



# AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

25 SEPTEMBER 2017

AT 7.00pm

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# AGENDA

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## ACKNOWLEDGEMENT OF COUNTRY

## APOLOGIES

## PRESENT

## CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 14 AUGUST 2017

## DECLARATION OF INTEREST

## COMMEMORATIONS AND ANNOUNCEMENTS

## PUBLIC FORUM

## PRESENTATIONS – Nil

## MAYORAL MINUTES

## STAFF REPORTS

General Managers Reports  
Economic Development and Environment Reports  
Operation Reports  
Finance and Assets Reports  
Organisational Development Reports

## COUNCIL COMMITTEE MINUTES

Tourism Advisory Committee Meeting Minutes - 8 August 2017  
Community Development Committee Minutes 8 August 2017  
Environmental Advisory Committee Meeting Minutes 9 August 2017  
Crime Prevention Committee Minutes 21 August 2017  
Operations Committee Meeting 22 August 2017  
Sports Advisory Committee Meeting 29 August 2017

## NOTICES OF MOTION

Civic Leadership – Councillor S Ring  
Commercial Development – Councillor S Ring  
Land Bank – Councillor S Ring  
Bullet Train – Councillor C Coleman

## QUESTIONS WITH NOTICE – Nil

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**NOTICE OF RECISSIONS – Nil**

**BUSINESS OF GREAT URGENCY**

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

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## GENERAL MANAGERS REPORTS

ITEM-1            **GM - 25/09/17 - NOMINATIONS FOR AND ELECTION FOR THE POSITION OF DEPUTY MAYOR FOR 2017 TO 2018**

**REPORT BY:    GENERAL MANAGER**

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## REFERENCE

MIN 16 – 237:        Extra Ordinary Meeting of Council held on 28 August 2016

## SUMMARY

Council may elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor, if so decided, for the coming one year period.

## COMMENTARY

Councillors **may** elect one from their number to be the Deputy Mayor. The person may be elected for the Mayoral term or a shorter one (s.231).

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:-

- i)    At the request of the Mayor; or
- ii)   If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii)  If there is a casual vacancy in the Office of Mayor.

This Council in the past has elected a Deputy Mayor for the same term as the Mayor however at the Extra Ordinary Meeting of Council held on 28 August 2016 the following was resolved which established the Deputy Mayor to hold the position for a term of one year:

### **16 – 237 RESOLVED**

***THAT Council:***

1.    *Note the report on the appointment of and procedure for the election of a Deputy Mayor;*
2.    *Resolve that a Deputy Mayor is to be elected for a one year term.*
3.    *Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and*
4.    *Council determines that NIL fee is to be paid to the Deputy Mayor.*

The procedure for the election of Deputy Mayor is:

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

### **Nominations**

Nominations are now invited for the Office of Deputy Mayor for the 2017 to 2018 term (until September 2017). The elections of Deputy Mayor of Lithgow City Council must be held in

accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Deputy Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Deputy Mayor.

### **Returning Officer**

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

### **Nomination**

A councillor may be nominated without notice for election as Deputy Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

### **Election**

If only one councillor is nominated for the position of Deputy Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

### **Ordinary Ballot**

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### **Open Voting**

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

### Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.

### Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause “absolute majority” in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

### Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### Lithgow City Council has traditionally held the vote by the 'Open Voting' method.

#### General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

#### Notes:

- (i) Nomination forms for the position of Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Wednesday 28th September 2016 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) “Open Voting” means voting by a show of hands or similar means;
- (iv) “Ballot” has its normal meaning of secret ballot; and
- (v) “Ordinary Ballot” means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nominations forms for the position of Deputy Mayor are coloured **GREEN** and are enclosed with the business paper and will also be available at the Extra-Ordinary Meeting of Council.

Additional fees, if any, for holding the position of Deputy Mayor are to be **deducted** from payments to the Mayor. **No fees** are presently paid by Lithgow City Council for the holder of the position of Deputy Mayor.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 231 of the Local Government Act 1993 provides that the councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term. It has been common practice at Lithgow City Council for the position of Deputy Mayor to be the same length of time as the position of Mayor as determined in Section 231(2) of the Local Government Act 1993.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

#### **LEGAL IMPLICATIONS**

As outlined in the report.

#### **ATTACHMENTS**

1. Nomination Forms - Green

#### **RECOMMENDATION**

**THAT** Council:

1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected for a one year term.
3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. Determines the fee that is to be paid to the Deputy Mayor, if any.

**ITEM-2 GM - 25/09/17 - DELEGATIONS TO DEPUTY MAYOR 2017-2018**

**REPORT BY: GENERAL MANAGER**

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## **SUMMARY**

This report is for Council to give consideration to the granting of Delegations of Authority to the Deputy Mayor to assist them in performing their roles with Council.

## **COMMENTARY**

Section 226 of the Local Government Act 1993 outlines the role of the Mayor. Section 226 provides:

The additional proposed delegations for the **Deputy Mayor** are:

### **1. Function of the Deputy Mayor**

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

### **2. General Manager's Performance Review**

In conjunction with the Mayor the authority to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

These additional functions are practical delegations which assist the smooth functioning of the Council. Such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

## **POLICY IMPLICATIONS**

As outlined in the report.

## **FINANCIAL IMPLICATIONS**

As outlined in the report.

## **LEGAL IMPLICATIONS**

Council is limited in the functions that can be delegated. This is provided for in Section 377 of the New South Wales Local Government Act 1993.

## **RECOMMENDATION**

**THAT** Council, in addition to the functions outlined in Section 226 of the New South Wales Local Government Act 1993, delegate the following:

1. To the Deputy Mayor of Lithgow City Council:
  - a. **Function of the Mayor**

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

**b. General Manager's Performance Review**

In conjunction with the Mayor the authority to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

2. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

**ITEM-3            GM -25/09/17- LOCAL GOVERNMENT NSW CONFERENCE 2017  
                         DELEGATES**

**REPORT FROM:    GENERAL MANAGER**

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## **SUMMARY**

The Local Government NSW's conference will be held at Sydney Monday 4 December to Wednesday 6 December 2017. Local Government NSW has called for councils to identify issues that they believe are causing them concerns in their local government areas.

## **COMMENTARY**

LGNSW is the peak industry association that represents the interests of NSW general purpose councils, 12 special purpose councils and the NSW Aboriginal Land Council.

LGNSW's objective is to strengthen and protect an effective, democratic system of Local Government across NSW by supporting and advocating on behalf of member councils and delivering a range of relevant, quality services.

LGNSW achieves this by:

- Actively and persuasively representing the views of Local Government to the NSW and Australian Governments
- Providing effective, responsive and accountable leadership to member councils
- Providing a comprehensive range of high-quality services and policy advice to our members
- Increasing the capacity of Local Government to deliver quality services and meet the needs of local communities across NSW
- Enhancing the profile and building community trust in and awareness of Local Government.

Each year the Association holds an annual conference to formulate policy and to advance local government in NSW.

The Local Government NSW will be holding its annual conference at Sydney 4 December to Wednesday 6 December 2017.

This year the Conference will cover a range of issues pertinent to all councils including concurrent sessions on natural resources and the environment, infrastructure and planning, and capacity building and diversity.

Councils will be able to submit motions for consideration of Conference online. This online facility will be available closer to the conference date.

Each member council is entitled to send delegate(s) to the conference. The number of delegates varies according to the Council's size and membership category of the Association. Lithgow City Council is entitled to send three delegates. In the past these delegates have typically included the Mayor, Deputy Mayor and one other. Councils may also send observers which may include other councillors or council staff.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

Conference registrations

- Budget approved - \$10,831
- Cost Centre – 1059
- Expended to date - \$2,390
- Future potential impact – Nil

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. LGNSW Conference Save the Date

## **RECOMMENDATION**

**THAT** Council:

1. Appoint the Mayor, Deputy Mayor and another councillor as voting delegates to the Conference
2. Authorise the General Manager or his delegate to attend the Conference as an observer
3. Authorise the Mayor to appoint alternate delegates or additional observers if required

**ITEM-4 GM - 25/09/17 - DELEGATES REPORT CENTROC 10 AUGUST 2017**

**REPORT BY: GENERAL MANAGER**

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## **SUMMARY**

Delegates attended the Centroc Board Meeting at Parliament House Sydney on 10 August 2017. This report provides a summary of that meeting.

## **COMMENTARY**

A Lithgow City Council Representative attended the Centroc Board meeting at Parliament House Canberra 10 August 2017.

Member for Riverina, the Hon Michael McCormack, Minister for Small Business and his office staff assisted with organising the meeting in Parliament House. The Board thanked Minister McCormack for his support.

The Board were fortunate to have the Deputy Prime Minister, and the following Ministers address the Board.

Ministers that addressed the Board

- The Hon Barnaby Joyce, Deputy Prime Minister
- Minister for Agriculture and Water Resources.
- The Hon Fiona Nash, Senator for NSW, Deputy Leader of The Nationals, Minister for Regional Development, Minister for Regional Communications and Minister for Local Government and Territories
- The Hon Greg Hunt, Member for Flinders
- Minister for Sport and Minister for Health
- The Hon Ken Wyatt, Member for Hasluck
- Minister for Aged Care and Minister for Indigenous Health
- The Hon Dr David Gillespie, Member for Lyne
- Assistant Minister for Health
- The Hon Darren Chester ,Member for Gippsland
- Minister for Infrastructure and Transport
- The Hon Simon Birmingham, Senator for SA
- Minister for Education and Training
- The Hon Josh Frydenberg, Member for Kooyong
- Minister for the Environment and Energy
- The Hon Michael McCormack, Member for Riverina
- Minister for Small Business
- The Hon Angus Taylor, Member for Hume
- Assistant Minister for Cities and Digital Transformation
- Mark Coulton, Member for Parkes
- Andrew Gee, Member for Calare

Follow up actions with Ministers will be undertaken and reported back to the Board.

- The Centroc Executives provided the following report for Council's information, along with the meeting minutes.
- **Transport Infrastructure** – The issue of the Bells Line connectivity from Central NSW to Sydney was raised with the majority of Ministers throughout the day with encouragement from Mayors across the region to continue progressing this initiative.
- A meeting for all interested Mayors to discuss further progress will be called as soon as possible.
- **Water Security** -Advice received from the Deputy Prime Minister, the Hon Barnaby Joyce, prompted an urgent meeting to be held with Minister Niall Blair to provide feedback on the status of Federal water infrastructure funding in the context of the Lachlan Valley Water Security Investigations.
- **Health** –the Board resolved to reiterate its support for the Murray Darling Medical School, and to undertake further advocacy work with the Member for Calare, Mr Andrew Gee
- **Regional Development** – Discussion was held around the Economic Development Plans based on Functional Economic Regions rolling out across the region. The Board will be seeking further follow up with DPC regarding the purpose and optimisation of this work by the State given funding will be contingent on this State led initiative.
- **Planning** –The Board was thanked for their support for the Regional Plan (Central West and Orana Regional Plan). A significant amount of programming will occur in Central NSW as a result.
- Advocacy will be ramped up in support of the Inland Code for planning recognising that not one size fits all especially considering planning outside of metropolitan Sydney.
- Representatives will be meeting to discuss options for a regional body politic under the Local Government Act given the Joint Organisation legislation is not being progressed by the State.
- **Tourism** – Members were encouraged to attend the next Tourism Managers Group meeting 6 September.
- A meeting with Andrew Gee will be arranged to discuss ways the region can support Tourism Data.
- **Operational** – A high level business case was provided for a combined LED with Smart Controls project across four neighbouring ROCS, called 'Southern Lights' the Board adopted this document. The Board also approved the next steps in researching this opportunity.
- **Financial** – The Board anticipates a full year profit after 2016/2017 reserves of \$18,843 against a budgeted loss of \$697.

## POLICY IMPLICATIONS

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved - \$48,021.60
- Cost centre – 1009
- Expended to date – Centroc Membership \$48,021.60
- Future potential impact – Nil. This is a re-current expense which is budgeted each year.

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Minutes Centroc Board Meeting 10 August 2017

### **RECOMMENDATION**

**THAT** That the Mayoral Report from the Centroc Board Meeting 10 August 2017 at Parliament House be noted.

**ITEM-5 GM - 25/09/17 - DRAFT MINUTES TO COUNCILLORS**

**REPORT BY: GENERAL MANAGER**

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**REFERENCE**

Min 13-02: Ordinary Meeting of Council 4 February 2013

**COMMENTARY**

At the Ordinary Meeting of Council held on 4 February 2013 Council resolved:

**13-02 RESOLVED**

**THAT** Council officers provide Councillors with the Minutes as they are on the night.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

Since this has occurred the minuting system has been updated and the process has now become more involved.

The minutes are “off line” on the night of the Council meeting to be able to take the minutes for each item in an individual document. When the minutes are taken “on line” the minutes are automatically uploaded into Council’s record management system as final minutes as the individual item’s minute. If the minutes were taken on line on the night of the meeting, these individual items would therefore be an inaccurate account of the meeting as not all information is able to be completed on the night. For example, divisions are only recorded on the night in the voted “For” due to the quick progression of the meetings. The votes against are completed the next day.

The minute items are all individual documents and are required to be accurate prior to be taken back “on line”. Once the Minutes are taken back on line the Minute Report for the meetings is created which brings all individual items into the one documents template.

