



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

15 DECEMBER 2014

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 17 NOVEMBER 2014

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - Audit Presentation of the 2013/14 General Purpose and Special Purpose Financial Reports

MAYORAL MINUTES - NIL

STAFF REPORTS

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

COUNCIL COMMITTEE MINUTES

Lithgow Flash Gift Committee - 13 October 2014
Community Development Committee Meeting - 11 November 2014
Traffic Advisory Local Committee - 13 November 2014
Crystal Theatre Management Committee Minutes - 18 November 2014
Crime Prevention Committee Meeting - 24 November 14
Meadow Flat Hall Management Committee Minutes - 1 December 2014
Aquatic Centre Committee Meeting Minutes - 4 December 2014

DELEGATES REPORTS

Centroc Meeting - 27 November 2014

NOTICES OF MOTION

Great Western Highway Traffic Safety Concerns through Lithgow - Councillor W McAndrew
ASIC Notice of Voluntary Liquidation of Coalpac Group of Companies - Councillor M Ticehurst
Supreme Court Judgement Miller V Lithgow City Council - Councillor M Ticehurst

QUESTIONS WITH NOTICE - NIL

NOTICE OF RECISSIONS - NIL

BUSINESS OF GREAT URGENCY

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

CLOSED COUNCIL

Performance Review of the General Manager

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GENERAL MANAGERS REPORTS

ITEM-1 **GM - 15/12/14 - AIRLY MINE - COMMUNITY CONSULTATIVE COMMITTEE**

REPORT FROM: R BAILEY - GENERAL MANAGER

SUMMARY

This report is to advise Council of the formation of a Community Consultative Committee (CCC) to replace the existing Special Monitoring Committee (SMC) as part of the consent conditions for the Airly Mines extension.

COMMENTARY

Council recently received correspondence from Centennial Coal advising that the NSW Planning and Environment have granted a 12 month extension on Airly Mines operations. As part of their consent conditions Centennial Coal are required to replace their existing Special Monitoring Committee with a Community Consultative Committee. The purpose of this is to have a more contemporary approach to community consultation and engagement.

Centennial Coal are required to establish and operate a Community Consultative Committee by 31 December 2014. Council have been requested to nominate a representative to participate in the Community Consultative Committee at Airly Mine.

Clr Hunter is currently Council's nominated representative on the Special Monitoring Committee, it is recommended that Clr Hunter continue to represent Council on the replacement Community Consultative Committee.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council appoint Councillor Hunter as the representative on Centennial Coal's Community Consultative Committee.

ITEM-2

GM - 15/12/14 - MINING TASKFORCE

REPORT FROM: R BAILEY - GENERAL MANAGER

SUMMARY

To provide advice updating Council on the actions to date in relation to the Lithgow City Council Mining Taskforce.

COMMENTARY

An Extra Ordinary Council meeting was held on Thursday 6 November 2014 in relation to concerns about employment and unemployment following the announcement that the Angus Place Colliery is going into care and maintenance with up to 150 staff to be displaced.

It was resolved at that meeting to form two taskforces:

- Mining Taskforce
- Business Taskforce

The Mining Taskforce was established to:

- Promote coal mining in our region; and
- Lobby State and Federal Governments around issues confronting coal mining in the region including but not limited to, local coal supplies to Mt Piper and planning and environment concerns restricting mining.

The Mining Taskforce consists of:

- Council (Councillors Maree Statham, Ray Thompson and Wayne McAndrew)
- Centennial Coal (Katie Brassil)
- Mining Unions (Graeme Osborne)
- NSW Minerals Council (Steve Galilee)

The first meeting of the Taskforce was held on Monday 1 December 2014 at 12.00pm at the Council Chambers Mort St Lithgow. As a result of that meeting the following actions were identified:

- Write to the NSW Opposition (Robertson, Whan & Foley) asking they support a planning process, including the recent Government commitments, for mines that is streamlined and provides certainty for all parties.
- Make a submission on the Draft Industry Action Plan for Mining generally supporting the recommendations

- Raise concerns over the possible expansion of the Gardens of Stone with Anthony Roberts, NSW Minister for Resources and Energy.
- Seek a Council resolution reaffirming its opposition to Gardens of Stone
- Write to the NSW Opposition in relation to Gardens of Stone seeking a commitment that it will not expand the National Park
- Activate community to support for the Springvale Coal Mine application for consent extension. Also provide Council support through the PAC process for the Springvale application and seek support from the Federal Member for the proposal
- Write to Minister for Planning in New Year on the process for the Springvale application
 - PAC for Springvale
 - Timely and efficient process for mining applications generally
 - Seek advice on the progress of implementation of the Government's improvements in the application processes
- Request that Centennial Coal hold a workshop on contract and procurement processes for local providers. To be held 10 December 2014, Black Gold Cabins and update on the progress with Centennial applications. Request that this be done annually.

As some background to these the following information is offered:

Simpler Planning Means More Certainty

On 21 November 2014 the NSW Minister for Planning, The Hon. Pru Goward MP, announced a suite of improvements to how state significant development proposals are processed, speeding up the State's planning system and providing more certainty to communities and business.

These changes came about following industry concerns about assessment delays and uncertainty. The Minister said

“To rebuild NSW we need a planning system that's nimble and predictable, providing business and the community certainty about the process and timeframes.”

And

“We expect councils to assess development applications without delay, so we should hold ourselves to the same standards. The Government's commitment is to reduce the average time it takes to process state significant developments like manufacturing plants and mines by up to 170 days.

The reforms include:

- Introducing clear timeframes for the PAC and other NSW Government assessment processes and clear accountability for meeting those timeframes;
- Appointing case managers from the Department of Premier and Cabinet to manage planning applications through complex government processes and be accountable to a Cabinet committee for delivering outcomes on time;
- Establishing a whole-of-government approach to assessing state significant mining applications to make sure that agencies responsible provide timely advice and feedback;
- Setting up a panel of independent experts who will advise the NSW Government and the PAC on technical issues;
- Giving clearer guidance to the Planning Assessment Commission (PAC) on the application of government policies;
- Engaging better with communities affected by mining proposal by providing clearer information and more opportunities for community questions to be answered; and
- Appointing additional compliance officers in regional areas and ensuring conditions are being adhered to.

These reforms are to be implemented over the coming weeks and months to ensure certainty for both communities and industry across the state who depend on a robust and efficient planning system.

Draft Minerals Industry Action Plan

The Minerals Industry Taskforce was established in May 2014 by the NSW Minister for Resources and Energy to deliver an Industry Action Plan with strategies to address the challenges being faced by the NSW minerals industry, and to drive growth, innovation and productivity in the industry.

The Minerals Taskforce is chaired by Rob Adamson, Managing Director, RFC Ambrian. Other members are industry players representing explorers, miners, industry associations, employees, university research and regional business.

The Taskforce has proposed 12 recommendations around three priority areas of focus:

- Transparent process and integrated policy
- Fiscal certainty
- Developing skills and providing supporting infrastructure

The proposed strategies in this draft Action Plan seek to support long-term investment in, and the sustainability of, the industry, and to increase the value of mineral production by 30% by 2020, which is the target in the NSW 2021 State Plan.

Recommendations:

1. Address serious identified deficiencies in the way the Planning Assessment Commission (PAC) operates. Immediate steps include:
 - i. Remove the PAC, or at the very least reform the PAC, to return decision-making to the elected Government.
 - ii. Ensure that projects undergo only one rigorous and thorough review process and are not subject to further merits-based review.

- iii. If the PAC is to be retained, the comprehensive package of vital reforms is to include:
 - a. Return of decision-making authority to the elected government.
 - b. Finalisation of clear policy parameters for project assessment.
 - c. Tighten the scope for any PAC assessment
 - d. Introduction of clear timeframes for PAC processes.
 - e. Reform of the PAC referral and hearing processes.
2. Establish a lead agency that has the authority, capability and sufficient powers to drive cross agency decisions within agreed timeframes. This includes any powers required to ensure administrative processes are undertaken and decisions made within agreed timeframes.
3. Streamline the decision-making processes for exploration and mining activity and address policy gaps, with long-term emphasis on:
 - a. Implementing outcomes and risk based regulation.
 - b. Providing greater certainty in approach.Immediate steps include:
 - i. Implementation of the Integrated Mining Policy including all supporting policy materials, in particular, guidelines for economic assessment, voluntary planning agreements and biodiversity offset.
 - ii. Re-introducing a broad based modification power for State significant development into the Environmental Planning and Assessment Act 1979.
4. The NSW Government to demonstrate excellence in service delivery for and regulation of the resource sector. Immediate steps include:
 - i. Establish and publish robust key performance indicators for all agency and independent approvals processes with a commitment to improve timeliness of decision-making.
 - ii. Develop an online system to enable titles application lodgement and tracking of exploration permits and mining leases, to simplify the application process and increase transparency for everyone in the community.
 - iii. NSW Government to re-affirm its commitment to continued consultation with the industry on potential changes to policy or regulation that would have the potential to materially affect the mining sector.
5. The NSW Government to clearly communicate the comprehensiveness of its regulatory regime and the high regulatory and safety standards and strong environmental protection it provides. Immediate steps include:
 - i. Enhance stakeholder accessibility to clear factual information, with options to access this either directly or via subscription.
 - ii. Improve availability of environmental information, including through an online environmental database.
6. The Industry and NSW Government to continue to improve community engagement, including through public information available on how exploration and mining activities are being managed to minimise impacts, and actions being taken to address community concerns. Immediate steps include:
 - i. The ongoing deployment of Community Liaison Officers by NSW Trade & Investment, and wider utilisation of other source of public information from the NSW Government.

- ii. Continued focus by industry on enhanced community engagement, particularly in mining regions, through forums like the Upper Hunter Mining Dialogue.
7. The NSW Government is committed to not increasing the ad valorem royalty rate for the next 25 years.
 8. The NSW Government to commit to consolidating the overall number of fees and levies charged to companies in NSW that undertake (a) exploration activities, and/or (b) mine production and reducing these fees and levies in real terms over the long term.
 9. Industry, NSW Government, and skills and training sectors work together to provide the skilled workforce for a competitive and growing minerals industry through:
 - a. Direct industry engagement and input into the NSW skills and training system.
 - b. A shared view of current and future skills and training needs of the minerals industry.
 - c. NSW Government and training sector continued commitment to quality skills and training.
 10. The NSW Government commit to invest in the availability, accessibility and promotion of, pre-competitive geosciences information to current and potential explorers in Australia and overseas.
 11. Research, Industry, and Government to work together and fund research centres in three priority areas:
 - a. Deep cover exploration.
 - b. Mining operations productivity.
 - c. Low emission energy technology.
 12. NSW and Commonwealth Governments to continue to work together to boost the competitiveness of the freight network by:
 - a. Ongoing investment to remove bottlenecks.
 - b. Regulatory agencies covering the freight networks recognise the national significance of the minerals industry

Submissions on the Taskforce's final Industry Action Plan are to be made by **5pm Friday, 19 December 2014**.

Gardens of Stone National Park

Concerns have been rumoured that there are once again proposals to expand the Gardens of Stone National Park. In these times this is a worrying issue for the people of the Lithgow Local Government Area.

If in fact this proposal is being considered by the Government then Lithgow Council should voice its strong opposition to an expansion of the Gardens of Stone.

The Gardens of Stone National Park currently conserves 15,031 ha of landscape, cliffs and rock formations. Pagoda rock formations are a prominent feature of the park. The park remains predominantly in its natural state and has no facilities apart from a few fire

trails which provide short walking opportunities while experienced walkers have plenty of scope for off track exploration.

Council in the past has recognised the need to preserve this area and supported the formation of the original section of National Park. However to expand the Park now would have potentially significant impacts on the Lithgow area and on significant and important natural resources including coal, forests and sand.

There must be a balance when it comes to these issues and there is already a good balance in place. It is felt that the formations in the areas that are perhaps under scrutiny are already well protected through the existing rigorous processes that are in place, and are particularly so for underground coal mines. In these instances it is understood that physical landforms and surface infrastructure, along with other issues such as ecosystems and items of potential heritage or archaeological significance, must be addressed during the approval process.

This is not the first time that there has been such a proposal the last being in 2005 and 2006 where there was a proposal for the expansion of the Park with Stage 2. At this time there was quite a significant outcry from the local community.

Council resolved at the time (resolution no 06-119):

RESOLVED

THAT

1. The Gardens of Stone Park Proposal Stage 2 be rejected based on the contents of the Report.
2. A delegation/submission to the Minister for Environment be requested through the Local Member, Gerard Martin, MP to present Council's position.

FOR: 4

AGAINST: 1

MOVED: Councillor H K Fisher **SECONDED:** Councillor B P Morrissey.

Letters have been sent expressing concern on the possible expansion of the Gardens of Stone National Park. This letter was sent via local member Paul Toole to the Premier, Minister for Primary Industries (Katrina Hodgkinson) and Minister for Resources and Energy (Anthony Roberts).

Other information

Baal Bone Colliery

At the extra ordinary meeting Council also resolved to:

Immediately seek State Member Paul Toole's support for a delegation to the NSW Mining Minister regarding the future of the Baal Bone coal leases as a matter of urgency

A meeting was held with Minister Roberts on Monday 8 December 2014 at 10.30am in Sydney.

Also in attendance at this meeting were Local Member Paul Toole along with Mayor Maree Statham, Councillor Ray Thompson and Council's General Manager.

The Baal Bone Colliery was an underground/open cut operation established in 1983 at the site of the old Ben Bullen open cut mine, which had been abandoned in 1952. The colliery was originally developed to replace the diminishing reserves at Wallerawang Colliery to the south.

In 2011, with the completion of longwall 31, the mining ceased at the Baal Bone Colliery. While mining operations have ceased Council has been informed that there is still approximately 25-35 million tonnes of good quality steaming coal still available for mining.

From 2012 Baal Bone Colliery was used as a training facility. The objective of the training program is to provide employees with experience and skills in an underground mining environment. It is understood that this has since ceased.

Concerns have been raised with Council that if appropriate measures are not taken urgently then this coal resource may be sterilised and will not be able to be mined in the future.

To recover this resource a different method of mining operations to that which the current owner typically uses but none the less the coal is capable of being extracted.

Centennial Coal Briefing

Council also resolved to:

Immediately meet with Centennial for a briefing from them regarding the approvals required for their Western Operations which include but are not limited to:

Springvale – Extensions EIS – required before June 2015

Angus Place – Extension EIS – aiming for June 2015

Airly – Extension EIS – required prior to October 2015

All require State and Federal approval

A briefing was held with Centennial on 19 November 2014.

