

- f) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- g) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- h) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

**COUNCIL'S CEMETERY OFFICER**

No objection to the proposal with no further comments.

5.3.9 The public interest

There have been no issues raised from the public regarding planning issues.

**6. DISCUSSION AND CONCLUSIONS**

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

**7. ATTACHMENTS**

Schedule A- Conditions of consent.

**8. RECOMMENDATION**

**THAT** development application DA295/16 is approved subject to conditions set out in Schedule A.

Report prepared by:

Signed:.....

Dated:.....



**REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. That the building be completed within 3 months of works commencing, to minimise impacts to visitors of the cemetery and the site is to be suitably fenced to prevent public access.
3. That all care is taken within and around the cemetery with machinery and workers to ensure no impact be made to existing gravesites and structures. A meeting onsite with Council's Cemetery Officer should be undertaken prior to any works. Discussions onsite should include vehicles paths, parking, materials storage and delineating the work site area.
4. That no works occur during any services. In this regard, the applicant/builder is to liaise with Council's Executive Assistant Operations.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### **REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK**

6. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
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8. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
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9. An appropriate fence preventing public access to the construction site shall be erected for the duration of Construction works.

## **REQUIREMENTS DURING CONSTRUCTION**

10. All work on site shall only occur between the following hours:
- |                            |                  |
|----------------------------|------------------|
| Monday to Friday           | 7.00am to 6.00pm |
| Saturday                   | No work          |
| Sunday and public holidays | No work          |

## **REQUIREMENTS PRIOR TO USE**

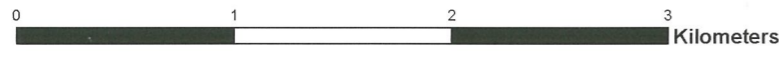
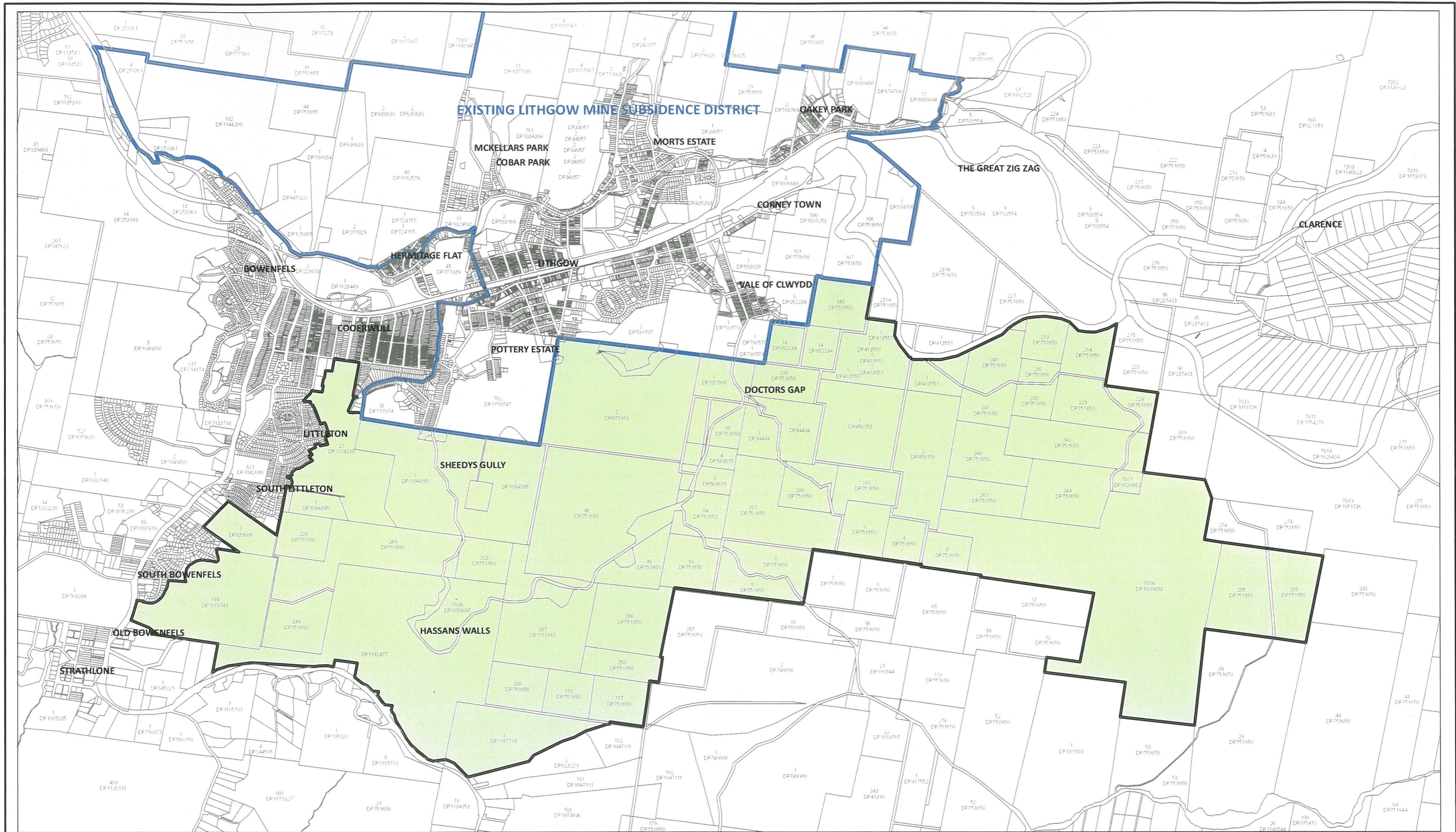
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## ADVISORY NOTES

- AN1. Prior to commencement of work, structural details endorsed by a Practising Structural Engineer are to be submitted to Council in respect to all structural members associated with the proposed Mausoleum (e.g. roof framework, reinforced concrete slab, brickwork, etc.). In this regard the structure must be designed to withstand a minimum Ground Snow Load (Sg) of 1.12kPa in accordance with AS1170.3:2003 and a Design Wind Velocity of N3 in accordance with AS4055:2012.
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  - h) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**



**Area 24  
Mine Subsidence District Review  
Lithgow South MSD**

Drawn: JS  
Date: 09-Nov-16

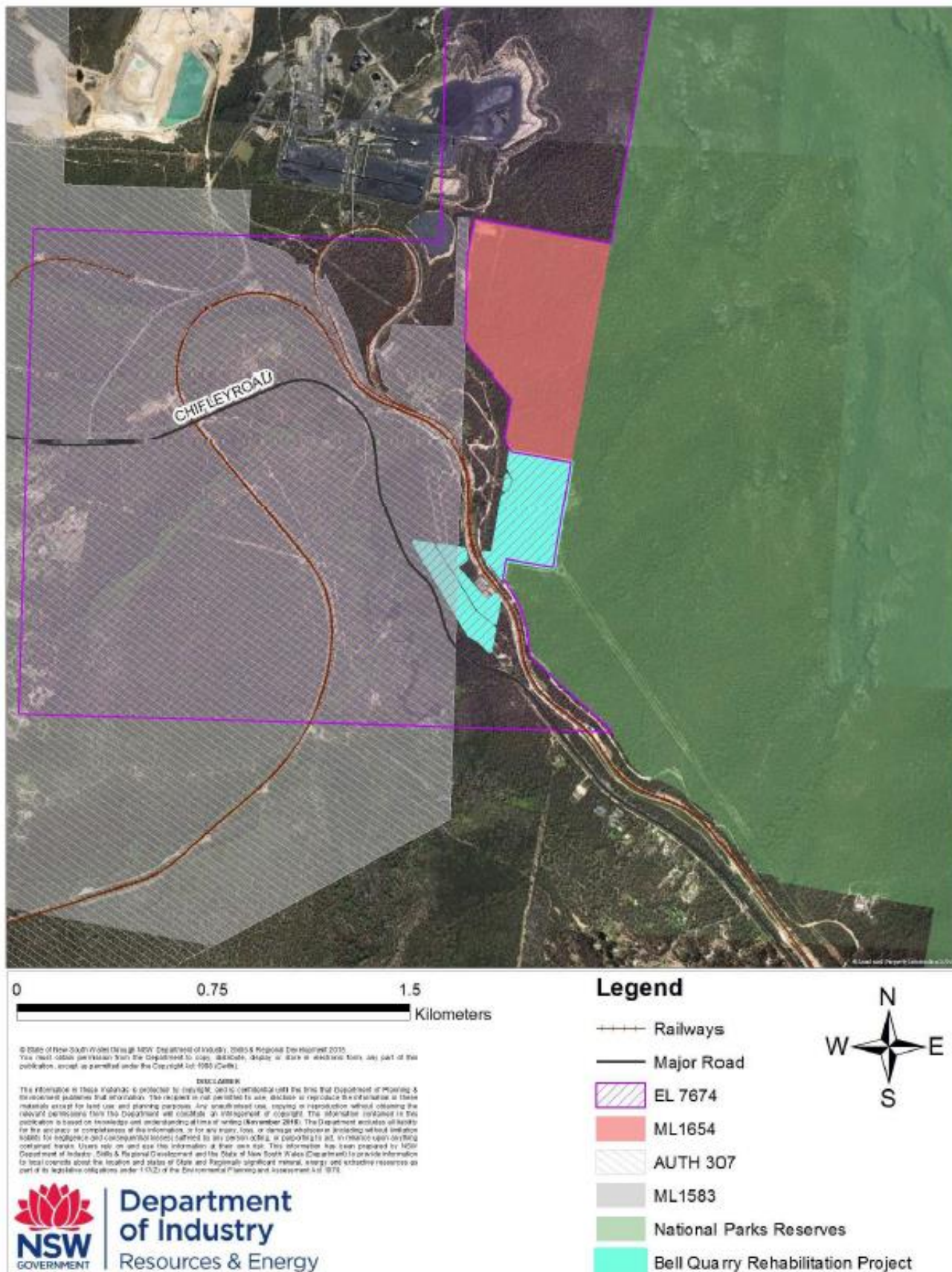
**Legend**  
Proposed Lithgow South MSD  
New

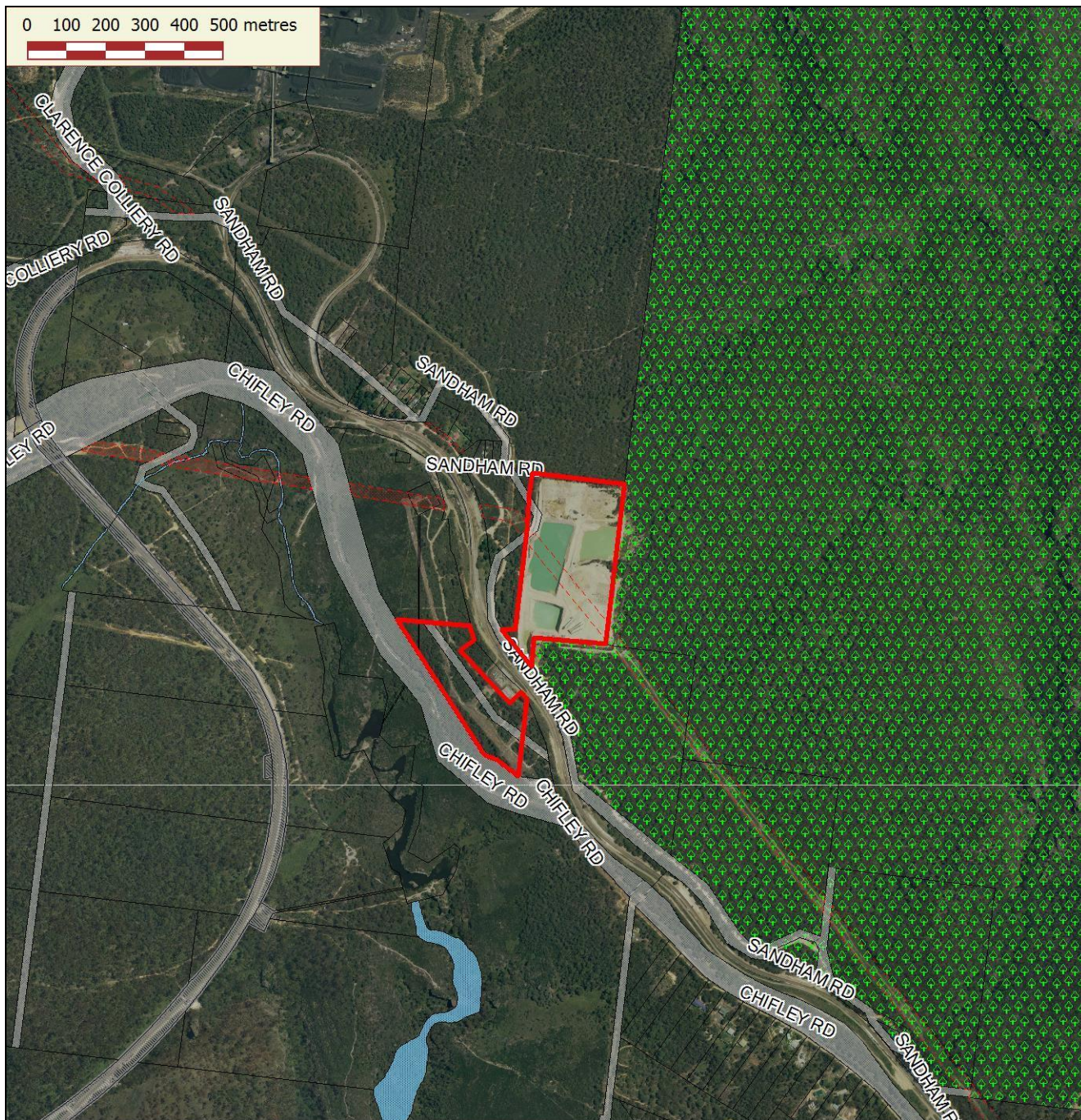
Tab A

**DISCLAIMER:**  
This plan has been compiled for use by the Subsidence Advisory NSW from official records held by the Department of Industry-Resources & Energy, surface data supplied by the Department of Finance, Services & Innovation-Land and Property Information, and information from mine owners. Therefore no warranty is expressed or can be implied to any other person as to the accuracy of the map or that it is free from any error or omission. Accordingly the State of New South Wales, Subsidence Advisory NSW and their servants and agents expressly disclaim any liability whatsoever for the consequences arising from any act done or omission made in reliance by others on the information contained in this plan. The original Record Tracings of the mine workings are held by the Department of Industry-Resources & Energy and are the only records to be referenced for planning purposes.



Figure 1 – Mineral & Coal title stakeholders proximity to the Bell Quarry rehabilitation area.