Management recommends that Council allow the Executive team to review the initial draft and forward to Councillors the minutes within one week of the meeting which than would be adopted at the next council meeting.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Budget approved – Nil
- Cost centre – N/A
- Expended to date – Nil
- Future potential impact – Nil

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT** Council allow the Executive team to review the initial draft of the minutes and forward to Councillors within one week of the meeting for adoption at the next council meeting.

**ITEM-6            GM - 25/09/17 - COMMITTEE RATIONALISATION**

**REPORT BY:    GENERAL MANAGER**

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## **REFERENCE**

Min 17-210:    Ordinary Meeting of Council held 17 July 2017

## **SUMMARY**

This paper identifies economic development responsibilities common to four committees (Tourism Advisory committee, Economic Development Advisory committee, CBD Revitalisation committee and Business Investment/Industry committee) and recommends the rationalisation of the four committees into one, an Economic Development Committee.

## **COMMENTARY**

Council's Economic Development strategy needs to be clearly targeted and focused on the transition to new diversified commercial and economic activity leveraged off and built upon existing and developing regional activities. In recommending this approach, Council needs to ensure that its deliberations on all Economic Development proposals are timely, inclusive of all elected officials and not subject to unintentional change or variation through discussions in other forums.

There is a potential for such variation and delay in progressing economic development initiatives because of Council's existing committee structure which comprises a number of committees that have overlapping responsibilities. These are set out below. Council has recently adopted an organisation structure that reflects the importance of Economic Development to the Lithgow area through the creation of a single Division combining strategic land planning, tourism and economic development.

The four committees recommended for merging are-

### **1. TOURISM ADVISORY COMMITTEE**

The principal responsibilities of the Committee are to:

- Assist Council in determining the long term tourism development needs for the Lithgow City Council area.
- Assist with the development of a four-year Tourism Development Plan for the Lithgow City Council area
- Assist with the identification of new tourism businesses and product and growth opportunities for existing tourism businesses.
- Consider potential social, environmental and economic impacts of anticipated tourism growth.
- Provide advice on and input into marketing and promotion of tourism in the Lithgow LGA
- In conjunction with the Council identify, seek out and advocate for tourism development opportunities for the area.
- Advise Council on the development and implementation of an annual program of events, promotions and celebrations across the Lithgow region, including Halloween and Lithglo.
- Assist Council Staff at major promotional events such as the Penrith Camping and Caravan show.

## **2. ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**

The principal responsibilities of the Committee are to:

- Provide input that assists Council in determining the long term economic development needs for the Lithgow City Council area.
- Provide input to the implementation of priority actions in the Economic Development Strategic Plan for the Lithgow City Council area.
- Provide input that assists with the identification of new business and growth opportunities for existing businesses.
- Provide input into land use planning that will allow for and stimulate economic growth.
- Consider social and environmental impacts of anticipated economic growth.
- In conjunction with the Council identify, seek out and advocate for economic development opportunities for the area.
- Review and approve applications made to Council under Policy 8.8 Main Street Façade Improvement Program.

## **3. CBD REVITALISATION COMMITTEE**

The principal responsibilities of the Committee are to:

- Identify the revitalisation objectives to be embodied within the Lithgow CBD Revitalisation Action Plan
- Monitor achievements of project milestones
- Review draft project outcomes
- Facilitate the exchange of information and advice between the Committee and the wider memberships of the Economic Development Advisory Committee, Tourism Advisory Committee, Operations Committee, Traffic Advisory Local Committee and the Lithgow Business Association where agreed.

## **4. BUSINESS INDUSTRY INVESTMENT**

Committee's Responsibilities the principal responsibilities of the Committee are to:

- To investigate the availability and/or opportunities for commercial, industrial and light industrial land within the Lithgow LGA. This includes, but is not limited to, discussions with the NSW Government over the now closed Wallerawang Power Station and its associated lands and buildings and the potential for a business park on the site.

The responsibilities of all the four committees can be undertaken by one Economic Development Committee comprised of all Councillors with the capacity to receive community input on a range of interrelated economic development issues and initiatives. A draft constitution and terms of reference for the proposed Lithgow Economic Development Committee are attached to this paper.

## **POLICY IMPLICATIONS**

A more targeted and focused policy development activity will be achieved by reducing areas of overlap in Council's committee structure, and concentrating Councils decision making and functional activities into the one area of economic development, which will be capable of reviewing the strategies in a range of commercial and economic development activities.

## **FINANCIAL IMPLICATIONS**

- Budget approved – No Specific budget required -General Administration support to Council Committees
- Cost centre – General Administration support
- Expended to date – No specific Budget required- Ongoing Administration support
- Future potential impact – Targeted/Focused decision making- reduction in administrative cost servicing committees.

## **LEGAL IMPLICATIONS**

None identified

## **ATTACHMENTS**

1. Draft Terms of Reference Economic Development Committee

## **RECOMMENDATION**

### **THAT**

1. Council merge the following committees into one Economic Development Committee viz-
  - a) Tourism Advisory Committee
  - b) Economic Development Advisory Committee
  - c) CBD Revitalisation Committee
  - d) Business Industry Investment committee
2. Council write to all members of the committees listed in 1. above thanking them for their participation to date.
3. Council establish the Economic Development Committee in accordance with the terms of reference in attachment 1 to this paper.

**ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS**

**ITEM-7 ECDEV - 25/09/17 - DA225/16 SUBDIVISION OF 1 LOT INTO 25 LOTS AT KIRKLEY STREET SOUTH BOWENFELS**

**REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

**SUMMARY**

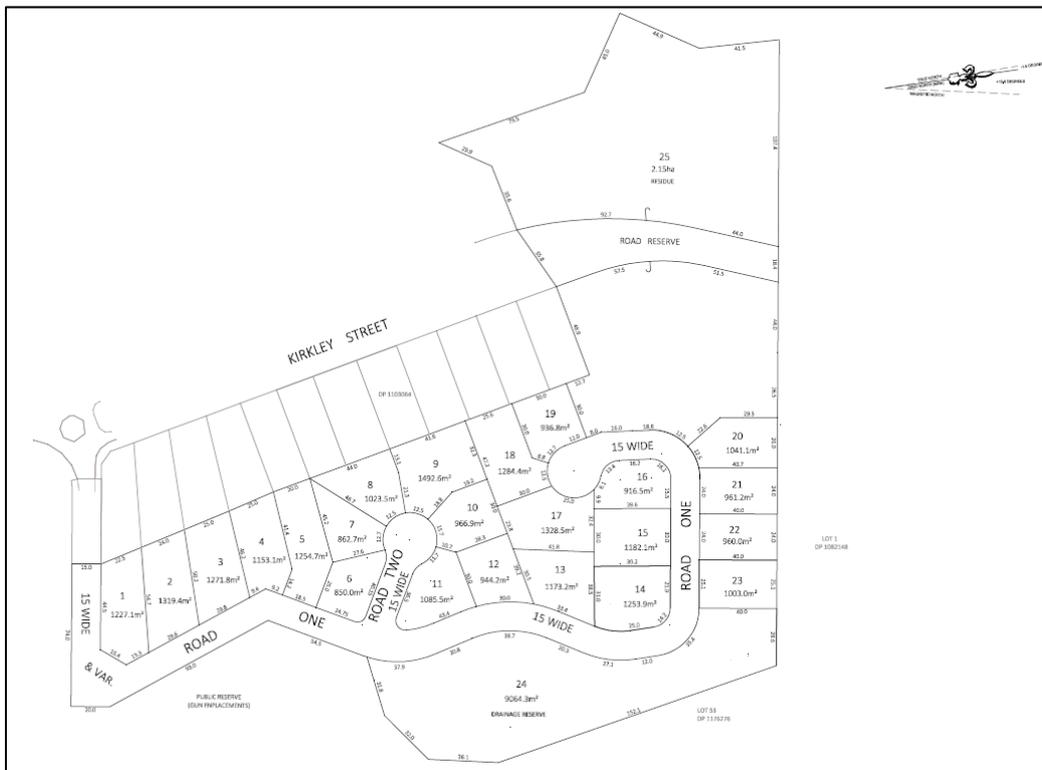
To assess and recommend determination of DA225/16 for the subdivision of 1 lot into 25 lots at Kirkley Street South Bowenfels NSW 2790 following imminent approval of an amendment to the Lithgow Local Environmental Plan 2014.

**COMMENTARY**

Council is in receipt of Development Application DA225/16 for the subdivision of 1 lot into 25 lots of Lot 64 DP1103064 Kirkley Street, South Bowenfels. Proposed Lots 1 to 23 are for residential use with Lot 24 to be dedicated to Council for stormwater infrastructure and Lot 25 being residual land that could be potentially developed in the future. The development is proposed to be undertaken in in three stages as below:

- Stage 1: Creation of Lot 25 and the remainder Lot to be further subdivided
- Stage 2: Creation of Lots 1 - 12 and the remainder Lot to be further subdivided.
- Stage 3: Creation of Lots 13 - 24 and dedication of land to Council which includes 2 bio-retention basins.

Below is the proposed lot layout:



The application originally lodged was for 1 lot into 29 lots, however this was amended due to some issues with water quality requirements and the layout with the electricity authority.

**Permissibility:**

The land is zoned R2 Low Density Residential, R5 Large Lot Residential and E3 Environmental Management in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

The development does not currently comply with the Lithgow Local Environmental Plan minimum lot size provisions of Clause 4.1 (3) being:

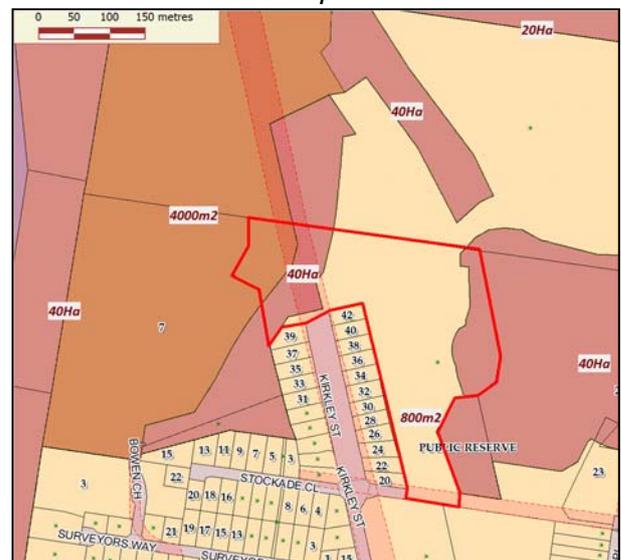
**4.1 Minimum subdivision lot size**

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Zoning map



Minimum Lot Size Map



The development, being a subdivision of land in R2 Low Density Residential zoning, is permissible for Lots 1 to 23 under Clause 4.1 as each lot meets the minimum lot size (MLS) of 800m<sup>2</sup> as per the Lot Size Map under LEP2014.

However, Lot 24 & 25 do not meet the MLS of 40ha as per the Lot Size Map for Clause 4.1 of the LEP2014 which is within the E3 Environmental Management zone and therefore the entire proposal is prohibited. However, a process was commenced to amend the LEP2014 to incorporate a clause that accommodates for split zoning situations. This allows for the subdivision of land through the following proposed additional clause:

**4.1B Minimum lot sizes for certain split zones**

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide for subdivision of lots that are within more than one zoning but cannot be subdivided under Clause 4.1, 4.1AA or 4.2C.*
  - (b) *to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.*
  
- (2) *This clause applies to each lot (an original lot) that contains:*
  - (a) *land in a residential, village; business or industrial zone, and*
  - (b) *land in a rural or environmental zone*

- (3) *Despite clause 4.1, 4.1AA or 4.2C, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:*
- (a) *one of the resulting lots will contain:*
    - (i) *land in a residential; village; business or industrial zone that has an area not less than the minimum lot size shown on the Lot Size Map in relation to that land, and*
    - (ii) *all of the land in any rural or environmental zone that was in the original lot; and*
  - (b) *all other resulting lots will contain land that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land.*
- (4) *Despite subclause (3) development consent may be granted to subdivide an original lot to create a resulting lot/s that contains land within an environmental zone that is less than the minimum lot size shown on the Lot Size Map where:*
- (a) *the resulting lot/s are created for a public purpose and dedicated to Council.*
- (5) *Before granting consent to development to which this clause applies the consent authority must be satisfied that the subdivision:*
- (a) *is not likely to have a significant adverse impact on the environmental values of the land, and*
  - (b) *will not compromise the continued protection and long-term maintenance of any land in an environmental zone, and*
  - (c) *is not likely to have a significant adverse impact on the primary production value of land in a rural zone.*

As proposed Lot 25 will incorporate all the remaining E3 Environmental Management zone and be above the MLS for the R5 Large Lot Residential zone of 4000m<sup>2</sup>, the development will meet the requirements of (3) above once the amendment is approved. The proposal will not have a significant impact on the environmental values of the land or the continued protection, or long term maintenance of the area, subject to conditions.

For proposed Lot 24 the land is proposed to be dedicated to Council for stormwater infrastructure and parklands which would comply with the provisions of proposed Clause 4.1B(4). It is considered the development will be permissible under the amended clause, once gazetted.

## **ASSESSMENT**

**Adjoining Landuse:** The surrounding area is generally for residential use with the proposal consistent with the surrounding land. The proposal will have minimal land use conflicts and will have a similar character to existing residential uses within the area. The development will be permissible within the zone upon approval of the LEP amendment and meets the objectives of the Lithgow Local Environmental Plan 2014.