Facebook Page

The Facebook site has been set up titled Lithgow – Our Place Our Future

Mayoral Message

A Mayoral Message has been distributed and also placed onto the Facebook site

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. <http://www.haveyoursay.nsw.gov.au/assets/Uploads/Draft-Minerals-IAP-October-5.pdf>

RECOMMENDATION

THAT Council:

1. Write to the NSW Opposition (Robertson, Whan & Foley) asking they support a planning process, including the recent Government commitments, for mines that is streamlined and provides certainty for all parties.
2. Make a submission on the Draft Industry Action Plan for Mining generally supporting the recommendations
3. Raise concerns over the possible expansion of the Gardens of Stone with Anthony Roberts, NSW Minister for Resources and Energy.
4. Seek a Council resolution reaffirming its opposition to Gardens of Stone
5. Write to the NSW Opposition in relation to Gardens of Stone seeking a commitment that it will not expand the National Park
6. Activate community to support for the Springvale Coal Mine application for consent extension. Also provide Council support through the PAC process for the Springvale application and seek support from the Federal Member for the proposal
7. Write to Minister for Planning in New Year on the process for the Springvale application
 - PAC for Springvale
 - Timely and efficient process for mining applications generally
 - Seek advice on the progress of implementation of the Government's improvements in the application processes
8. Request that Centennial Coal hold a workshop on contract and procurement processes for local providers. To be held 10 December 2014, Black Gold Cabins and update on the progress with Centennial applications. Request that this be done annually.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-3 ENVIRO - 15/12/14 - LANDA STREET, LITHGOW - ROAD RE-NAMING

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 14-467: Ordinary Meeting of Council held on 17 November 2014

SUMMARY

To advise Council of the NSW Road Naming Policy 2013 process in relation to the re-naming of Landa Street, Lithgow.

COMMENTARY

At Council's Ordinary Meeting of **17 November 2014** a Notice of Motion was put forward which resolved:

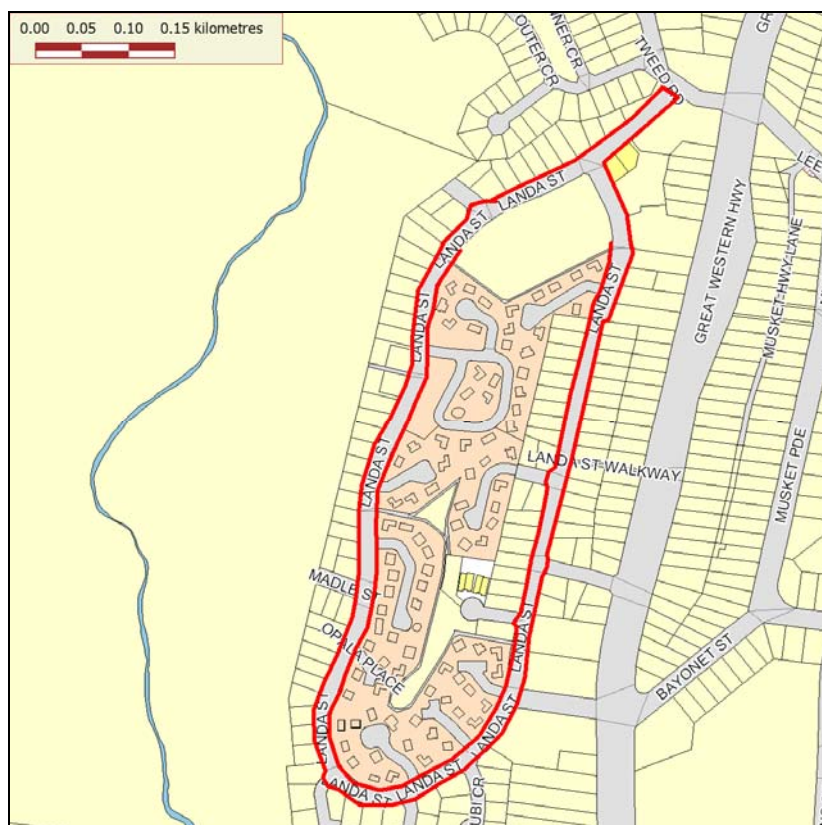
THAT the General Manager and/or Senior Council Officers provide a report to the Council on the GNB NSW Road Naming Policy process towards the proposed renaming of Landa Street, Bowenfels Lithgow

The following is an extract from the NSW Road Naming Policy 2013 in relation to Principle 9 Amending Road Names:

3.9 Principle 9 - Amending Road Names

Road names are intended to be enduring, and the renaming of roads is discouraged unless there are compelling reasons for a change. Issues that can prompt renaming include the redesign of a road, changed traffic flow, mail or service delivery problems, duplication issues and addressing problems. Where there are significant reasons for a change the GNB encourages authorities to undertake renaming action in conformity with these principles.

None of these issues are known to exist. A map of Landa Street is shown below:



Principle 7 – Road Extents – may also be applicable should there be a proposal to only re-name part of Landa Street. Advice within Principle 7 states “The extent of each road shall be mapped according to the centreline of the road, and the name should apply from one end of the road to the other. i.e. the point where the road finishes or intersects with other roads”. Under the principle it would not be possible to rename part of Landa Street given its “circular” configuration.

The existing road name generally meets the requirements of the NSW Road Naming Policy 2013 and AS/NZS 4819:2011 Rural and Urban Addressing. Road renaming has not been prompted by any of the following:

- redesign of a road
- changed traffic flow
- mail or service delivery problems
- duplication issues
- addressing problems

POLICY IMPLICATIONS

10.9 - Street Naming applies

FINANCIAL IMPLICATIONS

Should the road be renamed, Council would incur advertising costs as well as costs of the signage and of course staff time in the process.

RECOMMENDATION

THAT the information on the NSW Road Naming Policy 2013 in relation to the re-naming of Landa Street, Lithgow be noted and no further action taken.

ITEM-4 ENVIRO - 15/12/14 - WALLERAWANG CHICKEN FARM

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 14-193: Ordinary meeting of Council held on 12 May 2014.

SUMMARY

To provide Council with an update on issues surrounding the chicken farm on the corner of Thompsons Creek Road and Pipers Flat Road Wallerawang.

COMMENTARY

At Council’s Ordinary Meeting of 12 May 2014 the following was resolved:

14-193 RESOLVED

THAT Council enforce the condition that was agreed to by council and the owner of the chicken farm and set a date that would be no later than the 30th of May 2014 for an independent consultant of council's choice to report on the full operation of the chicken farm and that council act on its recommendations as quickly as possible.

As indicated to that meeting at that time a report had already been commissioned which was subsequently carried out by the firm, The Odour Unit, and whilst this consultant would look at the general operations of the facility its prime expertise was in relation to the generation of odour and any necessary actions that may be warranted.

Subsequent to this the investigations were carried out by a consultant and a report produced. Councillors were provided with a briefing on the report and an open house session was held for nearby residents.

In summary the work carried out by the Odour Unit primarily indicated that in particular climatic conditions when certain operations were undertaken at the farm, disturbance of birds in the afternoons in the poultry sheds, that odours were generated. However, in relation to the assessments carried out onsite and utilising established criteria none of the odours experienced could be deemed to be offensive.

The term offensive has a specific meaning particularly in relation to development consent condition number 8 which states “No offensive odour due to the development shall be emitted beyond the boundary of the property”.

In response to the report the operator of the facility undertook to make operational changes designed to reduce instances of the disturbance of birds so that not all sheds were disturbed at the same time. Specifically, the operator agreed to:

- Adopt a procedure for turning on the roof sprinkler system whenever staff enter the shed and disrupt the birds, in order to reduce the incidence of dust migrating out of the shed.
- Adopt a procedure for alternating the frequency of staff entering each shed, such that no two sheds are entered concurrently. This will minimise the number of birds being disrupted at any one particular time.
- Purchase and install a basic weather station on site in order to collect weather data, particularly wind direction and speed.

However, recently Council has received complaints of odour in far different climatic conditions than assessed under the report carried out by the Odour Unit. Particularly during warm weather and late afternoon/early evenings, complaints have been received about the generation of odour from several nearby residents. This triggered a targeted patrol program whereby Rangers undertook patrols during late afternoon on a number of occasions in order to gather data and if necessary consider regulatory action. To date this program has experienced one instance where odour could be deemed to be offensive and appropriate regulatory action has ensued.

Whilst the work that has been undertaken through the odour report and operational changes has been positive the issues surrounding the facility are not fully resolved. At this stage there is still an issue which has been the subject of meetings and correspondence surrounding the number of birds that are allowed to occupy each laying shed. This matter continues to be pursued. Nevertheless, Council is now in a better position to understand the issues and potential cause of odour and in this regard it is proposed that Council Officers also undertake specific training in odour assessment. This will not only assist with any further issues at the poultry farm but also potentially for other developments. It is clear however that the next most pressing matter to be resolved is in relation to odours that are occurring on some occasions in warmer weather particularly later in the afternoons or early evenings. In this regard the following actions are proposed to occur:

- Continuing random targeted patrols by Council Rangers at appropriate times when odours have been experienced by residents.
- Specific training to Council Officers on odour assessment and objective determination of what is considered to be an offensive odour.
- Further discussion and agreement as to the number of birds allowable in each laying shed.

POLICY IMPLICATIONS

Councils enforcement policy is potentially applicable to this situation.

FINANCIAL IMPLICATIONS

Council funded the engagement of the Odour Consultant to travel to Wallerawang and Lithgow to explain the findings of the Odour Assessment.

LEGAL IMPLICATIONS

This issue has the potential to utilise the legislative provisions of the Environmental Planning & Assessment Act and the Protection of the Environment Operations Act. Both of these Acts have been previously used for this facility in relation to compliance with the condition of consent regarding offensive odours and also works required at the facility to make improvements.

ATTACHMENTS

1. Wallerawang Egg Layer Farm Odour Assessment Final Report July 2014.

RECOMMENDATION

THAT the report in relation to the Wallerawang Poultry farm be noted.

**ITEM-5 ENVIRO - 15/12/14 - DA184/14 SUBDIVISION GLEN ALICE
AGRICULTURAL CLASSIFICATION**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 14-32: Extraordinary Meeting of Council held on 3 February 2014

SUMMARY

To advise Council of a Development Application seeking a variation to the agricultural classification contained within the Rylstone Local Environmental Plan 1996 (Rylstone LEP).

COMMENTARY

Council is in receipt of DA184/14 which seeks to subdivide two (2) lots into three (3) within the Glen Alice area. Councillors may be aware that subdivision in the Rylstone LEP is limited by a provision that none of the land comprises 'prime crop and pasture land'. The land subject to this application does comprise such a category.

The applicant submitted a Statement of Environmental Effects with the application which endeavoured to address the Agriculture Suitability Classifications used by the Department of Primary Industries (Agriculture) (DPI). As determination of this issue was central to whether the application could otherwise proceed to determination, the application was accepted without other supporting information such as geotechnical or bushfire reports. The intention of doing so was to save the applicant the expense of these reports if the response from the DPI was unfavourable and Council was of a mind to refuse the application on this basis alone.

The locality is subject to assessment under the Rylstone LEP which states:

13 Subdivision for the purposes of dwellings within Zone No 1(a)

- (1) The Council may consent to the subdivision of land within Zone No 1(a) if the Council is satisfied that each of the allotments to be created by the subdivision is intended to be used for the purpose of a dwelling, but only if each allotment:*
 - (a) Has an area of not less than 40 hectares, and*
 - (b) Is unlikely adversely to affect the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for other agricultural purposes, and*
 - (c) Does not comprise prime crop and pasture land.*

This report relates to the above Clause 13(1)(c) specifically in relation to the land not comprising prime crop or pasture land which is defined below:

Prime Crop or pasture land means land within an area identified, on a map dated May 1982, prepared by or on behalf of the Department Agriculture, and which is deposited in the office of the Council, as Class 1, Class 2 or Class 3, but does not include land which the Council has from time to time determined by resolution as not being prime crop or pasture land for the purposes of this plan.

This property is mapped as 'Class 3' land and a small part 'Class 4' on the agricultural land classification map. Class 3 land is defined as Prime Crop or Pasture Land and cannot be subdivided unless a resolution from Council is in place.

The Rural Land Evaluation Manual describes Class 3 as being:

Class 3

Grazing land or land well suited to pasture improvements. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate may limit the capacity for cultivation and soil conservation or drainage works may be required.

The applicant has provided a Statement of Environmental Effects that includes justification and reasoning as to how the property is incorrectly classed as prime crop and agricultural land. The applicant has not gone to the extent of engaging an agronomist to assess the land but has instead employed a town planner to conduct a desktop assessment of 'Agricultural Land Classification', 'Agricultural Suitability Classification' and 'Land Capability'. A soils map has been provided in the Statement of Environmental Effects indicating that the type of soil on the property is not conducive to the cropping requirements of the Class 3 land. The applicant has compared Class 3 and Class 4 lands and considers the property to be Class 4. The applicant argues that the type of soil surface would reduce the agricultural sustainability of the land and concludes that "From the descriptions, documentation and the on site assessment of all the factors, the land in question is more consistent with Class 4 in total. Certainly where the new lot is [proposed] to be created the nature of the land is consistent with Class 4".

The matter was referred to the Department of Primary Industries (Agriculture) for advice. The following comments were received in reply:

"The application contains no information in being able to justify any change in the agricultural land classification of the site from that mapped and identified on the Rylstone Agricultural Land Suitability Map 1982."

"The determination of agricultural suitability is a complex task requiring detailed knowledge of the site and critical socio-economic factors as set out in the Rural Lands Evaluation Manual (1988)...."

"Our advice to the Lithgow City Council and also the Mid Western Regional Council (in the past 7 years) when it also had to deal with such applications has been that the Department of Primary Industries sees no case for reviewing land currently mapped as prime agricultural land in the former Rylstone area. It would set a precedent and if it was to occur the Department would need to be satisfied that reclassification of small localised parts of the map would not contribute to significant risk of conflict with adjoining land use."

In this case we would consider it to be appropriate for this continue unless detailed and informed land assessments take place to be considered otherwise.”

The Department considered that the supporting documentation supplied as part of the application did not provide detail on why the agricultural classification should change. Additionally, it advises that the site based changes to the Prime Crop and Pasture classifications should not continue within the former Rylstone Shire area and assessment in this manner is not supported by the Department of Primary Industries (Agriculture).

