



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

09 FEBRUARY 2015

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 DECEMBER 2014

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

CORRESPONDENCE AND REPORTS

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

COUNCIL COMMITTEE MINUTES

Environmental Advisory Committee Meeting Minutes - 12 November 2014
Community Development Committee Minutes - 2 December 2014
Tourism Advisory Committee Meeting - 3 December 2014
Operations Committee Meeting Minutes - 4 December 2014
Sports Advisory Committee Meeting Minutes - 9 December 2014
Traffic Advisory Local Committee - 12 December 2014
Community Development Committee Minutes - 22 December 2014

DELEGATES REPORTS - NIL

NOTICES OF MOTION

Council to create a new intersection on the Great Western Highway for Girraween Dr, Marrangaroo – Clr F Inzitari
Council to Allocate Funds for an Advertising Campaign – Clr F Inzitari
Council Investigate the Mt Piper & Wallerawang Power Station Properties – Clr F Inzitari
Clarence Access – Clr C Hunter

QUESTIONS WITH NOTICE - NIL

NOTICE OF RECISSIONS - NIL

BUSINESS OF GREAT URGENCY

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

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GENERAL MANAGERS REPORTS

ITEM-1 GM - 09/02/15 - 2016 ELECTIONS

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

The report provides for the appointment of the NSW Electoral Commissioner for the conduct of elections in the Lithgow Local Government Area.

COMMENTARY

Councils wishing to electing to have the NSW Electoral Commission conduct their 2016 local government elections must resolve to do so by March 10th 2015. Those councils must also enter into a contract for the provision of election management services by June 10th 2015.

The NSW Local Government Act 1993 provides:

296 How elections are to be administered

- (1) Elections for the purposes of this Chapter are to be administered by the general manager of the council concerned, except as provided by this section.
- (2) A council can enter into an arrangement (an "**election arrangement**") with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council as provided by this section. If such an arrangement is entered into, the Electoral Commissioner is to administer elections of the council in accordance with the arrangement.
- (3) An election arrangement for the Electoral Commissioner to administer all elections of a council can be entered into if:
 - (a) the council resolves at least 18 months before the next ordinary election of councillors that such an arrangement is to be entered into, and
 - (b) the arrangement is entered into no later than 15 months before the next ordinary election of councillors.

Centroc recently made a Request for Tender (RFT) via Regional Procurement for the provision of election services. A tender evaluation of the Regional Procurement RFT for Election Services was also held.

Twelve Centroc member councils were included in the RFT run by Regional Procurement with all councils being given the option to have a standalone Returning Officer (RO) or sharing a RO between 3 councils.

Whilst the NSW Electoral Commission would not submit a tender councils were encouraged to obtain a quote from the NSW EC to enable a price comparison to assist councils in making the decision to proceed with the NSW EC or the preferred tenderer identified by Regional Procurement.

Following the tender evaluation it is being recommended that members use the NSW Electoral Commission for the 2016 elections.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL at this stage however the elections are being budgeted for.

LEGAL IMPLICATIONS

As outlined above

ATTACHMENTS

1. OLG Circular 15-01, 6 January 2015
2. Electoral Commission Preliminary Estimate

RECOMMENDATION

THAT Council resolves:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer any Council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer any constitutional referenda of the Council.

ITEM-2 EXEC - 09/02/15 - BUSINESS TASKFORCE

REPORT BY: M BREWSTER - ECONOMIC DEVELOPMENT OFFICER

REFERENCE

Min No 14-443: Extraordinary Meeting of Council held on 6 November 2014
Min No 14-444: Extraordinary Meeting of Council held on 6 November 2014

SUMMARY

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

COMMENTARY

At its Extraordinary Meeting of Council held on 6 November 2014 Council resolved that:

1. *Council immediately forms a local taskforce to promote coal mining in our region. That taskforce should include representatives from Centennial, the mining unions, the NSW Minerals Council and Lithgow City Council*
2. *The taskforce, as part of its role lobbies 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.*
3. *Council immediately seek State member Paul Toole's support for a delegation to the NSW mining Minister regarding the future of the Baalbone coal leases as a matter of urgency.*
4. *Council 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
5. *Council establish a facebook page to seek feedback from the community on the employment issue.*
6. *Council hold an urgent taskforce meeting with key stakeholders in the community including business owners, councillors and local members*

and Steve Galilee from the NSW Minerals Council to identify prospects.

Council also resolved at this meeting that:

The Mayor, Deputy Mayor and Councillor McAndrew be appointed as Council's representatives on the Taskforces.

The General Manager subsequently consulted with the nominated Council representatives to identify additional membership for the Business Taskforce. These additional representatives comprised:

Federal Member	(The Hon John Cobb MP)
State Member	(Hon.Paul Toole MP)
NSW Trade and Investment	(Greg Beileiter/Ed Frater)
Federal Department of Employment	(Mark Merchant)
NSW Education and Communities	(Tony Aumuller)
Lithgow Business Association	(Renee Difranco)
Central West Business Enterprise Centre	(Bruce Buchanan)

The inaugural Business Taskforce meeting was held on Friday, 5 December 2014 in Council's Committee Room.

The Taskforce members discussed a number of actions to increase investment and employment opportunity within the Lithgow LGA. The actions included:

- Build confidence in Lithgow by creating an "open for business" experience for potential investors and new residents.
- Audit public infrastructure to identify gaps, needs or additional services that would improve community liveability and encourage business and resident attraction.
- Review the SWOT analysis contained in the 2010 – 2014 Economic Development Strategy to identify additional emerging investment and employment opportunities.
- Continue actions to revitalise the Lithgow town centre including public domain improvements, shop local campaigns as well as upgrades to town entry signage across the LGA.
- Market the new investment opportunities arising from the imminent gazettal of the draft 2013 Lithgow Environmental Plan.
- Assist existing businesses to grow by providing targeted business development training.
- Raise awareness in the business community of State and Federal Government programs that proactively support business expansion and new employment.
- Investigate adaptive reuse opportunities for the Energy Australia Wallerawang site including existing buildings and rail infrastructure.
- Work with stakeholders to activate dormant development sites across the LGA.
- Access State and Federal grants to improve major infrastructure and create local jobs
- Advocate for the relocation of Government departments to Lithgow.

The Business Taskforce will meet again in early 2015 to share progress being made with these actions as well as to continue to identify and advocate for new investment and employment outcomes for Lithgow.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council endorse the range of initial actions identified by the Business Taskforce to encourage investment and job growth in the Lithgow LGA.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-3 ENVIRO - 09/02/15 - DEVELOPMENT AND CONSTRUCTION APPROVALS 2009-2014 COMPARATIVE FIGURES

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

In addition to the detailed report provided to Councillors every 3 weeks on development approvals and applications received, this report seeks to provide comparisons of development and construction approvals including statistical information on approvals processed.

COMMENTARY

The table below provides a summary of all approvals for each 12 month period from 2009 to 2014 by Financial Year. This includes Development Applications, Combined Development Application/Construction Certificates, Construction Certificates and Complying Development Certificates. There has been a drop in the total cost of developments but it must always be remembered that the total cost of development approved does not necessarily transfer to that actually built.

DEVELOPMENT APPROVALS – FINANCIAL YEAR 2009 to 2014.

	1/07/2009 – 30/06/2010	1/07/2010 – 30/06/2011	1/07/2011 – 30/06/2012	1/07/2012– 30/06/2013	1/07/2013- 30/06/2014
DA's	45	69	120	264	276
DACC's	212	214	134	5	2
CC's	28	37	77	218	236
CDC's	32	18	21	9	8
Number of Consents Issued	317	338	352	496	522
Average Approval Days (All Applications)	18	18	23	27	27
Median	14	14	20	22	22
Total Cost of Developments	\$121,003,383	\$72,922,371	\$60,837,327	\$84,298,278	\$45,315,289

*Due to a system upgrade in 2012, DA/CC's (Combined applications) no longer exist in the system. Applications are now separated in the system with the DA being the 'parent' record and CC's the 'child'. (However, there are still a few approved DACC's in our system). Whilst this properly reflects their legal status customers can still apply for development and construction approvals together.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the report on development application and construction certificate approvals be noted.