**Services:** The development will have connections to Council's reticulated water and reticulated sewer services. The proposal will construct new roadways for vehicular access to each allotment. Additionally, there is access to electricity and telecommunication services. Therefore, it is considered that the proposal will be adequately serviced.

**Context and Setting:** The proposed development will be located within an established residential area 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 from Kirkley Street through the creation of a new roadway and has been assessed by Council's engineers. The roadway is a local access road which feeds onto a collector road. A road reserve will be dedicated from the end of Kirkley Street to link with land to the North to allow for future access. It is considered that, subject to conditions of consent, the access will be adequate for the development.

**Heritage:** The land is not heritage listed, however it adjoins the existing State Heritage listed 'South Bowenfels Gun Emplacements'. The design of the subdivision allows for the road and footways along the adjoining boundary to the gun emplacements which lessens the impact on the item. The area will be landscaped appropriately and no residential allotment will share a boundary with the 'Gun Emplacements'. The design of the subdivision has considered the impact to the gun emplacements and has been designed appropriately. No works will be undertaken that will impact or encroach onto the gun emplacement area.

**Social and Economic Impact:** As the proposed development is 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. Conditions of consent will be imposed to ensure that the development is carried out in a way that is acceptable and similar to adjoining developments in the area.

**Soils:** A previous contamination report was supplied for the land which indicated that the land was not subject to contamination. The proposed development will include earthworks for roadways and bio-retention basins which have been assessed by Council Officers, Water NSW and the NSW Office of Water and found to be acceptable subject to conditions of consent. These conditions will ensure minimal erosion and sedimentation issues throughout the construction phase of the proposal. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore there will be minimal impacts on soils and water.

**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. This includes bio-retention basins to be constructed and dedicated to Council on proposed Lot 24 and have been assessed by Council's Operations Department as being appropriate, they will become a Council asset. Therefore, with appropriate conditions of consent the development will have minimal impact on water.

**Air and Microclimate:** There will be no significant impact on air or microclimate. However, a condition of consent will be imposed requiring that dust suppression be used during construction works to minimise impacts on the surrounding residents.

**Noise and Vibration:** There are no nearby sources of noise or vibration that would impact detrimentally upon the proposal. The proposal is not expected to cause any noise issues in the surrounding area, given it is for future residential use.

**Other Land Resources:** The development will not impact on the value of the land in terms of agricultural potential or mining as it is zoned for residential use and adjacent to an established residential area. The land is not suitable for mining or forestry developments and is close to existing residential areas.

## **POLICY IMPLICATIONS**

### **Policy 1.2 Acquisition and Disposal of Assets**

This Policy needs to be considered when Council is considering the acquisition and/or development of assets. This Development Application proposes to construct two bio-retention basins and two roads. The bio-retention basins with open space land and the new road networks will be dedicated to Council as an asset as part of the Subdivision Certificate release process.

Council's Operations Department have advised that these assets satisfy the criteria identified within this Policy. The developer will be required to construct the assets to Council's specifications prior to a maintenance period and subsequent dedication.

### **Policy 7.2 Subdivision – Release Of Subdivision Plans**

The proposed development being for a subdivision will require compliance with this Policy as part of the Subdivision Certificate release.

### **Policy 7.5 Notification of Development Applications**

This policy applies to all applications as below:

#### **5. Who will be notified under this Policy and how long is the notification period?**

*5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.*

Therefore the proposal was notified to surrounding landowners and placed on display for a period of 14 days.

### **Policy 7.10 Voluntary Planning Agreements**

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to this proposal. The developer has agreed to make a contribution of \$138,000 (\$6,000 per residential lot) to go toward community facilities and open space and a further \$4,500 of works in kind for the construction of a concrete cycle path 3m wide at the end of the road servicing the sewer pump station to the northern boundary. Whilst the details of the VPA will be separately reported to a future Council meeting a condition will be incorporated indicating the terms.

## **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A. However, when Council accepts the land including the bio retention basins it will be required to maintain these structures in perpetuity.
- Future potential impact -The approval will be subject to financial implications on the developer as below:

#### ***Water Management Act 2000***

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

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

Therefore Council's Section 64 Contributions under Local Government Act 1993 for water and sewer connections will be required to be paid prior to the release of the Subdivision Certificate.

Following condition would be included in the condition of consent:

- *The applicant is to apply for a Certificate of Compliance under Section 305 of the Water Management Act for each stage of the subdivision. Each Subdivision Certificate shall not be issued until such time as the contributions applicable to release the Certificate of Compliance are paid in full to Council (being sewer and water charges for Stage 1= 1 lot, Stage 2= 12 lots and Stage 3= 12 lots). These contributions may be found in the current Lithgow Council Fees and Charges or any applicable document adopted by Council in relation to contributions under Section 64 of the Local Government Act 1993 at the time of payment of these contributions.*

### **Planning Agreements**

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to this proposal. The developer has agreed to make a contribution of \$138,000 (\$6,000 per residential lot) to go toward community facilities and open space and a further \$4,500 of works in kind for the construction of a concrete cycle path 3m wide at the end of the road servicing the sewer pump station to the northern boundary.

### **LEGAL IMPLICATIONS**

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

### **OTHER MATTERS**

**Road Extension:** The development requires the construction of a road that will service the new allotments within the subdivision. As a result, these roads will be dedicated to Council. Therefore, Council is required to be satisfied that these roads will be at a standard acceptable as a roads authority. This is of public interest as the additional road extensions will be required to be maintained by Council resulting in future costs to the community.

**Sewer:** The development requires additional connections to Council's reticulated sewer. This requires potential upgrades of existing services to allow for the additional loadings. The cost of these of upgrades will be borne by the developer; however the ongoing maintenance of the services will be the responsibility of Council. It is important for Council to ensure that these services are properly provided to minimise potential unnecessary maintenance in the future. This is of public interest as there are additional sewer services that will be required to be maintained by Council resulting in future costs to the community.

**Water:** The development requires additional connections to the reticulated water services. The cost of these of upgrades will be borne by the developer; however the ongoing maintenance of the services will be the responsibility of Council. It is important for Council to ensure that these services are properly provided to minimise potential unnecessary maintenance in the future. This is of public interest as there are additional water services that will be required to be maintained by Council resulting in future costs to the community.

**Designation of land and associated assets:** The development proposes to dedicate land to Council which retains the stormwater infrastructure being two bio-retention basins. This land and bio-retention basin would require ongoing maintenance once the land was dedicated to Council. This is of public interest as there is additional land and infrastructure that will require maintenance by Council resulting in future costs to the community. Furthermore, a road reserve is to be dedicated to Council to provide future connectivity to adjoining lands.

### **Submissions**

The proposal was referred to Water NSW, Endeavour Energy, Transgrid, NSW Office of Water, Council's Water & Wastewater Officer and Engineers for comment with recommendations for approval subject to conditions of consent.

The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with 1 submission received. The public submission received related to the original proposed 29 lots and no further submissions as a result of the amended proposal were sought given the minimised impact. The one submission, being an objection, detailed the following concerns:

- *To have another 28 blocks of land equalling 56 or more vehicles using Kirkley Street is a recipe for disaster.*
- *The Kirkley Street roundabout has many near misses with people not using the roundabout correctly and some people using it as a race track.*
- *The road that would lead to the new subdivision will not be wide enough to accommodate two cars at a time and one that will be very detrimental to the health and wellbeing of Kirkley Street Retirement village residents.*

The proposed development will have adequate road connections in accordance with Council's requirements and satisfy the above concerns. Although there will be additional traffic, roads new and existing will be wide enough to cater for the proposed traffic as a result of the proposal. The development is within a residentially zoned area and, subject to consent conditions, will be undertaken in a way to minimise impacts to residents during construction and also once completed.

#### **Relationship to Amendment No 2 of LEP**

Local Environmental Plan 2014 (Amendment No 2) whilst the development proposal is supported, consent cannot be formally granted until the Amendment to the LEP2014 is approved. For this reason it will be recommended that authority be delegated to the General Manager to determine the application upon approval of the LEP Amendment.

## **ATTACHMENTS**

1. Complete 79C Planning Report under separate cover.

## **RECOMMENDATION**

### **THAT**

1. That Development Application DA225/16 be supported by Council in accordance with the attached 79C report.
2. That delegation be provided to the General Manager for approval, subject to the conditions outlined in the attached 79C report, once the gazettal of Amendment No.2 of Lithgow Local Environmental Plan 2014 is completed.
3. Following determination, Council accept the dedication of the road networks and Lot 24 for ongoing management in accordance with the conditions outlined in the attached 79C report.
4. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-8            ECDEV - 25/09/17 - DA072/17 EXEMPTION AND REFUND OF  
DEVELOPMENT FEES FOR PROPOSED UPDATE OF GLEN ALICE  
COMMUNITY HALL**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **SUMMARY**

To advise of a request on behalf of Glen Alice Community Association (GACA) Incorporated to waive Construction Certificate and Section 68 Fees.

## **COMMENTARY**

Council has approved a Development Application DA072/17 from the Glen Alice Community Hall Incorporated for the upgrade of the existing community hall to an emergency services facility and temporary use café on land known as Lots 1, 2 & 3 DP 518911, Rylstone Street Glen Alice NSW 2849.

Lots 1, 2 & 3 DP 518911 (a total of approximately 2683.2m<sup>2</sup>) currently contain public toilet facilities, a picnic/camping area and an existing community hall (approximately 150m<sup>2</sup>) which includes a kitchen, stage and meeting area. The hall is used for both private (on hire) and community functions. The land is located in a rural setting and is surrounded by other community facilities, including the NSW Rural Fire Service (RFS) shed, Glen Alice School to the north and a church and cemetery to the south.

The GACA has received an “Emergency Relief Infrastructure Grant” from the NSW Department of Justice to upgrade the existing Glen Alice Community Hall to an emergency services facility that will allow the provision of meals, temporary shelter, toilet facilities, fresh water and communication facilities to local residents, visitors and emergency services staff during bushfire events. The proposed upgrades include the following works:

- The installation of a new commercial kitchen.
- The addition of a roofed deck (approximately 38.88m<sup>2</sup>) and disabled access ramp on the eastern side of the existing hall.
- The installation of an instant hot water system.
- Improvements to the existing wastewater management on-site, including the installation of a new rainwater tank.
- The installation of mobile phone antenna.
- The installation of an air conditioning system.
- Improvements to the existing grey water management of the site.
- The installation of a shower within the existing toilet block.

During periods where the hall is not used as an emergency services facility, it is proposed that the facility will continue to be used for private/community functions and that the proposed commercial kitchen may operate as a temporary use café.

At its Ordinary Meeting on 8 May 2017 Council resolved to grant an exemption to Section 94A Development Contributions to DA072/17 and that the Development Application Fees of \$1,160.20 applied to DA072/17 be refunded to the Glen Alice Community Hall Incorporated.

Following on from the issue of consent, the GACA lodged a Construction Certificate Application for the building works and Section 68 Local Government Act application for the provision of a grease trap and septic tank. These applications have now been approved.

### **Construction Certificate and Section 68 Application Fees**

The applicant has requested that Council waive the Construction Certificate, Compliance Inspection and Section 68 Application Fees as the GACA is a community based association with limited resources, volunteer workers and a limited ability to retrieve funds. The GACA recognises the significance of the grant for the community and wishes to return all available funds to the improvements of the hall.

The following fees were paid on lodgement of the Construction Certificate CC163/17 and Section 68 Application and have been requested to be waived:

Construction Certificate	\$301.81
Construction Certificate GST	\$30.18
Compliance Inspection	\$850.92
Compliance Inspection GST	\$85.09
Section 68 Application	\$321.00
<b>Total:</b>	<b>\$1,589.00</b>

The GACA have also requested a refund of the Long Service Levy Corporation Fee of \$805.00 however this fee is not retained by Council and has been forwarded to the Long Service Levy Corporation. Requests for refunds of the Long Service Levy are usually directed to Long Service Levy Corporation for consideration.

### **Conclusion**

The Glen Alice Community Association (GACA) Incorporated is a community based association with limited resources and ability to retrieve funds. The proposed upgrading works will result in improved bushfire protection for the Glen Alice Community, support the provision of emergency services to the local area and may result in social and economic benefits through encouraging greater use of the community hall. Additionally, the potential generation of employment opportunities through the operation of the proposed temporary café is beneficial to the area. Therefore, although waiving the fees will result in Council forgoing a potential total **\$1,589.00** in revenue, the return of all funds to the community group will provide significant benefits to the Glen Alice Community.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact – Council would forgo **\$1,589.00** in revenue if it agreed to waive the fees.

### **LEGAL IMPLICATIONS**

Nil

## ATTACHMENTS

1. Letter from the Glen Alice Community Association (GACA) Incorporated requesting waiving of Construction Fees.

## RECOMMENDATION

**THAT** Council fees of \$1,589.00 for the issue of a Construction Certificate 163/17, Compliance Inspection fees and Section 68 application fees as applied to the development be refunded to the Glen Alice Community Hall Incorporated.