The work that the Council has done previously to review this situation is concluded in Council’s Draft Local Environmental Plan 2013 which states:

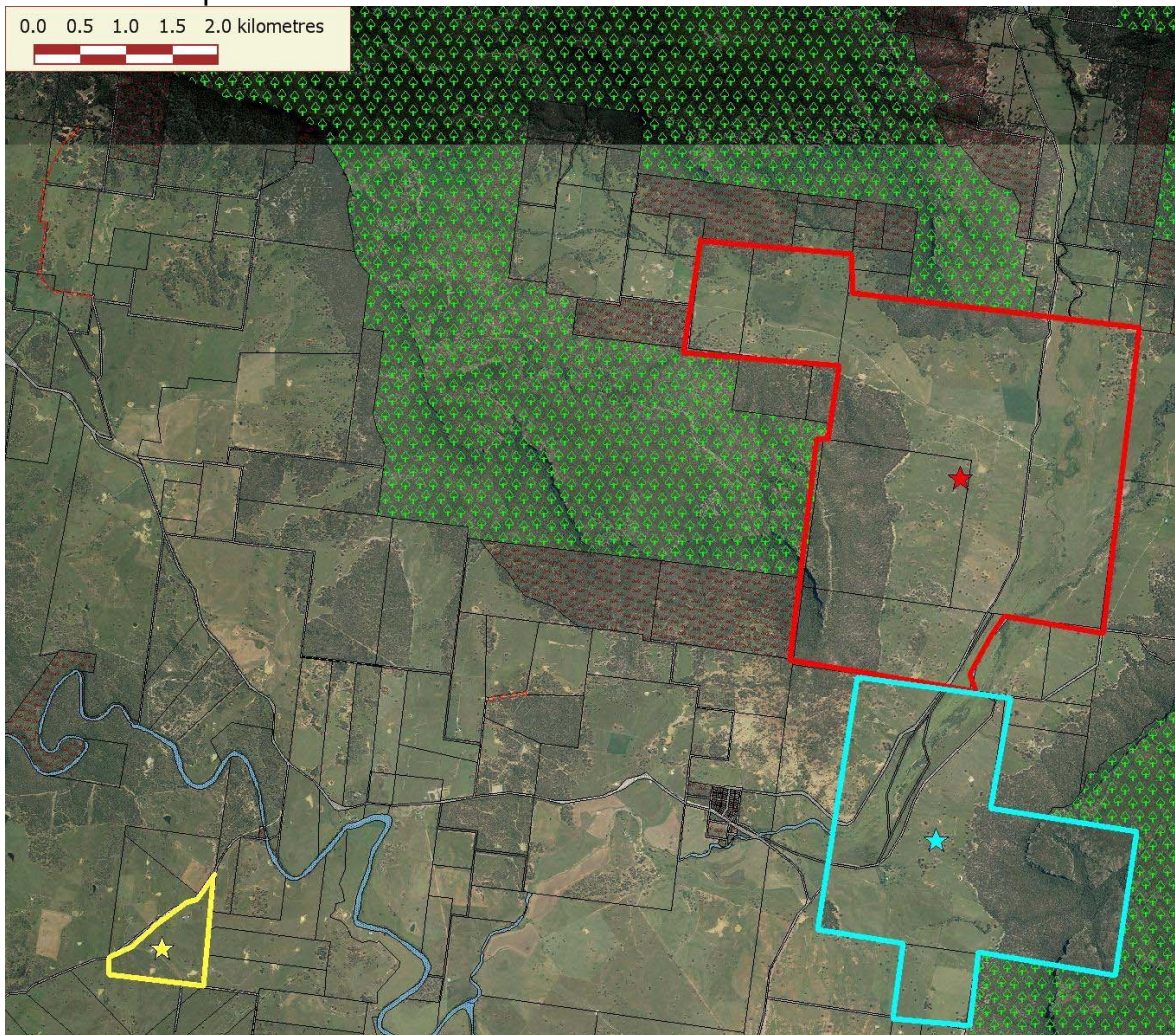
Part 4 Principal development standards

4.1 Minimum subdivision lot size

(5) Despite any provision of this clause, land shown as “Area 1” and “Area 2” on the Lot Size Map may not be further subdivided.

The development application relates to land located within “Area 1” of the lot size map.

Council has since received two additional applications being DA228/14 for the subdivision of 5 lots into 25 and DA238/14 for the subdivision of 3 lots into 12 and are shown on the map below:



Map showing location of Development Applications: DA184/14 (yellow) the subject of this report, DA228/14 (red) and DA238/14 (blue).

Both of these applications are subject to Clause 13(1)(c) and cannot be subdivided due to being defined as Prime Crop and Pasture land. These applications have also been referred to the DPI for comment.

The Draft Local Environmental Plan 2013 (Draft LEP) will apply to these developments once adopted and has to be assessed with any current application under the EP&A Act given it is an exhibited Draft. The Draft LEP proposes to map these properties within 'Area 1' of the Lot Size Map in which they *'may not be further subdivided'*. Therefore, the proposal does not meet the provisions of the current Rylstone LEP or the 'exhibited' Draft LEP in relation to subdivision of these properties. However, the Council at its meeting of 3 February 2014 resolved in the following terms.

14-32 RESOLVED

THAT Council:

2. Delete Clause 4.1 (5) of the Draft LEP 2013 – *Despite any other provision of this clause land shown as "Area 1" and "Area 2" on the Lot size Map may not be further subdivided.*

However, regardless of which way the dLEP is finally gazetted, Section 79C requires the matter to be assessed under the current Rylstone LEP 1996 with consideration being given to the dLEP in its 'exhibited' form.

Taking into consideration the Department of Primary Industries' advice and to both Council's exhibited and final adopted draft Local Environmental Plan 2013, it is recommended that the Council not support the alteration to the agricultural classification and consequently the development application. Should the dLEP be gazetted in the form as adopted by the Council at its February 2014 meeting then the applicant would be able to apply again under that LEP.

Whilst a response from DPI has not been received regarding the further two applications, verbal advice is that the formal response would be identical. In this regard the DPI has undertaken to seek advice from the DoPE in order to understand how the issue might be considered more broadly and more strategically. At the time of writing it is still uncertain when Council might expect gazettal of the dLEP 2013. This situation makes it difficult for officers to make a positive recommendation on the matter.

CONCLUSIONS

The variation or reclassification of agricultural land for DA184/14 should be considered in a cumulative and strategic manner having regard to DA228/14 & DA238/14. Whilst, given the DPI response, it is difficult to support the change of classification; the Council should be aware that if it is of a different view further detail will then be required from the applicant to allow final assessment of the development application.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The applications must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979. This report considers permissibility only (also under Section 76B) and none of the merits of the application (were it not prohibited development under the current LEP).

RECOMMENDATION

THAT:

1. Council advise the applicant that it is unable to change the agricultural classification of the land associated with DA184/14 based on the response provided by the Department of Primary Industries.
2. Council refuse to grant consent to DA184/14 on the basis that the proposal does not comply with the provisions of Clause 13(1)(c) of Rylstone Local Environmental Plan 1996.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-6 ENVIRO - 15/12/14 - PROPOSED LEASE LITHGOW COMMUNITY NURSERY LOT 11 DP 1029892 COALBROOK STREET LITHGOW

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 392-2004: Ordinary meeting of Council held on 22 March 2004
Min No 04-667: Ordinary meeting of Council held on 15 June 2004

SUMMARY

The purpose of this report is to:

- propose to grant a 5 year lease of ‘community’ classified public land being part of Lot 11 DP 1029892, known as 2A Coalbrook St Lithgow, to Lithgow and District Community Nursery (LDCN) to operate a Community Nursery. The terms of this proposed lease are outlined in this report;
- give public notice of the lease proposal for a period of twenty-eight (28) days and receive public submissions.

COMMENTARY

Council has received a request from the Lithgow and District Community Nursery (LDCN), to enter into a lease agreement to allow continued exclusive occupation of Council owned “community” land in Coalbrook St Lithgow.

History of LDCN and occupation of the site

The LDCN began operations in 1991 as a joint initiative between Greening Australia, coal mining company Coalex and the Lithgow Tidy Towns. The venture was originally established in State Mine Gully and moved to the Coalbrook Street site in 2001. LDCN obtained development consent from Council in 2001 for the use of a 6800sqm section of the old Hermitage Colliery site for use as a plant nursery, and subsequent construction certificate approvals for the erection of the buildings and greenhouses required as part of the operation.

The site was originally utilised by the Lithgow Valley Colliery Co as the pit top area for the Hermitage Colliery and washery site. The subject site was transferred to Council in 1999 from the Lithgow Valley Colliery Holdings in order to fulfil a condition of consent attached to the approval for Baal Bone Colliery at Cullen Bullen, for the provision of a contribution towards community facilities for Lithgow. The title of the land is not encumbered by any restrictive covenant or reservation in relation to its future use. Whilst some consideration has been given in the past for the dedicated lot to be utilised for recreational purposes, this has not proceeded further.

Whilst the site of the community nursery has been occupied for some years, Council has been unable in the past to proceed with the establishment of a lease for this use of

community land due to the fact that a Plan of Management under Section 35 of the Local Government Act was not available. This has now been addressed through the Lithgow Generic Community Lands Plan of Management adopted by Council in December 2013.

Matters affecting the granting of lease

Public Land Classification

The subject land has a total site area of 5.09ha of which approx 6800sqm is currently utilised by the LDCN and is the subject of the proposed lease. The land is classified as “**Community**” in accordance with s.25 & 26 of the Local Government Act 1993, and is categorised as “**General Community Use**” under the Lithgow Generic Community Lands Plan of Management (POM) 2013.

Environmental Planning Instrument – Land Zoning

The proposed lease area is zoned part residential 2(a) and open space 6, under the Lithgow Local Environmental Plan 1994. Under the proposed new LEP the lease area will be partly zoned R1 General Residential and RE1 Public Recreation. This zoning will have the effect of prohibiting plant nurseries; however the use can continue operating upon the commencement of the proposed new LEP under existing use rights.

The land is partially subject to inundation in a 1:100 year flood event, as indicated in the Kinhill Study 1991.

Site Access

The LDCN currently accesses the site off Coalbrook St, via adjoining private land to the east. The established access point is the original concrete access driveway that was utilised by the Hermitage Colliery that is now privately owned. The LDCN are negotiating with the adjoining owner to establish an agreement for the continued use of this access.

This issue will need to be resolved prior to the lease agreement being finalised by Council.

The proposed lease of this site as a community nursery is authorised in accordance with s.46 of the Local Government Act 1993, and s.8.7(2) of the Generic Community Lands POM 2013.

A meeting was held with LDCN to discuss the terms of the proposed lease, the outcomes of which are provided in the table below.

Table 1

Issue	Requested terms and comments by LDCN	Recommendation and Comment
Lease Period	21 yr Lease The Nursery has long term plans and has put in place considerable infrastructure for the benefit of the community into the future. The Council under section	5yr Lease A lease period commensurate with Councils 4 yr Delivery and Operational plan is recommended. Circumstances can change very quickly for small volunteer organisations and a shorter lease period is cognisant of this. This site is a strategic site in terms of future

Issue	Requested terms and comments by LDCN	Recommendation and Comment
	<p>402 of the Local Government Act is required to plan for the future and develop a Community Strategic Plan 'covering a period of at least 10 years'.</p> <p>Thus the lease should at least be linked to Council's Community Strategic Plan which plans for the long term, not its Operational and Delivery Plans which are only short term.</p>	<p>development for community purposes. A long term lease could hinder the future use of the larger 5ha site.</p>
Option to renew	<p>Procedures should be put in place by council to ensure negotiations commence well prior, not upon expiry, of the lease.</p> <p>In the case of the Nursery up to a two year lead time would be required to enable it to find new land and relocate its facilities should a lease not be renewed.</p>	<p>No options are recommended for community land leases. However, it would be anticipated that renegotiation of a new lease would commence at least 12mths prior to expiry.</p> <p>Renegotiation would have regard to Councils future direction for the site.</p>
Yearly Rental	<p>\$1 p/a Do not agree with yearly rental being charged.</p>	<p>\$458.00p/a + CPI. This is the suggested minimum rental for all community land sites to be leased by not for profit/ non commercial operator's delivering a community service. This annual fee is a nominal charge established by IPART for the use of crown land for similar purposes as that proposed by the LDCN for the use of community land. A market rental for a retail plant nursery on this site could achieve approx \$476 per calendar month (based on similar comparisons in the central west).</p>
Exhibition of proposed lease required	Noted	<p>28 Day Exhibition Section 47A requires that the lease being for a period not exceeding five years be notified and exhibited in a manner prescribed by Section 47 of LG Act.</p> <p>This will require:</p> <ul style="list-style-type: none"> • Public notice of the proposal on the land and to adjoining owners or occupiers or any other person Council to be impacted, for a period of 28 days • Call for submissions • Consideration of all submissions received • Referral of the proposal to the Minister if so requested. <p>The 21yr lease period as requested by the LDCN would require:</p> <ul style="list-style-type: none"> • public notice of the proposal both on the land and in the media for a period of 28days

Issue	Requested terms and comments by LDCN	Recommendation and Comment
		<ul style="list-style-type: none"> notification of affected persons call for submissions Ministers consent if a person makes a submission by way of objection to the proposal
Legal Costs for establishment of lease to be met by Lessee	All legal costs be met by Council.	Council Policy 1.1 Leases – Legal Costs requires the lessee to meet all Councils legal costs associated with preparation and registration of the lease.
Share of Utilities(does not include rates, water and sewer access or metered water charges)	Council to continue to pay all water, sewer and garbage charges as per current practice.	Water and sewer access charges and metered water charges have historically been paid by Council. The cost of these charges in the 13/14 financial year totalled \$26,235.02 . Other utility charges will be the responsibility of the tenant. Should Council wish to continue this practice of paying these charges it should be represented as a subsidy to LDCN in the Operational and Delivery Plans
Rent Review	Nil	Annual CPI increase
Public Liability	\$20M Agreed	\$20M Standard requirement as per Council minute 13-177
Definition of Use	Agree with proposed definition	Definition of use: Operation of community native nursery, including growing, storing and selling native plants
Early Termination Clause	Agreed subject to sighting and agreement to standard termination replacement clause	Standard lease to be utilised as drafted by Council's solicitors. Standard termination clause forms part of all leases up to five years in duration as provided in standard lease document... If Council agrees to a lease term greater than 5yrs, then an early termination clause should be considered for insertion into lease.
Miscellaneous	Agreed that the Nursery notify Council of any significant problems that arise with landlord infrastructure.	Standard miscellaneous clauses to be retained
Subleasing	Agreed with no subleasing	No subleasing shall be permitted as part of the lease
Standard Annexure B & C to lease	Will review once drafted	Standard Annexure being redrafted by Council's solicitor to reflect leasing of community land by non commercial/ community group tenants.

The LDCN is a volunteer community organisation that plays an important role in environmental restoration projects in the area. In proceeding with this lease in the terms proposed above, Council will be subsidising the LDCN operation in 14/15 by at least \$26,235.00 (being the 13/14 charges which are adjusted each year through Council's fees and charges) for water, sewer and garbage. Furthermore, a market rental is not proposed to be charged.

This financial support for LCDN aligns with Council's objective of supporting community organisations and balancing, protecting and enhancing our environment, for the enjoyment and support of both current and future generations and to improve the quality of life of the community as part of Council's strategy to Enhance our Natural Environment and Care for our Community in the Community Strategic Plan 2026.

POLICY IMPLICATIONS

NIL arising from the recommendations of this report

Policy 1.1 Leases – Legal Costs

Lessee to meet all legal costs associated with preparation and registration of lease.

Policy 10.14 Property Leases

Any rental reductions from market rent to be reported to Council.

FINANCIAL IMPLICATIONS

The lease will generate:

- Rental income of \$458.00 pa + CPI for period of lease. Should a market rental be charged then this would represent a reduction in rental per year of \$5,262.00p/a.

Council will continue to meet the following charges, representing a subsidy to LDCN:

- Water and Sewer Charges each year adjusted in accordance with annual fees and charges which at 13/14 were \$24 957.92
- Garbage Charges each year adjusted in accordance with annual fees and charges which at 13/14 were \$1277.10

LEGAL IMPLICATIONS

The proposed lease of this site as a community nursery is authorised in accordance with s.46 of the Local Government Act 1993, and s.8.7(2) of the Generic Community Lands POM 2013.