Map Scale: 1:15,730 Map Zoom: 2.748 km

### Info Results

There are no features selected with textual information.



#### Disclaimer

This map has been created for the purpose of showing basic locality information over Lithgow City Council. Any error should be reported to the GIS Section, Lithgow City Council. This map is a representation of the information currently held by Lithgow City Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

## **Explanatory Note- DA 228/14**

### **Objectives of the Planning Agreement**

To provide a material benefit to be used for or applied towards a public purpose.

### **Nature of the Planning Agreement**

- The developer shall pay an amount of \$85,800 (\$3,300 per lot) for the upgrade of Upper Nile Road and Glen Alice Road.
- The payment is to be paid in 3 stages; that being:
  - Stage 1: Lots 1 to 6,
  - Stage 2: Lots 13 to 26,
  - Stage 3: Lots 7 to 12.

### **Effect of the Planning Agreement**

The effect of the Planning Agreement will be to allow for the provision of the upgrade of Upper Nile Road and Glen Alice Road.

### **Merits of the Planning Agreement**

- The proposed development is for a subdivision of 5 lots into 26 lots. The development will therefore result in an increase in the usage of Upper Nile Road and Glen Alice Road.
- In the assessment of the merits of the development, Council must consider the social impacts of the proposal on the immediate locality and on the wider community, and ensure through whichever means are available for the safety of road users.
- The provision of the upgrade of Upper Nile Road and Glen Alice Road is the main outcome derived from the development and operation of this Planning Agreement.

### **Promotion of Council's Charter**

Council has a vision for the Lithgow area to be recognised as a desirable place to live and visit and a viable place in which to invest. The provision of the upgrade of Upper Nile Road and Glen Alice Road will assist in promoting this vision.

### **Planning Purpose**

The Planning purpose of the Planning Agreement is:

- In compliance with the Environmental and Planning Assessment Act and Regulations.
- In compliance with Lithgow Councils Section 94A Contribution Plan 2015.



- In compliance with the public interest of the development, being to provide road upgrade works which would benefit the public.
- To enhance the positive social impact of the development on the locality.

**Capital Works Program**

Once funds from the Planning Agreement have been collected Council begins planning for their expenditure through incorporation into the capital works program.

As agreed this day:.....

Lyn and Bruce Richardson (Developers):.....

Lithgow City Council:.....

Between LITHGOW CITY COUNCIL AND LYN AND BRUCE RICHARDSON

## PLANNING AGREEMENT

### Parties

Lithgow City Council of 180 Mort Street Lithgow, New South Wales, 2790 (**Council**)

and

Lyn and Bruce Richardson; "Eurella" 620 Upper Nile Road, Glen Alice NSW 2849 (**Developer**).

### Background

(For Development Applications)

- A. On, 1 October 2014, the Developer made a Development Application to the Council for Development Consent for a subdivision of 5 lots into 26 lots.
- B. That Development Application was accompanied by an offer by the Developer to enter into this Agreement to make Development Contributions towards the upgrade of Upper Nile Road and Glen Alice Road if that Development consent was granted.

### Operative provisions

#### 1 Planning agreement under the Act

The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

#### 2 Application of this Agreement

This application applies to Lot 5 DP 136719, Lots 3, 4, 11 and 12 DP 755796, "Eurella" 602 Upper Nile Road, Glen Alice NSW 2849, for a subdivision of 5 lots into 26 lots.

#### 3 Operation of this Agreement

This Agreement takes effect on the date of execution. All contributions must be paid prior to the release of the subdivision certificate for each stage of the development.

## 4 Definitions and interpretation

4.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

**Development** means that associated with DA228/14 for a subdivision of 5 lots into 26 lots.

**Development Application** has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act.

**Development Contribution** means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

**GST** has the same meaning as in the GST Law.

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

**Land** means Lot 5 DP 136719, Lots 3, 4, 11 and 12 DP 755796 "Eurella" 602 Upper Nile Road, Glen Alice NSW 2849.

**Party** means a party to this agreement, including their successors and assigns.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

4.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

(a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.

- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, notated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.

(n) Any schedules and attachments form part of this Agreement.

## 5 Development Contributions to be made under this Agreement

5.1 The Developer shall pay to Council an amount of \$85,800 (\$3,300 per lot) to go towards the upgrade of Upper Nile Road and Glen Alice Road.

5.2 The payment is to be paid in 3 stages; that being:

Stage 1: Lots 1 to 6

Stage 2: Lots 13 to 26

Stage 3: Lots 7 to 12

## 6 Application of the Development Contributions

6.1 Payments or provision of material public benefits must be made prior to the issue of the subdivision certificate for each stage.

## 7 Application of s94 and s94A of the Act to the Development

Sections 94 and 94A do not otherwise apply to the development.

## 8 Registration of this Agreement

This Agreement will not be registered as provided for in s93H of the Act as its provisions are to be finalised prior to the issue of any subdivision certificate.

## 9 Review of this Agreement

This agreement shall not be reviewed except with the approval of both parties.

## 10 Dispute Resolution

Should a dispute arise as part of this agreement that cannot be resolved between the parties then the parties may engage an independent mediator to be funded by the parties to assist in resolving the dispute. If the dispute is not resolved by mediation then before either party has recourse to litigation, the party must submit the dispute to expert appraisal. If the parties do not agree upon an independent expert, either may request the Secretary General of the Australian Commercial Disputes Centre to nominate an expert.

## 11 Enforcement

If this agreement is not honoured prior to any request for the issue of any subdivision certificate then the parties agree that enforcement shall mean any subdivision certificate will not be released.

## 12 Notices

12.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Party at its address set out below.
- (b) Faxed to that Party at its fax number set out below.
- (c) Emailed to that Party at its email address set out below.

### **Council**

Attention: Andrew Muir

Address: 180 Mort Street, Lithgow, NSW 2790

Phone Number: 02 6354 9999

Fax Number: 02 63512927

Email: [acm@lithgow.nsw.gov.au](mailto:acm@lithgow.nsw.gov.au)

### **Developer**

Attention: Lyn and Bruce Richardson

Address: "Eurella" 620 Upper Nile Road, Glen Alice  
NSW 2849

Phone Number: 02 6379 7288 or 0402 091 486

Email: [lyn.somerset@skymesh.com.au](mailto:lyn.somerset@skymesh.com.au)

12.2 If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

12.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) If it is delivered, when it is left at the relevant address.

- (b) If it is sent by post, 2 business days after it is posted.
- (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

12.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 4.30pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

## 13 Approvals and consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

## 14 Assignment and Dealings

The parties agree that should the developer intend to sell, transfer or assign the property, then the developer will, in any contract for sale or Deed of Assignment or Transfer, include a requirement that the purchaser or assignee must honour the same terms and conditions as this document.

## 15 Costs

Any incidental costs associated with this agreement shall be borne by the developer.

## 16 Entire agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

## 17 Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

## **18 Governing law and jurisdiction**

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

## **19 Joint and individual liability and benefits**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

## **20 No fetter**

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

## **21 Representations and warranties**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

## **22 Severability**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

## **23 Modification**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

## **24 Waiver**

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is



in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

## **Execution**

**Dated:**

**Executed as an Agreement:**

**Lyn and Bruce Richardson**

**Lithgow City Council**

# **79C PLANNING REPORT - DEVELOPMENT ASSESSMENT REPORT DA008/17 – INSTALLATION OF TOILET BLOCK ENDEAVOUR PARK LITHGOW**

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## **PROPOSAL**

The proposal involves the installation of a Exeloo Saturn Standard Super Single toilet block in Eskbank Street Lithgow adjacent to the taxi rank.

## **SUMMARY**

To advise Council of the submission of Development Application 008/17 for Lithgow City Council for the installation of a new toilet block on Lot 2 DP575137 Great Western Highway Endeavour Park Lithgow.

The application is recommended for approval subject to conditions.

## **LOCATION OF THE PROPOSAL**

Legal Description : Lot 2, DP 575137  
Property Address : Endeavour Park Great Western Highway Lithgow

## **ZONING:**

The land is zoned RE1 Public Recreation in the Lithgow Local Environmental Plan 2014.

## **PERMISSIBILITY:**

The development is considered permissible in accordance with the Lithgow Local Environmental Plan 2014.

## **POLICY IMPLICATIONS (OTHER THAN DCP's)**

Council's Policy 7.6 – Development Applications on Council owned land are required to be referred to Council for consideration and determination and that no aspect of the development be dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

## **FINANCIAL IMPLICATIONS (eg Section 94)**

The project is funded through the 2016/17 Operational Plan but this is not applicable to the assessment of the development application.

## **LEGAL IMPLICATIONS**

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

### **Any Environmental Planning Instrument**

*Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP). Is a SEPP1 objection required?*

SEPP: The State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies to this land. This plan requires all development to have a neutral or beneficial effect on water quality. The proposal is in accordance with the SEPP and NorBE assessment has been satisfied.

LEP Zone RE1 Public Recreation: The development is classified as a recreational facility under the Lithgow Local Environment Plan and therefore the proposal is permitted with development consent.

**Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

If applicable, is the development consistent with the objectives of the draft instrument?

Not applicable

**Any Development Control Plan**

Is the proposal consistent with the DCP? If not, is a variance warranted and has it been justified?

Not applicable.

**Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?**

Not applicable.

**Any matters prescribed by the regulations that apply to the land**

Refer to clause 92, 93, & 94 of the Regulation. If a DA for demolition, the provisions of AS 2601-1991; The Demolition of Structures. Fire Safety considerations – DA that does not seek the rebuilding, alteration, enlargement or extension of the building. Consent Authority may require buildings to be upgraded – DA comprising the rebuilding, alteration enlargement or extension, take into consideration whether it is appropriate to require the building to be brought into conformity with the BCA.

The proposal involves demolition of an existing building and installation of a new building that will comply with relevant standards and the BCA.

**The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The proposal is for a new building to be used as a public facility that is not available in this location. The installation is fitted with electronic controlled door locking and can be preset for nighttime lockup. It will provide an important facility that replaces an existing substandard facility in this location by the community and impact will be minimal. It will result in a high standard of facility for public use.

**The Suitability of the site for the development**

See above

**Any submissions made in accordance with this Act or the Regulations**

If relevant, consider public and authority submissions. Do submissions relate to valid Planning issues?

The proposal was not notified as it is replacement of an existing building to be used for the same purpose.

**The public interest**

The proposal seeks to improve the level of amenity and functionality of existing infrastructure and therefore is in the public interest.

## Building Surveyor's Comments

The proposed Class 10a building, has a finished floor level that will facilitate access by persons with disabilities and will be able to withstand the relevant snow load calculated under AS 1170.3. The building proposal satisfies the Deemed-to-satisfy provisions of BCA 2010.

## CONCLUSION / RECOMMENDATION

The development application meets the objectives under Section 79C of the Environmental Planning & Assessment Act 1979 and Council's policies therefore approval is recommended subject to the following conditions:

1. That the development be carried out in accordance with the application, accompanying information, plans submitted with the application and any further information provided during the process unless otherwise amended by the following conditions.
2. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
3. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b. Stating that unauthorised entry to the work site is prohibited and
  - c. Showing the name, address and telephone number of the principle certifying authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
4. An appropriate fence preventing public access to the site shall be erected for the duration of Construction works
5. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Slab base and reinforcement steel prior to placement of concrete
  - b) All external sewer drainage.
  - c) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - d) Completion of the development and sign off to all conditions of the consent prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

6. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

- 7. That the proposed rainwater drains are connected to the existing rainwater disposal system.
- 8. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council.
- 9. All plumbing and drainage work is to be carried out by a licensed plumber and drainer.

Report prepared by:..... Supervisor:.....

Dated:..... Dated:.....

## Part Site Plan – Proposed Public Toilet Block – Lot 2 DP 575137 – Endeavour Park – Great Western Highway Lithgow NSW 2790



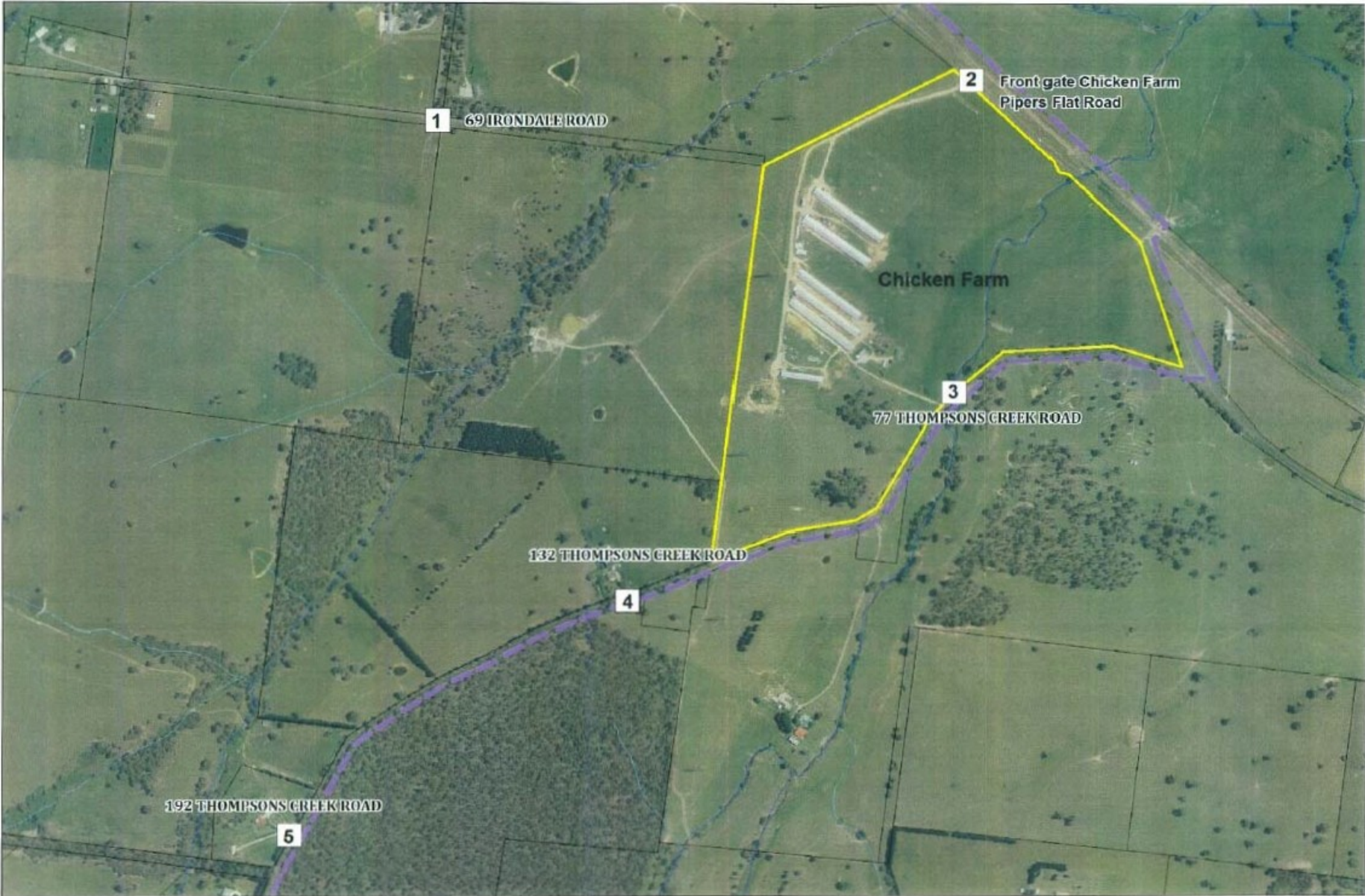
Map Scale: 1:492.2 Map Zoom: 0.08602 km



### Disclaimer

This map has been created for the purpose of showing basic locality information over Lithgow City Council. Any error should be reported to the GIS Section, Lithgow City Council. This map is a representation of the information currently held by Lithgow City Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

Attachment 1 – Site Map of Chicken farm and Odour Investigation Area



## Attachment 2 – Odour Intensity Scale

Level	Descriptor
0	Odour Not Detectable
1	Odour present in the air, which activates the sense of smell and the characteristics may or may not be distinguished and/or definite, but not objectionable in short durations. This is characterized by occasional "whiffs" of odour, but is not persistent.
2	Odour present in the air, which easily activates the sense of smell, is very distinct and clearly distinguishable, tends to be objectionable and/or irritating, and is persistent in the community.
3	<b>Odour present in the air, which is objectionable and causes a person to attempt to avoid it completely.</b>
4	<b>Odour present in the air, which is so strong that it is overpowering and intolerable.</b>



# Paul Toole MP

MEMBER FOR BATHURST ELECTORATE

Lithgow City Council

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30 JAN 2017

Doc Set ID.....