**ITEM-9                    ECDEV - 25/09/17 - DA208/17 - WAIVING OF COUNCIL DA FEES FOR  
PROPOSED ROTUNDA AT SAVILLE PARK PORTLAND**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **REFERENCE**

Min No 17-164:            Ordinary Meeting of Council held on 29 May 2017

## **SUMMARY**

To advise of a request on behalf of Portland Community Group Incorporated to waive the Development Application Fees paid under DA208/17 for a proposed rotunda on land known as Lot 40 DP 842893, Saville Park Williwa Street Portland NSW 2847.

## **COMMENTARY**

Council is in receipt of a Development Application DA208/17 from the Portland Community Group Incorporated for the construction of a rotunda on land known as Lot 40 DP 842893, Saville Park Portland NSW 2847. At the Ordinary Meeting of Council held on 29 May 2017, Council supported the proposed location of the rotunda through resolving the following:

### **17-164 RESOLVED**

**THAT** Council:

1. Publicly exhibit for 28 days the proposal from Portland Development Association (Portland Community Group) to locate a rotunda on Council land at Saville Park, Williwa Street Portland.
2. Note that a further report will be brought back to Council detailing any significant community objections to the proposal.
3. Note that if no significant objections are received, and subject to confirmation from the Portland Community Group that they have sufficient funding, the General Manager will sign the Development Application for the proposal and that the Development Application will be considered at a future meeting of Council.

As no objections to the location of the proposed rotunda were received from the public, the Development Application has been lodged (as signed by the General Manager on behalf of Lithgow City Council) for consideration.

Lot 40 DP 842893 includes an open space area of 4.187 hectares and contains public toilet facilities on the north western corner. The proposed heritage styled rotunda is to be located on the northern border of the park, off Williwa Street, approximately 50 metres east of the existing toilet facilities and adjacent to the Portland Cement Works Administration Building.

The intention of the proposed rotunda is to promote the heritage value of the Portland area and encourage an increase in the community use of Saville Park.

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

The Portland Community Group Incorporated is a small group of 12 members, who have been operating for more than 15 years to support the community with things such as:

- The organisation and running of the Portland Spring Fair.
- Australia Day celebrations.
- The beautification and upkeep of Rotary Park.
- The “Murals of Portland Past” located around Portland, painted by Walnuts.
- Support of the local Men’s Shed and SES.

The following Fees were paid on lodgement of the Development Application and have been requested to be refunded to further support the operations of the community group:

DA208/17	
Archival Disposal Fee	\$57.00
Development Application Fee	\$260.00
CC184/17	
Compliance Inspection	\$179.09
Construction Certificate Fee	\$224.54
GST	\$17.91
GST	\$22.45
Long Service levy	\$105.00
<b>Transaction Total:</b>	<b>\$865.99</b>
<b>Includes GST of:</b>	<b>\$0.00</b>

### Conclusion

The Portland Community Group Incorporated is a community based association working to support local services, promote the heritage significance of Portland and encourage community activity within the Portland area. Therefore, although the waiving of Development Application Fees will result in Council forgoing a potential total of **\$865.99** in revenue, the return of funds will enable the Portland Community Group to continue their work in advancing the Portland community.

### POLICY IMPLICATIONS

Council Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land requires that where a development application is on Council owned land, that such application be referred to Council for consideration and determination. Whilst the application was not ready for report and determination to this Council meeting, it should be processed before the next available Council Meeting. The Applicant has made representations to Council officers indicating that it would be of some assistance in dealings with a funding authority if the Development Application was able to be determined prior to the next Council meeting on 23 October 2017. Consequently, it will be recommended that the Council delegate authority to the General Manager to determine the development application when it is ready for determination.

### FINANCIAL IMPLICATIONS

- Budget approved - NA
- Cost centre – If approved, the waiving of Development Application Fees will result in Council forgoing potentially **\$865.99** in revenue.
- Expended to date - NA
- Future potential impact – The proposed waiving of Development Application Fees could encourage the Portland Community Group and similar community based associations to provide similar requests to Council in the future.

### **LEGAL IMPLICATIONS**

The application has been referred to adjoining/adjacent landowners, Council's Heritage Advisor, Water and Sewer Development Officer and Building and Development Officer for commenting. The Development Application (DA208/17) is currently under assessment in accordance with the requirements of *Environmental Planning and Assessment Act 1979*.

### **ATTACHMENTS**

1. Letter from the Portland Community Group Incorporated requesting the waiving of Development Application Fees.
2. Elevation and Site Plan.

### **RECOMMENDATION**

#### **THAT**

1. The Development Application Fees of \$865.99 applied to DA208/17 be refunded to the Portland Community Group Incorporated.
2. Notwithstanding the provisions of Council Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land, authority be delegated to the General Manager to determine DA208/17 for a Rotunda at Saville Park, Portland.

**ITEM-10            ECDEV - 25/09/17 - WALLERAWANG QUARRY MODIFICATION 1 - DA344-11-2001 STOCKPILES & WASHING PLANT**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **REFERENCE**

Min No 14-389: Ordinary Meeting of Council held on 29 September 2014 – Progress and Update Report of the Wallerawang Quarry (DA 344-11-2001).

Min No 17-184: Ordinary Meeting of Council held on 26 June 2017 – Wallerawang Quarry Modification, DA344-11-2001-Modification 1- stockpiles and washing plant.

## **SUMMARY**

To advise and update Council on modification to a Major Project (DA No. 344-11-2001) that was approved by the Department of Planning and Environment (the Department) for the Wallerawang Quarry (DA 344-11-2001) Modification 1, Great Western Highway, Wallerawang.

## **COMMENTARY**

The approval for the Wallerawang Quarry Modification, DA344-11-2001 Modification 1 was granted by the Department of Planning and Environment on 25 August 2017 for additional stockpiles and washing plant.

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 12 June 2017. A submission was made on behalf of Council regarding the development including a request that more consideration be undertaken relating to the visual impacts from the Great Western Highway to the Quarry site, specifically in relation to the timeline as to when the vegetation would be planted and the construction of the bund wall.

The Department of Planning and Environment issued the consent subject to conditions stating that the applicant must construct a visual bund between the north-western boundary of the Western Stockpile Extension Area (WSEA) and the Great Western Highway, as described in the Environmental Assessment, prior to utilising the WSEA.

The Applicant must also install bunds at strategic locations around the site and plant additional trees along the boundary of the development site to screen, so far as is reasonable and feasible, the development from external viewers, to the satisfaction of the Secretary.

Other conditions were placed on the consent regarding quarrying activities, blasting, noise, air quality, soil and water, transport, aboriginal heritage, biodiversity and rehabilitation, visual, waste, liquid storage, dangerous goods and bushfire.

## **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date - N/A
- Future potential impact – N/A

### **LEGAL IMPLICATIONS**

As the proposal falls within Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Environment is the consent authority.

### **RECOMMENDATION**

**THAT** The information in the report on the Wallerawang Quarry (DA 344-11-2001) modification 1 be noted.

**ITEM-11 ECDEV - 25/09/17 - FARMERS CREEK PRECINCT MASTER PLAN**

**REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **REFERENCE**

Minute No: 17-94 Ordinary Council Meeting 10<sup>th</sup> April 2017

## **SUMMARY**

The purpose of this report is to advise on the outcome of public exhibition of the Draft Farmers Creek Precinct Masterplan and to recommend adoption of the Farmers Creek Precinct Masterplan as amended. The full amended Farmers Creek Precinct Masterplan document is available as an attachment to this report.

## **COMMENTARY**

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

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

### **Cost Estimates and Implementation**

Council does not have the capacity to undertake all of these works immediately, or even into the foreseeable future. Development and management of Farmers Creek to enhance its recreational, environmental and aesthetic values will ultimately be reliant on, and largely determined by, the funding and resources available to Council. As such the works required to upgrade the creek corridor, as guided by this masterplan, must be assessed against the other priorities of Council and determined by the budget allocations assigned in Council's rolling Delivery Programs and Operational Plan. However recognising that funding and resources may come from many sources including specific-purpose grant funding a degree of flexibility and opportunism is warranted in the masterplan's implementation.

Hence the masterplan sets out a prioritised and staged approach to the proposed actions and works and detailed in the Implementation and Cost Estimates Schedules for each planning unit. The total estimated orders of cost to implement each stage of this masterplan are as follows (rounded to the nearest \$000):

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

### **Community Consultation Outcomes**

The Draft Farmers Creek Precinct Masterplan has been informed by the input from the 11 members of the Project Reference Group (PRG) consisting of internal and external stakeholder representatives and the public exhibition phase.

### **Project Reference Group Members**

External Stakeholders;

- Water NSW – two (2) members,
- Central Tablelands Local Land Service – three (3) members
- Environmental Advisory Committee Member – one (1) member,

Internal Stakeholders;

- Operations Staff – two (2) members,
- Strategic Planning – one (1) member,
- Community & Culture – one (1) member,
- Environment – one (1) member,

### **Public Exhibition Phase**

The Draft Farmers Creek Precinct Master Plan was placed on public exhibition from Thursday 13<sup>th</sup> April 2017 until 19<sup>th</sup> May 2017, with submissions accepted up until Friday 26<sup>th</sup> May 2017.

The Draft Plan was available for viewing on a dedicated page on Council's website and hard copies of the document were made available at Council's Administration Centre and Lithgow, Portland and Wallerawang Libraries.

The community was provided with the opportunity to complete a feedback form that was available both electronically on Council's website and in hard copy at the exhibition venues. Written submissions were also accepted by letter and e-mail.

A total of eleven (11) submissions were received during the period. A full summary and analysis of all submissions is included as an attachment to this report (Attachment 2). Where it has been determined that an action is required in the plan as a result of a submission, this has been reflected in the final document (Attachment 1).

The community feedback has been divided into actions requiring amendment of the Master Plan and operational feedback that can be addressed in the rollout of the Masterplan or within latter detailed planning/design. Actions requiring amendment to the Master Plan are listed below;

- Amend Section 2.8 Recreation and Amenity Values to recognise the value of Farmers Creek and Lake Pillans to anglers, and past annual stocking with Brown and Rainbow Trout by NSW DPI.
- Amend Section 2.3 Fauna to note that Farmers Creek and Lake Pillans have been annually stocked with Brown and Rainbow Trout by NSW DPI but that these are both introduced fish species which, despite having recreational value, may also adversely impact native fish species and aquatic ecosystems.
- Amend Section 3.5 to recognise the possibility of increasing numbers of younger residents moving to the town.
- Amend Section 2.8 Recreation and Amenity Values to recognise the value of Farmers Creek and Lake Pillans to anglers and its occasional use by local anglers, and past annual stocking with Brown and Rainbow Trout by NSW DPI (via the local Branches of the Central Acclimatisation Society) but that these are both introduced fish species which, despite

having recreational value, may also adversely impact native fish species and aquatic ecosystems.

- Amend Masterplan to acknowledge that extension of the creekside pathway will provide improved access to and along Farmers Creek for recreational fishing.
- Amend Masterplan to note that final positioning of the proposed bird hide in the sewerage ponds area may be modified depending on specialist advice on habitat quality, minimising disturbances, bird behaviours/visibility, accessibility and safety.
- Amend Masterplan to recognise the potential for arts and cultural events/activities, installations or elements at appropriate locations along the shared pathway and enhanced open space corridor on Farmers Creek.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved: 16/17 Operational Plan \$35,000 (PJ 400059)  
17/18 Operational Plan \$50,000 (PJ 400108)
- Cost centre: PJ 400059 & PJ 400108
- Expended to date: \$35,000 and \$10,000 Grant funding PJ 400059,
- Future potential impact: 17/18 Operational Plan \$50,000, The Master Plan outlines a number of actions that if carried out would have significant financial implications. However, the plan does not commit Council to any expenditure. It is likely that external sources of funding will need to be sought for implementation.

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Farmers Creek Precinct Master Plan
2. Summary and Analysis of Public Submissions

### **RECOMMENDATION**

**THAT** Council adopt the amended version of the Farmers Creek Precinct Master Plan as attached to the business paper.

**ITEM-12            ECDEV - 25/09/17 - DRAFT WASTE & RECYCLING STRATEGY**

**REPORT BY:        DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **REFERENCE**

Min No 11-435 - Ordinary Meeting of 31 October 2011

## **SUMMARY**

The purpose of this report is to recommend for public exhibition the Draft Waste & Recycling Strategy. The full Draft Waste & Recycling Strategy is available as an attachment to this report.

## **COMMENTARY**

The review of the current Waste & Recycling Strategy was undertaken in consultation with a specialist consultant Molino Stewart Pty Ltd. Council also received grant funding contribution (\$7,500) from NetWaste for the project to supplement Council's budget allocation (\$20,000). The Strategy includes a schedule of proposed actions within stages or timeframes across the 10 years of the Strategy. The Objectives of this strategy are to;

- To provide the City with a strategic direction for waste management in the short and longer term,
- To encourage efficient and effective waste management in line with the waste hierarchy (Avoid, Reduce, Reuse, Recycle, and Dispose) and the NSW Government targets,
- To provide infrastructure and services which are efficient, flexible and accessible to the community.
- To develop waste initiatives that are suitable for the City's corporate objectives sensitive to the financial capacity of the City.

The Draft Strategy once implemented has important implications for the closure sequence of rural landfills and locations of waste transfer stations to provide waste and recycling disposal facilities to rural residents.