Council is required to comply with Section 47 and 47A of the Local Government Act relating to public notification and exhibition of the lease proposal prior to executing a final lease.

Lease documents to be prepared by Council's solicitor in compliance with current legislation.

ATTACHMENTS

1. Plan of land area subject to proposed lease.

RECOMMENDATION

THAT Council:

1. Advise the Lithgow and District Community Nursery of its proposal to grant a lease of a 6800m² section of Lot 11 DP 1029892 known as 2A Coalbrook St Lithgow, as shown on the attached plan, subject to the following terms and conditions:
 - iv. Lease term of 5yrs with no option
 - v. Rent \$458.00pa + CPI
 - vi. Public Liability Insurance of \$20M, or amount as required by Council at the time of renewal of the lessee's public liability policy.

- vii. Legal access to the site be resolved prior to finalisation of the lease
2. The lease proposal be publicly notified for a period of twenty-eight (28) days in accordance with Section 47 and 47A of the Local Government Act and any submissions received be duly considered by Council in a further report prior to finalising any lease agreement.
3. Council subsidise water, sewer and garbage charges as well as reflecting a rental reduction compared to market rental for the term of the lease. Such subsidies be appropriately recognised in Council's Operational Plan and Delivery Program.
4. Lithgow and District Community Nursery to meet all Councils legal costs associated with the subject lease in accordance with Council Policy 1.1 Leases - Legal Costs.

ITEM-7 ENVIRO - 15/12/14 - AUSTEN QUARRY STAGE 2 EXTENSION PROJECT (SSD 6084)

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council on a State Significant Development that has been submitted to the Department of Planning and Environment (the Department) for the Austen Quarry 'Stage 2 Extension Project', Jenolan Caves Road, Little Hartley.

COMMENTARY

A State Significant development application has been lodged with the Department of Planning and Environment.

The proposal involves:

- Continued extraction and processing operations at the existing hard rock quarry for up to 30 years (from approved 2020 until 2050),
- Extending the existing extraction area by 16.1 hectares and overburden emplacement area by 9.9 hectares,
- Continue to transport quarry products off-site by road to local and mainly Sydney markets,
- Continue to rehabilitate the site.
- Extract a total of 44MT of recoverable rhyolite within the 'Stage 2' site area.

The approved 'Stage 1' area incorporates the existing extraction area, overburden emplacement, processing areas and associated transportation areas, administration and stockpiling operations.

'Stage 1' was approved by Lithgow City Council as part of 103/94DA with two subsequent modifications approved by Council for the transportation hours and for the extension of the life span of the quarry. Another modification (Stage 1A) is currently being assessed by Council to amend the final floor level to compensate for the retention of an approved extraction area being used to maintain the current visual amenities of the quarry and is separately reported in the business paper.

The 'Stage 2' site is proposed to incorporate the components of the 'Stage 1' area, the extension to the extraction area and the overburden emplacement. The 'Stage 2' extraction area would be located immediately to the southeast and east of the existing 'Stage 1' extraction area.

The application proposes to continue to supply up to 1.1 million (M) tpa of quarry products to the Applicant's concrete batching plants and to external markets. This amount of extraction is not proposed to be changed from the current 'Stage 1' approval.

The proposed overburden emplacement would laterally extend the existing 'Stage 1' overburden emplacement by 9.9ha and increase its elevation to 810m AHD from the current approval of 780m AHD.

The approved 'Stage 1' extraction area extracts 12.5Mt of rhyolite and overburden. Approximately 3Mt of rhyolite remains with two-thirds of this resource being located within the ridge on the northern side of the extraction area. This is proposed to be retained as a visual barrier to reduce impacts of the extraction area from Hassans Walls Lookout.

Extraction is proposed to be at a depth of 685m AHD, approximately 60m deeper than the current extraction floor area of 745m AHD and 50m deeper than the footings of the primary crusher.

The application seeks to extend extraction and processing periods to allow for **maintenance** to be undertaken 24 hours a day while blasting. The blasting and the loading and despatch of quarry is proposed to remain the same as the existing quarry operations.

Potential impacts such as traffic, visibility, terrestrial ecology, aquatic ecology, noise, surface water, ground water and air quality reports accompany the application.

The Environmental Impact Statement indicates the following proposal:

Traffic: The proposal for the 'Stage 2' extension project will utilise the existing entrance and exit from Jenolan Caves Road. Truck and vehicle movements would continue to use Jenolan Caves Road and the Great Western Highway as the transportation route.

It is anticipated that maximum daily transport levels would be increased by approximately 24% on peak production days. However, this is expected to not exceed the level currently approved

As part of a modification approval for the existing 'Stage 1' approval, the applicant was required to upgrade the Glenroy Bridge with the works being completed in 2012 to reduce noise impacts. Signage was also placed on both sides of the bridge to indicate to truck drivers to reduce noise. This is a Roads and Maritime (RMS) controlled road.

Visibility: The current and proposed quarry operations are and would be visible from a number of vantage points. The design of the quarry extraction area and orientation of the active quarry development has been chosen to reduce the areas of the 'Stage 2' site visibility. Mitigation measures include: progressive rehabilitation, application of a bituminous film to the completed inactive extraction faces and drawdown of stockpiled material.

Terrestrial ecology: six vegetation communities and two derived communities were identified and mapped within the site. A residual impact on native vegetation of approximately 26.5ha would be unavoidable, however, it is proposed to offset the area by conserving approximately 93.3 hectares of

adjoining and equivalent vegetation as part of a proposed biodiversity offset area.

Eucalyptus pulverulenta is proposed to continue to be incorporated through progressive rehabilitation and through managing a nursery for cultivating seeds along with saplings of various native vegetation species.

Aquatic Ecology: regular monitoring would be undertaken to ensure that aquatic species are not impacted upon by the quarry operations.

Noise: The project is predicted to comply with the noise criteria set by the Environment Protection Authority. As blasting practices would not be modified from those currently implemented, no exceedance of blasting noise or vibration above the noise criteria is expected.

Surface Water: surface water is proposed to be appropriately managed to limit the discharge of sediment-laden water or potentially contaminated water. Additional dams would be constructed or existing dams are proposed to be modified to minimise potential impacts.

Groundwater: The proposed floor area is proposed to be below the existing standing ground water level, with dewatering required to enable extraction below this elevation. This groundwater source is isolated from Cox's River and Yorkey's Creek. The risk of groundwater contamination through operational activities is predicted to be very low due to the low porosity characteristics of the rhyolite and its resistance to fracturing.

Air quality: Given the infrequent nature of blasting and by scheduling blasts for periods of emission mitigating wind conditions, the quarry would be able to reduce the concentration of airborne particulates received at residences surrounding the site.

OTHER ISSUES

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 10 December 2014. A submission was made on behalf of Council regarding the development including a request that a Voluntary Planning Agreement be entered into between Lithgow City Council and Hy-Tec Industries Pty Limited. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Infrastructure.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

It will be proposed that Council pursue a Voluntary Planning Agreement seeking a monetary contribution to be applied to community facilities.

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 will be the consent authority.

ATTACHMENTS

1. Site Layout Plan

RECOMMENDATION

THAT:

1. The information in the report on the Austen Quarry 'Stage 2 Extension Project' be NOTED.
2. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement in relation to the project.

ITEM-8 ENVIRO - 15/12/14 - CLARENCE PIRIE PARK CROWN ROAD ACQUISITION

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To recommend to Council the acquisition of an unformed Crown Road in Clarence Pirie Park Capertee to allow the construction of the new amenities building.

COMMENTARY

Council's current building program includes the construction of a new public toilet building in Clarence Pirie Park at Capertee. During investigation for the approval and construction phase of this project it was identified that the section of Clarence Pirie Park that the building is to be located is not owned by Council but is an unformed Crown Road under the control of the Crown Lands Division of NSW Trade & Investment. The site is also the location of the existing toilet block. There are no alternative sites for the location of the new building.

The Crown Lands Division has advised that they are prepared to transfer control of this Crown Road to Council at no cost pursuant to Section 151 of the Roads Act 1993 in order for Council to proceed with the development. A resolution of Council is required to initiate this process.

POLICY IMPLICATIONS

Policy 1.2 Acquisition and Disposal of Assets applies.

FINANCIAL IMPLICATIONS

The Crown Lands Division has advised that there will be no costs associated with the acquisition of the Crown Public Road.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Crown Lands Division map identifying the unformed Crown Road.

RECOMMENDATION

THAT:

1. Council make application to Crown Lands Division NSW Trade and Investment for the acquisition of the Crown Road located in Clarence Pirie Park Capertee to allow construction of a new toilet block.
2. Authorise the affixing of the Council Seal to relevant documents.

ITEM-9 ENVIRO - 15/12/14 - SECTION 96 029/14 - MODIFICATION OF DEVELOPMENT APPLICATION 103-94DA - 'AUSTEN QUARRY TO AMEND THE FINAL FLOOR LEVEL FROM RL 730 TO RL 700 TO COMPENSATE

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To assess and recommend determination of Section 96 Modification of Consent 029/14 for Development Application 103/94 DA - Austen Quarry. The recommendation is for approval subject to conditions of consent.

COMMENTARY

Council is in receipt of a modification to development consent application for an approved 'Hard Rock Quarry and Associated Processing Plant' from Hy-Tec Industries P/L. Hy-Tec refers to this application as their Stage 1A Modification (to represent the first of other current proposed changes) – See separate ITEM in the business paper for information regarding their "Stage 2 Extension". The modification proposes the extraction of an additional two benches, at elevations of 715m AHD and 700m AHD, to quarry approximately 2 million tonnes of rhyolite to allow for the retention of the northern ridge of the existing quarry. The modification proposes to affect aspects of the following quarry operations: extraction activities, overburden management activities, water management and rehabilitation.

In very simple terms, Hy-Tec wishes to continue current operations by extracting deeper rather than wider (as currently approved). The principal benefit of this for the company would be to continue to maintain the optimum visual impacts for a longer period by retaining what is known as 'the Northern Ridge'. Without this modification the visual impacts would deteriorate after approximately 6 months time from now as the vegetated Northern Ridge would start to be quarried and removed.

The original approval was completed under delegation by Council as a Designated Development on 22 March 1995 and permitted "The establishment of a hard rock quarry and associated processing plant".

A Section 96 Modification of Development consent was approved on 9 August 2011 by Council and permitted a variation of operating hours.

A Section 96 Modification of Development consent was approved on 27 November 2012 by Council and permitted 'a further 5 years' of life to 21 March 2020.

The quarry is operated by Hy-Tec Industries Pty Limited and utilises drilling & blasting, load & haul, and crushing & screening operations. The proposal is to lower the approved extraction area.

The modified development is 'integrated development' requiring a Controlled Activity Approval from the NSW Office of Water under the *Water Management Act 2000*. The application requires the concurrence of the Sydney Catchment Authority. Comment was also sought from the Environment Protection Authority, NSW Department of Primary

Industries (both Agriculture and *Fisheries NSW*), NSW Trade & Investment – Division of Resources and Energy, NSW Department of Planning & Infrastructure, Roads and Maritime Services, Department of Environment and Heritage and Blue Mountains City Council.

The application has been assessed under Section 96 (2) of the *Environmental Planning and Assessment Act 1979* and as Modification to Designated Development as per Clause 4 (Schedule 3 for extractive industries) under the *Environmental Planning and Assessment Regulation 2000*.

ASSESSMENT:

The development was originally permissible in the zone under Clause 9 of Council's current LEP which indicates that an extractive industry is permissible in the zoning. This permissibility is not proposed to change as part of this modification. It is considered that the proposal is consistent with the aims and objectives of the 1(a) Rural (General) zone.

Draft Lithgow Local Environmental Plan 2013 (Draft LEP 2013) applies to the land which proposes to change the zoning to RU1. Extractive industries are permissible under the RU1 Primary Production zone. Therefore, the development is consistent with the Draft LEP 2013.

Water

The Sydney Catchment Authority, NSW Office of Water and Environment Protection Authority have all assessed the proposal in relation to effects on water resources with no objection to the proposal subject to conditions of consent. It is considered that the modification will be incorporated into existing onsite water management plans for the duration of the operations, including storage, reuse and sedimentation controls.

All other aspects of the current approval remain the same with some negligible improved changes to overburden and rehabilitation management.

Submissions:

The proposed modification was referred to Sydney Catchment Authority, NSW Department of Planning & Infrastructure, Roads and Maritime Services, Environment Protection Authority, NSW Trade & Investment, NSW Office of Water, NSW Department of Primary Industries (both Agriculture and Fisheries NSW) and the Department of Environment and Heritage with no objections subject to conditions of consent being amended or added.

The development was also notified to the surrounding landowners and occupiers and advertised for a period of 30 days as required for Designated Development. Two submissions were received and the concerns raised are summarised below:

1. Visual Amenity.
2. Compliance with Previous Approval Conditions.
3. Impacts to Air Quality.
4. Water Monitoring.
5. Noise Impacts at Glenroy Bridge.
6. Road deterioration, Safety & Rubbish removal on Jenolan Caves Road.
7. Impacts to tourists & other road users.

8. Goanna population at Bald Hill & other Fauna and Flora along Coxs River.

The second submission raised concern with current and constant vibration impacts to the Blackheath community.

Comment:

The applicant has supplied comment to the submissions made above. The responses adequately address the matters and concerns and are agreed with. No vibration is known to occur at Blackheath. No further comment is necessary.

Conclusion:

All issues have been addressed within the 79C Report (Attached) and were found to be satisfactory for the development to proceed subject to conditions of consent being changed and added.

POLICY IMPLICATIONS

The original application was considered by the Council. Accordingly, this modification application requires determination by the elected Council. Additionally, the application is classed as Designated Development (as defined under the *Environmental Planning & Assessment Regulation 2000*) which requires approval by Council in relation to delegations.

FINANCIAL IMPLICATIONS

NIL

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.

ATTACHMENTS

1. Complete 79C Planning Report under separate cover.
2. Hy-Tec Industries Response to submissions

RECOMMENDATION

THAT:

1. Section 96 Modification of Consent 029/14 for Development Application 103/94 be APPROVED, subject to the conditions outlined in the attached 79C Report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-10 ENVIRO - 15/12/14 - WESTERN SECTION OF GUY STREET,
LITHGOW - ROAD RE-NAMING**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 10-526:	Ordinary Meeting of Council held on 13 December 2010
Min No 11-372:	Ordinary Meeting of Council held on 12 September 2011
Min No 12-360:	Ordinary Meeting of Council held on 15 October 2012
Min No 12-400:	Ordinary Meeting of Council held on 5 November 2012
Min No 12-491:	Ordinary Meeting of Council held on 17 December 2012
Min No 14-236:	Ordinary Meeting of Council held on 2 June 2014
Min No 14-451:	Ordinary Meeting of Council held on 17 November 2014

SUMMARY

To update and inform Council of the history and obligations pertaining to the renaming of the western section of Guy Street, Lithgow.