GA Ref.....

Years.....

25 January 2017

Mr A Muir  
Lithgow City Council  
PO Box 19  
LITHGOW NSW 2790

Dear Mr Muir,

It is with pleasure that I extend my congratulations to Lithgow City Council on being granted funding of \$4.8 million under the Resources for Regions Program for the Cullen Bullen Sewage project.

Upgrades to the new sewer collection system and new waste water treatment plant will deliver significant benefits for the local Cullen Bullen community. These upgrades will provide a modern sewerage drainage system and treatment plant, replacing the existing deficient, ageing and malfunctioning septic tank systems giving the community the opportunity for growth and expansion into the future.

This is wonderful news for the residents of Cullen Bullen and I look forward to discussing this project with you in the near future.

Yours faithfully



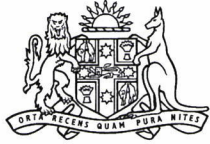
Paul Toole MP  
Member for Bathurst

[bathurst@parliament.nsw.gov.au](mailto:bathurst@parliament.nsw.gov.au)

Unit 1, 229 Howick Street  
(PO Box 2237)  
Bathurst NSW 2795

ph 02 6332 1300  
fax 02 6332 1900





# The Hon Paul Toole MP Member for Bathurst Electorate

## MEDIA RELEASE

25<sup>th</sup> January 2017

### **CULLEN BULLEN SET FOR \$4.8M SEWER PROJECT**

A \$4.8 million water project is on the cards for the Cullen Bullen community with the NSW Government set to back planned upgrades through a local Sewage project.

Member for Bathurst, Paul Toole, said this funding will add to over \$13.5 million already provided to fund projects in the area under the Resources for Regions program, which is specifically designed to support regional communities impacted by mining activity.

“Upgrades to the new sewer collection system and new waste water treatment plant would deliver significant benefits for the local Cullen Bullen community,” Mr Toole said.

“Knowing this funding is on the table is promising news for our community and will build on the \$10 million already provided to Lithgow Council for the Portland Sewage Upgrade project from the Government’s Restart NSW Fund in 2014.”

“The upgrades will provide a modern sewerage drainage system and treatment plant, replacing existing deficient, ageing and malfunctioning septic tank systems. We also expect to see new local employment opportunities and the expansion of local industry and businesses.” Mr Toole said.

Deputy Premier John Barilaro confirmed the \$4.8 million for the Cullen Bullen Sewage upgrade has been recommended, subject to updated information being provided from Lithgow City Council.

“Once approved, this project will deliver a sewer collection network that will move wastewater from each local residence to the new Cullen Bullen wastewater treatment plant,” Mr Barilaro said.

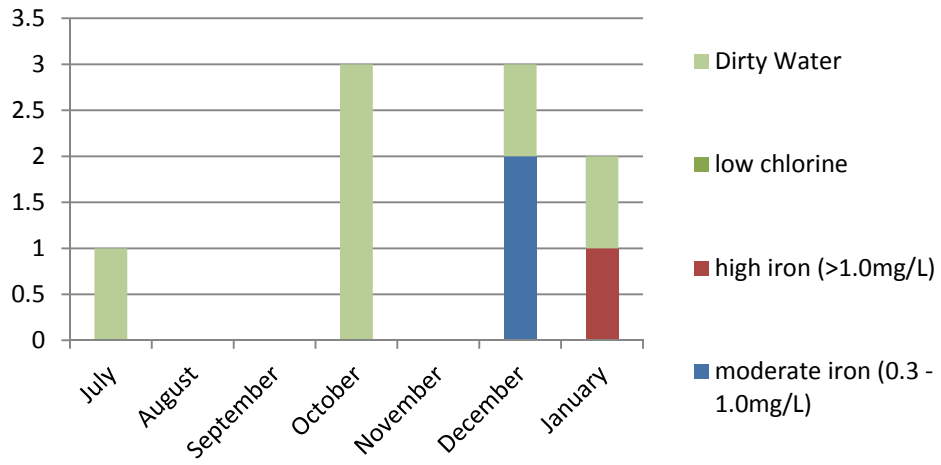
“This is what the Resources for Regions program is designed for – to make sure mining affected communities receive unique support which best suits their needs, ensuring jobs growth and better lifestyles in regional NSW.

“Resources for Regions provides funding to support real projects which help to relieve the pressure that some communities are under as a direct result of mining activity, and ensure long-term economic viability.”

The NSW Liberals & Nationals have dedicated \$255 million to community infrastructure projects through the Resources for Regions program since 2011. For more information please visit [www.industry.nsw.gov.au/resourcesforregions](http://www.industry.nsw.gov.au/resourcesforregions)

ENDS Media – Paul Toole – 0407 962 357

## Fish river Complaints



**From:** Andrew Joseph [REDACTED]

**Sent:** Thursday, 3 November 2016 8:54 AM

**To:** Robbie Park

**Subject:** Halloween

Dear Robbie,

Just following up after Halloween; the lights on the office looked sensational. I understand it was all good from your end; please let me know if there's anything else.

I'd also like to reiterate that our building is available for whatever events Council has in mind; not sure what the plans are for Light the Night but if you need anything from us please get in touch.

Very impressed with the turnout for Halloween; we obviously don't rely on it as much as retail shops but as a business owner it simply cannot be a bad thing to have thousands of people in Main Street. Well worth it.

Kind regards,

**ANDREW JOSEPH | Solicitor**

**John Joseph Solicitors**

31 Main Street, Lithgow NSW 2790

PO Box 168, Lithgow NSW 2790

DX 3153, Lithgow

t: 02 6352 1188 | f: 02 6352 1510

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**From:** Christopher Campling [REDACTED]  
**Sent:** Tuesday, 8 November 2016 10:44 PM  
**To:** Robbie Park  
**Subject:** Re: Thank you for making Lithgow Halloween a great success

Hello Robbie

On behalf of the band we thank you for the opportunity. We had a great time and thoroughly enjoyed the event.

Kind Regards

Chris Campling  
Stolen Profits

**From:** Coen Acton [REDACTED]  
**Sent:** Friday, 4 November 2016 8:22 AM  
**To:** Robbie Park  
**Subject:** Coen Acton Expression of Thanks

Hi Robbie,

Just wanted to let you know the Halloween festival over the weekend was absolutely amazing, so well organised and I can see the potential of it being a big thing in Lithgow!

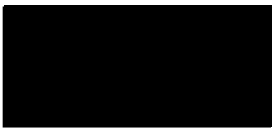
Just a massive thanks, the performance stage, sound quality, staff and engineer were great and very polite. If you are ever thinking of branching out with some potentially good local bands I'd be more than interested in helping out with possibly booking a show in Katoomba or Springwood. I'm looking at a show for next year in January at the Gearins Hotel in Katoomba, if you have any ideas of what bands might be interested let me know.

Otherwise thank you again Robbie and if there is any possibility, to play next year we'd be more than happy.

Kind Regards

Coen Acton

Wendy Knight



24 November 2016

Attention

Kellie Barrow

Lithgow Tourism

I would like to express what a great time my grandchildren from Wollongong and I had at the Halloween Festival this year.

They were so excited after looking at the posts on social media and were not disappointed when they walked the street looking at and taking part in the activities and entertainment provided.

I have attended every year since the conception of this, what has turned out to be, great community social event. My family who all now live in Wollongong have also attended each year and enjoyed it immensely.

The hard work put in by local business and the committee has shown what can be done to, not only entertain the local folk, but also attract many visitors to our City. Visitors who stay over, eat in our restaurants & cafes, make purchase from our businesses, become aware of other attractions in our city then go away and spread the word.

It would seem to me this can only get bigger & better with the right attitude and support.

The attendance at Lithgow Halloween I believe speaks for itself.

Hears to future years of the same

Wendy Knight



**From:** Glenda Anthes  
**To:** [Kellie Barrow](#)  
**Subject:** Halloween  
**Date:** Thursday, 24 November 2016 12:47:15 PM

---

Hi Kellie,

I would just like to take this opportunity to congratulate you and your team on the tremendous job you did running Halloween 2016.

I spoke to several people on the day, both locals and visitors to the area, and they all passed comments along the same theme – how wonderful it was to see the community out and about enjoying themselves, and being brought together, following the difficult year we have had economically.

The visitors especially said that they had no idea what Lithgow and the surrounds had to offer, and if it wasn't for Halloween, they would never have thought of visiting our beautiful area. They all said that they will be back for next year's Halloween.

Other comments I heard were from local businesses and their employees. People were given extra shifts, and businesses such as hotels, cafes and restaurants had, in some cases, their best weekend for the year. Although not all businesses were able to say this, the multiplier effect of locals being able to spend more money in town due to the fact that they got extra work cannot be overlooked.

I understand that some people don't believe in Halloween and don't believe the Council should be supporting it. I could say the same thing about the various sporting fixtures in town. I do not play sport, and I could say that I don't believe Council should be supporting these fixtures. However, it would be very narrow minded of me to say this. I understand that Council has to support all means of entertainment for the locals, as not everyone is interested in, or involved in everything, and there has to be a variety.

I would like to thank Council for their ongoing support of this wonderful event. It has grown much bigger than any of us could have imagined in such a short time.

I look forward to working with you and your team, and Council, in promoting, not only, a better and bigger Halloween 2017, but also Halloween events into the future.

Glenda Anthes  
Owner,  
Intimate Dreams,  
91 Main Street  
Lithgow  
Ph: 6352 3343



**From:** Jason jackson [REDACTED]

**Sent:** Monday, 14 November 2016 5:56 AM

**To:** Robbie Park

**Subject:** Jason Jackson

Hi Robert

Thank you so much for having Me perform for the 2016 Halloween

It was a success everyone they looked amazing and I was blown away by the production and everyone worked so hard on this years Halloween

so I like to thank you and everyone in the council that made everything possible.

Thank you

Kind regards

Jason Jackson

**From:** Leanne McManus [REDACTED]

**Sent:** Tuesday, 8 November 2016 5:45 PM

**To:** Lithgow City Council

**Subject:** Halloween - Lithgow 2016

Hello Kellie

This year my husband, myself, and our grandsons attended the Halloween precinct in the early evening and we would like to congratulate the Committee and workers on a great job.

We were impressed with the decorations, particularly the ghoulish selfie props, and the level of involvement from local businesses. Also loved seeing all of the photo's from the event that were shared via facebook.

In walking through the precinct and listening to people in the queues you could tell that a number of visitors were non residents and this indicates the amount of interest from outside our district that Halloween generates.

Our one suggestion would be more entertainment for children in the 7 to 10 years age bracket.

I would like to compliment the ride operator for the 'Elephant' ride as he was very polite when responding to our enquiry about buying tickets for the rides and we could see how patient and considerate of the needs of the children using the ride.

Looking forward to Halloween 2017.

Regards

Leanne and Frank Plackson  
[REDACTED]

**From:** O'Keeffe, Sean [REDACTED]

**Sent:** Monday, 31 October 2016 12:06 PM

**To:** Robbie Park

**Subject:** Re: Insurance for Students

Hi Robbie,

Yes it was a great night and the kids had a terrific experience. I love how much of an impact these opportunities have on the attitude a professional approach of students to tasks. You just cant fake those sorts of experiences. Thanks for having faith in us. the footage looks great and we are now in Post Production lock down. I will do the paperwork and show have some sort of trailer for you in the next week or so.

Cheers

Sean

**From:** Steffan Jurd [REDACTED]

**Sent:** Friday, 11 November 2016 8:58 AM

**To:** Robbie Park

**Subject:** RE: Lithgow Halloween

Hi Robbie,

Many thanks for your feedback and passing on the band's comments. We're so glad that everything went well at yet another very successful Lithgow Halloween event.

As mentioned to you last year, we work with many different Councils and Community events throughout the eastern states, and can definitely say this is one of the most well organised and intriguing events we attend.

The immense community participation speaks volumes about their thoughts on the event, and it certainly achieves the goal of bringing people together.

So, congratulations on building a fantastic community event and we look forward to working with you again.

Kind regards,

**Steffan Jurd**

General Manager

Mobile Stage Truck



[www.mobilestagetruck.com.au](http://www.mobilestagetruck.com.au)



-----Original Message-----

From: Sally Knox [REDACTED]

Sent: Tuesday, 1 November 2016 10:07 AM

To: Robbie Park

Subject: Re: RE: RE: B.N.B Purchase Order Number

Hello Robbie,

What a fantastic event! They guys were stoked to be apart of it! Apologies as I didn't get a chance to thank you before I left.