**ITEM-4 ENVIRO - 09/02/15 - DISPOSAL OF ASSET - CAPERTEE TOWER
AND HUT TO NSW POLICE**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

The purpose of this report is to obtain Council approval to dispose of the telecommunications tower and hut located on Crown Land at Lot 7307 DP 1130928 Capertee by transferring its interest (being the structures and a head licence agreement with Department of Trade and Investment) to the NSW Police Force.

COMMENTARY

Council has been approached by the NSW Police Force to acquire its interests and obligations in the telecommunications tower and hut located upon Crown land within Lot 7307 DP 1130928 at Capertee. The NSW Police Force will utilise the tower to supplement their existing radio communications network across the state.

The telecommunications tower was erected with Federal Government funding on the crown lands site in 2004 with full funding provided from the Australian Government's Television Black Spot Program, to assist in improving analogue television services in the Capertee area.

Following the decommissioning of analogue television transmissions in Australia, the Capertee retransmission tower was switched off on the 5th June 2012 making the tower and hut surplus to Council needs.

The potential future use of the tower is uncertain and Council had been investigating various options including demolition, prior to interest being shown in the facility by the NSW Police Force.

The existing structure is in need of repair, and Council investigated the demolition of the structure after its decommissioning in 2012. The quotation for dismantling of similar structures at the time was \$3,740 plus GST. No further action has been taken in this regard to date.

Council has a current head licence agreement with the Department of Trade and Investment for the use of the Crown Lands site to accommodate the tower facilities for telecommunications purposes which will expire on the 30th June 2015. The NSW Police Force has a co location licence agreement for the use of the facility for their radio communications network, which will also expire on the 30th June 2015.

The NSW Police Force have advised that the current structure will require a substantial amount of capital investment to remediate the site and facilities to meet the standards required for the services operations. They have therefore requested transfer of the asset without cost. In transferring Council's interests and obligation in the structures, the NSW Police Force have agreed to meet Councils legal costs and expenses up to \$1,500, and

also meet the costs of the additional one(1)year licence agreement with the Department of Trade and Investment to the value of \$1,939.

Given the condition of the asset and that it is no longer required by Council to carry out any of its core functions it is recommended that the asset be transferred to the NSW Police Force in the terms outlined in this report.

POLICY IMPLICATIONS

NIL arising from the recommendations of this report

1.3 Asset Disposal – Disposal complies with policy direction

FINANCIAL IMPLICATIONS

Council's financial obligations for the continued maintenance of the decommissioned tower and the annual licence fee of \$1,939.30 to Department of Trade and Investment will be removed.

LEGAL IMPLICATIONS

Nil arising from the recommendations of this report

All Council's interests and obligations in relation to the Capertee tower and hut will be transferred to the NSW Police Force upon execution of the Deed of Transfer by both parties.

ATTACHMENTS

1. Deed of Transfer

RECOMMENDATION

THAT:

1. Council transfer all interest and obligations in the Capertee tower and hut located on Crown land within Lot 7307 DP 1130928 to the NSW Police Force, as per the Deed of Transfer.
2. The NSW Police Force meets all Council's legal costs in relation to the transfer.
3. The NSW Police Force reimburses Council \$1,939.30 for the head licence agreement undertaken with the Department of Trade and Investment for the site, which expires 30th June 2015.
4. Council authorise the General Manager and the Mayor to execute the relevant documentation in relation to the transfer and authorise the use of the common seal as required.

**ITEM-5 ENVIRO - 09/02/15 - PROPOSED LOCALITY CHANGE FOR
RECOGNITION OF PIPERS FLAT**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 14-331: Ordinary Meeting of Council held on 18 August 2014

SUMMARY

To update Council on the progress of recognising 'Pipers Flat' as a locality within the Lithgow Local Government Area.

COMMENTARY

The area known as Pipers Flat is not officially recognised by the Geographical Names Board locality mapping and is shown as Wallerawang, Portland, Mount Lambie and Meadow Flat. This has caused concerns to the residents in the area mainly for issues such as deliveries but also for records held on databases held by other agencies or authorities. This triggered the process to rename the area.

This proposed locality name was put forward to Council on 18 August 2014 which resolved the following:

THAT:

1. *Council call for submissions on the proposed locality name of "Pipers Flat" as per Map 1 in the preceding report for a period of twenty eight (28) days through advertising in the local newspapers, notifying authorities and affected residents.*
2. *If objections are received a report be brought back to Council for consideration.*
3. *If no objections are received Council continue with the locality naming of 'Pipers Flat' by notifying the Geographical Names Board of the proposal and advertising in the Government Gazette. Once completed Council will notify appropriate landowners and emergency services of the change and arrange for appropriate signage.*

The advertisement and notification to affected residents and authorities has been undertaken with four (4) submissions being received. **Three (3) residential submissions were in favour of the proposal** with suggestions, as summarised below:

- That Pipers Flat should be recognised as it has existed for many years and is even noted on old land deeds.
- All properties along Thompsons Creek Road should be recognised including 473 surrounded by Falnash State Forest.
- This will alleviate all postal and locality issues within the area.
- Most land owners in the area have always known it as Pipers Flat and is near the old Pipers Flat Railway Station.

The fourth submission was one (1) from Australia Post against the proposal. Australia Post has raised the following issues with the proposal:

- The proposed changes to parts of both Portland and Wallerawang will adversely affect mail flows for many of our customers.
- Naming this area Pipers Flat, and the assigning of a postcode (only one per locality) whether it be Portland's 2847 or Wallerawang's 2845, will result in many residents being further inconvenienced.
- If a customer who currently lives on the Wallerawang side of 'Pipers Flat' then has to travel into Portland to get their mail – they're not going to be happy. The same would apply if a customer lived on the Portland side of 'Pipers Flat' and now had to travel into Wallerawang to pick up their mail.
- This could also have adverse effects on the Local Post Offices (LPO) that face a loss of business. Wallerawang or Portland LPOs could become unviable if they were to lose Australia Post customers and associated foot traffic through their mixed business stores.
- Australia Post's position is that there is no need for a change to be made. Council could write to their constituents and advise that 'Pipers Flat' has been used in error, advising them of their correct locality.

A meeting with Australia Post and Council Officers was undertaken to find a solution to the matter. Australia Post has agreed to work with Council to rectify some issues currently within this area by providing a list of affected residents and their postal addresses. Council has started its internal assessment and as previously advised one property was to be excluded from the naming (which is currently Pipers Flat in Council records) and 13 properties are to be included in the naming (which currently uses Wallerawang as their property address in Council records).

Council has assessed the postal addresses held by Council records (for rating purposes) for the properties proposed to be within the Pipers Flat locality and have found that it is separated as below:

- **Wallerawang** **28 properties**
- **Portland** **16 properties**
- **Outside LGA** **15 properties**
- **Lithgow** **8 properties**

It is evident by the above separation between Portland and Wallerawang that a significant number of residents would be affected by the locality change/ postcode change.

Although this proposed locality recognition is important and will address issues outlined in the Geographical Names Board Draft Addressing Policy, it may cause additional issues to Australia Post, residents and Post Office Operators. Further investigation into the matter will continue.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council would be required to pay all costs associated with the acquisition and erection of signage and the notification of authorities.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Existing locality boundaries
2. Proposed Pipers Flat locality boundary

RECOMMENDATION

THAT:

1. Council continue working with the Australia Post seeking a solution to Australia Post concerns regarding the locality naming of Pipers Flat.
2. Residents who were previously notified of the proposal to be advised.
3. The views of the post office operators at Portland and Wallerawang be sought.