## **Background**

A review of operational life of a number of rural landfills was undertaken through the development of new filling plans in 2016/17. Particular attention was given to Lithgow, Portland & Wallerawang waste depots due to their size and associated cost of rehabilitation in accordance with the Environment Protection Authority (EPA) Environmental Guidelines Solid Waste Landfills 2016.

Through progressive rehabilitation of Lithgow, Portland and Wallerawang waste depots a final landform that is based on EPA Solid Waste Guidelines can be achieved using waste, while continuing to provide waste services to towns and villages within the LGA. Through this process a significant increase in landfill life is now available at these sites. This enables Council to defer construction of any new waste facility until these landfills have reached the end of their operational life. It is noted that closure timeframes are based on predicted waste volumes and these may vary with time.

Council plans to establish waste transfer stations at the majority of landfills following closure and rehabilitation although, Cullen Bullen could be an exception. Cullen Bullen receives a kerbside

collection service and is less than 8 km from the Portland waste depot. Therefore, consideration should be given to the financial cost of construction and servicing a waste transfer station in this location.

**Table: 1 Proposed closure program for landfills in the Lithgow LGA**

Landfill-Name	Proposed-Closure-Date
Angus-Place	Closed
Cullen-Bullen	2019/20
Glen-Davis	2019/20
Capertee	2024/25
Portland	2026/27
Wallerawang	2034/35
Lithgow	2033

## Key Recommendations from the Strategy Review

### Waste Infrastructure Feasibility Study

- It is recommended that the Council undertake a detailed feasibility study/master plan to fully investigate all existing waste management services and facilities in the LGA.

### Infrastructure Development

- Prioritise upgrade works to modernise the Lithgow solid waste facility in accordance with the filling plan (Amaral 2016),
- Prioritise construction and operation of Lithgow Waste Transfer Station,
- Progressively close and remediate the small rural landfills as scheduled,
- Review and renegotiate the waste management contracts to improve cost effectiveness and to rationalise operations so consistent with the new waste management strategy.

## Conclusions

It is recommended that Council does not undertake the detailed waste feasibility study as recommended by Molino Stewart due to the quoted price of \$100,000. Rather Council undertake an internal service review to predict future costs and revenue compared to the current and predicted funding base. It is also suggested that Council undertake a review of contractual arrangements for facilities and service management so the Council can optimise flexibility and efficiency in the provision of waste services.

Council should consider progressive rehabilitation and closure of landfills based on target dates outlined in Table 1 of this report, with the intention of constructing waste transfer stations at the majority of these site post closure. Consideration should be given to not constructing a waste transfer station at Cullen Bullen post closure, pending consultation with the Cullen Bullen community.

Council should continue operation, development and progressive rehabilitation of Lithgow, Portland and Wallerawang waste depots as detailed in the new filling plan (Amaral 2016 &17). Planning and development of the Lithgow Waste Transfer Station (LWTS) at the Lithgow Solid Waste Facility will continue as detailed in the Lithgow Waste Transfer Station Master Plan 2016. The Lithgow Waste Transfer Station will continue servicing the Lithgow community post closure of the Lithgow Solid Waste Facility through separation and transporting of waste to an alternative facility in the LGA.

With consideration of the above and the significant increase in landfill life it is recommended that the Lithgow Solid Waste Facility is considered the Central Waste Facility in the Lithgow LGA with the objective to improve waste services and resource recovery for the Lithgow community until such time the site is closed and rehabilitated.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

- Budget approved - \$27,500
- Cost centre - PJ 500015
- Expended to date -\$25,000
- Future potential impact -Nil

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

1. Draft Waste & Recycling Strategy
2. Lithgow Waste Transfer Station Master Plan 2016

#### **RECOMMENDATION**

**THAT** the Draft Waste & Recycling Strategy be placed on exhibition for a period of 28 days with the period for submissions being 42 days from the first day of the exhibition period.

**ITEM-13            ECDEV - 25/09/17 - DA203/17 - PROPOSED DEMOLITION AND  
REPLACEMENT OF GRANDSTAND WALLERAWANG SPORTS OVAL**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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**SUMMARY**

To advise Council of a Development Application (DA203/17) lodged for the demolition and replacement of an existing grandstand located on Council owned land known as Lot 2 DP 727021, Wallerawang Sports Oval Brays Lane Wallerawang NSW 2845.

**COMMENTARY**

Council is in receipt of a Development Application (DA203/17) for the demolition and replacement of a grandstand (recreation facility (outdoor)) on land known as Lot 2 DP 727021, Wallerawang Sports Oval Brays Lane Wallerawang.

Lot 2 DP 727021 includes an open space area of approximately 3.811 hectares used for outdoor recreation. The land currently consists of an existing grandstand (approximately 270m<sup>2</sup>) (including an attached canteen and toilet facilities), two separate toilet blocks, a sporting field and netball courts.

The proposed development includes, subject to funding, the demolition of the existing grandstand (attached canteen and toilet facilities) and one detached toilet block which is to be replaced with a new grandstand facility (approximately 330.6m<sup>2</sup>) that will include:

- Lower level: Two change rooms (each fitted with showers and toilets), three storage rooms, accessible toilet facilities, canteen, first aid room, two sets of stairs and a lift (for access to mezzanine level).
- Mezzanine Level: Three storage rooms and spectators seating area (including an accessible seating space).
- Upper Level: Spectators seating.



Figure 1 – Lot 2 DP 727021 – Existing Grandstand Facilities to be Demolished



Figure 2 – Lot 2 DP 727021 – Perspective Plans – Proposed Grandstand Facilities

## POLICY IMPLICATIONS

### Policy 5.1 Building Over Easements

Council Policy 5.1 *“Building Over Easements”* is applicable to the proposed development, as there are a number of Sewer Easements currently located over Lot 2 DP 727021 (as shown in red in Figure 3 below). However, the proposed development was referred to Council’s Water and Sewer Officer for assessment, from which it was found that the proposed grandstand will not impede on Council infrastructure. Therefore, it is considered the proposed development will comply with the requirements of Council Policy 5.1.



Figure 3 – Lot 2 DP 727021 – Existing Sewer Easements

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

Council Policy 7.5 “*Notification of Development Application*” is applicable to all land within the Lithgow Local Government Area. Clause 5.3 of Policy 7.5 prescribes the following notification requirements for a recreation facility:

#### **5. Who will be notified under this Policy and how long is the notification period?**

5.3 Certain types of development will be notified to adjoining landowners as well as the wider neighbourhood, and in some circumstances for 21 days.

Therefore, the proposed development was notified to surrounding landowners (6 either side, at the rear and opposite) for a period of 21 days. However, no written submissions were received during this time.

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

Council Policy 7.6 “*Development Applications By Councillors And Staff Or on Council Owned Land*” is applicable to the proposed development, as the Development Application has been submitted by Council, for the demolition and construction of a grandstand on land owned by Lithgow City Council.

Therefore, in accordance with Clause 1 of the Policy the Development Application is required to be determined by the elected Council.

### **FINANCIAL IMPLICATIONS**

- Budget approved – N/A.
- Cost centre

#### Section 94A Development Contributions Plan 2015

Council’s Section 94A Development Contributions Plan 2015 is applicable to all land within the Lithgow Local Government Area. Clause C7 of the plan prescribes the following types of development as exempt from requiring payment of the levy:

C7 Are there any exemptions to the levy?

Other development exempted from the levy

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

Development by or on behalf of Lithgow City Council;

Therefore, as the proposed development is by Lithgow City Council, no development contributions are required to be paid as part of this application.

- Expended to date – N/A.
- Future potential impact – N/A.

### **LEGAL IMPLICATIONS**

All matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979* have been taken into consideration, as addressed in Attachment 1.

### **ATTACHMENTS**

1. Section 79C Assessment Report as required by Section 79C of the *Environmental Planning and Assessment Act 1979*.

## RECOMMENDATION

### THAT:

1. Development Consent be granted to Development Application (DA203/17), subject to the conditions specified in the attached Section 79C Assessment Report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

**ITEM-14            ECDEV - 25/09/17 - ADOPTION LITHGOW LOCAL ENVIRONMENTAL PLAN  
2014 (LEP) AMENDMENT 2 - MINIMUM LOT SIZES FOR CERTAIN SPLIT  
ZONES**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **REFERENCE**

Minute No 12-456    Ordinary Meeting of Council 26 November 2012  
Minute No 16-289:   Ordinary Meeting of Council 31 October 2016  
Minute No 17-188:   Ordinary Meeting of Council 26 June 2017

## **SUMMARY**

The purpose of this report is to obtain a Council resolution to:

- adopt Lithgow Local Environmental Plan 2014 (Amendment 2) as per the legal opinion dated 11 August 2017;
- authorise the General Manager as a delegate to the Minister of Planning to make the plan in accordance with Section 59(2)(a) of the Environmental Planning and Assessment Act, 1979; and
- refer the Plan to the Western Region Office of the NSW Department of Planning and Environment to arrange for on-line notification of the Plan

## **COMMENTARY**

In accordance with Minute 17-188 of 26 June 2017 Council requested Parliamentary Counsel to draft the legal instrument and provide Council with a legal opinion that the drafted environmental planning instrument could be legally made. This opinion was received by Council on 11 August, 2017 as attached.

The LEP is now in order to be adopted by Council and officially made as outlined in the attached Section 59 Planning Report. Council's General Manager has been issued authorisation to exercise the Minister's functions under Section 59 of the EP & A Act 1979 for this LEP amendment.

The Plan once signed by the General Manager will then be referred to the Western Region Office of NSW Planning and Environment requesting notification of the Plan on the NSW legislation web site. The Plan will take effect on the date it is so notified.

Council was issued with a timeframe of 9 months from the date of the Gateway Determination to finalise the LEP amendment. This should be achieved with the relevant deadline being 20 October 2017.

## **POLICY IMPLICATIONS**

Nil

## FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

## LEGAL IMPLICATIONS

This matter is required to proceed in accordance with Environmental Planning and Assessment Act and the *Guide to Preparing LEPs* issued by NSW Planning and Environment.

Council accepted the Minister's delegated plan making powers under Section 59(2)-(4) of the EP & A Act, 1979 and sub-delegated these functions to the General Manager in accordance with Section 381 of the Local Government Act 1993 (Minute No 12-456 – 26/11/12). Written authorisation to exercise delegation in relation to this LEP was granted on 20 January 2017.

## ATTACHMENTS

1. Section 59 Planning Report
2. Opinion of the Parliamentary Counsel dated 11 August 2017
3. Lithgow Local Environmental Plan 2014 (Amendment 2)

## RECOMMENDATION

### THAT

1. Council adopt Lithgow Local Environmental Plan 2014 (Amendment 2)
2. The General Manager exercises the delegated functions of the Minister for Planning to make the Plan in accordance with Section 59(2) (a) of the Environmental Planning and Assessment Act, 1979.
3. Council refer the Plan and Section 59 Planning Report to the Western Region Office of NSW Planning and Environment with a request to arrange for on line notification of the Plan on the NSW legislation web site.

**ITEM-15 ECDEV - 25/09/17 - ASBESTOS MANAGEMENT POLICY**

**REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **REFERENCE**

Minute No 17-215: Ordinary Council Meeting 17 July 2017

## **SUMMARY**

The purpose of this report is to advise on the outcome of public exhibition of the Draft Policy 7.11 Asbestos Management and the referenced Draft Asbestos Management Plan and to recommend adoption of both documents.

## **COMMENTARY**

Council at its meeting of 17 July 2017 resolved in the following terms:

### **THAT:**

1. Council endorse Draft Policy 7.11 Asbestos Management and Draft Asbestos Management Plan for Lithgow City Council for public exhibition and comment and display for 28 days.
2. Following the exhibition period the Policy and Management Plan be returned to Council for adoption.

The Draft Policy 7.11 Asbestos Management (Attachment 1) is a new policy to provide a framework for Council's management of asbestos in all its regulatory and workplace roles. The Draft Asbestos Management Plan (Attachment 2) has been prepared as a reference document to Draft Policy 7.11 to:

- Outline the role and powers of key NSW Government agencies and Council in managing asbestos;
- Provide general advice for residents or businesses to assist them manage asbestos appropriately;
- Identify procedures to be implemented to address asbestos when assessing applications for development; and
- Describe Council's procedures for managing asbestos in its workplace.

The Management Plan was formulated to be consistent with Council's legislative obligations and within the scope of Council's powers. The Plan must be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation is applicable.

The Management Plan is based on the Model Asbestos Policy for NSW Councils developed by the NSW Department of Premier and Cabinet and the Office of Local Government to promote a consistent Local Government approach to asbestos management across NSW.

### **Public Exhibition**

Draft Policy 7.11 Asbestos Management and the Draft Asbestos Management Plan were placed on public exhibition for 28 days until 24 August 2017. No public submissions were received by Council in that time. The Office of Local Government contacted Council after the documents were placed on public exhibition. They advised that they were pleased with the action taken by Council to introduce an appropriate policy and management plan for asbestos in its area. The draft documents were available for viewing on a dedicated page on Council's website and hard copies of the document were made available at Council's Administration Centre.

### **POLICY IMPLICATIONS**

A new Policy 7.11 Asbestos Management will apply should Council agree with the recommendation.

### **FINANCIAL IMPLICATIONS**

- Budget approved: NA
- Cost centre: NA
- Expended to date: NA
- Future potential impact: Asbestos management will need to be considered in future budget planning where relevant.