One artist had a personal photographer, I don't believe the photos are up yet but I will let you know once they do get posted. Headline publicity had some fantastic shots also,

There are some personal videos from the artists friends and family but nothing of professional quality I'm afraid, I will keep an eye out for some good material for you tho,

Kind regards,

Sally Knox

Director

B.N.B PTY LTD

Tel: 0403 646 325

Email: [REDACTED]

ABN: 57 601 472 806

**From:** [REDACTED]

**Sent:** Wednesday, 2 November 2016 12:11 PM

**To:** Robbie Park

**Subject:** Re: Thanks Katoomba House Team and MR O

haha.

Thanks Robbie was an excellent evening - some many great costumes and families!

Was definitely an amazing event - well done!

Vincent

VINCENT DE ANGELIS | NSW ACCOUNT MANAGER | [Olympus Imaging Australia Pty Ltd](#)

[REDACTED]

Ground Floor 82 Waterloo Road MACQUARIE PARK NSW 2113 or PO Box 1991 MACQUARIE CENTRE NSW 2113



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Mrs Rachael Young



Lithgow City Council

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02 NOV 2016

Doc. No.....

GDA Ref.....

Years .....

Acting General Manager  
Mr Andrew Muir  
Lithgow City Council.  
Mort St  
Lithgow, 2790.

Tuesday, 1 November 2016.

Dear Mr Muir,

I would just like to congratulate your staff on the success of last Saturday's Halloween festivities.

What a great event.

It was lovely to see so many people out and about having a good time at a safe and family friendly event.

I can only imagine the amount of work put in to make this event successful.

Your staff, particularly from the tourism department should be congratulated on a job well done.

This event can only grow and is a huge benefit to the Lithgow region, as well as to local businesses.

Many people benefit from this event, including, Lithgow Tidy Towns Lane way project, local artists, accommodation providers and food outlets.

We are fortunate to live in a beautiful area of the world and have a progressive council with dedicated staff and a forward thinking business community who recognise the benefits of holding an event like this which showcases all the best things about our community and region.

Let us hope that Council allocate as much or more in the budget for 2017, to allow this event to continue and grow.

I would appreciate if you could pass on my thanks and congratulations to all staff involved in this great event and my family and I look forward to next years festivities.

I will be passing on a copy of this letter to all councillors .

Once again , Congratulations on a wonderful Halloween party.

Mrs Rachael Young



# Audience Overview

Sep 1, 2016 - Oct 31, 2016

Email Export Add to Dashboard Shortcut

This report is based on 100% of sessions. [Learn more](#) Greater precision

All Users  
100.00% Sessions

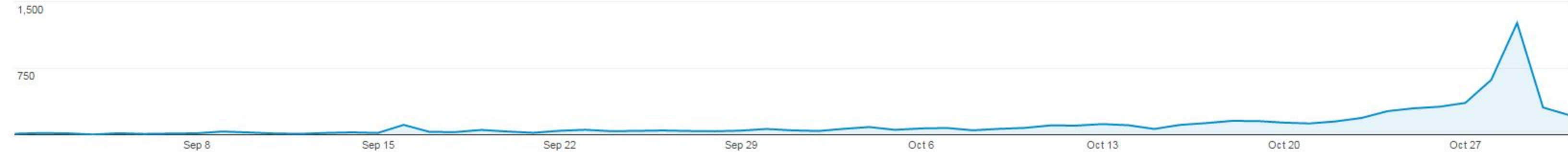
+ Add Segment

## Overview

Sessions vs. Select a metric

Hourly Day Week Month

Sessions



Sessions

6,896

Users

5,227

Pageviews

10,036

Pages / Session

1.46

Avg. Session Duration

00:01:21

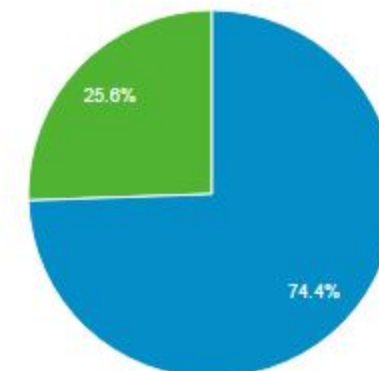
Bounce Rate

77.73%

% New Sessions

74.41%

New Visitor Returning Visitor





# HEADLINE

## Publicity

BE SEEN  
BE HEARD



DEEPHILL  
MEDIA

### LITHGOW HALLOWEEN `16 REPORT, November 2016

TO: Lithgow Tourism manager Kellie Barrow

FROM: Headline Publicity communications consultant Ellen Hill  
Headline Publicity media relations consultant Michelle Grima  
Headline Publicity photojournalist David Hill

This report summarises the work undertaken by Headline Publicity on behalf of Lithgow Tourism to achieve the reported outcomes.

#### The value of captured media exposure related to the Lithgow Halloween `16 event is:

- **Equivalent advertising value: \$186,716**
- **Editorial value (with multiplier of four): \$858,213**

Headline Publicity was engaged by Lithgow Tourism to publicise the Lithgow Halloween `16 event to the local Lithgow community to drive economic traffic to retail outlets in the central business district of the town and boost community spirit.

Headline Publicity also achieved the secondary goal of encouraging visitors from the wider community, in particular Sydney and the NSW Central West, to Lithgow to experience Lithgow Halloween `16 as well as showcase the area in general in line with the Lithgow Tourism "Surprisingly diverse" marketing slogan.

The Headline Publicity team achieved these outcomes by publicising the event to media through communications, media relations and photography. Communications and photography generated by Headline Publicity was also used by Lithgow Tourism/Lithgow City Council for marketing and social media purposes.

Headline Publicity team members are in daily contact with an extensive contact list of the nation's most influential travel, lifestyle, news and niche journalists, photographers, editors,

---

Ellen Hill  
0422 140 528  
[info@headlinepublicity.com.au](mailto:info@headlinepublicity.com.au)

Michelle Grima  
0416 114 911  
[info@headlinepublicity.com.au](mailto:info@headlinepublicity.com.au)

David Hill  
0401 460 948  
[info@headlinepublicity.com.au](mailto:info@headlinepublicity.com.au)



film makers and broadcasters representing all media formats from traditional markets such as newspapers and magazines, television and radio, to new digital platforms.

Headline Publicity is also a recognised media service supplier by Destination NSW, industry and media.

### COMMUNICATIONS

Ellen Hill generated 10 different media releases and two media alerts to publicise Lithgow Halloween `16. All were approved by Lithgow City Council before distribution to media.

The aim of the media releases was to provide media with factual and positive information about the event as well as the Lithgow LGA. Lithgow Tourism Manager Kellie Barrow was spokeswoman in media releases prior to the Local Government election, after which Mayor Stephen Lesslie was quoted. Ms Barrow also conducted all radio interviews arranged by Headline Publicity.

The influence of the material contained in the media releases may be measured by comparing published/broadcast editorial coverage with the releases provided as attachments to this report.

The material was distributed to a national print, radio and TV media database targeting local/regional, metropolitan, history, seniors, lifestyle and travel journalists.

A spreadsheet listing every media coverage of Lithgow Halloween `16 has been submitted to Lithgow Tourism along with this report. The report includes the value of equivalent advertising space, along with the value of the editorial article. Publicists traditionally apply a multiplier of between four and seven times the advertising value to editorial articles. Headline Publicity chooses a conservative multiplier of four.

# HEADLINE

## Publicity

BE SEEN  
BE HEARD



DEEPHILL  
MEDIA

Key communications achievements included:

- Pre-event article published on Qantas Traveller Online website on September 24. Lithgow Halloween `16 was included as a listing in a larger story and did not originally have a website link or image. On request, a link was added along with two pictures (all other listings only had one).
- Article included in the weekly Destination NSW Insights e-newsletter to industry and media on Friday, September 16
- Secured a 6-minute interview for Lithgow Tourism manager Kellie Barrow with well-known 2UE radio personality Kayley Harris on October 27 during the FiftyUp program. Lithgow Halloween `16 also included in the program's weekly newsletter

### MEDIA RELATIONS

The role of Michelle Grima as media relations consultant was to pitch the Lithgow Halloween `16 event to media and liaise with journalists to ensure positive and accurate coverage and to encourage journalists to visit and experience the area in person.

Key media relations achievements included:

- Secured an interview for Lithgow Tourism manager Kellie Barrow with renowned travel writer and radio host Pamela Wright on 2GB on August 4 and Eastside Radio (affluent Sydney eastern suburbs market) on August 1
- Ensured substantial pre and post-event news bulletins on Prime7 News Central West and WIN News Central West
- Tripling the number of visiting journalists for this event

It should be noted that Halloween is a growing national event and gaining increased media and consumer interest in Australia. Last year, Headline Publicity hosted one visiting journalist.

Despite Halloween receiving substantial media attention nationally, with several major events in Sydney diluting the impact of the Lithgow event as a stand-alone Halloween story, the

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# HEADLINE

## Publicity

BE SEEN  
BE HEARD



DEEPHILL  
MEDIA

number of visiting journalists tripled because of the wider story of Lithgow as an emerging tourist destination. Visiting media included Roderick Eime (Traveloscopy online publication and freelance travel writer), Mercedes Maguire (Daily Telegraph Best Weekend planner editor and travel writer) and Helen O'Neill (freelance travel writer with a commissioned story for Reader's Digest).

While 2UE's travel reporter Mike Smith was forced to cancel coming to Lithgow Halloween, he presented a solid 10 minute story two weekends before the event on the George & Paul Show. This presentation included mentions about Lithgow Workies, Eskbank House, the State Mine Museum, and Esk restaurant.

Packaging Halloween with the Back to Hartley event at Hartley Historic Site was also an effective cross-promotional tool and ensured that publications which featured Halloween in 2015 (and which were unlikely to do so again in 2016) mentioned the event when profiling Back to Hartley and vice versa (e.g: Daily Telegraph Best Weekend).

While there was significant social media posting by all media during the event, there will be significant long-term publicity for Lithgow and Hartley Historic Site, including Helen O'Neill recommending ESK restaurant to the Sydney Morning Herald's Good Food Guide, and Hartley Historic Site for the Daily Telegraph's Escape section.

In terms of pre-publicity, a dedicated radio briefing with interview opportunities for Jason Jackson and Kellie Barrow was presented to news across NSW.

The impact of social media blasts by the visiting media has stirred significant interest among travel writers across Australia. The momentum of Facebook and Instagram conversation will ensure that media interest will be even stronger in Lithgow Halloween `17.

The key to this successful media event was the interactive experiences available to journalists. The highlights were face painting, and certainly the dance session with Jason Jackson.

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## PHOTOGRAPHY

As principal photojournalist, David Hill captured images in the lead-up to the event and conducted a pre-event photographic shoot out of region with performer Jason Jackson.

A second photographer, Gary Warrick, was commissioned to assist David in covering the Lithgow Halloween `16 community festival on Saturday, October 29, while a third, Brad Bridger, provided images of the Jason Jackson performance from a higher vantage point.

Between them, David, Gary and Brad submitted 92 images from the event including characters in the street, the MJ Forever performance, official opening, Trick or Treat activity, skulls display and on-stage entertainment.

The entire collection of images from the event were submitted to the Lithgow Mercury, The Village Voice, Blue Mountains Record, Blue Mountains Gazette and Blue Mountains Life on request.

A link to the collection accompanied a wrap-up media release distributed to regional and metro, lifestyle and travel media. Although the release was not expected to be picked up by many, if any, media other than locals/regional, its purpose was to showcase to journalists and editors the event to encourage its inclusion in editorial calendars in 2017.

All images were Shared on Headline Publicity social media platforms. The album was particularly well received on Facebook, where community members Liked, Shared and Tagged themselves and each other, thus providing another forum for community engagement.

A link was also posted on Ellen Hill's personal LinkedIn profile (more than 1,700 predominantly media connections) and 227 contacts viewed the update, which is encouraging for Lithgow Halloween `17.

The collection of images will be invaluable to the marketing campaign for the event in 2017, as last year's images were to Lithgow Halloween `16.



Key photographic achievements included:

- Two images included in national Halloween events roundup in Qantas Traveller Online on October 6
- Page 1 photo on Blue Mountains Record on October 24
- Regular inclusions in all local/regional media with several Page 1 images

On reflection, the Headline Publicity team believes this campaign was successful because of the following:

- Lithgow Halloween `16 provided local/regional media with numerous strong storylines
- Lithgow Halloween `16 was visually spectacular for TV and still photography, with images from previous years events used to add appeal
- The event provided metropolitan and national media a strong, multi-faceted storyline
- The event was inclusive of all in the community
- Tying Halloween and Back to Hartley together widened and strengthened the media story and gave visitors another reason to come to Lithgow. It also ensured that publications which featured Halloween in 2015 (and which were unlikely to do so again in 2016) mentioned the event when profiling Back to Hartley and vice versa (eg: Daily Telegraph Best Weekend).

Improvements since Lithgow Halloween `15:

- Better liaison between Lithgow Tourism and Headline Publicity when designing and arranging media itinerary
- Provision of a higher vantage point during the Jason Jackson performance to allow capture of crowd/streetscape images
- Providing visiting journalists and Headline Publicity team members vouchers to access refreshments at their leisure was well received
- Providing photographers with high vis council-branded vests ensured prompt and easy access

# HEADLINE

## Publicity

BE SEEN  
BE HEARD



DEEPHILL  
MEDIA

Some points to consider when publicising and covering Lithgow Halloween `17:

- A more detailed “behind-the-scenes” program of events to allow photographers to better plan their movements during the event
- Consider stationing photographers within set precincts
- Provision of a more strategic publicity plan with more council input
- Lithgow City Council including an image or, ideally, a link to a collection of high res images when distributing media releases to media to ensure a higher pick-up rate from journalists
- An official emcee to clearly articulate major events within the program

**-ends-**

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# Lithgow Station gets spooky

**Lithgow has once again proven that it is the best place in NSW to spend Halloween with thousands of people packing Main Street for the third annual Lithgow Halloween Street Festival on Saturday 29 October.**

NSW TrainLink staff at Lithgow got in the spooky mood so that the 450 customers travelling to the Festival on our Intercity services stepped into the Halloween spirit as soon as they got off the train. The station booking office and waiting room were transformed in creepy and scary Halloween style.

Carlos Garibotto Duty Manager and Wendy Bott CSA dressed in Halloween costume and handed out treats to hundreds of trick or treaters during the Festival, helping to make the event

a success and giving enjoyment to all particularly the kids.

Pat Wall, Lithgow Station Manager, said customers arriving at the station really appreciated the effort.

"I would like to congratulate all NSW TrainLink Staff at Lithgow for their sensational effort in making Halloween Lithgow a huge success," said Pat. "In particular, Duty Manager's Carlos Garibotto and Scott Weir, CSA's Wendy Bott and Jann Gardiner and Driver Mattie Milroy whose contribution to decorating the station and waiting room was exceptional. Duty Manager Simon Schmitzer acted as liaison officer with the Lithgow City Council event organisers, ensuring the whole event was a great success."