ITEM-6 ENVIRO - 09/02/15 - WALLERAWANG POULTRY FARM UPDATE**REPORT BY: A MUIR- GROUP MANAGER ENVIRONMENT & DEVELOPMENT****REFERENCE**

Min No 14-483: Ordinary Meeting of Council held on 15 December 2014

SUMMARY

This report details complaints and current actions undertaken by Council relating to the Wallerawang Poultry Farm as resolved on 15 December 2014 below:

***THAT** Council officer's provide a report at the next Council meeting and every meeting there after in respect of complaints received by Council and actions taken by Council in relation to the Wallerawang Chicken Farm operations.*

COMMENTARY

The following table details all complaints received for the Wallerawang Poultry Farm over the period 16 December 2014 to 21 January 2015:

Complaint Received		Problem Location			Complaint
Date	Time	Date	Time	Location of Detected Smell	
17 December 2014	1:47pm	Not specified	Not specified	Detected along Pipers Flat Road	Waste allegedly emanating from a source at Poultry Farm and contaminating nearby water streams.
24 December 2014*	9:11am	22 December 2014	Morning and early evening.	<u>South-West</u> of poultry farm	Very smelly from Poultry Farm.
		23 December 2014			
		24 December 2014			
28 December 2014	6:43pm	28 December 2014	6:43pm	<u>South-West</u> of poultry farm	Smell of Poultry Farm is intolerable.
2 January 2015	4:18pm	2 January 2015	4:18pm	<u>South-West</u> of poultry farm	Smell from Poultry Farm is overpowering.
2 January 2015*	12:26pm	2 January 2015	9:30am to 12:26pm	<u>South-West</u> of poultry farm	Smell from Poultry Farm since 9:30am.
6 January 2015	6:45pm	6 January 2015	6:45pm	<u>South-West</u> of poultry farm	Smell from Poultry Farm is overpowering.
9 January	11:07am	9 January	9:30am to	<u>South-West</u>	Putrid rotten carcass smell

2014*		2014	10:30am	of poultry farm	from Poultry Farm.
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Note: dates that have the symbol * indicates complaints received by Council after the event.

The complaints were checked against the location of the complaint, the prevailing winds and temperature at the time. The farm operator was requested to provide weather data and details of any operational issues at the time of the complaint. The weather data provided was cross checked against the official weather data which is from a weather station in Lithgow and was mostly inconsistent with the official data. The operator has been advised of this and asked to check the functionality and calibration of the weather station. This is considered to be important as there may be some variance from the Lithgow weather station which explains why some of the complaints were not consistent with the prevailing weather conditions provided in the official weather data.

The operator has advised that whilst there were no specific operating conditions that would have given rise to the complaints, one of the laying sheds was damaged by a storm in early December which resulted in the removal of a significant section of roof. Subsequent wet weather would have added moisture to the litter thus giving rise to an odour source. At an inspection of 28 January 2015 (details below) it was confirmed that one shed was damaged during storms in December and had part of the roofing removed. The roofing is now mostly repaired with more work proposed before it can become operational again.

Over this time the following actions have been undertaken:

- Targeted inspections were carried out on the following dates off site as well as one inspection on site. The details are provided below.

Inspection Date	Observations	Actions
16 December 2015	10.30am. Thompsons Creek Road. No odour.	Nil
12 January 2015	10am. Pipers Flat Road/Irondale Road. No odour observed.	Nil
13 January 2015	11.20am Thompsons Creek Road. No Odour observed.	Nil
14 January 2015	12.45 pm. Pipers Flat Road/Irondale Road. No odour observed.	Nil
15 January 2015	Areas around the site were visited including a number of stops with no smell at 4:35pm.	Nil
16 January 2015	11.30 am. Irondale Road. No odour observed.	Nil
17 January 2015	7.40pm Light to Moderate breeze from the west and 22 degrees. First stop was the gate on top side of Thompson Creek Road. Odour was experienced and noticeable above the 'background' rural smells but was relatively mild. Observed that one of the rearing sheds had a large section of roof missing. At the lower area of Thompsons Creek Road and other locations no odour was experienced. Stopped again at first location where odour was experienced and level of odour was unchanged. Left site at 8.00pm.	Nil
19 January 2015	Areas around the site were visited including a	Nil

	number of stops with no smell 4.20pm	
28 January 2015	<p>Site inspection with operators and four Council officers was undertaken. The following was observed:</p> <ul style="list-style-type: none"> • That the weather station is located on fencing near boundary of farm; • Roofing of one laying shed is being repaired due to being removed during storm. This shed contained no chickens and could be fully viewed by officers and current systems internally which include: drip water feeder, food feeders, laying coops, and egg conveyer; • Ballast has been put in place at entrance/exists of laying sheds to reduce dust from entering and existing of chickens; • The internal layout of a currently stoked laying shed was observed from just outside the door so as not to disturb birds. • No sign of mechanical ventilation or extraction was observed in laying sheds inspected. • Sediment controls are still in place; • The rearing shed was observed to have conveyer in place for removal of manure and ventilation/fans on east sides to allow temperature control; • Two storage container freezers were observed which contain the dead birds onsite until they are removed weekly. An inspection took place of the operational freezer. Disposal procedure was confirmed with one variation recently implemented whereby the birds are not removed from the freezer until arrival of the contractor. 	<p>Requested weather station be checked for functionality and calibration</p> <p>Requested documentation of dead bird disposal for the last month</p>
28 January 2015	Inspection at Irondale Road at 12:20pm which was consistent with wind direction with no smell observed.	Nil

Calibration and odour assessment training has been arranged for two Council officers on 5th and 6th of February. After this has been completed random inspections will continue with the officers being able to objectively rate any odour in accordance with recognised criteria. This will greatly assist in assessing compliance or otherwise of the development consent condition relating to no 'offensive' odours occurring beyond the boundaries of the property.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council will be required to pay for odour calibration and training.

LEGAL IMPLICATIONS

To ensure that the development complies with the *Environmental Planning & Assessment Act 1979* in relation to compliance with conditions of consent.

RECOMMENDATION

THAT the information regarding the Wallerawang Poultry Farm for the period 16 December 2014 to 21 January 2015 and site inspection on 28 January 2015 be noted.

**ITEM-7 ENVIRO - 09/02/15 – 021/10DA RETAIL BUILDINGS (SUPERCHEAP
AUTO AND BWS) VOLUNTARY PLANNING AGREEMENT**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-15: Ordinary Meeting of 24 January 2011

SUMMARY

To advise and seek endorsement of a Voluntary Planning Agreement (VPA) for the retail development comprising 'Supercheap Auto' and 'BWS' in Main Street, Lithgow.

COMMENTARY

At its Meeting of 24 January 2011 the Council approved Development Application No. 021/10 for a retail building comprising two units at 205 Main Street, Lithgow. Condition No. 65 reads: "*A planning agreement is to be negotiated between the applicant/owner and Council for the provision of community facilities within the Lithgow CBD. This will be based [on] a need for community facilities within the Main St CBD. Where a planning agreement has been negotiated it will be required to be finalised prior to the issue of an occupation certificate.*"

Whilst the building has been occupied by way of an Interim Occupation Certificate and the finalisation of the VPA has been followed up a number of times, the Final Occupation Certificate is currently being sought. This has triggered the need to complete finalise the VPA.

A draft Voluntary Planning Agreement has subsequently been negotiated and the applicant has agreed to the following:

- The developer shall pay an amount of \$12,000 for community facilities and infrastructure within the Lithgow Local Government Area.
- The developer shall pay an amount of \$2,000 for the layback crossing on the Main Street frontage.

Council's Section 94A Development Contributions Plan commenced on 19 July 2012 i.e. after consent was granted. By way of a comparison only, this plan requires a 1% contribution, however for developments with a cost in excess of \$1m, Council will seek to negotiate a VPA. A 1% levy would be \$12,500. Council generally seeks more than 1% in a VPA and has achieved this.

The appropriate notification process is yet to be carried out. The agreement is ready for endorsement by the Council for exhibition purposes.

POLICY IMPLICATIONS

Policy 7.10 – Voluntary Planning Agreements applies.

FINANCIAL IMPLICATIONS

The financial implications for Council are the receipt by Council of a development contribution being a monetary contribution or the provision of a material public benefit in the form of infrastructure, facilities, amenities and services.