### **LEGAL IMPLICATIONS**

The documents meet Council's legal obligation in relation to asbestos management in its regulatory roles and in the workplace.

### **ATTACHMENTS**

1. Draft Policy 7.11 Asbestos Management
2. Draft Asbestos Management Plan for Lithgow City Council.

### **RECOMMENDATION**

**THAT** Council adopt Policy 7.11 Asbestos Management and the Asbestos Management Plan for Lithgow City Council as attached to the business paper.

**ITEM-16            ECDEV - 25/09/17 - HALLOWEEN EXPENDITURE UPDATE**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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**SUMMARY**

To advise Council of the current expenditure position of Lithgow Halloween 2017.

**COMMENTARY**

At its Ordinary Meeting of 14 August 2017 the Council resolved to seek a monthly report of expenditure on the 2017 Lithgow Halloween event.

As at 14 September 2017, \$9,890 had been expended and \$75,962 committed through orders placed providing total expenditure of \$85,852. With confirmed sponsorship and anticipated income the overall budget for the event is projected at \$128,737.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

In relation to Events Attraction package:

- Budget approved - \$90,000
- Cost centre -600134
- Expended to date \$9,890 Actual & \$75,962 committed. Total of \$85,852.
- Future potential impact – The total budget with sponsorship and income is projected to be \$128,737. At this stage the budget is tracking well but potential for over expenditure exists particularly in addressing risks associated with events in public spaces.

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT** the information on current expenditure for Lithgow Halloween 2017 be noted.

**ITEM-17            ECDEV - 25/09/17 - LITHGLO**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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**SUMMARY**

This report provides information on the plan to revive Lithglo and to alter the date to a more appropriate time of year.

**COMMENTARY**

Lithglo has been on the events calendar since 2012. The original event ran for 3 nights and focused on the spectacular illumination of a number of iconic heritage structures around the Lithgow area. The initial event was an outstanding success that generated both local interest and visitors from outside the LGA.

The event in recent years has centred on markets in Queen Elizabeth Park and has lost much of its initial focus and interest from outside the LGA. Plans are now in place to move the date of the event to after the conclusion of daylight saving and once again focus on illuminations of iconic structures and promotion of Lithgow's Heritage assets. It is planned to 'anchor' the event at the Lithgow Blast Furnace with linkages planned to other sites. The development of a master plan for Blast Furnace Park includes restoration of the site and the installation of lighting, interpretive signage and safe walkways to allow the public to visit and walk through the Blast Furnace buildings. The restoration and installation of the lighting, walkways and other works is due to be completed by late 2017. The date for the event is yet to be set but a window in April/May is envisaged when more daylight is available and prior to the temperature dropping significantly.

Depending on the final date, opportunities exist to align the event with the Australian Heritage Festival and also potentially coincide with the 111 year anniversary of the opening of the Blast Furnace in 1907. It is hoped that Lithglo will be reshaped into a Heritage Festival weekend event that showcases Lithgow's unique heritage attractions, museums and sites and tell the stories behind the history. The story of the Blast Furnace and the industrial history of Lithgow are unique and needs to be valued as a key tourism selling point.

Although the market providers that worked on the previous markets associated with Lithglo have declined to participate, the potential for standalone markets to be held in Queen Elizabeth Park in December 2017 still exists and Tourism Staff are working on a proposal so this may still proceed.

By re-invigorating the Lithglo concept it is hoped that another iconic event can be established that provides benefits to business operators and promotes Lithgow positively.

**POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved - \$35,000.00
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

### **LEGAL IMPLICATIONS**

Nil

### **RECOMMENDATION**

**THAT** Council notes the information provided on Lithglo.

**ITEM-18            ECDEV - 25/09/17 - PROPOSED SPONSORSHIP OF CHRISTMAS  
PROMOTION - WOMEN IN LITHGOW DISTRICT**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **SUMMARY**

To advise of a request from the Women in Lithgow District (W.I.L.D.) seeking council sponsorship of their 2017 Christmas promotion. The recommendation will be that Council become sponsor.

## **COMMENTARY**

Council would no doubt be aware of W.I.L.D who are a not for profit organisation formed in 2016. The group are focused on assisting the community; connecting businesses; and working towards encouraging greater civic pride through events and promotion. Naturally, these ideals align with those of Council.

In 2017 W.I.L.D. is coordinating a Christmas promotion whereby businesses participate through a \$300 participation package. When customers spend \$20 or more from a participating business they receive an entry into the opportunity to win a car (Kia Rio) which will be drawn on Saturday 23 December 2017. The group also has a major sponsor package available for the promotion. If a major sponsor purchases a package for \$1,000 it will be entitled to:

- All promotional material to include the major sponsor logo
- Media advertising material will include the major sponsors logo
- Banners displaying major sponsors will be displayed alongside the KIA vehicle
- Partial wrap Kia – logos of major sponsor will be included on a partial wrap on the vehicle.

This type of promotion is something that management is interested in exploring as a future Council initiative, however support of a third party promotion through a reputable local group is another way to assist in supporting local business and generating community interest. In this instance the purchase of a sponsors package for \$1000 represents a timely opportunity to support promotion of local business and generate community and business interest coming up to Christmas. Under the circumstances it is recommended that Council purchase a major sponsor package for \$1,000 to participate in the W.I.L.D. Christmas promotion.

## **POLICY IMPLICATIONS**

The proposal is for sponsorship. Consequently it falls outside the provisions of Policy 4.2 Financial Assistance Section - 356 of the Local Government Act and 4.9 Events Attraction package – Section 356 of the Local Government Act.

## **FINANCIAL IMPLICATIONS**

- Budget approved – An amount of \$5,833 is available within the Economic Development Operational projects allocation.
- Cost centre - 1619
- Expended to date – Nil
- Future potential impact – If Council concurs with recommendation a balance of \$4833 will remain within the allocation.

### **LEGAL IMPLICATIONS**

No legal impediment is envisaged in Council providing sponsorship to assist in the promotion of business and the community.

### **ATTACHMENTS**

1. Correspondence from W.I.L.D.

### **RECOMMENDATION**

**THAT** Council agree to participate in the Women in Lithgow District (W.I.L.D) Christmas promotion and become a major sponsor allocating an amount of \$1000.

## OPERATION REPORTS

### ITEM-19 OPER - 25/09/17 - WATER RESTRICTIONS

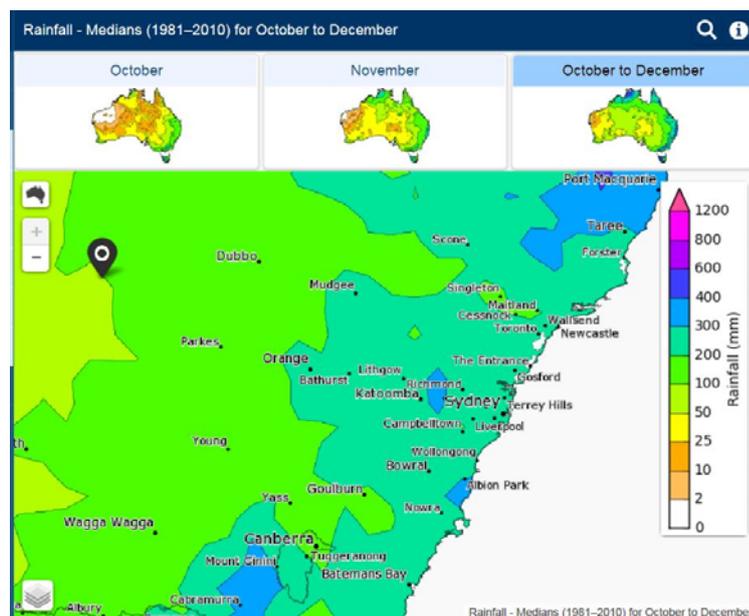
REPORT BY: DIRECTOR OPERATIONS

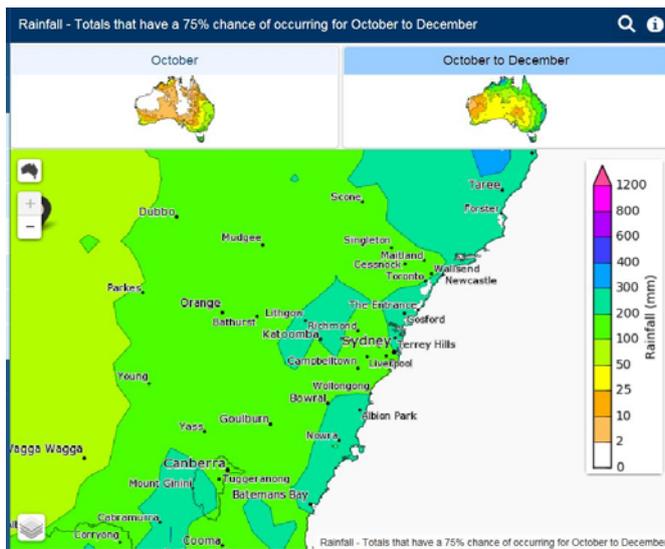
## SUMMARY

This report is a proposal to increase the current level for water restrictions.

## COMMENTARY

As it stands, there has been lower than average winter rainfall received this year indicated by a median rainfall for the period of October to December of 200mm. In addition, forecasts show the likelihood of rain exceeding 100mm for the period October to December to be only 75%. This, combined with higher than average temperatures, indicates the need to assess Council's approach to water conservation measures across the Local Government Area.





Farmers Creek No. 2 Dam capacity on Monday 11th September 2017 was 52.7%. Oberon Dam capacity on Monday 11th September 2017 was 84.4%.

The current condition of the WaterNSW pipeline from the Oberon Dam to Wallerawang is less than reliable with there being numerous breaks since July 1 2017 until 15 September 2017. Oakey Park Water Treatment Plant and the Farmers Creek No. 2 Dam has supplied water to the towns and villages for 23 days in this period. This increase supply to the towns and villages has caused the levels in the Farmers Creek No. 2 Dam to decrease rapidly.

This unreliability of the Fish River Water Supply Scheme means there is a potential that the towns and villages across the LGA will require water to be supplied from Oakey Park Water Treatment Plant over the summer period. At the current rate of consumption with the Level 1 Water restrictions in place it is unlikely that the water available will be able to meet demand. For this reason, it is proposed to move to Level 3 water restrictions for the coming period to enable the security of supply to both the Lithgow and its associated towns and villages for the summer period.

The water supplied to the towns and villages from the Lithgow supply is through the Cook St High Level reservoir and the Cook St water pump station. This infrastructure is able to cope with the current demand for a period however with the use of water at the current Level 1 Restrictions predicted to increase over the summer period there is the likelihood that this infrastructure would be unable to meet this current demand. Council's infrastructure would be better able to meet this demand if water restrictions were set at Level 3.

Lithgow City Council is committed to conserving water and working with the community to preserve this precious resource. There are many things that we can all do to work together in order to be waterwise. Residents are able to find tips on being waterwise and how to conserve water around your house, garden and in general on Council's website.

## POLICY IMPLICATIONS

NIL

## FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N.A

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Water Restrictions Table

**RECOMMENDATION**

**THAT** Council increase the current level for water restrictions to Level 3 until further notice.

**ITEM-20 OPER - 25/09/17 - WATER REPORT**

**REPORT BY: DIRECTOR OPERATIONS**

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## REFERENCE

Min 17-243: Ordinary Meeting of Council 14 September 2017

## SUMMARY

This report provides an update on various water management issues.

## COMMENTARY

### **Current Dam Levels for both Farmers Creek No. 2 Dam and Oberon Dam**

Farmers Creek No. 2 Dam capacity on Monday 11th September 2017 was 52.7%. Oberon Dam capacity on Monday 11th September 2017 was 84.4%.

### **Current Water Usage from Each Supply**

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Water NSW (Fish River Scheme) for 2017/2018. During this period Oakey Park Water Treatment Plant has supplied the Fish River System for a period of 22 days.

**Table 1 – Oakey Park Monthly Output and Clarence Transfer 2017/2018**

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	119.4	0	79.3
August	141.5	0	59.3
<b>TOTAL</b>	<b>260.9</b>	<b>0</b>	<b>138.6</b>

### **Oakey Park Water Quality Summary**

Oakey Park Water Treatment Plant is currently supplying water to Lithgow and was supplying water to the villages for the periods. No health-based ADWG values were exceeded for the period 5/08/17 to 15/09/17.

### **Treatment Plants Monitoring Results**

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 25/07/17 and again on 29/08/17 and forwarded to Sydney Water for testing. There were no non-compliances recorded at any of Council's treatment plants for the months of July and August 2017. All test results are published on the Lithgow City Council website as required by the Protection of the Environment Operations Act 1997.

### **Fish River Water Scheme Water Quality Summary**

Fish River Water Supply supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 5/08/17 to 15/09/17.

### **Current Water Restrictions Update**

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

### **Water Saving Schemes or Processes Update**

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving eleven (11) applications for a household appliance rebate and receiving no applications for a water tank rebate for the period 5/08/17 to 15/09/17.

### **Water Reticulation Complaints**

Council received no complaints during the period 5/08/17 to 15/09/17 concerning water quality issues.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

### **LEGAL IMPLICATIONS**

NIL

### **RECOMMENDATION**

**THAT** Council notes the water report.

## FINANCE REPORTS

ITEM-21            FIN - 25/09/17 - RELATED PARTIES DISCLOSURE POLICY 8.8

REPORT BY:    ACTING CHIEF FINANCIAL & INFORMATION OFFICER

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## REFERENCE

Min No 17 – 195: Ordinary Meeting of Council held 26 June 2017

## SUMMARY

Following a 28 day public exhibition period, the Policy 8.8 Related Parties Disclosure is presented for Council adoption.