For more Lithgow Halloween photos visit [Lithgow2790 Facebook Page](#).

Customers enjoyed arriving in Halloween Style, with the following customer compliment received after the event:

*"Huge shout out to the fabulous staff at Lithgow train station on Saturday 29 October 2016, for going all out and supporting the Lithgow Community Halloween event. The station was fantastically decorated in Halloween attire, the staff were all dressed up and looked fabulous and they even gave treats out to passing by trick or treaters. The staff were very friendly and deserve recognition for their fabulous efforts!! Well done!!!!"*



## Security update

### Man arrested for graffiti offences at Coniston

A 21 year old man was arrested after he allegedly applied graffiti to the rail underpass between Gladstone Avenue and Swan Street at Coniston. He was also allegedly found to be in possession of a number of spray cans. The man was charged by police for graffiti related offences and will face Wollongong Local Court later this month.

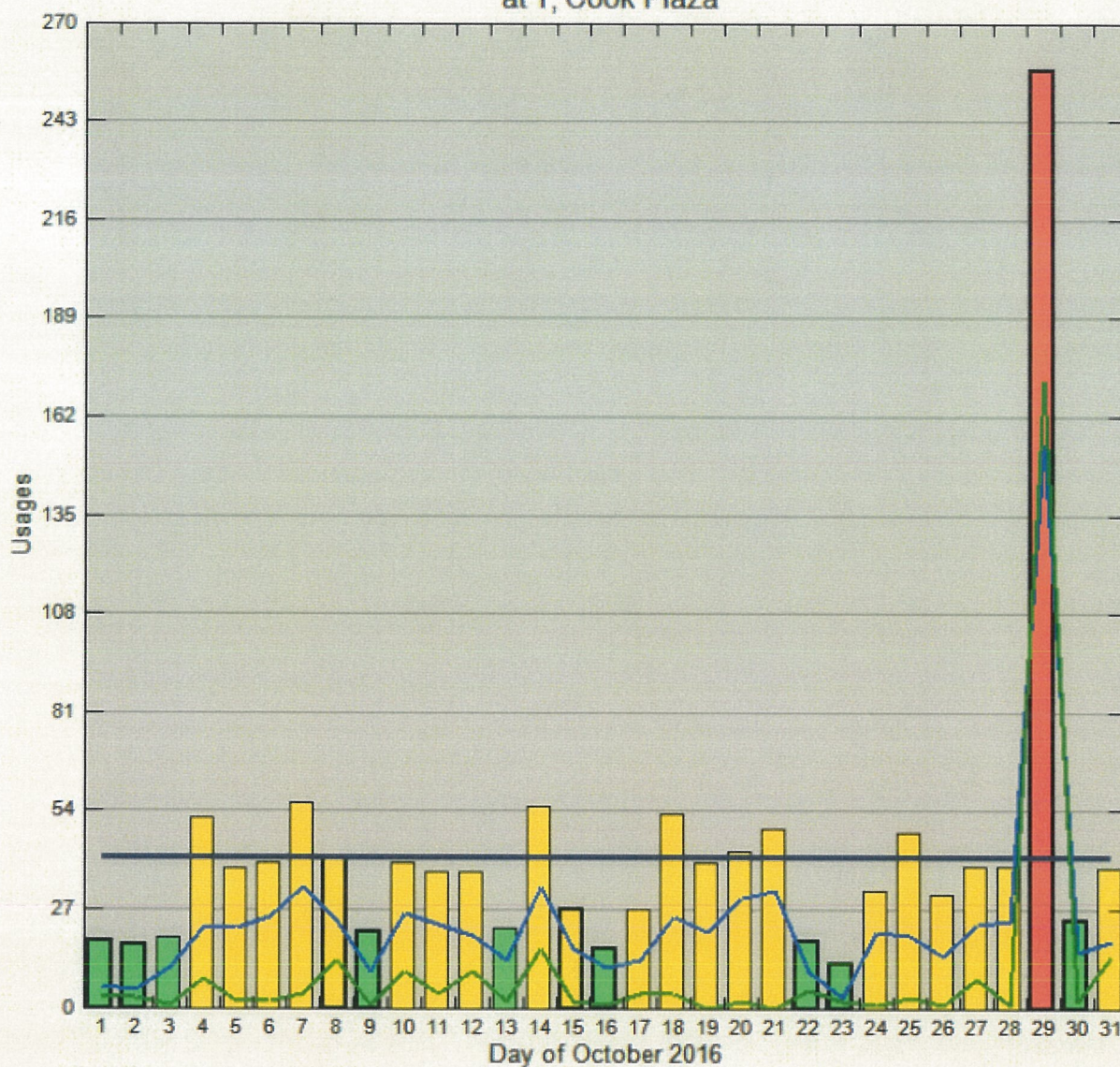
### Man sent to gaol at Albury

Police were called to investigate an indecent assault that occurred on board a train between Sydney and Albury in April this year. A young female passenger reported the incident to staff who provided assistance. Police met the train at Albury and arrested a 49 year old man. He was charged with indecent assault offences and was later sentenced to four months imprisonment.

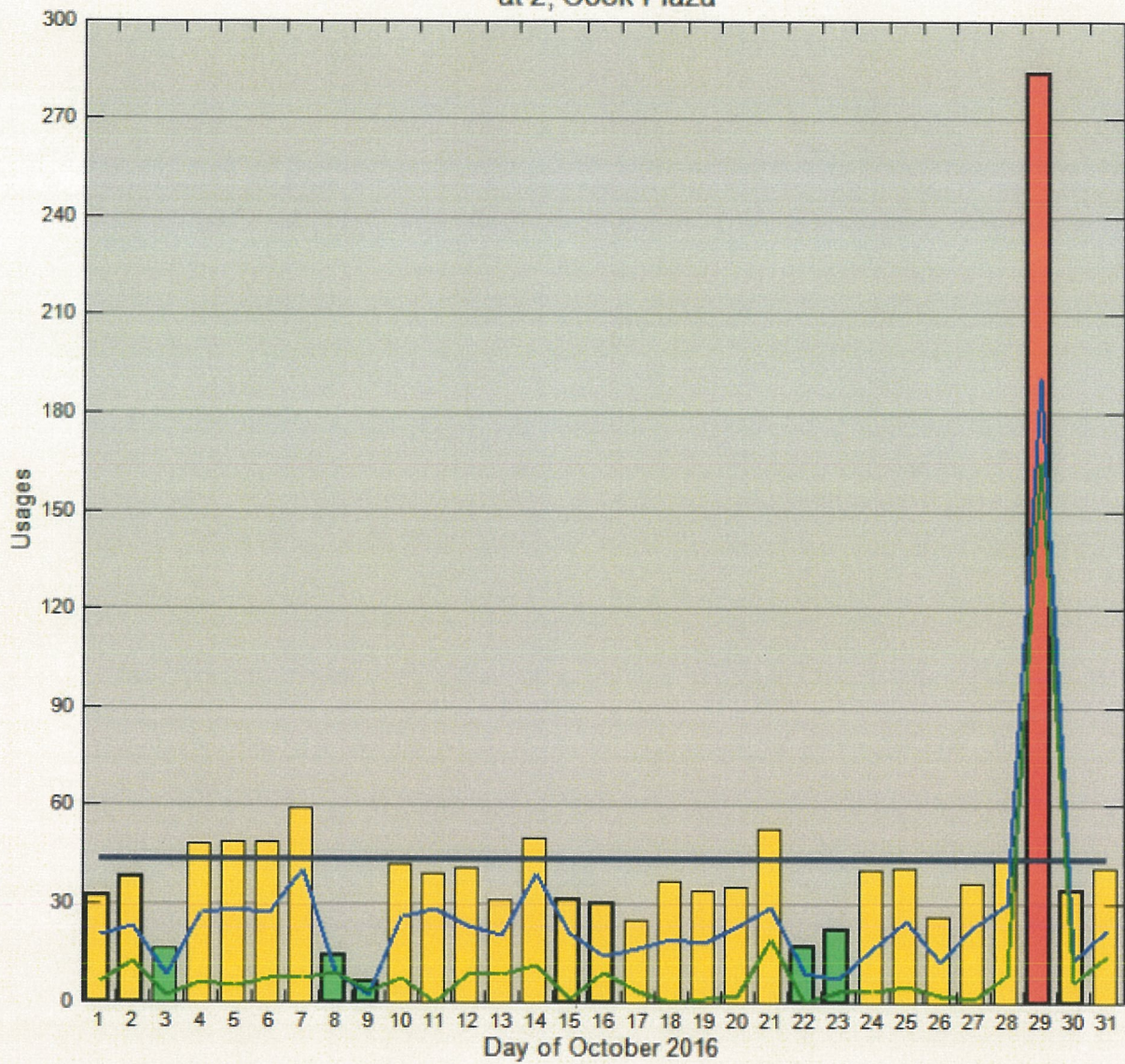




Occupation History between 10/1/2016 and 10/31/2016  
at 1, Cook Plaza



Occupation History between 10/1/2016 and 10/31/2016  
at 2, Cook Plaza





## **4. COMMUNITY LIAISON**

Policy 4.9

Events Attraction Package – Section 356 of The Local Government Act

**Version 1**

## **4 COMMUNITY LIAISON**

### **4.9 EVENT ATTRACTION PACKAGE - FINANCIAL ASSISTANCE – SECTION 356 OF THE LOCAL GOVERNMENT ACT**

#### **OBJECTIVE:**

To provide a policy framework for the allocation of the Events Attraction Package - financial assistance under Section 356 of the Local Government Act, 1993

#### **POLICY:**

Council provides financial assistance to event producers 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 economic and social capital benefits to the community provided by the project/activities of the organisation.

#### **1. GENERAL CONDITIONS FOR FINANCIAL ASSISTANCE**

- 1.1 Council only provides financial assistance to event producers and organisations that will deliver an economic and social capital benefit to the Lithgow Local Government Area and the Lithgow community.
- 1.2 Council does not provide in-kind assistance. All requests for Council works and services are costed through the Event Attraction Package
- 1.3 Financial assistance will not be provided retrospectively other than for Council fee waiver requests within the current financial year
- 1.4 Council will determine in each Operational Plan, an amount of Financial Assistance for allocation to the Events Attraction Package Program during the year.
- 1.5 All requests to waive or reduce fees and charges for the hire of Council's sporting facilities are first considered by Council's Sports Advisory Committee which then makes recommendations to Council.
- 1.6 Council considers at these times, applications:
  - To support local projects and activities with a demonstrated broad community benefit to the Lithgow community.
  - For the waiving of fees and charges. Council will determine in each Operational Plan, an amount for the waiving of fees and charges for the use of Council owned facilities during the year in accordance with Council Policy 4.6 Request for Donation by Waiving of Fees for Council Facilities. Organisations may submit requests for the waiving of Council fees and charges throughout the year.
- 1.7 All organisations requesting financial assistance must do so on the Events Attraction Package Application Form.

## 2. PAYMENT CONDITIONS

- 2.1 Payments will only be made after the receipt by Council of a valid tax invoice
- 2.2 Council fees and charges incurred in the use of a Council facility for the event that Council is providing the financial assistance will be deducted before the financial assistance is paid.
- 2.3 Payments are limited to \$5,000 ex GST per event.

## 3. ACQUITTAL AND REPORTING REQUIREMENTS


- 3.1 Organisations receiving financial assistance of less than \$500 are required to submit a letter outlining the achievements and benefits of the project.
- 3.2 Organisations receiving financial assistance of between \$500 and \$2,000 are required to submit the acquittal form and provide a written report that indicates how monies were spent and whether the outcomes identified in the application were achieved.
- 3.3 Organisations receiving financial assistance of more than \$2,000 are required to submit an acquittal form, an audited financial statement and a written report that indicates how monies were spent and whether the outcomes identified in the application were achieved.

<b>Maintained by Department:</b>	Tourism	<b>Approved by:</b>	Council		
<b>Reference:</b>	Policy Register	<b>Policy No:</b>	4.x	<b>Effective Date:</b>	
<b>Min No:</b>		<b>Version No:</b>	1	<b>Reviewed Date:</b>	
<b>Attachments:</b>	1. Financial Assistance Guidelines 2. Sample – Acquittal for financial assistance 3. Events Attraction Package Application Form				

## **GUIDELINES FOR LITHGOW CITY COUNCIL EVENTS ATTRACTION PACKAGE**

- The Lithgow City Council Events Attraction Package assists event producers and organisations that offer a significant contribution to the social, economic and/or environmental wellbeing of the community.
- Projects must be clearly described, illustrate the community benefit that the financial assistance will provide and identify which of Council's vision statements will be addressed.

### **GENERAL CONDITIONS OF FUNDING**

- All applicants are to complete the Events Attraction Package Application form – letters of request or verbal applications will **not** be accepted as funding applications.
- Applications that **match \$ for \$ will be considered favourably** – any matching funding from the applicant or other sources are to be identified on the application.
- Assessment of applications will remain confidential.
- No funding will be allocated to meet short falls, nor will financial assistance be retrospective other than for Council fee waiver requests within the current financial year.
- All applicants must provide certificates of currency for insurance and/or constitution/rules of their organisation.
- Lithgow City Council **must be acknowledged in all promotional activities** and Council must be provided with copies of advertising or promotional materials featuring the Council logo for Council's approval **prior** to use in any promotional activity.
- This symbol  on the application form provides tips on particular components of the application form.
- Any funds unspent at the completion of the project must be returned to Council.
- Council requires a tax invoice prior to payment of Financial Assistance. GST will be added to all financial assistance. Applicants should be registered for GST and provide their ABN. Applicants without an ABN must submit a 'Statement by a Supplier' form available from the Australian Tax Office or from Council.
- Council fees and charges incurred in the holding of an event will be deducted before the financial assistance is paid.
- Applicants should keep the guidelines and only return the application form and any associated documentation with their application.

- The applicant and Council acknowledge the good public image and reputation of each other and agree to work co-operatively and professionally to ensure that the good public image and reputation of each Party continues.
- You must not, at any time or under any circumstance, give Council false or misleading information.
- In recognition of the importance of developing event-based tourism and economic development strategies for the region, when requested by Council, You agree to promote and collect from attendees at the event any studies, surveys or other information/data gathering tools for the purpose of Council research. You agree to provide Council with all completed studies, surveys or other information/data gathering tools at the cessation of the event or as otherwise requested by Council in writing.
- You are not entitled to any funding payment under this Agreement until You have completed or obtained any and all requisite:
  - (a) licences, permits, authorities and approvals; and
  - (b) insurances and indemnities; and
  - (c) documentation including all Event Management Plans, Site Plans and Risk Assessments in accordance with this Agreement.
- If required by Council, you agree to provide Council with monthly Progress Reports during the period specified by Council and to provide an event report after the event date.
- You acknowledge and agree that where an event is cancelled by you, Council will not be liable for any loss, debt, payment or claim made by you or any other person, including any liability for sponsorship payment, provision or claim made under or pursuant to this Agreement

\*Organisations may submit requests for the waiving of Council fees and charges throughout the year. These are to be submitted on the Financial Assistance Program Application form. Council fees and charges will be deducted before the financial assistance is paid.