LEGAL IMPLICATIONS

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 93F – 93L) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H).

ATTACHMENTS

1. Draft Voluntary Planning Agreement.

RECOMMENDATION

THAT:

1. Council endorse the draft Voluntary Planning Agreement in relation to development consent 021/10DA.
2. Council place the draft Voluntary Planning Agreement on public exhibition for a period of 28 days in accordance with Section 93G of the Environmental Planning and Assessment Act 1979.
3. Subject to no submissions being received, the General Manager be delegated the authority to finalise the Voluntary Planning Agreement.

**ITEM-8 ENVIRO - 09/02/15 - DA002/15 - DEVELOPMENT APPLICATION -
INSTALLATION OF TOILET BLOCK ESKBANK STREET TAXI RANK
LITHGOW**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of the submission of Development Application 002/15 for Lithgow City Council for the installation of a new toilet block on Lot C DP345207 Eskbank Street Lithgow (adjacent to the taxi rank). The application is recommended for approval subject to conditions.

COMMENTARY

The proposal involves the installation of an Exeloo Saturn Standard Super Single toilet block that includes a single unisex accessible toilet. There are no toilet facilities currently provided in this location and the new facility also includes a baby change table. This facility provides a replacement for the accessible toilet facility that was previously provided in the old railway ticket office that has been closed. The Exeloo option was considered the most acceptable in the location.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL in relation to the consideration of the development application.

LEGAL IMPLICATIONS

All matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration.

ATTACHMENTS

1. A Section 79C report pursuant to the Environmental Planning and Assessment Act 1979.
2. Site Plan and Floor Plan of the proposal.

RECOMMENDATION

THAT:

1. Development Application 002/15DA be **APPROVED** subject to conditions specified in the attached Section 79C assessment.

2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-9 ENVIRO - 09/02/15 - DA003/15 - DEVELOPMENT APPLICATION -
CONSTRUCTION OF TOILET BLOCK COOK STREET PLAZA
LITHGOW**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of the submission of Development Application 003/15 for Lithgow City Council for the installation of a new toilet block at Cook Street Plaza Lithgow. The application is recommended for approval, subject to conditions.

COMMENTARY

The proposal involves the installation of an Exeloo Jupiter Automatic Twin Toilet block that includes separate unisex toilet and unisex accessible toilet. There are no toilet facilities currently provided in this location and the new facility also includes a baby change table. The Exeloo option was considered the most acceptable in the location.

The application was notified to adjoining neighbours. One response was received from the owner of 119 Main Street Lithgow, suggesting that the eastern side of the plaza is a more appropriate location because of concerns about security behind the building and the potential impact on future improvements of the buildings on that side of the plaza. No objection has been received from the owners of 117 Main Street which is the building located directly adjacent to the proposed location. It is considered that the proposed location is the most appropriate and any security concerns can be addressed through additional lighting and CCTV if necessary. Should Council wish to amend the proposed location, then a re-notification process should be carried out.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL - in relation to the consideration of the development application.

LEGAL IMPLICATIONS

All matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration.

ATTACHMENTS

1. A Section 79C report pursuant to the Environmental Planning and Assessment Act 1979.
2. Site Plan and Floor Plan of the proposal.

RECOMMENDATION

THAT:

1. Development Application 003/DA be **APPROVED** subject to conditions specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-10 ENVIRO - 09/02/15 - DA240/13 S96042/14 - PROPOSED
ALTERATIONS TO ESKBANK HOUSE LOT 1 IN DP 365772, 70 INCH
STREET LITHGOW NSW 2790**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To assess and recommend determination of Development Application DA240/13 (S96042/14). Recommendation will be for approval subject to conditions.

COMMENTARY

Lithgow City Council has submitted an application seeking the modification of Development Consent in respect to proposed building alterations on land known as Lot 1 DP 365772, Eskbank House, 70 Inch Street Lithgow NSW 2790.

The modification provides for:

- (a) Minor internal modifications to the existing toilet to satisfy the spatial requirements of AS1428.1:2009 for an accessible sanitary compartment (to address and satisfy Condition No 5 of consent);
- (b) Alteration to the windows on the rear wall of the courtyard;
- (c) Accessible step / threshold ramps to satisfy the requirements AS1428.1:2009 (to address and satisfy Condition No 5 of consent); and
- (d) Revised trellis detail (to address and satisfy Condition No 9 of consent).

The use of the building is not proposed to change and the development will allow for improvement of the heritage building and property.

The application has been assessed in accordance with the relevant planning instruments that relate to the land. The proposal has an acceptable impact on the surrounding neighbourhood and environment and can be approved subject to conditions.

OTHER ISSUES

Council's Heritage Advisor has provided advice on the application given the significance of the site. The proposed works will be acceptable in heritage terms subject to minor amendment.

POLICY IMPLICATIONS

Policy 7.6 Development Applications by Councillors and Staff and Relatives or on Council Owned Land is applicable for this Development Application as Council owner Lot 1 DP 365772. The policy states:

'where the development application is on Council owned land, that such an application be referred to Council for consideration and determination and that no aspect of the application be dealt with under delegated authority.'

Therefore, the application will be determined by the elected Council.

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.

ATTACHMENTS

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

RECOMMENDATION

THAT:

1. Development Application DA240/13 (S96042/14) be **APPROVED** with conditions of consent as detailed in the 79C report.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993

ITEM-11 ENVIRO - 09/02/15 - PROPOSED OPEN-BURN POLICY

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 14-276: Ordinary meeting of Council held on 30 June 2014.

SUMMARY

To finalise the implementation of the proposed Control of Open-Burning Policy.

COMMENTARY

At Council's Ordinary Meeting of 30 June 2014 Council resolved the following:

14-276 RESOLVED

THAT:

1. The draft Control of Open-burning policy be placed on public exhibition for a period of 28 days.
2. Any submissions made on the draft policy be reported back to Council prior to final adoption of the policy.

No submissions were received on the draft policy during the exhibition period. However, some issues were identified which required further discussion between Council Officers and the Rural Fire Service to ensure that the proposed Policy was both legislatively compliant and also achieved the objectives that it set out to achieve. These discussions have resulted in some minor changes to the Draft Policy and it is now considered in order for the Policy to be adopted.

POLICY IMPLICATIONS

The Open Burning Policy will be a new policy within Council's policy register.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The three pieces of legislation relevant to the draft policy are the Protection of the Environment Operations Act, Protection of the Environment (Clean Air) Regulation and the Rural Fires Act.

ATTACHMENTS

1. Policy No. 5.6 Control of Open Burning Final Version to be adopted by Council

RECOMMENDATION

THAT Council **ADOPT** Policy No. 5.6 Control of Open Burning Policy and that it become operative immediately.

**ITEM-12 ENVIRO - 09/02/15 - ROAD NAMING - TWO EXISTING UNNAMED
ROADS PROPOSED FOR NAMING**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of road naming proposals for two existing roads that require naming within the Lithgow Local Government Area.

COMMENTARY

There are currently two roads within the Lithgow LGA which require to be named being:

1. Existing formed road (refer to Map 1) that was transferred to Council on 5 October 2012 from Department of Primary Industries- Catchment & Lands (Crown Lands) within the Portland area. This road has been known as 'Sloggets Lane', however given it was not Council owned was not formally named. Therefore it is proposed that the road be formally named as 'Sloggets Lane'.
2. Existing 100m of formed Council road off Inch Street, Lithgow that leads to Lake Pillans following the rail siding (refer to Map 2). This naming was requested by a resident and it has been proposed by the Council's Community Development Committee (11/11/2014) to name the road 'Wetlands Lane'. This is due to the road leading to the Lake Pillans wetlands area which is considered to have environmental and heritage significance in Lithgow.

This report is to request Council start the road naming process by advertising the names and notifying affected residents and government authorities of the proposal.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Council will incur some advertising costs in accordance with its Road Naming Policy, and the costs of the signage.