COMMENTARY

History of Guy Street Renaming

At Council's Ordinary Meeting of **13 December 2010** information on duplicate named roads, similar road names and problem road names was reported and the following was resolved:

- 4. The known 'problem roads' as attached be referred to emergency services and Australia Post for comment with an invitation to provide comment on any other known problem roads. Feedback also be sought from potential affected residents of the currently known 'problem roads'.*

At Council's Ordinary Meeting of **12 September 2011** a report was provided advising of Council's Recognition Committee consideration of the above resolution. The report stated that 'a list of known problem roads has been referred to emergency services and Australia Post with no response received'. A letter to the residents was also sent 13 July 2012 with two submissions received, one against the proposal and one proposing the name of 'Elizabeth Mort Place'.

At Council's Ordinary Meeting **15 October 2012** information from submissions for Guy Street (West) was put forward with the following resolved:

That the proposed renaming of western section of Guy Street, Lithgow be deferred to allow further community consultation.

A letter was then sent on 1 November 2012 to the residents requesting further comments on renaming the western section of Guy Street to Elizabeth Mort Place. Four

submissions were received - one supporting the renaming, two suggesting new names (after William Harvey Blanchard and Mary Crowle) and one against the renaming.

At Council's Ordinary Meeting of **17 December 2012** information was provided from further submissions and a proposed name of Crowle Street for Guy Street (West) was put forward for advertising and notification. This was accepted and the following was resolved:

1. *That Council support the name 'Crowle Street' for the western section of the current Guy Street and undertake an Expression of Interest notification with residents and emergency services of the proposed naming. If no objection is raised then Council shall proceed to notification of the proposed road name and advise the Emergency Services and Government Gazette of this road name.*
2. *Naming after William Harvey Blanchard Senior be utilised at some future point in time.*

Therefore, advertising and notification to owners and authorities was undertaken in respect to resolutions made with four (4) submissions received. Three (3) were against the proposal with one submitting an alternative name and the other submission only proposing a new name.

At Council's Ordinary Meeting **2 June 2014** information was provided from further submissions and a proposed name of Crowle Street for Guy Street (West) was put forward again with the following resolved:

2. *Council re-name the western end of Guy Street, Lithgow to 'Crowle Street' by Government Gazettal of this road and advise Emergency Services and land owners of this road name.*

The renaming is currently with the Geographical Names Board and is expected to be finalised soon through Government Gazettal. However, as Council arranges this final part of the process it does not have to proceed should Council alter its position.

At Council's Ordinary Meeting **17 November 2014** a member of the public raised the issue of the renaming of Guy Street and the following was resolved:

That an urgent report be provided to Council in relation to the renaming of Guy Street to Crowle Street.

Council's Obligations- NSW Road Naming Policy

The NSW Geographical Names board has adopted the NSW Road Naming Policy 2013 which adopted principles as described below:

3 General Principles

The following 11 general principles for the naming of roads conform to the road naming principles outlined in various sections of AS/NZS 4819:2011 Rural and Urban Addressing. They are designed to ensure that naming practices in NSW will be of the highest possible standard and will result in

intuitively clear road names for all, minimising confusion, errors and discrimination.

Principle 7 applies to the renaming of the western section of Guy Street in particular and is described below:

3.7- Principle 7- Road Extents

The extent of a named road shall be defined by the formed road, and shall include only one section navigable by vehicles or foot. Unconnected navigable sections, such as where separated by an unbridged stream or a physical barrier, shall be assigned separate names.

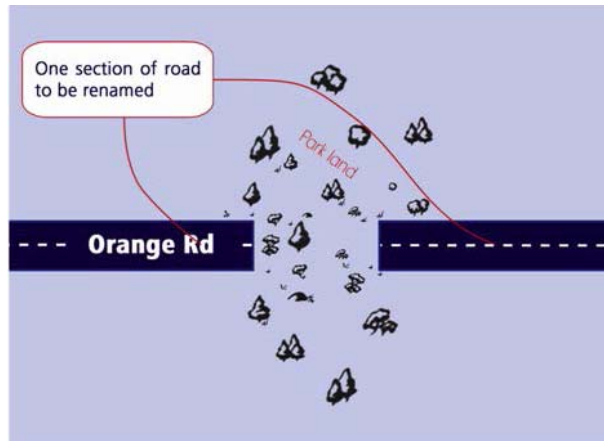


Figure 3-3 Unconnected sections of road- one section needs to be renamed

When a road extent is broken into separate sections by redevelopment or redesign, the name shall only be retained on one section and the other section(s) renamed as part of the development process.

Principle 9 below also applies to this proposal given it is a re-naming:

3.9 Principle 9 - Amending Road Names

Road names are intended to be enduring, and the renaming of roads is discouraged unless there are compelling reasons for a change. Issues that can prompt renaming include the redesign of a road, changed traffic flow, mail or service delivery problems, duplication issues and addressing problems. Where there are significant reasons for a change the GNB encourages authorities to undertake renaming action in conformity with these principles.

Therefore, under the NSW Road Naming Policy 2013 and AS/NZS 4819:2011 Rural and Urban Addressing, the western section of Guy Street (given less residents would be affected) should be renamed. This is due to the road being separated by State Mine Creek and making it an unconnected road.

POLICY IMPLICATIONS

Council's Policy 10.9 - Street Naming is applicable. The "guidelines" referred to in the policy are the NSW Road Naming Policy.

FINANCIAL IMPLICATIONS

Council will incur some minor advertising costs in accordance with its Road Naming Policy as well as costs of the signs for the new naming.

ATTACHMENTS

1. Location of Guy Street (West)

RECOMMENDATION

THAT The information on the renaming of the western section of Guy Street, Lithgow be noted.

ITEM-11 ENVIRO - 15/12/14 - DA167/14 - STORAGE SHED BATHURST STREET RYDAL

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 14-362: Ordinary meeting of Council held on 8 September 2014
Min No 14-457: Ordinary Meeting of Council held on 17 November 2014

SUMMARY

To assess and recommend determination of DA167/14. Recommendation will be for approval subject to conditions/refusal.

COMMENTARY

Council is in receipt of Development Application DA167/14 for a Storage Shed for the storage of personal belongings on land known as Lot 7 Sec 14 DP 758890, Bathurst Street Rydal NSW 2790.

The land is currently vacant on the corner of Bathurst Street and Quarry Street Rydal with grassy vegetation and some trees.

The plans accompanying the application indicate the proposal to be for a ‘Colorbond’ shed measuring 9.2 metres by 12.2 metres. In addition, an awning is proposed to the western (front) elevation and northern elevation. The northern elevation contains the only means of access to the proposed shed via a 3.4m wide roller door. The height is proposed to be 4.2m to the eaves and 5.01m to the ridge. A 12,000 litre water tank is also proposed at the rear. Cut and fill, landscaping and access also form part of the proposal.

The current 2(v) zone allows a wide range of land uses as permissible including commercial and industrial uses. The proposed shed proposal is not inconsistent with the 2(v) zone objectives.

Sheds are usually an ancillary development to dwellings and are common throughout the Local Government Area. There are occasions however when application is made for sheds to be stand-alone such as in this application. There are no further controls within the LEP governing the control of shed developments and therefore a merits assessment needs to be the determinative assessment.

The Draft Lithgow City Local Environmental Plan applies to the land, which proposes to change the zoning to RU5 Village. In accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, Council is required to consider any draft environmental planning instrument that is or has been placed on public exhibition.

The draft LEP incorporates this site into a heritage conservation area. However, as the subject site is at the periphery of the draft precinct and is 150 metres from the main part of the town with only one neighbouring dwelling located to the rear of the site, the heritage significance of the site is not profound. Considerations for the proposal would include the choice of colours, materials, height and scale. Following initial assessment and consideration of submissions discussions were held with the applicant that resulted in improvements to the submitted proposal. This resulted in the applicant providing an amended set of drawings that include:

- Increasing the front setback from 4 metres to 8 metres (that is to the wall but exclusive of the 1.5 metre wide awning).
- Clarifying that the cut and fill is to be not more than 1 metre.
- Selecting a dark colour. The chosen colour is Colorbond 'woodland grey'.
- The proposed landscaping remains unchanged as 'Iomandra longifolia or similar'.

These amendments assist to reduce the impact of the proposal and could be further improved upon by balancing the cut and fill to be approximately a half metre cut in order to reduce the height of the building. The nominated landscaping is not going to provide any substantial screening of the proposal and is a species that needs to be substituted with an evergreen at a more mature height.

As a result of exhibition, six (6) submissions were received objecting to the proposal and are summarised as follows:

- The increase in traffic flow due to the development would increase the risk of an accident and disturb the tranquillity of the village.
- The land is within a draft heritage conservation area as described under the Draft Local Environmental Plan 2013.
- The village of Rydal retains a heritage theme which has been encouraged by residents and Lithgow City Council in the past. The theme attracts tourists and local income is earned through accommodation and tourist activities. The village of Rydal has been working together for many years to create an attractive and beautiful Heritage Village. Rydal hosts the annual festival, "Daffodils" which attracts thousands of tourists and raises money for a number of local charities. This development will disrupt the beauty of this event causing a decrease in visitors.
- The proposal is not in keeping with the urban/ rural atmosphere of the village. Such a use/ facility should only be placed in industrial zones. There are many areas within the Lithgow Local Government Area whereby such development would be more appropriate. It is out of character with the aesthetics of the area and has poor use of building materials i.e. 'Colorbond' within the village precinct.
- The development is to be located within the main gateway to the village. Proposed development is to be located on a hill, visible from many surrounding properties.

- No details of final colours or landscaping.
- The development will not result in the creation of employment opportunities and will not inject money into the village.
- The shed seems excessive for the storage needs of one family.
- The proposal is obviously still commercial in nature (in respect to DA112/14 for a storage facility on the same land by the same owners, which has been withdrawn).

All these issues have been addressed within the 79C Report (Attached) and were found to be satisfactory for the development to proceed.

OTHER MATTERS

The Council at its meeting of 17 November 2014 considered a report on DA167/14 and resolved in the following terms:

THAT *Development Application 167/14 be deferred until an onsite meeting is held with applicant and neighbours.*

An onsite meeting was held at 4:30PM on 1 December 2014 by Councillors, the applicant and objectors. The meeting was well attended by 8 Councillors and approximately 13 neighbours and residents. The meeting allowed Councillors and the public to view the plans and the site's characteristics. Questions were invited by the Group Manager-Environment & Development and all technical questions were responded to by staff or the applicant. Some general discussion and some debate ensued with the Councillors with the various views put forward by residents. It is considered that every opportunity was given for all views to be aired and all questions were responded to. The process was successful in clarifying issues for those in attendance.

Following the onsite meeting this report is submitted for determination.

POLICY IMPLICATIONS

Council's *Policy 7.7 – Calling in of Development Applications by Councillors* states that Development Applications that are called in by a Councillor must be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. As reported to the Council on 8 September 2014, the application was called in.

14-362 RESOLVED

THAT The calling in of Development Application No 167/14 be noted.

FINANCIAL IMPLICATIONS

NIL

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.

ATTACHMENTS

1. Complete 79C Planning Report under separate cover.
2. Plans

RECOMMENDATION

THAT:

1. Development Application 167/14 be APPROVED, subject to the conditions outlined in the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-12 ENVIRO - 15/12/14 - DA248/14 - SUBDIVISION OF 1 LOT INTO 12 LOTS - TWEED ROAD BOWENFELS - CALLING IN OF APPLICATION

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To inform Council of the ‘call in’ of a development application pursuant to Council policy.

COMMENTARY

Council is in receipt of a development application (DA248/14) for the subdivision of 1 lot into 12 lots at Lot 402 DP 1155154 - Tweed Road, Bowenfels. The application has been called in for determination by Councillor F Inzitari.

The applicant has been requested to supply additional information in relation to a number of aspects for the assessment by Council and the Sydney Catchment Authority. The application has also been referred to the NSW Office of Water as an integrated body due to works within 40m a river.

The application has also been notified to surrounding residential landowners and placed on public exhibition until 27 November 2014. At the close of exhibition, Council has received seven (7) submissions from the public.

POLICY IMPLICATIONS

This application has been called in pursuant to Policy 7.7 “Calling in of Applications by Councillors” Item 3 that states:

Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:

- *Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been “called in”; and*
- *Reported to an Ordinary Meeting of Council for determination.*

This application is reported pursuant to the first dot point.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

No specific implications at this stage of the process.

RECOMMENDATION

THAT the calling in of Development Application No 248/14 be noted.

OPERATION REPORTS

ITEM-13 OPER - 15/12/14 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 14-460: Ordinary Meeting of Council held on 17 November 2014

SUMMARY

This report provides an update on various water management issues as per Minute Number 14-460.

COMMENTARY

In relation to current water management issues the following information is provided:

Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam # 2 capacity on Monday, 1 December 2014 was 85% full and filling. Oberon Dam capacity on Monday, 1 December 2014 was 62% full.

Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2014/2015. Table 2 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2012/2013 & 2013/2014.

Table 1 - Oakey Park Monthly Output and Clarence Transfer 2014/2015

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July 2014	80	0	63
August 2014	145	0	45
September 2014	105	0	66
October 2014	112	0	61
November 2014	120	0	65
TOTAL	562	0	300

Table 2 - Oakey Park Monthly Output and Clarence Transfer 2012/2014 & 2013/2014

Month	2012/13			2013/14		
	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	107	0	53	93	0	44
August	106	0	49	96	0	67
September	115	0	55	102	0	73
October	140	0	65	130	0	58
November	140	5	62	106	0	61
December	135	81	76	100	0	47
January	146	73	68	111	0	109
February	92	0	66	93	0	73
March	114	0	81	62	0	68
April	109	0	106	105	0	61
May	123	0	62	118	0	59
June	154	0	70	101	0	67
TOTAL	1,481	159	813	1,217	0	787

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal from 27/11/2014 – 28/11/2014. OPWTP is currently supplying water to Lithgow. No health-based ADWG values were exceeded for the period 8/11/2014 – 5/12/2014.

Monitoring results for the licence to operate the water treatment plant have been published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

Fish River Water Scheme Water Quality Summary

Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 8/11/2014 – 5/12/2014.

Current Water Restrictions Update

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

Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving two (2) application for household appliance rebates and no applications for water tank rebates for the period 8/11/2014 – 5/12/2014.

Water Reticulation Complaints

It should be noted that during the recent hot dry spell considerable demand was put on the reticulation network resulting in increased flows and velocities which tend to stir up and exacerbate organic matter lying dormant in the network. This can cause increased incidents of discoloured water in the network

Eleven (11) varying complaints were received during the period 8/11/2014 – 5/12/2014 concerning water quality issues in the following areas:

- Two complaints received from Gemalong Close, Marrangaroo – Discoloured water. The complaint is caused by the location being at the end of the pipeline line. Water at this location is sourced from the Fish River Supply and the only current remedy is regular flushing at this location.
- Fullagar Avenue, Lithgow – Discoloured water. This location is also at the end of the main and Council is working on a solution to eliminate the current dead end.
- Mort Street, following investigation complaint of leaking water was found to be an internal problem for the owner.
- Silcock Street, Lithgow – Complainant stated that the water in all the houses in Silcock St have very dirty water, these pipes are due for replacement as they are 50mm galvanised iron, mains were flushed.
- Ivatt Street, and Hepburn streets discoloured water following burst main in locality, mains were flushed to clear discolouration
- Wrights Road, Lithgow – Discoloured water , this is another dead end in the network that requires regular flushing, examining options to eliminate dead end
- Thompson Street, Lithgow – discoloured water, main flushed no apparent reason for discolouration
- Selwyn Street, Lithgow – chlorine taste and air in the water, main flushed and tests undertaken indicating chlorine residual satisfactory. All test results complied with the Australian Drinking Water Guidelines.
- Great Western Highway, South Bowenfels – Chlorine taste, water tested indicating chlorine residual satisfactory. All test results complied with the Australian Drinking Water Guidelines.