## **PROJECT DESCRIPTION AND INFORMATION TO INCLUDE IN THE APPLICATION**

### **The following information is to be included in the application:**

- The event name
- A clear description of your event and its aims.
- How the event meets the overall visions of Lithgow City Council. Obtain a copy of Council's Community Strategic Plan to get a better picture of Council's visions.
- Clearly identified and demonstrated needs for the event from the community's viewpoint.
- How the event will address identified needs.
- Outcomes to be achieved and the specific tasks to be undertaken
- Evidence of consultation with, and involvement in the project of, key stakeholders and others who will benefit from the event.
- An event timetable.
- Letters of support including supporting documentation from the applicant's sponsoring or governing body.

## **BUDGET**

- Section 3 on the application form.
- **IMPORTANT – Every** applicant should carefully consider this section and complete in full.
- Include a detailed budget that shows income and expenditure for the event and details of any other funding that is anticipated.
- Include an estimate of the in-kind contribution to be provided by your organisation as **\$ for \$** matching applications will be favourably considered.
- Applicants may attach a budget to the application in preference to completing the section.

## **IMPLEMENTATION SCHEDULE**

- Section 4 on the application form.
- This will assist Council to understand how you will achieve the event objectives.

## **ACQUITTAL AND REPORTING REQUIREMENTS**

- An acquittal form is provided with the application form for applicant's information only.
- A copy will be sent to all applicants at the conclusion of the funding process – applicants need to ensure that they have listed the end date of the project in section 1.
- Organisations receiving a financial assistance of less than \$500 are required to submit a letter outlining the achievements and benefits of the project.
- All organisations receiving a financial assistance of between \$500 and \$2,000 are required to submit the acquittal form and provide a written report that indicates how monies were spent and whether the outcomes identified in the application were achieved.
- Organisations receiving a financial assistance of more than \$2,000 are required to submit an acquittal form, an audited financial statement and a written report that indicates how monies were spent and whether the outcomes identified in the application were achieved.



## **FUNDING AGREEMENT**

- Successful applicants will be sent a completed copy for signing following the negotiation of terms between the organisation and Council.

## **ATTACHMENTS TO ASSIST IN THE CONSIDERATION OF YOUR REQUEST**

**The following attachments must be included with the financial assistance request:**

- The organisation's constitution.
- Details of promotional and marketing activities for the event.

**The following suggested inclusions might assist in the success of the request:**

- Evidence of ongoing communication with stakeholders regarding the event.
- Number of active members, including volunteers, in the organisation – names are not required.

**Any changes to the purpose for which funding has been allocated must be submitted in writing to The General Manager, Lithgow City Council, PO BOX 19 LITHGOW NSW 2790**

## **CHECKLIST – THESE ITEMS MUST BE INCLUDED WITH THE APPLICATION**

To ensure the application is complete, please check that all the attachments are included as follows:

- A completed application form is required for **ALL** applications.
- All applicants should complete section 1
- All applicants need to sign in section 5.
- All Applicants must include the organisation's constitution.
- Only return the application form and your attachments – keep the guidelines, draft funding agreement and draft acquittal form for your records.

# Sample - ACQUITTAL FOR FINANCIAL ASSISTANCE

Successful applications will be sent an acquittal notice to prepare and submit at the conclusion of the financial assistance period. It should be accompanied by a report of the outcomes of the event.

**Name of Organisation/Individual receiving financial assistance:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact Person:**

\_\_\_\_\_

**Contact Phone Number (during office hours):**

\_\_\_\_\_

**FINANCIAL ASSISTANCE DETAILS:**

1. Amount of Financial Assistance Received:

\_\_\_\_\_

2. Expenditure Details of Financial Assistance (please attach budget)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe how the financial assistance was spent and the outcome/success of the activity (attach media coverage and more information if possible).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## EVENT ATTRACTIONS PACKAGE Application Form

### SECTION 1: APPLICANT'S DETAILS – all applicants complete this section

The name of your Event.	
Name of the organisation or person seeking financial assistance.	
Address	
Postal Address	
Name and position of the contact person	
Telephone, Fax and Email Address	Telephone: <span style="float: right;">(bh)</span>
	Fax:
	Mobile:
	Email:
What legal status does your organisation have? (e.g. Incorporated Association etc)	
Australian Business Number (ABN) *	
Australian Company Number (if applicable)	
General Description of your Organisation	
Is your insurance, including a minimum of \$20m for public liability insurance, current? Please state policy numbers. (Council may request a copy of certificates of currency.)	Please list policies, insurer and policy number.
What is the time frame of your project?	Start Date:  End Date:

- If you don't have an ABN, please attach a copy of the Australian Taxation Office form "Statement by a supplier". Applicants with an ABN DO NOT need to complete the Statement by a Supplier form.

**AMOUNT OF FINANCIAL ASSISTANCE REQUESTED:**

\$
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**Must agree with amount stated in this application's budget in section 3) (amount EXCLUSIVE of GST)**

**SECTION 2: EVENT DETAILS – all applicants to complete (including representation/prize giving).**

**Briefly describe your request/project. If required, attach additional details.**

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**Is your event new? Select one            YES            NO**

If you answered no, please provide some information that illustrates the new part of an existing project that you are seeking funding for.

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**What are the aims of the event? How will your event assist members of the Community? Which of Council's vision statements does your project achieve?**

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**Identify how your event supports social, environmental and/or economic aspects and development in the Community.**

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**What outcomes and benefits will your event have for the community?**

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**What community consultation has confirmed the need for this program?**

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**List the organisations actively involved in the event.**

<b>ORGANISATION</b>	<b>CONTACT PERSON</b>	<b>Contact telephone number</b>



***TIP***

*You can submit supporting documentation with your application to show how other organisations support your project.*

**SECTION 3: BUDGET – IMPORTANT – all applicants must complete this section.**

You should include estimates of the cash and in-kind contributions you are making to the project and any other income you are applying for/expecting to receive from other grant sources. You may submit your budget as a separate attachment if you prefer.

<b>Proposed Income:</b>	<b>Amount</b>
<b>Proposed Expenses:</b>	<b>Amount</b>
<b>TOTAL COST OF EVENT</b>	
<b>TOTAL COST OF FUNDING SOUGHT</b>	

**SECTION 4: IMPLEMENTATION SCHEDULE**

KEY MILESTONE	TIME FRAME

**SECTION 5: DECLARATION – ALL applicants to complete this section.**

On behalf of:

(name of the organisation, if applicable)

I declare that the information provided above is complete and correct.

Signed:

Print Name:

Position in organisation:

Address:

Contact telephone numbers:

Email address:

Date:





# Minutes

## Operations Committee

### 30<sup>th</sup> January 2017

### 4.00pm

Operations Committee	
Item Number	Agenda
1	Present And Apologies
2	Declaration Of Interests
3	Confirmation Of Minutes
4	Business Arising From The Minutes
5	Confirm Terms of Reference
6	Report on Sealing vs Unsealing – Glen Alice & Glen Davis Roads
7	Report on Glen Alice Road & Boguee Road Rehabilitation Project
8	Report on Request for Sealing Marsden Swamp Road
9	Brief Update on Capital Works including Wolgan Causeway
10	Report on Jumping Pillow at JM Robson Centre
11	Rubbish At Lake Wallace
12	Interface Agreement Between Lithgow City Council And State Mine Railway
13	Project Management
14	General Business
15	Next Meeting



**ITEM: 1      PRESENT AND APOLOGIES**

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**PRESENT:**    Cllr Wayne McAndrew, Cllr Stephen Lesslie, Cllr Steve Ring, Andrew Muir

**APOLOGIES:** NIL

**OFFICERS:**    Iain Stewart, Jonathon Edgecombe, Matthew Trapp, Kaitlin Cibulka

**ITEM: 2      DECLARATION OF INTERESTS**

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**NIL**

**ITEM: 3      CONFIRMATION OF THE MINUTES FROM THE PREVIOUS  
MEETING**

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**SUMMARY**

The minutes were adopted by Council on 21<sup>st</sup> November 2016.

**ACTION**

**THAT** the Minutes of the meeting of 14<sup>th</sup> November 2016 be taken as read and confirmed.

**MOVED:**      Clr McAndrew      **SECONDED:** Clr Ring

**ITEM 4: BUSINESS ARISING FROM THE MINUTES**

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**1. CULLEN BULLEN SEWER TREATMENT PLANT PROJECT**

Clr McAndrew advised that the Cullen Bullen Sewer Treatment Plant is good news for Council and the residents of Cullen Bullen. Andrew Muir also added that the media have mentioned a time frame of 12 months; Iain Stewart advised that Council has been granted 4.8 million dollars and are allowing 2 years as survey and design work which is yet to be started. It was confirmed that a separate report will be presented to Council at the next Council Meeting.

**MOVED:** Clr Ring

**SECONDED:** Clr Lesslie

**ITEM 5: CONFIRM TERMS OF REFERENCE**

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**COMMENTARY**

Clr Ring put forward some recommendation to change the Terms of Reference for the Operations Committee with regards the change in section 377 Delegations, rewording of the terms of reference and management plan of 2012.

Clr Ring advised that should be specified what staff members of council will be regular members. and believes that the Committees needs additional responsibility to alleviate Council under section 377 Council delegating authorities to committees as he doesn't like seeing things duplicated and a review of Council's assets management & works program.

Clr Lesslie that Council is being held up and slow, some delegation would be reasonable

**RECOMMENDATION**

**THAT** the Terms of Reference be retained with no change.

**MOVED:** Clr Lesslie

**SECONDED:** Clr McAndrew

## ITEM 6 : REPORT ON SEALING VS UNSEALING – GLEN ALICE & GLEN DAVIS ROADS

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### SUMMARY

Over the last decade, Lithgow City Council has arranged for the new seal of many kilometres of Glen Alice and Glen Davis Road. Of late, public feedback has indicated that residents wish for this practice to continue in order to place new seal on all remaining unsealed sections of Glen Alice Road and Glen Davis Road.

#### Remaining Unsealed Length

As it stands, an inspection of the entire length of both Glen Davis Road and Glen Alice Road has shown that there is a considerable length of unsealed road remaining. Glen Davis Road has two unsealed sections, one being 2,310m and the other being 5,020m. Glen Alice Road has one remaining unsealed length of 5,200m. This is a total unsealed length of 12,530m of a possible total length of 68,120m.

#### Total Cost to Seal

Currently, Council can seal 1,000m of an 8m wide road for approximately \$150,000.00. This is a relatively all-inclusive figure that includes some additional drainage, minimal vegetation control, road preparation and sealing.

Given that there is a remaining unsealed length of 12,530m, the total capital expenditure required to seal these lengths would total approximately \$1,879,500.00.

#### Possible Implementation

It is possible that Council could commit to sealing the remaining unsealed sections of Glen Alice Road and Glen Davis Road. The following table shows some possible options in this respect.

Committed Length per Year	Cost per Year	Time to Completion
1,000m	\$150,000.00	13 years
1,500m	\$225,000.00	9 years
2,000m	\$300,000.00	7 years
2,500m	\$375,000.00	5 years (rounded down)
3,000m	\$450,000.00	5 years (rounded up)

Based on the table above, a committed length per year of 2,000m is considered the best option to minimize time to completion while maximizing the budget available for other capital projects throughout the LGA.

#### Implications

There are a couple of implications which must be considered prior to committing to a program of sealing the remaining unsealed lengths of Glen Davis Road and Glen Alice Road.

Currently, Glen Alice Road and Glen Davis Road have sections of seal greatly exceeding the expected lifespan of 14 – 20 years for a standard two-coat bitumen seal. Currently, Council has committed to resealing program comprising of almost 7km of aged seal on Glen Alice Road. It is expected that Council will seal between 2 – 2.5km per year at a capital cost of around \$350,000.00 per year over 4 years. In order to maintain reasonable equality regarding capital roads expenditure throughout the region, additional sealing programs in the Capertee region will cause disruption. By committing to laying new seal, Council will need to remove its commitment to

renewing aged and failed existing seals and pavements. This is not considered good practice.

New road seals should only be considered based on a number of predetermined criteria. Namely, traffic counts, minimum width, construction, reasonable alignment, commercial vehicle routes and drainage should dictate seal, not public opinion. Traffic routes would be the most important factor and as such, I have summarized this information below.

Road Name	Average Daily Traffic (veh/d)	Average Heavy Vehicles
Glen Alice Road	137	11%
Glen Davis Road	118	22%

**Traffic Volumes:** An unsealed road is typically not considered for seal with an AADT under 150 unless there are significant issues.

**Minimum Width:** 8m width is suitable for application of seal.

**Construction:** Current construction is suitable for seal.

**Reasonable Alignment:** Alignment is considered safe for seal.

**Commercial Vehicles:** Glen Davis Road has a high percentage of heavy vehicle traffic showing a robust seal is warranted. Glen Alice Road has a much lower percentage indicating less of a requirement for seal. In saying this, Glen Davis Road is typically in much better condition than Glen Alice Road.

**Drainage:** Some areas in this location are particularly likely to experience flooding. This will have a negative effect on the maintenance required for seal in this location.

Taking this information into consideration, Council has previously committed to the seal of Glen Alice Road and Glen Davis Road. This commitment has been put aside in order to repair some of the existing failed seal in the area. In order to complete a job that has already commenced, it would make sense to re-establish this commitment in order to complete these works.

As it stands, Glen Alice Road typically degrades much faster than Glen Davis Road, showing the typical symptoms of severe rutting and potholing.

## COMMENTARY

Iain Stewart and Andrew Muir discussed the idea of Council committing to a long term project as basic time frames for Delivery plans are 3 years and operational plans are 1 year. Capital long term financial plan would have to be part of an adoption process.

Iain Stewart advised that the unsealed section is in-between sealed sections and would like to eliminate the need for a grader in that section. Jonathon Edgecombe advised that eliminating the high levels of maintenance on heavily used unsealed roads and reducing the amount of overtime used on these projects. The plan is to seal 2km each year over a 7 year period.

It was also mentioned by Clr Mc Andrew that at the three ways to Glen Davis that the road is subjected to flooding. Jonathan advised that the road would need to be raised to stop this issue occurring but this would be a very expensive project and it is believed that it would not be worth it.