LEGAL IMPLICATIONS

Road naming it to be carried out in accordance with the *Roads Act 1993* and the *Roads Regulation 2008*.

ATTACHMENTS

1. Map 1- proposed Sloggets Lane location
2. Map 2- proposed Wetlands Lane location

RECOMMENDATION

THAT:

1. In accordance with Council's Policy for the naming of roads, Council advertise and notify affected residents and government authorities of the proposed road names 'Sloggets Lane' and 'Wetlands Lane' calling for submissions to be made for the statutory period of twenty-eight (28) days.
2. If no submissions are received on these road names then Council proceed with the gazettal of 'Sloggets Lane' and 'Wetland Lane' and notify emergency service authorities accordingly.

ITEM-13 ENVIRO - 09/02/15 - THREE TREE LODGE - REQUEST FOR REFUND OF FEES - DA251/14, CC198/14 & SECTION 94A 073/14

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Development Application 251/14
Construction Certificate 198/14
Section 94A 073/14

SUMMARY

To advise of a request from Three Tree Lodge Lithgow Limited for all development, construction and Section 94A fees to be waived for works involved in the installation of a fire sprinkler system in Three Tree Lodge. The recommendation is for the fees to be waived except for the compulsory Planning Reform Fee and Long Service Levy Fee payable to the state government.

COMMENTARY

The Board of Three Tree Lodge Lithgow have requested that Council waive all fees associated with the Development Application/Construction Certificate/Section 94A Contribution for the installation of a sprinkler system and associated improvements to Three Tree Lodge. The value of the work is **\$487,700** and fees/contributions totalling **\$10,507.82** were paid to Council, being (GST Inclusive):

DA Fee	\$1,716.92
DA Archival Fee	\$ 57.00
Construction Certificate	\$1,127.70
Compliance Inspections	\$ 900.00
Section 68 (Plumbing)	\$ 123.20
Section 94A Contribution	\$4,877.00
Long Service Levy	\$1,706.00
Total	10,507.82
Less	
Planning Reform Fee	\$ 312.00
Long Service Levy	\$1,706.00
Total Refundable	<u>\$8,489.82</u>

The Planning Reform Fee and Long Service Levy are not refundable as they are payable to the State government for every application over a determined minimum value.

The installation of a sprinkler system throughout Three Tree Lodge and associated improvements are necessary to comply with state government legislation introduced as a

result of the Quakers Hill Nursing Home fire in November 2011 which made sprinkler systems mandatory in nursing homes. The legislation requires that a sprinkler system be installed throughout the building before March 2016. The system and building is to be compliant with the National Construction Code (NCC) and Council consent must be obtained before work can proceed. Three Tree Lodge Lithgow Limited has advised that the State and Federal governments have not made available any funding for this work.

Council building assessment staff have been working in close consultation with representatives from Three Tree Lodge Lithgow Limited to ensure that the necessary standards are being met and the timeframe set by the government is achievable. Development and Construction approvals have been issued by Council for this project. The request to refund the Council fees applicable to this project is made to assist to reduce the financial impact on an important community facility.

It is considered reasonable for Council to refund all associated Council fees with the exception of the state government imposed Planning Reform fee and the Long Service Levy.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council will be refunding fees to the vale of \$8,489.82.

LEGAL IMPLICATIONS

There are no restrictions on Council refunding fees under the provisions of the Environmental Planning and Assessment Act 1979.

The Lithgow Section 94A Development Contributions Plan 2012 provides that:

Council may consider exempting developments or components of developments from the Section 94A plan involved in the following applications:

- g) An application for development associated with providing infrastructure funded by Section 94 levies;*
- h) An application for or on behalf of Lithgow City Council for community infrastructure such as libraries, community facilities, child care facilities, sport and recreational facilities, recreation areas of car parks;*
- i) An application for or on behalf of NSW Government for public infrastructure such as hospitals, police stations, fire stations, education facilities and public transport infrastructure;*
- j) An application for development that involves rebuilding or repair after natural disasters such as flooding or bushfires;*
- k) An application for privately funded community infrastructure, such as education facilities, universities, private hospitals etc:***
- l) An application for alterations and additions to an existing single dwelling.*
- m) An application for an industrial, retail or commercial development where there is no intensification of use or increase in floor space of an existing building;*

- n) *Any other development for which Council considers an exemption is warranted, where the decision is made by formal resolution of council at an Ordinary Council meeting.*

In the case of points g to n above, such application will need to include a comprehensive submission arguing the case for exemption.

Subclause k) applies to this application and a copy of the submission from Three Tree Lodge Lithgow Limited is attached.

ATTACHMENTS

1. Letter of 27 November 2014 from Three Tree Lodge requesting waiver of fees.

RECOMMENDATION

THAT Council refund fees to the value of **\$8,489.82** to Three Tree Lodge Lithgow Limited, being all fees payable to Council for Development Application, Construction and Compliance Certificates, Section 68 and Section 94A for the mandatory fire safety upgrading work at Three Tree Lodge, less the government imposed Planning Reform fee and the Long Service Levy.

**ITEM-14 ENVIRO - 09/02/15 - UPDATE LITHGOW LOCAL ENVIRONMENTAL
PLAN 2014 AND ESTABLISHMENT OF RURAL LANDS STUDY
PROJECT STEERING COMMITTEE**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 568:	Ordinary Meeting of Council 14 June 1994
Min No 50:	Ordinary Meeting of Council 13 January 1997
Min No 07-518	Policy & Strategy Committee Meeting 3 December 2007
Min No 07-519:	Policy & Strategy Committee Meeting 3 December 2007
Min No 08-78	Policy & Strategy Committee Meeting 1 July 2008
Min No 08-134:	Ordinary Meeting of Council 19 August 2008
Min No 008-227	Ordinary Meeting of Council 15 December 2008
Min No 10-138	Ordinary Meeting of Council 12 April 2010
Min No 10-160	Ordinary Meeting of Council 27 April 2010
Min No 11-23-24	Ordinary Meeting of Council 24 January 2011
Min No 11-27	Ordinary Meeting of Council 24 January 2011
Min No 11- 231	Ordinary Meeting of Council 20 June 2011
Min No 11-422	Ordinary Meeting of Council 31 October 2011
Min No 11-450	Ordinary Meeting of Council 31 October 2011
Min No 12-75	Ordinary Meeting of Council 5 March 2012
Min No 12-215	Ordinary Meeting of Council 25 June 2012
Min No 13-116	Ordinary Meeting of Council 15 April 2013
Min No 13-190	Ordinary Meeting of Council 27 May 2013
Min No 13-390-391	Ordinary Meeting of Council 28 October 2013
Min No 14-07-14-36	Extra Ordinary Meeting of Council 3 February 2014
Min No 14-124-128	Ordinary Meeting of Council 24 March 2014

SUMMARY

The purpose of this report is to advise Council of the making of Lithgow Local Environmental Plan 2014 and those matters that were recommended by Council as post exhibition changes but not supported by NSW Planning and Environment in the final Plan.

This report also is to establish the membership and terms of reference for a Project Steering Committee to oversee the Rural Lands Study to be completed by an external consultancy this year.

COMMENTARY

LITHGOW LOCAL ENVIRONMENTAL PLAN 2014

Lithgow Local Environmental Plan (LEP) 2014 was made by the Minister's delegate Carolyn McNally under Section 56(2) of the Environmental Planning and Assessment Act

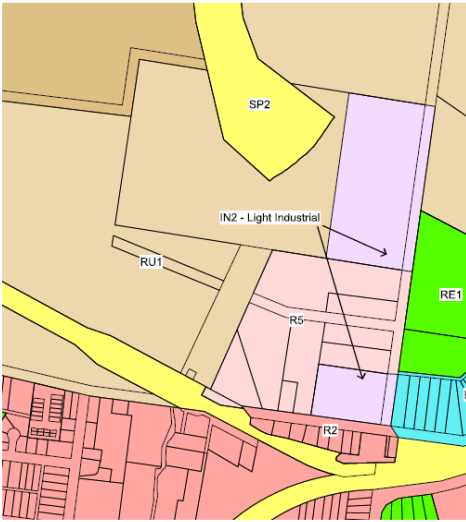
on 12 December 2014 and it became effective on 19 December 2014 the date it was published on the NSW legislation website.