FINANCIAL IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

CORPORATE AND COMMUNITY REPORTS

ITEM-14 CORP - 15/12/14 - AUDIT PRESENTATION OF THE 2013/14 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS

REPORT BY: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY

SUMMARY

To advise Council that its' Auditors, Crowe Horwath, will be at the meeting of 15 December 2014 to make a presentation of the 2013/14 General Purpose Financial Reports and Special Purpose Financial Reports and Special Schedules.

COMMENTARY

In compliance with Section 418(3) of the Local Government Act due notice has been provided in the local media that the 2013/14 financial statements will be presented to the public. Copies of the financial statements have been made available for inspection at the Administration Centre and on Council's website. All interested members of the public have been invited to attend and in accordance with Section 420 of the Local Government Act 1993, Council will accept submissions, in writing, for a period of seven days following the audit address. As per the Act submissions received will be forwarded directly to the Auditors for their response.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The 2013/14 General Purpose Financial Reports, Special Purpose Financial Reports and Special Schedules represent Council's position as at 30 June 2014.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Thank Mr Graeme Bradley of Crowe Horwath for his presentation.
2. Accept submissions, in writing, for a period of seven days following the audit address until 4.30pm on the 22 December 2014. All submission which are received by the due date be forwarded to Council's Auditors in line with Section 420(3) of the Local Government Act.

ITEM-15 CORP - 15/12/14 - BALANCES OF COUNCIL'S RESERVES AND RESTRICTIONS AS AT 30 JUNE 2014

REPORT BY: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY

REFERENCE

Min No 14-339: Ordinary meeting of Council held on 18 August 2014

SUMMARY

When Council adopted Council's cash and investment report for July 2014, Councillors requested a report detailing Council's Investments held as restricted assets as at 30 June 2014. The purpose of this report is to provide the requested information detailing the break-up of Council's external and internal cash reserves.

COMMENTARY

As at 30 June 2014, Council's financial statements disclosed a cash and investments balance of \$19,097,007.39. According to Accounting Standards, cash can be held for external or internal restriction purposes. Externally restricted cash is held for the specific purpose for which it was collected, eg grant funding. Internally restricted cash is allocated to a specific purpose as decided by Council.

All money collected within the Water Fund and the Sewerage fund must be spent within those funds. The breakup of Council's cash across Water, Sewerage and General Funds and External and Internal restrictions is summarised in the table below

	Externally Restricted	Internally Restricted	Unrestricted	Total
	\$	\$	\$	\$
Water Fund	3,006,847	0	0	3,006,847
Sewer Fund	1,637,828	0	0	1,637,828
General Fund	5,800,685.17	7,913,647.22	738,000	14,452,332.39
Total	10,445,360.17	7,913,647.22	738,000	19,097,007.39

The specific details of what is held as a restricted reserve are detailed below:

TABLE A - WATER FUND

	\$
Lithgow /Farmers Creek Telemetry	83,000
Water Treatment Plant Scada System	450,000
Desludge Lagoons	150,067
Pumping Station Vickers Street	80,000

Oakey Park Treatment Plant	963,552
Water Loss Program	45,611
Lithgow Shared Mains Renewals	505,211
Reservoir Renewals	729,406
Total	3,006,847

TABLE B - SEWERAGE FUNDS

	\$
Desludge Lagoons Portland	32,080
Sewerage Land Acquisitions	150,000
Sewerage Pumping Stations Upgrade Access	299,361
Sewerage Pumping Stations Upgrades	173,609
Doctors Gap - New Infrastructure	18,778
Lithgow Network Extensions	610,000
Telemetry Upgrade	93,000
Smoke Test	75,000
Telemetry	186,000
Total Wastewater Funds	1,637,828

External restrictions within the general fund are split between developer contributions, domestic waste management funds and unspent grants and contributions. The specific details of these restrictions are detailed in the tables below.

TABLE C - SECTION 94 – DEVELOPER CONTRIBUTIONS

	\$
Sec 94	998,721.16
Sec 94: Bush Fire	121,877.28
Sec 94A Planning agreements	185,741.31
Sec 94A: Planning agreements - Prior Years	246,187.48
Total	1,552,527.23

TABLE D - DOMESTIC WASTE MANAGEMENT

	\$
Domestic Waste Budget Surpluses Reserve	291,037
Lithgow Tip Weighbridge	67,936
Cameras Lithgow Tip	20,530
Waste & Recycle Strategy (not Cap)	31,991
Environmental audits Lithgow and Portland Land Fills	13,022
Angus Place	467,956
Tarana Transfer Station	80,000
Rydal Tip	20,000
Lithgow Resource Recovery Investigation (not Cap)	118,913
Wallerawang Closure	30,000

Waste Education & Promotion (not Cap)	10,163
Cullen Bullen Landfill Improvements	30,000
Lithgow Tip Rehabilitation	260,000
Wallerawang Depot	635,949
Total	2,077,497

UNEXPENDED GRANTS AND CONTRIBUTIONS

	\$
Friend Learning Centre	584.18
ATO Remote Communities	3,145.72
Office Environment Eskbank House Conservation Manage Plan	3,833
Blast Furnace Heritage Trail	42,357
Cox's River Signage	2,254
Tourism Toyota Advertiser	4,545.45
Arts Advisory Interpretive Signage	7,070.18
Union Theatre - Mineworkers Contribution	90,000
CBP Capertee Toilet	20,000
Communities Building Partnership Grant - Union Theatre	35,320
Wood smoke Reduction EPA	20,990
Hawkesbury Nepean Vale of Clywdd Willow Removal	58,131
Litter Grant - Office Environment and Heritage	37,500
Onsite Sewer Grant OSSM	87,600
NSW Industry & Dev Creative Industry	4,406
NSW Industry & Dev Business Network	2,007
Investment Prospectus & Economic Profile	8,477.73
Innovation Regions	8,263.50
Country Passenger Infrastructure Program	20,117
Flood Damage	180,351
RMS MR351	19,234
Flood Mitigation	10,652.05
Resource for Region	11,421
Flood Mitigation/Construction Works	1,408,315
War Memorial Veteran Affairs	11,354.05
Cent Coal Sponsorship	9,091
Strategic Willow and Weed Control	25,019
Queen Elizabeth Shade Structure DITRIS	20,000
RMS Road Toll Response	7,082
Income Received in advance	11,540.08
Total	2,170,660.94

Internal Restricted General Funds

PLANT AND VEHICLE REPLACEMENT RESERVE

Plant & Equipment	\$1,161,862
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EMPLOYEE LEAVE ENTITLEMENTS

Employee Leave Entitlements Reserve	\$1,155,000
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ELECTION RESERVE

Election Reserve (next due Sept , 2016)	\$97,065
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LAND AND BUILDINGS

	\$
11/12 Rydal Toilet	37,700
CBD Toilets	287,700
Building Reserve	699,552
Infrastructure future Years	45,525
Infrastructure Reserve	225,000
Main Street Cameras	18,811
RFS Bush Fire Shed - Lowther Hampton	20,000
Adventure Playground	50,000
Hassans Walls Plan of Management	60,000
Union Theatre	15,000
Total	1,459,288

BONDS AND RETENTIONS

Bonds, Retentions and Deposits (Includes Eskbank / Bracey) (Note 10)	\$681,000.92
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WORKS IN PROGRESS (CARRY FORWARD FUNDS/PROJECTS)

	\$
Economic Development - includes lighting and main street facade	42,478
Economic Dev Implementation Strategy	15,954
Economic Promotions Strategy	65,326
Executive Promotion Strategy	30,700
Corporate Reporting	9,080
Enterprise Budgeting	40,000
Archival Records	20,411
Finance Asset Identification	5,685
IT Reserve Future Years	27,000
Workers Comp Premium	749,063
Workers Compensation Premium	619,218.30

Corporate Training	9,400
Organisational Development	9,943
CBD Enhancements Program	413,691
Rural Reseal Program	180,000
Rural Roads Improvements	201,838
Cox's River Rd	55,902
Pearson's Lookout	28,624
Kremer Park	14,159
Internal Road Pearson's Lookout	15,000
Lithgow Pound	2,152
Smoke Testing Cullen Bullen	10,000
Marketing Strategy Economic Development	3,280
Strategic Planning Reserve	290,009
Heritage Management Plan (Marquee and Shade Shelter)	20,000
Town Entry Signage	31,048
Signage Plan	96,984
Tourism Promotional Materials including Photograph Library, Television Advertising	89,046
Tourism Tradeshows	15,371
Tourism Blue Mountains Region Strategy Implementation	10,000
Tourism Online Resources	26,561
Tourism Combined Marketing Oberon & Bathurst	22,038
Tourism Promotion Strategy	119,859
Flash Gift	49,611
Signage Tableland Way Project	20,000
Total	3,359,431.30

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

By allocating and restricting funds, both internally and externally, Council is ensuring that it has sufficient cash to its long term financial goals.

LEGAL IMPLICATIONS

Cash held in externally restricted reserves can only be expended against the purpose for which the funds were received. By allocating cash to the reserves and restrictions, Council is ensuring that it has the funds available to satisfy these legal requirements.

These requirements are contained in executed grant agreements, acts of parliament and accounting standards.

RECOMMENDATION

THAT the information detailing Council's reserves and restrictions be noted.

**ITEM-16 CORP - 15/12/14 - COUNCIL INVESTMENTS HELD TO 30
NOVEMBER 2014**

REPORT BY: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY

REFERENCE

Min No 14-212: Ordinary meeting of Council held on 12 May 2014
 Min No 14-284: Ordinary meeting of Council held on 30 June 2014
 Min No 14-315: Ordinary meeting of Council held on 28 July 2014
 Min No 14-339: Ordinary meeting of Council held on 18 August 2014
 Min No 14-394: Ordinary meeting of Council held on 29 September 2014
 Min No 14-429: Ordinary meeting of Council held on 27 October 2014
 Min No 14-461: Ordinary meeting of Council held on 17 November 2014

SUMMARY

To advise Council of investments held as at 30 November 2014 in the 2014/15 financial year.

COMMENTARY

Council's total investment portfolio, as at 30 November 2014 when compared to 31 October 2014, has increased by \$51,882.67 from \$16,856,962.56 to \$16,908,845.23.

Cash held in Council's general fund bank account as at 30 November 2014 when compared to 31 October 2014 has increased by \$181,606.39 from \$1,791,454.60 to \$1,973,060.99.

This results in an overall increase in cash and investments of \$233,489.06.

INVESTMENT REGISTER 2014/15								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.10.14	VALUE 30.11.14	% OF TOTAL
AMP	On Call	26.08.14			3.15	1,003,108.19	1,005,791.85	5.95%
CBA	On Call				2.45	925,535.45	927,399.20	5.48%
IMBS	TD	07.10.14	05.01.15	90	3.4	1,008,821.92	1,008,821.92	5.97%
	TD	17.11.14	16.02.15	91	3.4	1,008,726.03	1,017,276.71	6.02%
	TD	22.09.14	22.12.14	91	3.4	500,000.00	500,000.00	2.96%
	TD	23.09.14	22.12.14	90	3.4	500,000.00	500,000.00	2.96%
NAB	TD	24.11.14	23.02.15	91	3.5	1,018,056.84	1,026,940.44	6.07%
	TD	21.10.14	21.01.15	92	3.5	1,129,393.90	1,129,393.90	6.68%
	TD	09.10.14	07.01.15	90	3.5	500,000.00	500,000.00	2.96%
	TD	15.09.14	15.12.14	91	3.5	1,017,955.22	1,017,955.22	6.02%
WESTPAC	TD	03.10.14	05.01.15	94	3.49	1,296,683.07	1,296,683.07	7.67%
	TD	08.10.14	08.01.15	92	3.51	504,321.78	504,321.78	2.98%
	TD	14.10.14	14.01.15	90	3.52	499,712.34	499,712.34	2.96%
	TD	08.09.14	08.12.14	91	3.43	1,000,000.00	1,000,000.00	5.91%

ST GEORGE	TD	19.11.14	19.03.15	120	3.42	944,647.82	952,743.32	5.63%
	TD	26.11.14	24.03.15	118	3.47	1,500,000.00	1,513,421.92	8.95%
ME BANK	TD	24.11.14	23.02.15	91	3.45	500,000.00	500,000.00	2.96%
NEWCASTLE PERMANENT	TD	24.11.14	23.02.15	91	3.35	1,000,000.00	1,008,383.56	5.96%
FAMILY FIRST CREDIT UNION	TD	09.09.14	08.12.14	90	3.35	1,000,000.00	1,000,000.00	5.91%
TOTAL						16,856,962.56	16,908,845.23	

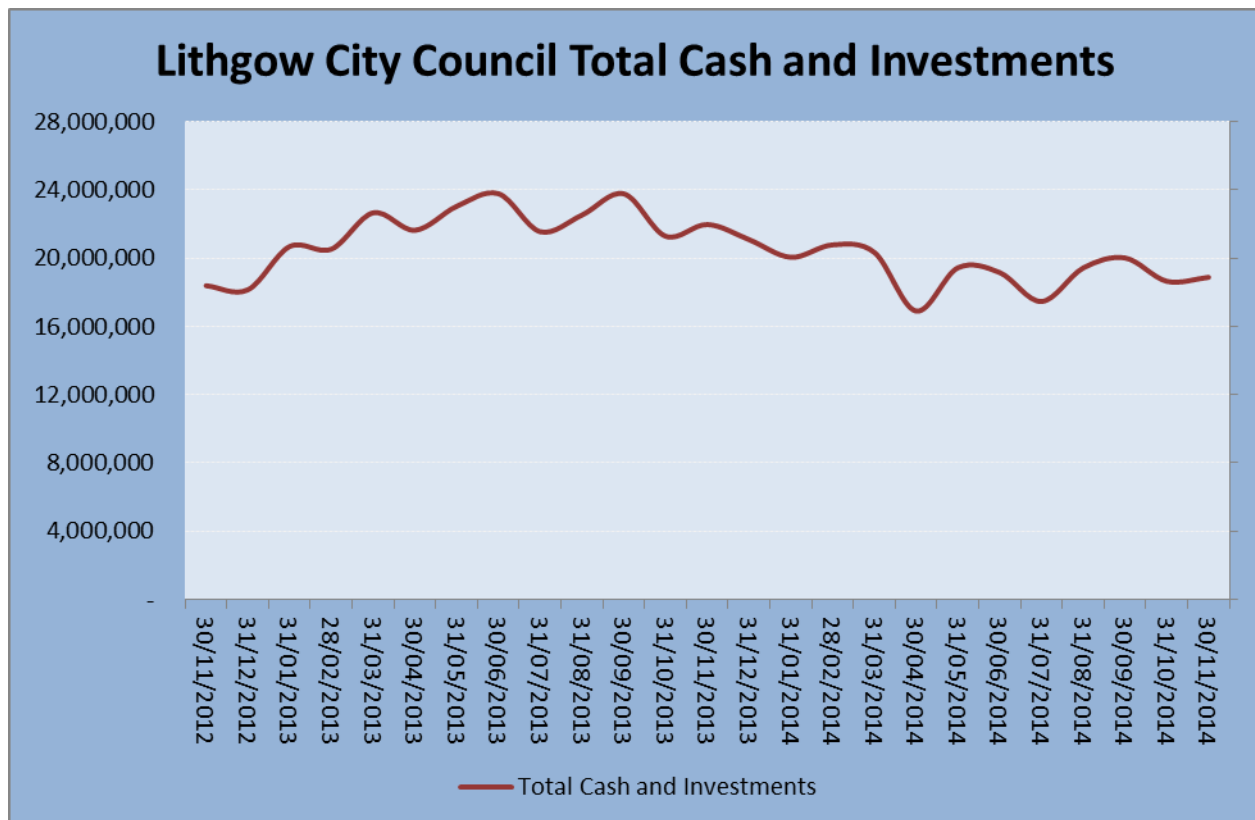
I, Juli-Ann Brozek, Lithgow City Council's Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

The movement in Investments for the month of November 2014 were as follows:

Opening Balance of cash and investments as at 31 October 2014	\$18,648,417.16
Plus New Investments – November 2014	\$237,619.20
Less Investments redeemed – November 2014	\$4,130.14
Closing Balance of cash and investments as at 30 November 2014	\$18,881,906.22

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

On the graph below historical and current investments to 30 November 2014 are shown.