## COMMENTARY

At the Ordinary Meeting of Council held on 26 June 2017, Council resolved:

**THAT:**

1. Council endorse Draft Policy 8.8 Related Parties Disclosure for public exhibition and comment display for 28 days.
2. Following the exhibition period the policy be returned to Council for adoption.

The policy was placed on public exhibition closing on 11 August 2017. No submissions were received on this matter.

## POLICY IMPLICATIONS

Policy 8.8 Related Parties Disclosure will become a new policy for Council and ensures Council complies with Accounting Standard AASB124 Related Party Disclosures.

## FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

## LEGAL IMPLICATIONS

Nil

## ATTACHMENTS

1. Draft Policy 8.8 Related Parties Disclosure

## RECOMMENDATION

**THAT** Council adopt Policy 8.8 Related Parties Disclosure as exhibited.

**ITEM-22 FIN - 25/09/17 - COUNCIL INVESTMENTS HELD TO 31 AUGUST 2017**

**REPORT BY: ACTING CHIEF FINANCIAL & INFORMATION OFFICER**

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## REFERENCE

Min No 17-244: Ordinary meeting of Council held on 14 August 2017

## SUMMARY

To advise Council of investments held as at 31 August 2017

## COMMENTARY

Council's total investment portfolio, as at 31 August 2017 when compared to 31 July 2017, has increased by \$4,750,000.00 from \$26,000,000.00 to \$30,750,000.00. While cash in Council's bank account decreased by \$1,716,999.55 from \$1,992,348.32 to \$275,348.77.

There is an overall increase in cash and investments of \$3,033,000.45 since 31 July 2017. The increase in cash and investments is due to the first rates instalment and FAGS grant being received in August.

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

The movement in Investments for the month of August 2017 were as follows:

Opening Balance of cash and investments as 01 August 2017	\$27,992,348.32
Plus New Investments – August 2017	\$8,000,000.00
Less Investments redeemed – August 2017	\$4,966,999.55
Closing Balance of cash and investments as at 31 August 2017	\$31,025,348.77

A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received e.g. Water, Wastewater, Stormwater, Domestic Waste, Parking, or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

## POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 which includes the Minister's Investment Order of 12 January 2011.

## FINANCIAL IMPLICATIONS

- Budgeted interest revenue - \$116,804
- Cost centre - \$3259
- Actual interest revenue - \$109,482
- Future potential impact - Nil

Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

### **LEGAL IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 and investments will comply with this Policy which includes the following:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 12 January 2011
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A (2), 14c(1) & (2)

I, Neil Derwent, Lithgow City Council's Responsible Accounting Officer certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

### **ATTACHMENTS**

1. Investment Register 2016/17

### **RECOMMENDATION**

**THAT** Investments of \$30,750,000.00 and cash of \$275,348.77 for the period ending 31 August 2017 be noted.

**ITEM-23      FIN - 25/09/17 - FINANCIAL RESULT FOR THE PERIOD ENDING 31 AUGUST 2017**

**REPORT BY:    ACTING CHIEF FINANCIAL AND INFORMATION OFFICER**

**SUMMARY**

The purpose of this report is to provide Council with information on the financial result for the period ending 31 August 2017 for the General, Water and Sewer funds.

**COMMENTARY**

GENERAL FUND		BUDGET MTD	ACTUAL MTD	BUDGET YTD	ACTUALS YTD
	Revenue	(2,607,129)	(1,812,663)	(22,720,161)	(20,697,437)
	Expenses	3,376,822	2,645,606	7,368,751	5,696,514
	<b>Total</b>	<b>769,694</b>	<b>832,943</b>	<b>(15,351,410)</b>	<b>(15,000,923)</b>

WATER FUND		BUDGET MTD	ACTUAL MTD	BUDGET YTD	ACTUALS YTD
	Revenue	(492,517)	30,105	(2,900,427)	(1,860,116)
	Expenses	642,844	435,211	1,347,221	714,116
	<b>Total</b>	<b>150,327</b>	<b>465,316</b>	<b>(1,553,206)</b>	<b>(1,146,000)</b>

SEWER FUND		BUDGET MTD	ACTUAL MTD	BUDGET YTD	ACTUALS YTD
	Revenue	(83,753)	6,271	(7,107,285)	(6,920,225)
	Expenses	485,431	394,551	1,040,841	608,248
	<b>Total</b>	<b>401,678</b>	<b>400,822</b>	<b>(6,066,444)</b>	<b>(6,311,977)</b>

**Qualifications applicable to all fund results:**

1. Budget phasing – first year that Council budgets have been phased by month, timing variances have occurred. Budget phasing will be reviewed at the first quarterly budget review.
2. Approved Budget Adjustments – in the first quarterly budget review Council will be required to consider a number of adjustments to the approved budget for issues which were unknown at the time of formulating the budget or could not be finalised with accuracy at the time of the budget being approved.
3. Depreciation – due to system constraints and finalising asset valuations for the 30 June 2017 depreciation has not been posted in the 2017/18 financial year, all results are exclusive of depreciation.

**General fund**

Income is below budget due to the Financial Assistance Grant being prepaid by 50% into last financial year and will result in revenue shortfall of \$2.0m to budget for the 2017/18 financial year.

Expenses are under budget due to depreciation not being posted and resulted in an understatement of the deficit in the general fund, please also note the budgeted result is impacted by monthly budget phasing.

**Water Fund**

Income in the water fund is under budget due to a timing issue which will be rectified in September and again expenses are under budget due to depreciation. The water fund is on track to achieve budgeted surplus for the 2017/18 financial year.

**Sewer Fund**

Income in the sewer fund is under budget due to a timing issue and will be rectified in September. Expenses are under budget due to depreciation, the sewer fund is on track to achieve the budgeted surplus for the 2017/18 financial year.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT** Council notes the financial result for the period ending 31 August 2017 for the General, Water and Sewer funds.

## COMMUNITY REPORTS

### ITEM-24            COMM - 25/09/17 - REFUGEE WELCOME ZONE

**REPORT BY:    MANAGER COMMUNITY AND CULTURE**

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## SUMMARY

This report discusses a request from the Lithgow Asylum Seeker and Refugee Support (LASARS) group that Lithgow City Council make a declaration of Lithgow being a welcome town for refugees.

## COMMENTARY

The Lithgow Asylum Seeker and Refugee Support (LASARS) group has been active in Lithgow for the past 4 years and operates under the auspices of Amnesty International.

LASARS proposes that Lithgow become a welcome town for refugees. This is a program where councils make a declaration that refugees are welcome in the area. This program is run by the Refugee Council of Australia and has already been implemented by Bathurst, Mid-Western, Blue Mountains and Cowra Councils as well as others.

LASARS indicates that it has been talking to the Lithgow public where it has found support for this idea and has close to 300 signatures in support of the declaration.

The Refugee Council of NSW states that a Refugee Welcome Zone is a Local Government Area which has made a commitment in spirit to welcoming refugees into the community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in the community.

This public commitment is also an acknowledgment of the tremendous contributions refugees have made to Australian society in the fields of medicine, science, engineering, sport, education and the arts. By making this Declaration it is hoped that local government will be encouraged in their continuing efforts to support the men, women and children who make the difficult journey to Australia to seek our protection.

### **Process for becoming a Refugee Welcome Zone**

The process for becoming a Refugee Welcome Zone simply involves the Council signing the Refugee Welcome Zone Declaration, which is “a commitment in Spirit to welcoming refugees into our community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in our community”.

To mark the occasion of becoming a Refugee Welcome Zone, many Councils choose to hold public signing ceremonies. These provide an opportunity to highlight the initiative and acknowledge the work of local groups and individuals that support refugees and asylum seekers.

### **Why become a Refugee Welcome Zone?**

Local Government has historically played an important role in assisting refugee settlement and promoting community harmony. Since Federation in 1901, Australia has become home to over 800,000 refugees and we have a proud history of settling refugees from all over the world who have gone on to make an enormous contribution to our economic, social and cultural life.

Becoming a Refugee Welcome Zone is a way to continue this proud tradition of supporting the settlement of refugees.

Signing the Declaration can also promote harmony, social cohesion and respect for human rights in your local community. It is a great way to demonstrate support for refugees and take a strong stand against racism and discrimination. It can help to raise awareness about the issues affecting refugees, foster a culture of mutual respect and promote an appreciation of cultural diversity.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

- Budget approved - NIL
- Cost centre – N/A
- Expended to date - NIL
- Future potential impact - NIL

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

1. Refugee Council of Australia Refugee Welcome Zone Factsheet.

#### **RECOMMENDATION**

**THAT** Council:

1. Note the report on Refugee Welcome Zones
2. Sign the Refugee Welcome Zone Declaration indicating that Lithgow is a welcome town for refugees.
3. Note that arrangements will be made in conjunction with LASARS to formally sign the declaration and to hold a community event to mark the occasion.

## COUNCIL COMMITTEE MINUTES

ITEM-25            ECDEV - 25/09/17 - TOURISM ADVISORY COMMITTEE MEETING MINUTES  
                         - 8 AUGUST 2017

REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

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### SUMMARY

To advise Council of the minutes of the Tourism Advisory Committee meeting held on 8 August 2017.

### COMMENTARY

At the meeting of the Tourism Advisory Committee held on 8 August 2017 a number of items were discussed including Halloween preparations and a request under Council's Events Attraction package on behalf of a Rocky Trail Entertainment Pty Ltd.

The only item requiring a Council Resolution is in relation to an application by Rocky Trail Entertainment Pty Ltd to provide funding to the amount of \$2000 from Council's Events attraction package for a Mountain Biking Event to take place on 14 and 15 October 2017.

All other items are for the information of Council.

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

In relation to Events Attraction package:

- Budget approved - \$15,000
- Cost centre -600100
- Expended to date – Nil
- Future potential impact – Approval will reduce the fund to \$13,000

Should Council agree to the Sponsorship for the Rocky Mountain Trail Mountain Biking Event it will expend an amount of \$2000 leaving a balance of \$13,000.

### LEGAL IMPLICATIONS

Nil

### ATTACHMENTS

1. Minutes of the Tourism Advisory Committee – 8 August 2017
2. Application under Events Attraction Package by Rocky Trail Entertainment Pty Ltd.

## RECOMMENDATION

### THAT:

1. The minutes of the Tourism Advisory Committee meeting held on 8 August 2017 be noted.
2. Council provide funding of \$2,000 through its Events Attraction package to Rocky Trail Entertainment Pty Ltd for a Mountain Biking event to be held on 14 and 15 October 2017.

**ITEM-26            COMM - 25/09/17 - COMMUNITY DEVELOPMENT COMMITTEE MINUTES 8 AUGUST 2017**

**REPORT BY:    MANAGER COMMUNITY AND CULTURE**

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## **REFERENCE**

Min-17-168:            Ordinary Meeting of Council 29 May 2017  
Min-17-224:            Ordinary Meeting of Council 17 July 2017

## **SUMMARY**

This report details the minutes of the Community Development Committee meeting held on 8 August 2017.

## **COMMENTARY**

At the Community Development Committee meeting held 8 August 2017 various items were discussed by the committee, including:

- A report on current Council grant applications
- An update on current works at Lithgow Blast Furnace and planning for the Endeavour Park Adventure Playground.

### **Committee Membership**

Subsequent to the meeting, Council received a nomination from Ms Annette Staines to join the committee. The committee is comprised of two Councillors (Councillors Statham and Coleman), the General Manager or his representative, six community representatives (one current vacancy) and 1 business representative.

Mr Sebastian Caruso has submitted his resignation from the committee due to personal reasons, creating a second vacancy for a community representative.

It is recommended that Ms Annette Staines be appointed to the committee.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

- Budget approved – NIL
- Cost centre – N/A
- Expended to date - NIL
- Future potential impact - NIL

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

## **ATTACHMENTS**

1. Minutes of the Community Development Committee meeting held 8 August 2017.

## **RECOMMENDATION**

### **THAT Council**

1. Notes the minutes of the Community Development Committee meeting held 8 August 2017.
2. Appoint Ms Annette Staines as a community representative on the Community Development Committee.

**ITEM-27            ECDEV - 25/09/17 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING  
MINUTES 9 AUGUST 2017**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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## **SUMMARY**

This report details the Minutes of the Environmental Advisory Committee Meeting held on 9 August 2017.

## **COMMENTARY**

At the Environmental Advisory Committee meeting held on 9 August 2017 there were 7 items on the agenda which are outlined in the attached minutes.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

### **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. Minutes from the Environmental Advisory Committee meeting held on 9 August 2017.

## **RECOMMENDATION**

**THAT** Council note the minutes of the Environmental Advisory Committee held on 9 August 2017.

**ITEM-28            COMM - 25/09/17 - CRIME PREVENTION COMMITTEE MINUTES 21  
AUGUST 2017**

**REPORT BY:    MANAGER COMMUNITY AND CULTURE**

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## **REFERENCE**

Min-17-169 Ordinary Meeting of Council 29 May 2017

## **SUMMARY**

This report details the minutes of the Crime Prevention Committee meeting held on 21 August 2017.