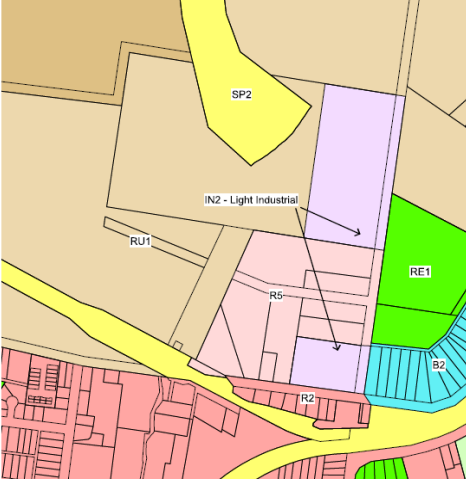
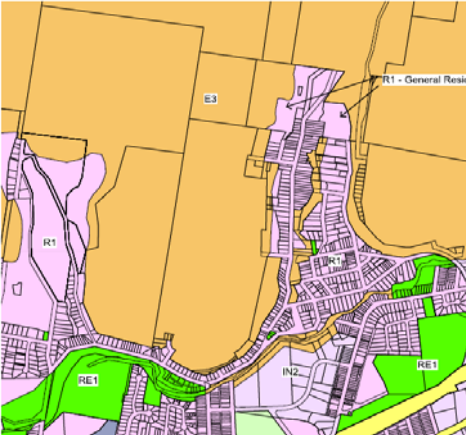
The Plan, as made, includes the majority of the post exhibition changes recommended to be made by Council in February and March 2014. Those changes proposed by Council that were not supported or only partially supported by the Department without additional justification are outlined in the following Table 1. All these changes were considered a major departure from the exhibited Draft LEP that did not provide sufficient justification to proceed at this time.

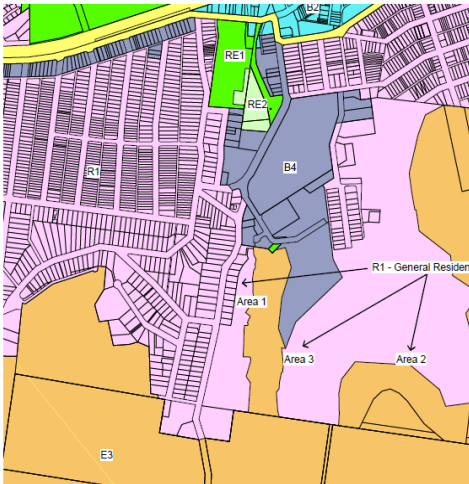
Table 1: Summary of Council recommendations not supported in LEP 2014

Min No	Details of Council Recommendation	NSW Planning and Environment Comment	LEP 2014 Result
14-32 8(2)	Delete Clause 4.1(5) of Draft LEP – <i>‘Despite any provision of this clause land shown as Area 1’ and ‘Area 2’ on the Lot Size Map may not be further subdivided.</i>	<p>Not Supported No justification has been provided to support this change and the change is considered a major departure from the exhibited draft LEP.</p> <p>This clause is a translation of the current development controls in the Lithgow LEP 1994 and Rylstone LEP 1996. This Cause has been included in the LEP in accordance with the recommendations of the endorsed land use strategy.</p> <p>“Area 1” is land covered by the former Rylstone LEP 1996. Under Clause 13 of the Rylstone LEP there is a prohibition on subdivision of land identified as “prime crop and pastureland”. In absence of any strategic justification the current provision has been retained and transferred into LEP 2014. The provisions seek to protect prime crop and pasture land from further fragmentation in accordance with the Rural Lands SEPP 2008.</p> <p>“Area 2 is land that has previously been subdivided under the Lithgow LEP 1994 for multiple small concessional allotments and currently has a restriction on further subdivision on the larger residual lots. This clause recognises the restriction on these areas and prevents</p>	Clause retained in LEP 2014 as Clause 4.1(4A).

Min No	Details of Council Recommendation	NSW Planning and Environment Comment	LEP 2014 Result
		further fragmentation and land use conflict in the rural zone.	
14-32 (8)(1)	Amend Lot Size Map for the area of land contained within the former Evans LGA as shown on the former LGA Boundaries Map from 100ha to 40ha.	<p>Not Supported No justification has been provided to support this change and the change is considered a major departure from the exhibited draft Local Environmental Plan.</p> <p>Exhibited LEP recommended 100ha as currently provided in 1994 LEP.</p> <p>The change is considered to be inconsistent with the Rural Land SEPP 2008 and S.117 Direction 1.2 and 1.5 and the endorsed Land Use Strategy.</p>	Retained MLS for the subject area at 100ha.
14-35	<p>Deletion of Active Street Frontage Clause 7.9 of Draft LEP and corresponding Active Street Frontage Map (Main St, Lithgow)</p> <p>Westfund Submission</p>	<p>Partially Supported Inadequate justification has been provided to support this change and the change is considered a major departure from the exhibited draft LEP.</p> <p>Recommended to retain the proposed clause and map as publicly exhibited.</p> <p>To resolve the issue raised in the submission, the Westfund building has been removed from the Active Street Frontage Map. This will achieve the intent of the submission made by Westfund and Council. Once removed from the map, the Clause will no longer apply to the site.</p>	<p>Active Street Frontage Clause retained in LEP 2014 as Clause 7.9.</p> <p>Active Street Frontage Map retained in LEP 2014 however Lot 1 DP 606392 has been removed from the boundaries of this map that will enable the whole building to be developed for purposes other than business or retail premises.</p>
14-34	<p>Amend Land Zoning Map to zone Lot 1 DP 868379, Hoskins Ave Lithgow (former RSL site) to Zone B4.</p> <p>Westfund Submission</p>	<p>Partially Supported Inadequate justification has been provided to support this change and the change is considered to be a major departure from the exhibited draft LEP.</p> <p>The proposal is inconsistent with the endorsed Land Use Strategy and the proposed zoning would allow a range of uses which conflict with the surrounding land uses.</p>	<p>Insertion of Clause 2 in Schedule 1 of LEP 2014 as follows: (1) This clause applies to land at Hoskins Ave, Lithgow, being Lot 1 DP 868379. (2) Development for the</p>

Min No	Details of Council Recommendation	NSW Planning and Environment Comment	LEP 2014 Result
		<p>Council seek to enable Westfund to use the current building as an “Office Premises”. This proposal can be enabled by the insertion of “Office Premises” as an “Additional Permitted Use in Schedule 1 of the Draft LEP.</p> <p>Recommended to retain zone R1 as exhibited and insert “Additional Permitted Use in Schedule 1.</p>	<p>purposes of office premises is permitted with development consent.</p>
14-33(9)	<p>Amend the Land Zoning Map to zone Part Lot 162 DP 1073238 Brays Lane, Wallerawang to a depth of 150m IN2 Light Industrial</p> <p>Clark Submission</p> <p>Northern parcel as shown below on map below:</p> 	<p>Not Supported</p> <p>No justification has been provided to support this change and the change is considered to be a major departure from the exhibited draft LEP.</p> <p>The proposed zone is inconsistent with the endorsed Land Use Strategy and would allow a range of industrial land uses that would conflict with neighbouring residential land uses.</p> <p>If council support the change in use in this area, the public should be consulted and the proposal submitted as a Planning Proposal.</p> <p>Recommended retaining the zone RU1 as exhibited.</p>	<p>Land Zoned RU1 Primary Production.</p> <p>Lot size of 40ha on Lot Size Map.</p>
14-10	<p>Amend the Land Zoning Map to zone Lot Y DP 407106 Brays Lane, Wallerawang, IN2 Light Industrial</p> <p>McLaughlan and Cinat Submission</p> <p>Southern parcel as shown on map below:</p>	<p>Not supported</p> <p>The proposed zone is inconsistent with the endorsed Land Use Strategy and would allow a range of industrial uses that would conflict with neighbouring residential land uses.</p> <p>If council support the change in use in this area, the public should be consulted and the proposal submitted as a</p>	<p>Land Zoned R5 Large Lot Residential</p> <p>Lot size of 2ha on Lot Size Map.</p>