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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest earned to 30 November 2014 is \$231,864.28. Interest is paid on the maturity date of the investment, however an entry is performed at month end to account for interest earned but not yet received. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

LEGAL IMPLICATIONS

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

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

RECOMMENDATION

THAT Investments of \$16,908,845.23 and cash of \$1,973,060.99 for the period ending 30 November be noted.

ITEM-17 CORP - 15/12/14 - NOMINATION TO JOIN YOUTH COUNCIL

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min No 14-99: Ordinary Meeting of Council held on 3 March 2014
Min No 14-169: Ordinary Meeting of Council held on 14 April 2014
Min No 14-215: Ordinary Meeting of Council held on 12 May 2014
Min No 14-290: Ordinary Meeting of Council held on 30 June 2014
Min No 14-341: Ordinary Meeting of Council held on 18 August 2014
Min No 14-368: Ordinary Meeting of Council held on 8 September 2014

SUMMARY

This report details a nomination from Carol Brodie to fill the vacant position of Youth Work Professional on Youth Council.

COMMENTARY

Youth Council membership is comprised of two (2) Councillors, the General Manager or his nominee, at least six (6) young people and two (2) Youth Work professionals. One of the Youth Work professional positions is vacant.

A nomination has been received by Carol Brodie to fill the vacant Youth Work Professional position. She is a Lithgow TAFE teacher with many years' experience and a Teacher of Foundation Skills. She is also a Vocational Education and Training Co-ordinator at Lithgow TAFE which all demonstrates that she has a good understanding of the issues faced by young people in the education and training fields.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

RECOMMENDATION

THAT Council accept the nomination from Carol Brodie to fill the position of Youth Work Professional on Youth Council.

**ITEM-18 CORP - 15/12/14 - BLUE MOUNTAINS CROSSING BICENTENARY -
ACCESS TO MT BLAXLAND**

REPORT BY: W HAWKES - CULTURAL DEVELOPMENT OFFICER

REFERENCE

Min No 14-216: Ordinary Meeting of Council held on 12 May 2014
Min No 14-293: Ordinary Meeting of Council held on 30 June 2014
Min No 14-370: Ordinary Meeting of Council held on 8 September 2014
Min No 14-433: Ordinary Meeting of Council held on 27 October 2014

SUMMARY

This report concerns a request by the Blue Mountains Crossing Bicentenary Committee that Council write to the Minister for Trade and Investment concerning the restoration of public access to Mount Blaxland and remnant sections of Cox's Road.

COMMENTARY

The Blue Mountains Crossing Bicentenary Committee met on 3 December 2014. The meeting did not have a quorum however those present made a request that Council write to the Minister for Trade and Investment concerning the restoration of public access to Mount Blaxland and remnant sections of Cox's Road.

There is currently no public access to Mount Blaxland (historically reported to be the terminus point for the journey of Blaxland, Wentworth and Lawson, the first crossing by Europeans over the Blue Mountains) as it is surrounded by private property.

There are also remnants of the Cox's Road (the first road built to Bathurst) adjacent to Mount Blaxland which are highly significant, but inaccessible as they are on private property (Kylie Park).

The Committee requests that Council write to the Hon. Troy Grant MP Minister for Trade and Investment requesting an investigation into the possibility of the resumption of a section of Cox's Road which runs through Kylie Park and resumption of access to Mount Blaxland.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council write to the Hon. Troy Grant MP Minister for Trade and Investment requesting an investigation into the possibility of the resumption of a section of Cox's Road which runs through Kylie Park and resumption of access to Mt Blaxland.

COUNCIL COMMITTEE MINUTES

**ITEM-19 CORP - 15/12/14 - LITHGOW FLASH GIFT COMMITTEE - 13
OCTOBER 2014**

REPORT BY: R PARK – EVENTS COORDINATOR

REFERENCE

Min No 14-170: Ordinary Meeting of Council held on 14 April 2014
Min No 14-287: Ordinary Meeting of Council held on 30 June 2014
Min No 14-438: Ordinary Meeting of Council held on 18 August 2014
Min No 14-369: Ordinary Meeting of Council held on 8 September 2014

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 13 October 2014

COMMENTARY

At the Lithgow Flash Gift Committee held on 13 October 2014, there were numerous items discussed by the Committee including;

- Sponsorship Update
- Sponsorship since 2008
- Preliminary Budget
- Draft Schedule for the events
- Report from Little A's
- Report from NSW Pro -TRACK League
- Race Event naming rights

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Lithgow Flash Gift Committee meeting of 13 October 2014

RECOMMENDATION

THAT Council note the minutes of the Lithgow Flash Gift Committee held on 13 October 2014.

ITEM-20 CORP - 15/12/14 - COMMUNITY DEVELOPMENT COMMITTEE MEETING - 11 NOVEMBER 2014

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No 14-98: Ordinary Meeting of Council held on 3 March 2014
Min No 14-101: Ordinary Meeting of Council held on 3 March 2014
Min No 14-217: Ordinary Meeting of Council held on 12 May 2014
Min No 14-345: Ordinary Meeting of Council held on 18 August 2014

SUMMARY

This report details the minutes of the Community Development Committee meeting held on 11 November 2014.

COMMENTARY

At the Community Development Committee meeting held 11 November 2014 various items were discussed by the committee, including:

- Australia Day and Local Citizenship Awards 2015
- Review of Sister City Relationships with an action that Council pursue discussions with Mr Guo and other members of the Chinese trade mission to develop an itinerary for their upcoming visit to Lithgow which focuses on economic and investment opportunities in Lithgow.
- Recognition of David Palmer who won two gold medals in squash at the 2014 Glasgow Commonwealth Games.
- Financial Assistance. Applications for Round 2 of 2014/15 non-recurrent financial assistance were open from 1-31 October 2014 with 18 applications received to the value of \$47,678. The Committee considered these requests and recommends that 15 projects to the value of \$16,300 be approved by Council as shown in the following table:

Organisation and Project	Amount requested	Amount Recommended	Comment
Lithgow Lions Club Community Markets	\$10,891		Financial Assistance Application to be reconsidered by the Committee in February 2015.

Organisation and Project	Amount requested	Amount Recommended	Comment
Lithgow Information and Neighbourhood Centre Circle of Security Parenting Program 8 week parenting program for parents and carers with children 8 years and under, focusing on increasing positive interactions between parents and their children.	\$4,928	\$2,000	
Lithgow Community Orchestra Re-Development Project Venue hire, publicity, new player coaching and composing/arranging costs to re-build the Orchestra's capacity.	\$1,100	\$550	
Lithgow City Band 1915 Commemoration of the ANZAC Centenary To stage a major production to celebrate the Centenary of ANZAC 2015.	\$3,000	\$2,000	
First Australian Muzzle Loading Gun Rifle Pistol Club and Lithgow Valley Archery Club Rate Reimbursement	\$999	\$500	
Lithgow Croquet Club Maintenance and expenses	\$500	\$300	
Lithgow Senior Citizen's Club Program Costs Providing social connection, activities, outings and celebrations e.g Christmas party, games and entertainment.	\$1,800	\$800	
St. Paul's Anglican Church War Memorial Organ Clean and repair the church organ.	\$3,000	\$800	
Lithgow PCYC Make a Meal/New Kitchen Youth educational project to teach young people how to prepare meals, safe food handling techniques and general life skills.	\$2,000	\$1,500	

Organisation and Project	Amount requested	Amount Recommended	Comment
Pied Piper Preschool Wallerawang Rates reimbursement	\$2,090	\$0	Not recommended as pre-School is already rate exempt
Friends of St Johns Church Wallerawang Roof Repairs	\$3,000	\$1,000	
Cullen Bullen Progress Association Rate reimbursement Including waiver of Council fees and charges	\$832	\$550	
Capertee Valley Alliance Birdwatching Guide Reprint existing Capertee Valley Map and Guide to Birdwatching which is distributed to tourist outlets, Visitor Centre, retailers etc.	\$2,201	\$800	
Portland Development Association Portland Bandstand Memorial Build a covered area in the shape of the old bandstand to be used by tourists and the public to conduct social events.	\$3,000	\$1,500	
Portland Quilters Quilts are made and given to those who are ill, in hospitals and palliative care. They are also used in raffles to raise money for these facilities.	\$1,000	\$1,000	
The Glen Museum Trust Portland Rate waiver Rate waiver for the property known as 'The Glen', where the collection is currently stored.	\$1,037	\$0	Not recommended as Museum is not open to public and its future is uncertain.
St Johns Anglican Church Hartley Accessible Toilet Provide adequate amenities to encourage regular users and visitors of the church	\$3,000	\$1,500	
Combined District Car Club Inaugural Metropolitan Invitational event on 29/30 November 2014	\$3,300	\$1,500	This request was considered by Committee subsequent to the meeting and ratified on 2 December 2014.
TOTAL	\$47,678	\$16,300	

The Committee also makes the following financial assistance recommendations to Council.

- **Lake Wallace Sailability**

An application from Lake Wallace Sailability for assistance with insurance costs was recommended by the Committee in Round 1 2014/15 Financial Assistance however Council deferred this allocation due to the inclusion of insurance costs. A revised application from Lake Wallace Sailability for the amount of \$850 has since been received for repair and maintenance of sailing craft, without insurance costs included and is recommended by the Committee for Council's approval.

- **Arts Outwest**

Council provides recurrent financial assistance to this regional arts organisation with \$11,845 approved in 2014/15. Correspondence has recently been received from Arts OutWest indicating that under the terms of their MOU with Council, Council's contribution should be \$12,670.80. The Committee considered this request and recommends to Council that the financial assistance to Arts Outwest be increased by \$825.80 to \$12,670.80.

- **John Wellings Award**

Council provided \$800 Round 1 non-recurrent Financial Assistance to the Lithgow Branch of the National Trust for the annual John Wellings Award which provides awards to local school children in relation to local history. Correspondence has been received asking that this financial assistance be made recurrent to enable the organisation to better schedule its annual awards. The Committee resolved that this applicant continue to be assessed each year as a non-recurrent project.

- **Lithgow Lions Community Markets**

Following the Community Development Committee meeting held on 11 November 2014 further clarification of the Financial Assistance application submitted by the Lithgow Lions Club Community markets is required. This decision has been deferred until further consideration by the Committee in February 2015.

Summary

Council has allocated \$71,000 for non-recurrent financial assistance in 2014/15 with \$42,651 allocated in Round 1 and a further \$600 since allocated to Portland Tidy Towns as a contribution to the establishment of a dirt bike track in Portland, leaving a balance of \$27,749 available for allocation in Round 2.

The allocation of \$16,300 in Round 2, \$850 to Lake Wallace Sailability and \$825.80 to Arts Outwest will leave a remaining balance of \$9,773.20 in respect of which the Community Development Committee will make further recommendations to Council in early 2015.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Council has allocated \$71,000 for non-recurrent financial assistance in 2014/15 with \$42,651 allocated in Round 1 and a further \$600 since allocated to Portland Tidy Towns as a contribution to the establishment of a dirt bike track in Portland, leaving a balance of \$27,749 available for allocation in Round 2.

The allocation of \$16,300 in Round 2, \$850 to Lake Wallace Sailability and \$825.80 to Arts Outwest will leave a remaining balance of \$9,773.20 in respect of which the Community Development Committee will make further recommendations to Council in early 2015.

LEGAL IMPLICATIONS

Local Government Act NSW 1993.

ATTACHMENTS

- Minutes of the Community Development Committee meeting held and 11 November 2014.

RECOMMENDATION

THAT Council:

- Note the minutes of the Community Development Committee meeting held 11 November 2014.
- Makes Round 2 Financial Assistance allocations to the following projects:

Organisation and Project	Amount Recommended	Comment
Lithgow Information and Neighbourhood Centre Circle of Security Parenting Program 8 week parenting program for parents and carers with children 8 years and under, focusing on increasing positive interactions between parents and their children.	\$2,000	
Lithgow Community Orchestra Re-Development Project Venue hire, publicity, new player coaching and composing/arranging costs to re-build the Orchestra's capacity.	\$550	
Lithgow City Band 1915 Commemorating the ANZAC Centenary To stage a major production to celebrate the Centenary of ANZAC 2015.	\$2,000	
First Australian Muzzle Loading Gun Rifle Pistol Club and Lithgow Valley Archery Club Rate Reimbursement	\$500	
Lithgow Croquet Club Maintenance and expenses	\$300	
Lithgow Senior Citizen's Club Program Costs Providing social connection, activities, outings and celebrations e.g Christmas party, games and entertainment.	\$800	

Organisation and Project	Amount Recommended	Comment
St. Paul's Anglican Church War Memorial Organ Clean and repair the church organ.	\$800	
Lithgow PCYC Make a Meal/New Kitchen Youth educational project to teach young people how to prepare meals, safe food handling techniques and general life skills.	\$1,500	
Friends of St Johns Church Wallerawang Roof Repairs	\$1,000	
Cullen Bullen Progress Association Rate reimbursement Including waiver of Council fees and charges	\$550	
Capertee Valley Alliance Birdwatching Guide Reprint existing Capertee Valley Map and Guide to Birdwatching which is distributed to tourist outlets, Visitor Centre, retailers etc.	\$800	
Portland Development Association Portland Bandstand Memorial Build a covered area in the shape of the old bandstand to be used by tourists and the public to conduct social events.	\$1,500	
Portland Quilters Quilts are made and given to those who are ill, in hospitals and palliative care. They are also used in raffles to raise money for these facilities.	\$1,000	
St Johns Anglican Church Hartley Accessible Toilet Provide adequate amenities to encourage regular users and visitors of the church	\$1,500	
Combined District Car Club Inaugural Metropolitan Invitational event on 29/30 November 2014	\$1,500	
TOTAL	\$16,300	

3. Provide non-recurrent Financial Assistance of \$850 to Lake Wallace Sailability for repair and maintenance of sailing craft.
4. Provide an additional \$825.80 Recurrent Financial Assistance to Arts OutWest.
5. Note that the Community Development Committee will consider and recommend allocation of the remaining balance of \$7,607.20 Non-Recurrent Financial Assistance for additional projects in early 2015.
6. Note that a sign recognising David Palmer's achievements in the Glasgow Commonwealth Games will be installed in Main Street Lithgow opposite Pioneer Park.