Clr Lesslie believes there is a lot more time and opportunity to do what we can and give a commitment to the locals.



Andrew Muir advised to commit to a long term project plan but do not adopt until a later date, as it is strongly recommended that Council can not commit funds.

Clr McAndrew advise that the Glen Davis road all the way to the township to be done but don't give residents false hope and this could be something we could take to Council.

Clr Ring asked is drainage could be put in place, Jonathon advised that the road needs to be raised and adequate drainage can be put in place at the same time.

## **RECOMMENDATION**

**THAT** Council

1. in the 2019-2020 financial year, recommit to sealing 2,000m of Glen Davis and Glen Alice Road until completion; and
2. include this project in the long term financial plan and delivery program to be commenced in 2019-2020 with the goal of sealing 2,000m of Glen Alice and Glen Davis Road per year. (reflect priority of sections – to the 3 ways then to Glen Alice)

**MOVED:** Clr Ring

**SECONDED:** Clr Lesslie

## **ITEM 7: REPORT ON GLEN ALICE ROAD & BOGEE ROAD REHABILITATION PROJECT**

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Currently 7km of Glen Alice Road, Bogee requires urgent rehabilitation. This length commences at a point 2km north-west of Glencoe Road and ends at a point 800m west of Dunville Loop Road. This section of road exhibits the full array of seal and pavement defects. The most prominent of these defects however is the severe cracking, potholing and shoving for the vast majority of the 7km length.

In the 2016/17 Capital Works program, Council has allocated \$343,585.00 to the pavement rehabilitation and surface reseal of Glen Alice Road, Bogee. This financial year, Council has focused on a 2.5km section from a point 2km north-west of Glencoe Road to a point 400m north-west of Port Macquarie Road. This is the 2.5km section closest to the Glen Alice Township.

Assuming that Council can maintain the current level of expenditure per year, an additional 2.5km will be rehabilitated in 2017/18 (requiring a budget of \$350,000.00) and the remaining 2km will be repaired in 2018/19 (requiring a budget of \$280,000.00).

It is expected that this project will completely rejuvenate the seal and pavement in this area and provide a possible lifespan of 20 years.

### **COMMENTARY**

Jonathon Edgecombe advised that full rehabilitation needs to take place on this road and will be done to Aus Road Standard. There is less than 7km of road that remain and to be completed by 2019/2020. He advised that a new project will commence on the 14<sup>th</sup> February 2017 using a new material.

Clr Ring asked if this new material is cost affective. Jonathon advised that this new material has been recommended to be used on Rural Roads.

### **RECOMMENDATION**

**THAT** Council note project progress and future budgetary requirements.

**MOVED:** Clr Ring

**SECONDED:** Clr Lesslie

## **ITEM 8: REPORT ON REQUEST FOR SEALING MARSDEN SWAMP ROAD**

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On 11 November 2016, Council received a petition calling for the upgrade of Marsden Swamp Road, Lowther as a matter of priority. This petition received 55 signatures, not all of which were by residents of the area. While the original letter is attached, the points of concern are listed below.

1. Drainage concerns
2. Issue of soil being pushed against fences
3. Large rocks in surface of road
4. Slippery when wet
5. Removal of overhanging trees
6. Geometry issues (sharp, blind corners and narrow carriageway)
7. Marked increase in traffic including heavy vehicles
8. Lack of traffic signage and wildlife signage

Though a thorough analysis and investigation of the condition of Marsden Swamp Lowther, the following comments have been made.

1. Drainage concerns  
CH3490 shows signs of significant erosion. These ravines should be filled with ballast and backfilled with appropriate material and shaped to drain naturally.  
CH3725 requires slight reshaping to ensure water reaches table drains to reduce carriageway scouring.  
CH4970 shows signs of scouring along the central crown. This is typically unavoidable on unsealed roads as general use tends to flatten the crown sometime after grading.  
CH5580 requires removal of silt accumulated in roadside drain.  
CH5790 has concerns regarding sediment and poor drainage. Given the close proximity of a property access in this location and the rough surface, this area should be sealed up to 20 metres either side of the concrete creek crossing.  
From CH6000, Marsden Swamp Road becomes very mountainous and narrow with sharp bends throughout. There are signs of some (not severe) drainage scouring which in these conditions, on unsealed roads, are almost impossible to spend without an exorbitant budget.
2. Issue of soil being pushed against fences  
In some locations, the road carriageway moves slightly towards either boundary fence. When Council cuts in an essential mitre drain to allow roadside storm water to drain, this can come close to a boundary fence. There are no locations where road material encroaches on any private property.
3. Large rocks in surface of road  
During the inspection of Marsden Swamp Road, no larger than normal rocks were found. Heavy gravel has been used on some hills on Marsden Swamp Road in an attempt to provide an all-weather surface.
4. Slippery when wet  
Gravel has been added in the past to most slopes on Marsden Swamp Road. This explains the previous complaint of large rocks on the road. In the future, when grading Council can add additional gravel to these areas to alleviate the issue.

5. Removal of overhanging trees  
While Council doesn't employ any professional arborists, there are a number of trees that are either dead or growing out of cliffs with exposed roots indicating a lack of stability.
6. Geometry issues  
Due to the use and location of this road, it is suggested that no changes to the alignment occur.
7. Marked increase in traffic including heavy vehicles requiring the road to be fully sealed.  
While Council has no counts for previous years, the Average Daily Traffic for this road recorded in January 2017 is 34 vehicles per day. Heavy vehicles are no larger than a Class 3 on the Austroads system (three axle truck or bus) but represent 20% of the total vehicles travelled (on average). While this seems relatively high, this is only an average of 7 vehicles per day.
8. Lack of traffic signage and wildlife signage  
Council engineers will conduct an audit and if required, rectify any shortfalls or report such a requirement to the TALC committee.

### **Recommended Course**

At this stage, Marsden Swamp Road does not represent a high priority on Council's maintenance grading schedule. At such a time that maintenance grading is required, Council will see to the reshaping and drainage clearing of problem sections. With regard to CH3490 and the significant erosion, Council should effect these repairs immediately.

No action is to be taken against the claim of soil being pushed against fences.

No action is to be taken against the claim of large rocks in the road carriageway.

In an attempt to alleviate slipperiness, Council will add gravel to slopes during maintenance grading efforts.

Council will arrange an arborist to quote on the required removal of trees. This information will be brought to a subsequent Operations Committee meeting to be actioned.

No action is to be taken against the claim of geometry issues.

No action is to be taken against the claim of increased traffic requiring the road to be fully sealed.

Council will conduct a survey of the signage on Marsden Swamp Road and if required, refer the matter to TALC for their consideration.

### **COMMENTARY**

McAndrew advised that a petition regarding this road has come through with 55 signatures on it. He advised that we must stick to priority and move forward.

Clr Ring also brought up the drainage issues to be fixed and also about risk management if an accident would happen to occur.

Jonathon Edgecombe advised that he will assess all raised issues with company Aus Roads to make sure it all complies.

Clr Lesslie also brought up the issues of the dead trees that require removal. Clr Ring Suggested that a qualified arborist could assess the trees and remove high risk trees to prevent an accident occurring.

### **RECOMMENDATION**

**THAT** Council action this correspondence in the manner set out in the Recommended Course.

**MOVED:** Clr Lesslie

**SECONDED:** Clr Ring

**ITEM 9: BRIEF UPDATE ON CAPITAL WORKS INCLUDING WOLGAN CAUSEWAY**

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Verbal report to be presented to the Committee meeting

**COMMENTARY**

Jonathon Edgecombe advised that there is a design for the Wolgan cause way to replace with a bridge. Work is to commence in the second week of March the company Bridge check Australia who will constructing the bridge at a cost of \$85,000.00. Once complete immediate resheeting of the road will commence.

**ACTION** That the information on progress with the reconstruction of the Wolgan Valley causeway be noted

**MOVED:** Clr Ring

**SECONDED:** Mr Muir

## **ITEM 10: REPORT ON JUMPING PILLOW AT JM ROBSON AQUATIC CENTRE**

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### **SUMMARY**

On the night of Sunday, 8th January 2017 following an act of vandalism, the structure of the jumping pillow was destroyed by a number of deep knife cuts to the structure. A total replacement of the device will be required if it is to be re-introduced as an asset. Since its installation there have been a number of injuries sustained by users of the device culminating in a child with a broken elbow which occurred recently. The soft fall bracket sand which is used and recommended by the supplier has also been causing problems for the pool cleaning operations and has on a number of occasions blocked the automatic pool cleaner device. It is understood that other swimming complexes in the Sydney region have had similar operating problems with this type of installation and have been progressively removing the said device.

It would appear that this device is not suitable in its current location and will always be prone to vandal attacks and potential injuries to users. The device could be replaced with shaded seating and a barbeque facility as a potential option.

### **COMMENTARY**

Iain Stewart advised that the pillow received many very deep slashes and advised that the minimum of \$25,000 on insurance to repair the jumping pillow. Andrew Muir believes that there is no point putting this through insurance as it did not cost that much to install. Iain advised that a grant was given for it to be installed.

Jonathon Edgecombe advised that cameras are being looked at being installed at the facility.

All agreed that this is very popular with the patrons of the pool.

Jonathon Edgecombe advised that there were ongoing issues where the sand was being carried into the pool and clogging up the pool systems.

Clr McAndrew asked if other Councils are known to have removed the jumping pillow and replaced it with other activities and that it needs to appeal for both young and older patrons. Also we need a reason why we will not be replacing the pillow itself.

Iain Stewart advised that research can be done, Andrew Muir suggested that community feedback

Clr Ring recommended that it could be replaced with a water slide, something to balance the removal of the pillow. Jonathon Edgecombe proposed a Barbeque Area.

Clr Ring also believes Council should ask the club who provided the grant what would be a good alternative to replace the pillow.

### **RECOMMENDATION**

**THAT** not replace jumping pillow installed at the JM Robson Aquatic Centre following damage due to vandalism. Staff to review an alternative facility or feature to be installed. Report on safety issues, precedence of removal and financial implication of keeping and repairing it.

**MOVED:** Clr Ring

**SECONDED:** Clr Lesslie



## **ITEM 11: RUBBISH AT LAKE WALLACE**

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### **SUMMARY**

To advise the Operations Committee of issues that have arisen at Lake Wallace due to its increase in popularity for Camping, Caravanning, and RV Users.

### **CURRENT FORMAL OPERATION**

The current legal position in relation to a “caravan park” at the site, defined as “land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed” under the planning legislation via the LEP is problematic. The Lake Wallace Foreshore owned by Energy Australia is zoned SP2 Infrastructure which would specifically prohibit any other use but for electricity generation purposes. Consequently, if Council sought to formalise the current arrangements, a re-zoning of the site would be required followed by a development application and also an approval under Section 68 of the Local Government Act.

The attached Planning Circular in relation to illegal camping provides an overview of the situation regarding approvals required for caravan parks and camping grounds. The circular explains there are a number of circumstances in which camping in caravans, campervans or tents elsewhere than in an approved caravan park or camping ground does not require council approval under the Local Government Act. The conditional exceptions are:

Under the LG Regulation 2005 council approval is not required for the installation of: up to two caravans, campervans or tents on any land (with the landowner’s permission), provided they are not occupied for more than two days at a time and are not occupied for more than 60 days (in total) in any 12 month period

one caravan or campervan on land on which there is a dwelling house, provided the caravan or campervan is occupied by the owner of the dwelling house or members of the household, and the caravan or campervan is maintained in a safe and healthy condition

A caravan or campervan on agricultural land, provided the caravan or campervan is occupied by seasonal workers on the land.

There has been some informal use of the foreshore area for a number of years prior to the more recent popularity of the site. This may provide a degree of flexibility in an ‘existing use’ sense but seeking formal approval is currently not feasible. The best that can probably be obtained to at least argue some level of formal validation has been considered would be to limit camping, caravanning or setting up RV’s to no more than two days at any one time. In this regard signage is proposed (see attached). This would also greatly assist when long term occupants stay at the site and refuse to move on.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There are currently additional costs being incurred for increased garbage services and cleaning of the amenities until the end of January.

### **LEGAL IMPLICATIONS**

There are legal requirements through Part 4 of the Environmental Planning and Assessment Act; Local Government Act; and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation.

### **ATTACHMENTS**

1. Planning Circular on Illegal Camping
2. Proposed signage.

### **COMMENTARY**

The Lake Wallace Foreshore is an area that has been managed by Lithgow City Council under Lease from Energy Australia and prior to that Delta Electricity for a number of years. The area has traditionally been used to a minor extent by campers and caravaners and amenities catering to that level of usage have been constructed by Council to accommodate this. However, since the dedication to the area as a RV Friendly site the Foreshore has become increasingly popular to RV users, Caravaners and Campers particularly over the Christmas, New Year/January period and other Public Holidays. This has created a number of problems particularly in management of the site particularly in relation to the amenities and also garbage services. Current responses to these issues have been:

- Opening and closing of the amenities. Amenities are normally closed daily due to vandalism. However, the amenities are currently being left opened until the end of January on a 24/7 basis and at this stage no vandalism has resulted.
- Garbage collection - the area is serviced once per week by JR Richards. Following the initial heavy usage over the Christmas period, this has been extended to two services per week for the remainder of January.
- Amenities are normally cleaned 5 times per week. However, following the initial Christmas period it was considered that the daily clean on weekdays was not sufficient. Consequently additional services have been arranged and the facilities are being cleaned twice daily on weekdays for the remainder of January.

All the initiatives on trial for the end of January will come at a cost but due to the popularity and impacts experienced are likely to be implemented during summer school holidays and significant public holidays.

Clr Ring advised large amount of advertisements and comments on social media sites attracting campers and caravaners to the area. Also Council should look into getting revenue from this through coin showers and paying for water to fill up caravan water tanks.

Andrew Muir advised that this probably wouldn't make that much and may have difficulty with changing; this could maybe be looked into if this facility was to stay in place long term. Talks with Endeavour energy need to take place for potential growth

and long term use of the area. He also raised concerns that commercial operators in the area haven't raised any concerns with Council.

Clr McAndrew advised that we are not the only area that offers free camping with facilities being used by all. He also raises concerns that too many patrons using the facility. Council could have put coin operated facilities in when it first opened. He also believes that the area needs to be policed regularly by the rangers.