Min No	Details of Council Recommendation	NSW Planning and Environment Comment	LEP 2014 Result
		<p>Planning Proposal.</p> <p>Recommended to retain the zone R5 as exhibited.</p>	
<p>14-11(30)</p>	<p>Amend Land Zoning Map to zone Lot 152 DP 659519 and Pt Lot 2 DP 719920, McAuley St Lithgow R1 MLS 600m².</p> <p>Ian Rufus Submission</p> 	<p>Not Supported</p> <p>No justification has been provided to support this change and the change is considered a major departure from the exhibited draft LEP.</p> <p>The change is inconsistent with the endorsed Land Use Strategy. The land is identified on the Environmentally Sensitive Area mapping because it is steep, bushfire prone and subject to potential land contamination.</p> <p>The area was burnt in the recent Lithgow bushfire. Intensification of use should not be proposed until sufficient evidence to support the change is available and the NSW Rural Fire Service has been consulted.</p> <p>Recommended to retain zone E3 & 40ha MLS as exhibited.</p>	<p>Land Zoned E3 Environmental Management</p> <p>Lot Size of 40ha on Lot Size Map.</p>
<p>14-16 (40)</p>	<p>Amend Land Zoning Map and Lot Size Map for Pottery Estate to zone Area 2 and Area 3 in Pt Lot 702 DP 1150747 to R1 with MLS 1500m² and 800m² respectively.</p> <p>Anthony Daintith Submission on behalf of Ceedive</p>	<p>Areas 2 and 3 Not Supported</p> <p>Inadequate justification has been provided to support this change and the change is considered a major departure from the exhibited draft LEP.</p> <p>The endorsed Land Use Strategy does not recommend intensification of use of this area as the area is subject to issues with contamination and</p>	<p>Area 2 and 3 zone E3 Environmental Management</p> <p>Lot Size of 40ha on Lot Size Map.</p> <p>Note: Area 1 is zoned R1 General</p>

Min No	Details of Council Recommendation	NSW Planning and Environment Comment	LEP 2014 Result
		<p>mine subsidence.</p> <p>The proposal is inconsistent with the Land Use Strategy and S.117 Direction 4.2 Mine Subsidence and Unstable Land. The Mine subsidence Board has not been consulted on the proposed use or density.</p> <p>If Council wish to support the land use change, the matter should be submitted as a separate Planning Proposal when issues with land contamination and mine subsidence have been adequately addressed.</p> <p>Recommend to retain E3 zoning as exhibited.</p>	<p>Residential with Lot Size 600m² as recommended.</p>

Whilst those proposals that are not supported are not included in LEP 2014, the Department has advised that Council is encouraged to prepare separate planning proposals, with adequate justification, should Council wish to pursue them in the future. The planning proposal process will allow adequate opportunity for consultation with the community and stakeholders on any proposed land use or policy change.

Council has communicated the making of LEP 2014 to the community via Council's web site and a media release in the week following the notification. Council will be writing to all those persons who made submissions relating to the Draft LEP advising of the making of the Plan and whether they are affected by any of the above matters not supported by the Department.

RURAL LANDS STUDY

Council has resolved in 2013 and 2014 (Min Nos 13-116 & 14/27(3)):

“to undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs”.

The primary focus of the Rural Lands Study will be to review the findings and recommendations of the endorsed Lithgow Land Use Strategy relating to rural planning provisions and the provision of rural living opportunities to inform any possible future Planning Proposal to change rural land use policy and/or land use change.

Work on this rural lands study, that up until now has been delayed pending the finalisation of the Local Environmental Plan, can now fully commence. The preparation of the Study will be outsourced to an independent external consultancy and the project will be managed and overseen by a Project Steering Committee co-ordinated by Council's Strategic Land Use Planner.

RURAL LANDS STUDY PROJECT STEERING COMMITTEE

Following on from the Land Use Strategy and LEP process this Study will attract significant public interest. It is therefore proposed to establish a Project Steering Committee (PSC) to provide overall direction for the Project. Draft Terms of Reference have been formulated for this Committee and are attached for Council's consideration.

Summary of the Committee's Draft Terms of Reference

The following is a summary of the key points of the Draft Terms of Reference.

- The Committee will be established under resolution of Council.
- The Committee will have no delegations from Council
- The Committee must not commit or expend any Council funds
- The Committee will operate for the term of the Project.
- The principal responsibilities of the Committee are to:
 1. Act as a quality control mechanism for the Project
 2. Endorse the Project Scope and Brief
 3. Evaluate and recommend the appointment of the consultant to undertake the Project
 4. Review and endorse the Project Plan
 5. Review and endorse the Community and Stakeholder Engagement Strategy
 6. Review and endorse each project deliverable as identified in the Project Plan
 7. Endorse the final draft Study for recommendation to Council for adoption
 8. To resolve any project management issues unable to be resolved by the Project Managers
 9. To monitor the Project against time and budget constraints
- It is proposed that the Committee will comprise the following representation:
 1. 2 Councillors
 2. A representative of the Western Region Office of NSW Planning and Environment
 3. General Manager
 4. Group Manager of Environment and Development
 5. Council's Strategic Land Use Planner
 6. Appointed Project Consultant Project Manager
- Meetings will be held at each significant milestone point of the project as determined by an approved Project Plan
- The Chair may call extra ordinary meetings as required.
- The Committee will operate generally in accordance with the meeting procedures outlined in Council's Code of Meeting Practice and observe Council's Code of Conduct.

The full copy of the Rural Lands Study Project Steering Committee Draft Terms of Reference is attached to this report.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Rural Lands Study Project Steering Committee Draft Terms of Reference

RECOMMENDATION

THAT Council:

1. Note the information in this report relating to the making and commencement of the Lithgow Local Environmental Plan 2014.
2. Establish the Rural Lands Study Project Steering Committee to oversee the Project.
3. Adopt the Draft Terms of Reference for the Rural Land Study Project Steering Committee as outlined in Attachment 1 of this report.
4. Appoint two (2) Councillors as members of the Rural Lands Study Project Steering Committee and appoints the Chair and Deputy Chair.

OPERATION REPORTS

ITEM-15 OPER - 09/02/15 - TENDERS FOR REDEVELOPMENT OF LITHGOW AQUATIC CENTRE STAGE 4

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-312: Ordinary Meeting of Council held on 9 September 2013
Min No 14-56: Ordinary Meeting of Council held on 10 February 2014
Min No 14-91: Ordinary Meeting of Council held on 3 March 2014
Min No 14-343: Ordinary Meeting of Council held on 18 August 2014

SUMMARY

This report seeks a determination from Council to award a tender for the construction of Stage 4 of the Lithgow Aquatic Centre.

COMMENTARY

Tenders recently closed for the construction of the redevelopment of the existing 50 metre Olympic Pool.

The detailed design for the redevelopment was undertaken by Facility Design Group Pty Ltd. The proposed design comprises of alterations to the existing reinforced concrete 50m pool including the tiling of the pool, supply and installation of flexible PVC pool lining and furniture with accessories, finishing, supply, installation and commissioning of reticulation pipework, filtration, heating and water treatment systems. These designs were submitted to Council for review.

Following a call for expressions of interest, Council invited six (6) companies to submit tenders for the project, which includes the selective demolition of the existing 50m x 22.8m wide lap pool and the installation of new stormwater drainage, reticulation equipment, power and ramps. The companies invited to submit tenders were Carfax Commercial Constructions Pty Ltd, Commercial Aquatics Australia, Hines Constructions, Icon Building Group Pty Ltd, Kane Constructions Pty Ltd and Rapid Construction Pty Ltd. To date no contact has been made with the other selected tenders as to their failure to submit a tender for the project

Tenders for this project closed on Monday 19 January 2015.