## **COMMENTARY**

At the Crime Prevention Committee meeting held 21 August 2017 various items were discussed by the committee, including:

### **Item 4 Bureau of Crime Statistics and Research Quarterly Report**

This report provides crime data for Lithgow LGA for the 12 months to March 2017.

### **Item 5 Police Report**

### **Item 6 Committee work program.**

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

- Budget approved – NIL
- Cost centre – N/A
- Expended to date - NIL
- Future potential impact - NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Crime Prevention Committee meeting held 21 August 2017.

## **RECOMMENDATION**

**THAT** Council Notes the minutes of the Crime Prevention Committee meeting held 21 August.

**ITEM-29 OPER - 25/09/17 - OPERATIONS COMMITTEE MEETING 22 AUGUST 2017**

**REPORT BY: DIRECTOR OPERATIONS**

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## **SUMMARY**

This report details the Minutes of the Operations Committee Meeting held 22<sup>nd</sup> August 2017.

## **COMMENTARY**

At the Operations Committee Meeting held 22<sup>nd</sup> August 2017, the following items were discussed:

- An update on 16 Lockyer Street, Lithgow,
- Footpath Disability Access,
- National Performance Report Audit – Water and Wastewater,
- New Intercity Fleet, Springwood to Lithgow Rail Corridor Modifications Review – Environmental Factors,
- Works Maintenance Scheduling
- Donald Street, Lithgow – Stormwater Infrastructure Reconstruction
- Draft Funding Deed – Cullen Bullen Sewerage Project

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Operations Committee Meeting held 22<sup>nd</sup> August 2017.

## **RECOMMENDATION**

**THAT** Council note the Operations Committee Meeting Minutes and;

1. Continue to improve ramp access for prams, wheelchairs and motor-scooters in all high pedestrian traffic areas where access has been a source of complaint.
2. A report be presented at the next Operations Committee on which ramps, constructed post 2009, comply with the Australian Standard 1428.1 and an action plan be developed for non-compliant ramps.
3. Implement the installation of water meters on Council facilities as a matter of priority under the current water loss program.

4. Monthly reports on progress of meter installations be provided to the Operations Committee with the expenditure, localities and quantities to date.
5. The General Manager prepare a response with regard to the issue relating to the tunnels at Zig Zag.
6. Note the information pertaining to operational works scheduling and asset maintenance.

**ITEM-30 OPER - 25/09/17 - SPORTS ADVISORY COMMITTEE MEETING 29 AUGUST 2017**

**REPORT BY: DIRECTOR OPERATIONS**

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## **SUMMARY**

This report details the Minutes of the Sports Advisory Committee Meeting held on 29<sup>th</sup> August 2017.

## **COMMENTARY**

At the Sports Advisory Committee held on 29<sup>th</sup> August 2017, the following items were discussed:

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

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

- Financial Assistance Request – Hayden & Jordan Berry

## **RECOMMENDATION**

**THAT** Council provide Hayden and Jordan Berry with \$250.00 each toward the cost of participating in the Australian Nationals.

- Fee Waiver Request – \$556.00 for Western Wildfires Veteran Cricket Club

## **RECOMMENDATION**

**THAT** the fee waiver for the Western Wildfires Veteran Cricket Club be approved.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

- Budget approved - \$500.00
- Cost centre -600059 Non-Recurrent Financial Assistance
- Expended to date –N/A
- Future potential impact – N/A

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Sports Advisory Committee Meeting held 29<sup>th</sup> August 2017.

## RECOMMENDATION

**THAT** Council note the Sports Advisory Committee Meeting Minutes.

## NOTICE OF MOTION

ITEM-31 NOTICE OF MOTION - 25/09/17 - CIVIC LEADERSHIP

REPORT BY: CR STEVEN RING

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## REFERENCE

Community Strategic Plan 2016 - Action 5.1.2 Civic Leadership.

## COMMENTARY

The first year of this Council has now concluded and there are elements within the community who believe that little has been achieved during this period. This has been an extremely difficult year with Council deemed not fit for the future, the removal and subsequent replacement of the position of General Manager, the identification of poor systems management and accounting procedures, poor staff morale.

However, it has also been a year of opportunity with a sound plan developed to drive this Council forward and to make it Fit for the Future. This has included the implementation of new administrative and accounting systems, a move towards zero budgeting, significant improvements in staff morale. The works are ongoing and Council is still required to report on its progress to the Office of Local Government but we are well on our way.

Our community needs to grow – this is a given. The greatest risk to that growth are negative comments and the dissemination of incorrect and misleading information for whatever reason. Industry and individuals seeking to relocate to our community will make decisions based on community sentiment as expressed through both digital (eg Facebook) and print media. Negative perceptions of our community can cost us new businesses and residents. Positive perceptions can create jobs -as can be demonstrated by the growth in the share market of companies who post positive news.

Council should at all times encourage constructive criticism and legitimate complaints but we need to send a clear message that if you cannot say anything positive about our community – don't say anything.

Councillor's need to set the example and work collaboratively to promote our community and to actively work alongside our staff at events such as Halloween, Lithglo, Ironfest and tourism/development tradeshows. By rolling up our sleeves and getting actively involved so we as a team can contribute significantly to the development of the public perception of our community in both the digital and print media.

## RECOMMENDATION

### THAT:

1. Lithgow Council prepare a media strategy to educate the public of the potential consequences of publishing negative and or misleading information in both digital and print media.
2. All Lithgow Councillors wherever possible assist the Administration to promote Lithgow LGA in a positive manner to visitors at both Council and non- Council events such as Halloween.

3. All Lithgow Councillors wherever possible assist the Administration delivery of Council run events such as Lithglo and Halloween.

**Management Comment:**

Management notes the recommendation however believes that the best approach is for Council and administration to set the example for the community to follow.

**ITEM-32 NOTICE OF MOTION - 25/09/17 - COMMERCIAL DEVELOPMENT**

**REPORT BY: COUNCILLOR STEVE RING**

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## **REFERENCE**

Community Strategic Plan 2016 - Action 2.1.4. Business and Industry Development and Support.

## **COMMENTARY**

The Foundations, Portland presented an overview of their development plans, and hurdles that they have faced to date to an attentive audience at Portland RSL on the 11 of August. A small number of Councillors were present at the meeting which was well received by the community.

The proposal allows for recreational development such as RV camping, walking tracks, fishing in the dams – Murray Cod and Rainbow Trout, potential contracting of international artist Guido van Helten to paint the cement silos and possibly residential development amongst other proposals.

Although this was an excellent presentation it raises the question as to what is occurring with the former Wallerawang Power Station and the Small Arms Factory.

On the 16 August, 2016, it was reported in the Lithgow Mercury that Energy Australia had received 14 expressions of interest are to breathe new life into the former Wallerawang Power Station and that they were hopeful of having an agreement in place by the end of the year. Over one year later there has been no public announcement in relation to the proposed development.

Privatisation of the Small Arms Factory occurred in 1999 with current owners, Thales having purchase the facility in 2006. The factory has downsized from a staff of over 600 to approximately 150 with limited development of the site – most notably by Timberfix. However, the remainder of the site remains undeveloped and a poorly maintained collection of heritage buildings

## **RECOMMENDATION**

**THAT** Lithgow City Council:

1. Invite the Foundations, Portland to provide a briefing to all Councillors and Senior Staff at their earliest convenience.
2. Write to Energy Australia seeking an update on the Expression of Interest program implemented in 2016.
3. Write to Thales seeking advice on their long-term plans for the former Small Arms Factory Site.

### **Management Comment:**

Managements understands the intent behind the Notice of Motion but does not support the recommendation.

Each of the entities identified are good corporate citizens and are governed by their own boards and answerable to their particular shareholders/constituency which is not local government. Council should support every effort made by companies in the LGA to generate employment opportunities and to provide assistance where it can, but this assistance in managements view should be a response to requests from the company concerned. Council needs to ensure that it

does not place the company concerned in a difficult position publicly. The presentation undertaken by the Foundations in Portland was a company initiative and was welcomed by the community.

**ITEM-33 NOTICE OF MOTION - 25/09/17 - LAND BANK**

**REPORT BY: CR STEVEN RING**

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## **REFERENCE**

Community Strategic Plan 2016 - Actions 2.1.1 Planning our Economy; 2.4.1 Business Industry Development and Support 3.1.1 Planning our Built Environment; 3.2.3 Community Commercial and Industrial Buildings; 3.2.7 Housing and Development. Central West and Orana Regional Plan 2036

## **COMMENTARY**

Council through its Community Strategic Plan XXXX is committed to expanding Lithgow's economic base and to providing a range of housing opportunities to meet the diverse needs of the community.

The Council has two options to achieve these outcomes: The Local Environment Plan inclusive of strategic land planning projects such as occurring at Marrangaroo; and the establishment of a land bank to ensure the availability of suitable land for the future.

A land bank essentially is the purchasing of land at today's prices to ensure that there is a sufficient stock of land for future developments commercial, industrial and residential.

Our local government area is within easy commuting distance to Sydney and real estate prices have increased significantly as families, couples and individual's look for affordable housing out of the Sydney basin.

Council needs to review the current volume of land currently available for residential, commercial and industrial use against what lands have been zoned for these uses in the LEP. Council could then make an informed decision as to what land could be acquired by council as an investment to ensure that there are suitable volumes of land available for future development such as higher density accommodation near Lithgow CBD and increased medium density development in urban areas (Community Strategic Plan 3.2.7)

The review needs to assess current operational and community lands and to assess lands surplus to Council's requirements in the short, medium and long term and which could be sold. The proceeds from said sale could use to purchase additional lands for specific future requirements.

Council should also review its current investment strategy to determine if investing a percentage of its funds in land would yield a better long-term benefit.

## **RECOMMENDATION**

**THAT** Lithgow Council:

1. Investigate the feasibility of establishing a land bank.
2. Undertakes an audit of all community and operational lands to identify surplus lands that may be sold for appropriate development.

### **Management Comment:**

Management notes the recommendation. In circumstances where Council proposes to sell land, Management recommends

1. That prior to sale an independent valuation and cost benefit analysis be undertaken to ensure the community's interest is protected and that the sale process adheres to the requirements of the Local Government Act 1993.
2. That the proceeds of any sale of a land asset be placed in a "restricted" reserve fund.
3. That the sale proceeds of a land asset only be expended on another fixed asset with income generating capability (or potential in the long term).

**ITEM-34 NOTICE OF MOTION - 25/09/17 - BULLET TRAIN**

**REPORT BY: COUNILLOR C COLEMAN**

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**REFERENCE**

Min 17-81: Ordinary Meeting of Council held on 20 March 2017.

**COMMENTARY**

At the March Council meeting held on the 20th, I moved a motion which was supported unanimously in regards to the Lithgow City Council writing to NSW train link.

**17-81 RESOLVED**

**THAT** Lithgow City Council writes to NSW Train link to:

1. Request them to consider another two carriage be attached to the Bathurst bullet considering the high demand of the service.
2. Request to have the trains stop at Tarana, Westmead and Strathfield stations.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor W McAndrew.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT** Council write again to both NSW Train Link and the local NSW state Member regarding this issue.

**Management Comment:**

Noted and supported. A review of email and Council correspondence has failed to locate previous letters, prompting Management to correspond with the Local Member and Transport NSW in this matter on 15 September 2017.

## **BUSINESS OF GREAT URGENCY**

*In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:*

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

**CLOSED COUNCIL**

**ITEM-35            CONFIDENTIAL - CLOSED COUNCIL - OPER – 25/09/17 – ASPHALT  
CONTRACTS FOR 2017/18 CAPITAL WORKS**

**REPORT BY:    DIRECTOR OPERATIONS**

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**Reason for Confidentiality**

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

**SUMMARY**

This report seeks a determination from Council to award a tender for the provision of asphalt services to Lithgow City Council as part of Council's 2017/18 Operational Plan.

**RECOMMENDATION**

**THAT** Council consider the Tender for Asphalt Contracts for 2017/18 Capital works in Closed Council in accordance with Section 10A(2)(d) and 10A (2)(d)(i) of the Local Government Act 1993.

**ITEM-36            CONFIDENTIAL - CLOSED COUNCIL - OPER – 25/09/17 – BITUMEN  
CONTRACTS FOR 2017/18 CAPITAL WORKS**

**REPORT BY:    DIRECTOR OPERATIONS**

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### **Reason for Confidentiality**

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

### **SUMMARY**

This report seeks a determination from Council to award a tender for the provision of bitumen sealing services to Lithgow City Council as part of Council's 2017/18 Operational Plan.

### **RECOMMENDATION**

**THAT** Council consider the Tender for Bitumen Contracts for 2017/18 Capital works in Closed Council in accordance with Section 10A(2)(d) and 10A (2)(d)(i) of the Local Government Act 1993.

**ITEM-37            CONFIDENTIAL - CLOSED COUNCIL - ECDEV - 25/09/17 - PROPOSED  
SALE OF COUNCIL LAND**

**REPORT BY:    DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

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### **Reason for Confidentiality**

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

### **SUMMARY**

The purpose of this report is to inform Council of an offer to purchase Council land.

### **RECOMMENDATION**

**THAT** Council consider the report Proposed Sale of Council Land in Closed Council accordance with Section 10A(2)(d) and 10A (2)(d)(i) of the Local Government Act 1993.