ITEM-21 OPER - 15/12/14 - TRAFFIC ADVISORY LOCAL COMMITTEE - 13 NOVEMBER 2014

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Advisory Local Committee Meeting held on 13 November 2014.

COMMENTARY

At the Traffic Advisory Local Committee meeting held on 13 November 2014, the following items were discussed by the Committee:

- Psyfari music festival 2014 - de brief
- Black Bridge Wallerawang - pedestrian access
- Glen Alice Community Association requests
- Major events - traffic control plan
- Railway Parade Medical Centre Parking Requests
- New Planned Development Railway Parade Lithgow
- Wallerawang Lidsdale Progress Association Requests
- 008/11DA, Lots 61-65 DP 36295, Great Western Highway & Caroline Avenue – Hungry Jacks
- Customer Action Request – Main Street, Lithgow

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

- Item 3D – Orana Education And Training Cooperative Building (OEC) parking issues-69 Bent Street Lithgow

THAT Council:

1. Install a dashed centre line on the narrow section of Bent Street between Wray Lane and Silcock Street.
- Item 5 – Railway Crossing Near Tourist Information Centre Issues With Vehicle Movement/Skate Park Parking

THAT Council:

1. Provide signs and/or pavement marking to warn motorists not to queue across the railway crossing.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Traffic Advisory Local Committee meeting of 13 November 2014.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Traffic Advisory Local Committee held on the 13 November 2014.
2. Install a dashed centre line on the narrow section of Bent Street between Wray Lane and Silcock Street.
3. Provide signs and/or pavement marking to warn motorists not to queue across the railway crossing.

**ITEM-22 ENVIRO - 15/12/14 - CRYSTAL THEATRE MANAGEMENT
COMMITTEE MINUTES - 18 NOVEMBER 2014**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report presents the minutes of the Crystal Theatre Management Committee Meeting held on 18 November 2014.

COMMENTARY

At the Crystal Theatre Management Committee Meeting held on 18 November 2014, there were a number of items discussed which are outlined in the attached minutes. These included:

- Side curtain material.
- Building improvements completed and installation of the commemorative plaque for Beverly Morris.
- The resignation of the Portland Art Society representative Jacquie Terry and the nomination of Sue Banning as her replacement.

The only issue requiring Council approval is the resignation of Jacquie Terry and the nomination of Sue Banning as the Portland Art Society representative.

ATTACHMENTS

1. Minutes of the Crystal Theatre Management Committee Meeting held on 18 November 2014.

RECOMMENDATION

THAT Council:

1. Accept the minutes of the Crystal Theatre Management Committee held on 18 November 2014
2. Note the resignation of Jacquie Terry and accept the nomination of Sue Banning as the new Portland Art Society representative on the Crystal Theatre Management Committee.

**ITEM-23 CORP - 15/12/14 - CRIME PREVENTION COMMITTEE MEETING - 24
NOVEMBER 14**

REPORT BY: M JOHNSON – MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No 14-65: Ordinary Meeting of Council held on 10 February 2014
Min No 14-168: Ordinary Meeting of Council held on 12 April 2014
Min No 14-319: Ordinary Meeting of Council held on 28 July 2014
Min No 14-431: Ordinary Meeting of Council held on 27 October 2014

SUMMARY

This report details the minutes of the Crime Prevention Committee Meeting held on 24 November 2014.

COMMENTARY

At the Crime Prevention Committee meeting held on 24 November 2014, a number of items were discussed by the Committee including:

- Recent Crime Statistics from the NSW Bureau of Crime Statistics and Research (BOCSAR)
- Police Report

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Crime Prevention Committee meeting of 24 November 2014.

RECOMMENDATION

THAT Council note the minutes of the Crime Prevention Committee held on the 24 November 2014.

**ITEM-24 ENVIRO - 15/12/14 - MEADOW FLAT HALL MANAGEMENT
COMMITTEE MINUTES - 1 DECEMBER 2014**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report presents the minutes of the Meadow Flat Hall Management Committee Meeting held on 1 December 2014.

COMMENTARY

At the Meadow Flat Hall Management Committee Meeting held on 1 December 2014, there were 6 items on the agenda which are outlined in the attached minutes.

ATTACHMENTS

1. Minutes of the Meadow Flat Hall Management Committee Meeting held on 1 December 2014.

RECOMMENDATION

THAT Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 1 December 2014.

**ITEM-25 OPER - 15/12/14 - AQUATIC CENTRE COMMITTEE MEETING
MINUTES - 4 DECEMBER 2014**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Aquatic Centre Committee Meeting held on 4 December 2014.

COMMENTARY

At the Aquatic Centre Committee meeting held on 4 December 2014, there were a number of items discussed by the Committee including:

- Ongoing Management of the Aquatic Centre

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Aquatic Centre Committee meeting of 4 December 2014.

RECOMMENDATION

THAT Council note the minutes of the Aquatic Centre Committee held on 4 December 2014.

DELEGATES REPORTS

ITEM-26 DELEGATES REPORT - 15/12/14 - CENTROC MEETING - 27 NOVEMBER 2014

REPORT FROM: COUNCILLOR MAREE STATHAM, MAYOR

REFERENCE

Min No 14-296: Ordinary Meeting of Council held on 30 June 2014

SUMMARY

This report outlines the discussions from the Centroc meeting held at Blayney on Thursday 27 November 2014.

COMMENTARY

I attended the Centroc Board meeting at the Blayney Shire Community Centre 27 November 2014.

Also on the day was the Centroc Annual General Meeting and the Office of Local Government Workshop following the successful Centroc bid to be a Pilot Joint Organisation (JO) of Councils.

Centroc Annual General Meeting

At the Centroc Annual General Meeting Cr Bill West (Mayor Cowra) was elected into the Chair role of Centroc, Cr Gary Rush (Mayor of Bathurst) was elected as Deputy Chair with the balance of the Executive being Cr Ken Keith (Mayor of Parkes), Cr John Davis (Mayor of Orange), Cr Maree Statham (Mayor of Lithgow) and Cr Ron Penny (Mayor of Forbes).

Cr Ken Keith immediate past Chair of Centroc was thanked for his leadership and advocacy work to date for the Centroc region. Mid Western Regional Council was welcomed as a member.

Of note from the AGM was that the Board intends to meet in both Parliament House NSW and Parliament House Canberra again next year.

The Annual Report was received including the financial statements and Councillors will receive copiers in due course. Notable was the ROI to Centroc members of 10:1 on just grant funding in the past financial year.

Workshop kicking off the Future Joint Organisation Pilot

The Centroc Board, Centroc Staff and State department representatives took part in a Workshop conducted by Elton Consulting for the Office of Local Governments Fit for the Future Joint Organisation Pilot program.

The five main topics covered by the Central West Fit for Future Workshop and key comments and suggestion from the Facilitators were;

- Objectives and Functions
- Relationships and boundaries
- Entity and Governing body
- Enabling and resourcing
- Other Issues

Round table discussions with members, and state agencies provided advice which will become a draft action plan for the Pilot JO.

I anticipate regular updates from the Centroc Executive Officer regarding this fast moving space. A Charter for the JO will come before Council in due course and the Centroc EOI for the Pilot JO is predicated on a bottom-up approach engaging Councils and Councillors.

The Centroc Board meeting

Matters discussed and resolved at the Board meeting include:

Water Security – 2 workshops conducted by State Water held in Forbes progressed the investigation of a possible site for a future water storage on the Belubula in the context of urban water security for the region.

The Board had resolved to lodge a submission to the Green Paper on Agricultural Competitiveness

Transport Infrastructure – Centroc representatives will be meeting with Transport for NSW on 3 December in Orange for an update on the Bells line of Road and the Outer Sydney Orbital corridor projects.

The Chair will then meet with Angus Taylor on 16 December following up from the Federal Board meeting to discuss in further detail the freight rail seeking advice on pathways to improve the freight rail issues in Central NSW.

Health – Follow up continues in advocating to the Federal Government regarding the Funding for Beyond the Range and funding for health and medical infrastructure for councils. Ongoing financial support from Cadia Mines for the existing program was welcomed.

The region has also expressed concerns regarding the size of the new Federal Primary Health Care footprint replacing the smaller Medicare Local boundaries.

The Board will also undertake further advocacy for the (PGPPP) Prevocational General Practice Placements Program. Health advocacy is a complex area and I encourage you to request more advice if this is your special interest.

Regional Development - The development of an Infrastructure Priority List for the region, a joint project with RDA Central West, is near completion of the water and transport components. I expect this advice contextualised in a regional advocacy plan for Centroc leading up to the next election.

Member Council operational support - noting the substantial amount of activity being undertaken collaboratively in support of member operations. This includes net savings to members under these programs since December 14 2009 of \$2.89m.

I think you can see from the above that there is a lot of valuable collaborative activity going on in this region, this was also echoed throughout our workshop with the Office of Local Government.

RECOMMENDATION

THAT the report from the Centroc Board Meeting 27 November 2014 at Blayney be noted

NOTICES OF MOTION

**ITEM-27 NOTICE OF MOTION - 15/12/14 - GREAT WESTERN HIGHWAY
TRAFFIC SAFETY CONCERNS THROUGH LITHGOW -
COUNCILLOR W MCANDREW**

COMMENTARY

For some time now there has been a number of discussions and debate both in Council and in the wider Lithgow community around traffic safety concerns regarding various Lithgow intersections onto the Great Western Highway as it passes through Lithgow.

Three of those areas are where Rabaul and Kirkley Streets and Girraween Drive intersect with the Highway.

Not surprisingly, those three intersections lead to large existing and new and expanding residential housing estates.

The Girraween Drive intersection is especially concerning for residents entering and exiting Marrangaroo Fields straight onto a 100km per hour highway.

Similar regional cities like Mudgee, Bathurst, Orange and Dubbo have had roundabouts and or traffic lights installed at their eastern and western city entrances, is it time that Lithgow did the same.

RECOMMENDATION

THAT Council immediately engages the RMS to discuss the installation of traffic lights and /or the construction of roundabouts, whichever is the most appropriate at the Kirkley Street, Rabaul Street and Girraween Drive intersections.

ITEM-28 NOTICE OF MOTION - 15/12/14 - ASIC NOTICE OF VOLUNTARY LIQUIDATION OF COALPAC GROUP OF COMPANIES - COUNCILLOR M TICEHURST

REFERENCE

Australian Securities & Investments Commission website:

<https://insolyncynotices.asic.gov.au/browsesearch-notices/notice-details/Coalpac-Pty-Ltd-in-Liquidation-003558914/6eb2f1c3-3224-4c51-8f26-b9a845c90ced>

COMMENTARY

The ASIC website has recently published the following advice: -

NOTICE OF DEEMED SPECIAL RESOLUTION TO WIND UP A COMPANY

Company: Coalpac Pty Ltd (in Liquidation) ACN: 003 558 914

Company: Lithgow Coal Company Pty Ltd (in Liquidation) ACN: 073 632 952

Company: Portland Road Pastoral Co Pty Ltd (in Liquidation) ACN: 104 387 340

Status: In Liquidation

Appointment Date: 17 November 2014

Resolution: Notice is given that, on the resolution date set out below, the Company is taken, because of paragraph 446A(1)(c) to have passed a special resolution under s491 that the Company be wound up voluntarily.

Date of resolution: 17 November 2014 Date of Notice: 21 November 2014

Shaun Robert Fraser – Liquidator Matthew Wayne Caddy – Joint Appointees

- Q.** Following the recent ASIC notification of the voluntary liquidation of the Coalpac group of companies which previously operated Open Cut Coal Mines surrounding the Village of Cullen Bullen, could the General Manager and/or Senior Council Officers provide a verbal report to this Ordinary Meeting of Council if the Lithgow City Council was a Creditor (Council Rates, Fees) for any of the Coalpac group of companies?

ATTACHMENTS

1. Australian Securities & Investments Commission website:

<https://insolyncynotices.asic.gov.au/browsesearch-notices/notice-details/Coalpac-Pty-Ltd-in-Liquidation-003558914/6eb2f1c3-3224-4c51-8f26-b9a845c90ced>

RECOMMENDATION

THAT following the recent ASIC notification of the voluntary liquidation of the Coalpac group of companies which previously operated Open Cut Coal Mines surrounding the Village of Cullen Bullen, could the General Manager and/or Senior Council Officers provide a verbal report to this Ordinary Meeting of Council if the Lithgow City Council was a Creditor (Council Rates, Fees) for any of the Coalpac group of companies?

**ITEM-29 NOTICE OF MOTION - 15/12/14 - SUPREME COURT JUDGEMENT
MILLER V LITHGOW CITY COUNCIL - COUNCILLOR M TICEHURST**

REFERENCE

Min No 14-95: Ordinary Meeting of Council held on 3 March 2014
Min No 13-404: Ordinary Meeting of Council held on 25 November 2013
Min No 12-458: Ordinary Meeting of Council held on 26 November 2012
Min No 11-469: Ordinary Meeting of Council held on 21 November 2011

NSW Supreme Court Judgement Miller v Lithgow City Council [2014] NSWSC 1579:
<http://www.caselaw.nsw.gov.au/action/pjudg?jgmtid=175409>

ABC Central West News report: Orange School found negligent over an accident that left a star swimmer quadriplegic.
<http://www.abc.net.au/news/2014-12-04/orange-school-found-negligent-over-an-accident-that-left-a-star/5939612?§ion=news>

COMMENTARY

Q. That the Lithgow City Council acknowledge the recent NSW Supreme Court judgement on the issue of liability in the matter of Miller v Lithgow City Council & Anor.

ATTACHMENTS

1. NSW Supreme Court Judgement Miller v Lithgow City Council [2014] NSWSC 1579: <http://www.caselaw.nsw.gov.au/action/pjudg?jgmtid=175409>

RECOMMENDATION

THAT Council acknowledge the recent NSW Supreme Court judgement on the issue of liability only in the matter of Miller v Lithgow City Council & Anor.

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-30 MAYORAL MINUTE - CONFIDENTIAL - CLOSED COUNCIL - 15/12/14 - PERFORMANCE REVIEW OF THE GENERAL MANAGER

Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)

SUMMARY

This report outlines the outcomes of the General Manager's 2013/14 performance review.

RECOMMENDATION

THAT Council consider this report in Closed Council pursuant to Section 10A(2)(b) of the Local Government Act 1993.