**ACTION**

**THAT** the Operations Committee notes the report on issues at Lake Wallace.

**MOVED:** Clr Lesslie

**SECONDED:** Clr Ring

**ITEM 12: INTERFACE AGREEMENT BETWEEN LITHGOW CITY COUNCIL  
AND STATE MINE RAILWAY**

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**SUMMARY**

A request has been received from Southern Shorthaul Railroad representing COC Ltd and Lithgow State Mine Railway. A copy of the draft agreement is attached and details the respective responsibilities of the parties at two road rail interchanges, being Atkinson street level crossing and the overhead rail bridge in Inch Street. There does not appear to be any issues with the agreement

**ATTACHMENTS**

Copy of draft Interface Agreement

**RECOMMENDATION**

**THAT** Council execute agreement as submitted by Southern Shorthaul Railroad detailing interface responsibilities at two interfaces in the Lithgow urban area

**MOVED:** Cllr Ring

**SECONDED:** Cllr Lessile

## **ITEM 13: PROJECT MANAGEMENT**

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### **SUMMARY**

To advise the Operations Committee of procedures currently in place (and under review) in relation to major project management.

### **COMMENTARY**

When carrying out of major projects, Council officers currently work within a project management framework via an internal policy called the Major Project Management STANDARD WORKING PROCEDURE. This document, currently under review, includes major projects which:

Have an estimated budget in excess of \$150,000.

Have a high level of community interest or high community profile, i.e. high community visibility, subject to community and/or political comment, e.g. the indoor aquatic centre; and/or

Include non-construction projects such as a new LEP.

The procedure sets out various requirements in relation to Project Scoping; Project Brief; Preparation of a Project Plan; as well as requiring preparation of a benefits summary and details of lessons learned in the project. It also outlines the responsibilities of project sponsors; project leaders; and the project team if applicable. It requires a number of standard checklists to be filled out in relation to various stages of the project to ensure certain actions are carried out. A copy of these templates is attached.

The Standard Working Procedure currently does not include a process for the escalation to Council of major contract variations, disputes etc. However, these issues are under consideration in the review process. The standard process in the past has been to report to the Operations Committee and/or Council significant variations, traditionally over \$150,000. As it stands, project progress is reported to Council through financial implication only. Each time cumulative variations reach \$150,000.00 the project supervisor reports to Council on the project status and reason for variation. This includes large scale variations such as dispute settlements.

The way Council handles contracts and conducts itself in the event of dispute is in accordance with the contract conditions. For example, AS4000 dictates the process of dispute resolution in full. It also covers aspects of project management such as variation approval, payment of progress claims etc.

### **ACTION**

**THAT** the Operations Committee notes the report on Project Management

**MOVED:** Clr Ring

**SECONDED:** Clr Lesslie

## **ITEM 14: GENERAL BUSINESS**

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### **1. UPDATE ON PORTLAND SEWER TREATMENT PLANT**

Matthew Trapp advised that Portland is progressing well, concreting is nearly complete.

Clr Ring asked is if we have managed to save money by recycling. Matthew advised that we have saved money on the retaining wall part of the project.

### **2. UPDATE ON HOTMIX PROJECT IN LOCAL GOVERNMENT AREA**

Jonathon advised that a number of Hotmix projects have been completed in the area. Hotmix crew will be back in the end of February and will begin projects such as Main Street Wallerawang and Williwa Street Portland.

### **3. DRAIN ISSUE AT WILLIWA STREET PORTLAND**

The condition of an open drain that traverses position of 77 Williwa Street is being cleared of undergrowth and trees however the complainant has been advised there are no funds to pipe section of this drain in the 2016/2017 budget.

### **4. BLACK BRIDGE PROJECT**

Jonathon Edgecombe advised that the Black Bridge at Wallerawang is complete and is process of drawing up a report. Issues of pedestrian access have come to light and would need to approach John Holland regarding purchasing land for this. But was stated that the original design only allowed for one footpath

## **ACTION**

**THAT** appropriate actions and reporting be undertaken in relation to the items raised during general business.

**MOVED:** Clr Ring

**SECONDED:** Clr Lesslie

**ITEM 15: NEXT MEETING**

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**Next Meeting:** 4.00pm on Monday, 20<sup>th</sup> February 2017  
Committee Room, Administration Building,  
180 Mort Street LITHGOW NSW 2790

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**There being no further business the meeting closed at 5:43PM**



## **LITHGOW CITY COUNCIL FESTIVAL AND EVENTS ADVISORY COMMITTEE Terms of Reference**

### **Committee Name**

Festival and events Advisory Committee (Committee)

### **Establishment**

The Committee is established under section 355 of the Local Government Act 1993 which states:

*A function of a council may, subject to this Chapter, be exercised:  
(b) by a committee of the council*

### **Resolutions**

### **Section 377 Delegations**

Delegation of functions pursuant to section 377 of the Local Government Act (1993) shall be the subject of a dedicated instrument of delegation which is attached at appendix 1.

### **Term of Committee and terms of Reference**

The term of the Committee shall be the term of the Elected Council (four years) with the addition of three months after the general election of councillors.

The Terms of Reference of the Committee can be changed or amended by majority decision of the Committee, subject to ratification by a resolution of the Elected Council.

Casual vacancies on the Committee will be filled with reference to the participating organisations or in the case of community representative, by public advertisement.



The Council reserves the right to dissolve the Committee at any time by a resolution of the Council.

### **Committee's Responsibilities**

The principal responsibilities of the Committee are to:

- Be the "Peak" Organising body for the Lithgow Halloween Street Festival' Lithglo, and Australia Day Events
- To add value by providing a clear vision for the future of the Festival, explore areas of growth, quality improvement, development and sustainability.
- To oversight the successful staging of the annual Halloween Festival, Lithglo, and Australia Day Events for the community of Lithgow.
- To review and approve long term strategic plan, annual plan, long term budgets.
- Oversight the implementation of the annual plans
- Oversight legal contractual arrangements, sponsorship, insurance etc

### **4 Councillor Membership**

In September each year, the Council shall nominate 2 Councillors to the Committee.

The Mayor by virtue of holding the office of Mayor, is appointed as a member of all committees established by Council. The appointment of the Mayor as a member of any committee established by the Council need not be taken into account when determining a Quorum for a meeting of the Committee. (Council policy 9.2)

### **Committee Membership**

The Committee will be comprised of the following representation:

- Two Councillors
- Member of Lithgow Tourism Committee
- Member of Lithgow Economic Development Committee
- Six sector representatives including the following:
  - Accommodation sector
  - Retail sector
  - Registered Clubs /Hotels sector
  - Caravan and Camping sector
  - Art Community

Council officers (non-voting)

- Group Manager Corporate and Community
- Lithgow City Council Tourism Manager
- Lithgow City Council Events Co-ordinator
- Lithgow City Council Chief Financial Officer as Treasurer
- Lithgow City Council General Manager (Observer)
- Other resources as required and if available

Other industry representatives may be called upon as and when required.

### **Committee Member Responsibilities**

- Observation and compliance with Council's Code of Conduct.

- Observation and compliance with Council's WHS system objectives and instructions.

### **Appointment**

All members of the Committee will be appointed by a resolution of the Council.

A member ceases to be a member of a Committee if the member (other than the Mayor)

- (a) Has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the members absences; or
- (b) Has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absence.

### **Executive Officer**

The Event Co-ordinator shall be the Executive Officer to the Committee.

The Executive Officer shall:

- provide executive support to the Committee
- be responsible for preparing the agenda and minutes of Committee meetings
- be responsible for preparing a report to the Council containing the minutes and, providing staff comment on the recommendations made by the Committee to the Council
- provide to the Committee the outcome and resolutions of the Council regarding each recommendation.

### **MEETING PRACTICE**

#### **Code of Meeting Practice**

The meeting procedures outlined in Council's Code of Meeting Practice shall guide the meeting procedures of the Committee unless otherwise outlined below.

#### **Office Holders**

The position of Chairperson is to be elected from members comprising the Committee but only in circumstances where the Mayor elects not to assume the position of Chairperson

#### **Frequency of Meetings**

Meetings shall be held bi-monthly on a day and at a time to be determined by the Committee. On the last meeting of each year, the Committee will agree upon the meeting schedule for the following year.

The Chair may call extra ordinary meetings in accordance with Council's Code of Meeting Practice

NB: Meeting Frequency to be reviewed annually

### **Meeting Protocol**

- An agenda will be prepared and distributed 5 working days before each meeting, together with the minutes of the previous meeting.
- A quorum of members is required at all meetings and shall be 50% plus one of all voting members.

### **Minutes and Reports to Council**

- Minutes of meetings will be kept of all meetings and will be reported to the Council.
- Minutes of the Committee meetings may be ratified by email. Minutes must be ratified by at least three (2) members of the committee who were in attendance at the meeting.
- The Minutes of the meeting will be submitted to the Council as soon as possible after the minutes have been ratified.  
The ratified Minutes of the meeting shall be presented to the next meeting of the Committee.

# Appendix 1 - DELEGATION OF AUTHORITY

## Lithgow Festival and events Advisory **Advisory Committee** (formed pursuant to Section 355 of the *Local Government Act 1993*)

In order to provide for the expedient exercise and performance of its functions,  
Lithgow City  
Council hereby:

- delegates to the Committee under Section 377 of the *Local Government Act, 1993*, the exercise of Council's functions specified in Schedule 1 subject to the limitations specified in Schedule 2.

•  
This delegation shall commence on **6 February 2017** and remain in force until expressly amended or revoked by the Council by further resolution.

### **SCHEDULE 1** (Functions)

#### 1. The responsibility:

- To be the "Peak" Organising body for the Festival and Events
- To add value to the Festival and Events by providing a clear vision for the future of the Festival and Events, explore areas of growth, quality improvement, development and sustainability.
- To oversight the successful staging of the annual Festival and Events for the community of Lithgow.
- To review and approve long term strategic plan, annual plan, long term budget.
- Oversight the implementation of the annual plans
- Oversight legal contractual arrangements, sponsorship, insurance etc
- ensure, as far as possible, that the Festival and Events are financially sustainable in the long term.
- ensure, as far as possible, the health and safety of persons attending the Festival and Events

2. To make recommendations to the Council on an annual budget required to run the Festival and Events

3. To oversight expenditure within the budget approved by Council.

4. The responsibility to ensure that the conduct of the Committee and the Festival and Events is in accordance with any Rules or policies adopted by the Council.

5. To make recommendations to the Council on legal and contractual arrangements considered necessary to effect the annual Festival and Events

6. To make such other recommendations to the Council in respect of the Festival and Events as the Committee thinks appropriate from time to time.

## **SCHEDULE 2 (Limitations)**

7. The Functions do not include any which are excluded from being delegated to the Committee by s377(1) of the *Local Government Act 1993* (as listed below) or any other law as applicable from time to time including, but without limitation:

S377 (1) A council may, by resolution, delegate to the general manager or any other person or body(not including another employee of the council) any of the functions of the council, other than the following:

- (a) the appointment of a general manager,
- (b) the making of a rate,
- (c) a determination under section 549 as to the levying of a rate,
- (d) the making of a charge,
- (e) the fixing of a fee,
- (f) the borrowing of money,
- (g) the voting of money for expenditure on its works, services or operations,
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) the acceptance of tenders which are required under this Act to be invited by the council,
- (j) the adoption of an operational plan under section 405,
- (k) the adoption of a financial statement included in an annual financial report,
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

8. The Committee may not direct Council staff.

**Note:** Councillors, members of staff and delegates of council must comply with the Council's adopted Code of Conduct.

**In this delegation:**

"**Festival and Events**" means the Lithgow Halloween Festival, Lithglo, and Australia Day Events

## **ITEM            LATE MAYORAL MINUTE - 06/02/17 - BY-ELECTION**

**REPORT BY:    COUNCILLOR S LESSLIE - MAYOR**

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### **COMMENTARY**

Lithgow Council requires a by-election to fill two vacancies on the Council.

A by-election is required because, although the law was changed before the recent Local Government elections to allow local government vacancies to be filled by count back, this clause in the local Government Act was not proclaimed by the then Minister for Local Government.

Countback is where the votes cast at the previous election are recounted and the next candidate is declared elected.

Local Government by-elections are required, by law, to be held within three months of the vacancy occurring. An extension of up to 28 days can be granted but this requires the permission of the Minister for Local Government.

The first vacancy occurred on 13 December 2016 when Mr Ticehurst was suspended from the Council by the NSW Civil and Administrative Tribunal. As a consequence of retrospective legislation introduced by the current Liberal National Government his suspension was converted into an expulsion from the Council for five years.

Whilst being aware of the decision Lithgow City Council was not informed formally in writing of this expulsion until 18 January 2017.

The by-election therefore had to be held before 13 March 2017.

The NSW Electoral Commission, the independent body that conducts our elections, was informed of the vacancy and suggested the by election could be held on the 18 March 2017. Apparently there is also a by-election to be held in Campbelltown on the same date and it is more cost effective to have the two by-elections on the same date.

Because this was outside the statutory three months Lithgow City Council, at an extra-ordinary meeting, agreed to the Electoral Commission's request and asked the then Minister for Local Government for his approval for the one week delay.

The second vacancy occurred on Tuesday 24 January 2017 when Mr Cox resigned from the Council. As no date had yet been set for the initial vacancy this vacancy can be filled at the same by-election and because this will occur within the statutory three months the Minister for Local Government's permission does not need to be sought.

The Office of Local Government and the Electoral Commission were immediately notified of this further vacancy.

For reasons unknown to me the then Minister for Local Government did not sign the order which would allow the by-election to take place on 18 March 2017. Had the Minister advised Council that he would not sign the order the by-election could have been held on 11 March 2017 and thus be within three months of the vacancy occurring on 13 December 2016. A by-election on 11 March 2017 would not have needed the Minister's approval.

The new Minister for Local Government did not, again for reasons unknown to me, sign the order for the by-election to be held on 18 March 2017.

It is now impossible to hold the by-election on 18 March 2017 or earlier.

The Electoral Commission contacted Lithgow City Council and suggested the dates of either 1 April 2017 or 8 April 2017. I made an executive decision to choose 1 April 2017 as the date because it was the earlier date.

The Minister has been informed of this new date but at this stage has not yet given her permission for it.

Should such permission not be granted by 7 February 2017 it will also, because of statutory advertising requirements, be impossible to hold the by-election on 1 April. Should such an eventuality occur I will then instruct the Acting General Manager to inform the NSW Electoral Commission to conduct the by-election on 8 April 2017.

The law only gives the Minister for Local Government the authority to delay by-elections for up to 28 days.

The last date for this time extension is 10 April 2017.

It should be noted that the weekend of Saturday 15 April 2017 is the Easter week-end.

## **RECOMMENDATION**

**THAT** Lithgow City Council wait for the Minister for Local Government to give approval for the by-election to be held on 1 April 2017. Should no such permission be forthcoming then the Acting General Manager advise the NSW Electoral Commission to hold the by-election on 8 April 2017.