Tenders

Two conforming tenders and one alternate tender were received by the closing time/date of 10:00am on 19 January 2015.

Tenderer Submissions	Price (ex GST)	Price (incl GST)
Icon Building Group Pty Ltd	\$2,251,630.00	\$2,476,793.00
Rapid Construction Pty Ltd (Conforming)	\$1,947,180.00	\$2,141,898.00
Rapid Construction Pty Ltd (Alternate)	\$1,983,791.00	\$2,182,170.10

Evaluation Panel

In accordance with Council's Tendering Policy 1.4, a tender evaluation panel was formed to evaluate the tenders, consisting of:

- Iain Stewart – Group Manager Operations
- Jonathon Edgecombe – Engineering Intern
- Stephen Johansson – Director, Architect – Facility Design Group Pty Ltd

Selection Criteria

Each tender was evaluated according to the following criteria, in order of priority and weighting.

Criteria		Weighting
1	Price	50%
2	Demonstrated Experience and Past Performance	20%
3	Understanding of the Requirement	10%
4	Key Personnel	10%
5	Demonstrated Capability and Capacity (Licences/Accreditations)	10%

Scoring System

Each company was given a score from 0 – 10 for each selection criteria item using the following scoring system:

Score	Definitive Answers	Value Judgement
0	Unsatisfactory	Fails to meet the requirement.
		Unimaginative/No apparent economic benefit.
2	Poor	Minimal Compliance.
		Moderately creative/benefits difficult to assess
4	Satisfactory	Moderately satisfies the requirement.
		Worthwhile concept/may realise benefits.
6	Good	Partially satisfies the requirement.
		Creative/enduring benefits over time.
8	Very Good	Satisfies the majority of the requirement.
		Highly creative/enduring high benefits.
10	Excellent	Fully satisfies the requirement.
		Exceptional/immediate & enduring high benefits.

Evaluation Summary – Qualitative Criteria

Each tenderer was assessed based on Qualitative Criteria, being Demonstrated Experience and Past Performance (20%), Understanding of the Requirement (10%), Key Personnel (10%), and Demonstrated Capability and Capacity (10%), to give a total Qualitative Score of 50%.

Icon Building Group Pty Ltd – Icon Building Group have demonstrated extensive and impressive experience on similar projects in scope and scale. The tender received is succinct, satisfies requirements and therefore demonstrates a comprehensive and intimate understanding of the requirement. Based on the submitted tender and knowledge of the work completed for Stage 2 and 3 at the Lithgow Aquatic Centre, the Key Personnel nominated for the project are qualified and excel in projects of this nature. The work completed on similar projects in other regional areas is of an exceptional standard, receiving outstanding reviews on all projects. Icon Building Group discussed lessons learnt from similar projects, and demonstrated how they had made allowance for issues likely to present during construction, hence minimizing the risk of contractual variations.

SCORE = 9.25/10

WEIGHTED SCORE = 46.25/50

Rapid Construction Pty Ltd (Conforming) – Rapid Construction have experience in Aquatic Centre refurbishment however it is quite limited compared to that of Icon. In addition to this, from the information submitted, it can be seen that much of their pool refurbishment is performed by sub-contractors. The submission received is very lengthy but contains little information tailored to the specifics of Lithgow's Aquatic Centre, while the details that are provided do not seem to suit a pool of this nature. This indicates a lack of knowledge and understanding regarding the specifics of this project. The provided references show demonstrated experience and the submission demonstrates a sound understanding of WHS issues surrounding the project.

SCORE = 7.34/10

WEIGHTED SCORE = 36.70/50

Rapid Construction Pty Ltd (Alternate) – Rapid Construction have experience in Aquatic Centre refurbishment however it is quite limited compared to that of Icon. In addition to this, from the information submitted, it can be seen that much of their pool refurbishment is performed by sub-contractors. The submission received is very lengthy but contains little information tailored to the specifics of Lithgow's Aquatic Centre, while the details that are provided do not seem to suit a pool of this nature. This is especially true of the alternate solutions presented in the document as there seems to be no way of fitting the proposed devices in the existing structure. It is appreciated that Rapid has produced an alternate solution and this indicates a wealth of technical knowledge in this however the specifications of these solutions don't suit the required flow rates and sizing for the project. The provided references show demonstrated experience and the submission demonstrates a sound understanding of WHS issues surrounding the project.

SCORE = 7.17/10

WEIGHTED SCORE = 35.85/50

Both companies have provided detailed tender documentation and addressed the relevant criteria. The Tender Evaluation Panel is of the opinion that both companies could complete this project to a high standard.

Evaluation Summary – Price Component

Price was given a score out of 10 based on the following formula:

$$\text{Price score} = \frac{\text{Lowest Tender Price}}{\text{Tendered Price}} \times 10$$

Tenderer	Icon	Rapid (Conforming)	Rapid (Alternate)
Price (\$)	\$2,251,630.00	\$1,947,180.00	\$1,983,791.00
Price Score /10	8.65	10.00	9.82
Weighted Price Score /50	43.25	50.00	49.10

Final Scores

The scores for qualitative and price criteria were added to give a final total score.

	Icon	Rapid (Conforming)	Rapid (Alternate)
Qualitative Score /50	46.25	36.70	35.85
Price Score /50	43.25	50.00	49.10
Total Score /100	89.50	86.70	84.95

Recommendation of the Tender Evaluation Panel

Icon Building Group Pty Ltd was able to demonstrate through their tender that they have the capability, capacity and experience to complete this project to the highest standard. Their overall score of 89.50/100 was the highest of all submitted tenders.

Therefore the tender evaluation panel recommends that Council enters into a contract for the works, as per Section 178(3)(e) of the Local Government (General) Regulation 2005 with Icon Building Group Pty Ltd.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funds are available from the NSW State Government for the refurbishment of the existing 50 metre Olympic Pool as part of the Stage 4 Aquatic Centre redevelopment. Stages 2 and 3 of the construction of 25m indoor pool have already been funded. If Icon Building Group's tender (which exhibits the most knowledge, experience and attention to detail) is accepted the project will cost \$2,476,793.00 inc. GST.

The expenditure for this project will be as follows:

Stage 4:	
Consultancy	\$140,800.00 (inc. GST)
Construction	\$2,476,793.00 (inc. GST)
Total (Stage 4):	\$2,617,593.00 (inc. GST)

Stage 2/3:	
Consultancy	\$232,650.00 (inc. GST)
Construction	\$3,393,830.00 (inc. GST)
Total (Stage 2/3):	\$3,626,480.00 (inc. GST)
TOTAL (Stage 2/3/4):	\$6,244,073.00 (inc. GST)

Facility Design Group presented an opinion of cost to a meeting of the Aquatic Centre Working Party on 21 February 2013 indicating the estimated cost for stages two and three of \$3,577,000 ex GST and for stage 4 an estimated cost of \$1,970,000 ex GST. The total cost for the three stages being estimated at that time of \$5,547,000 ex GST. Including GST this brings the total estimated cost to a total of \$6,101,700.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Combined Evaluation Matrix
2. Cost Breakdown (All Tenders)

RECOMMENDATION

THAT Council:

1. Accept the tender from Icon Building Group Pty Ltd at a price of \$2,476,793.00 (inc. GST) for the construction of Lithgow Aquatic Centre Stage 4.
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this project.

ITEM-16 OPER - 09/02/15 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 14-490: Ordinary Meeting of Council held on 15 December 2015

SUMMARY

This report provides an update on various water management issues as per Minute Number 14-490.

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, 26 January 2015 was 100% full. Oberon Dam capacity on Monday, 26 January 2015 was 61% 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
December 2014	84	0	36
TOTAL	646	0	336

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 is currently supplying water to Lithgow. No health-based ADWG values were exceeded for the period 6/12/2014 – 30/1/2015.

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 6/12/2014 – 30/1/2015.

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 four (4) applications for household appliance rebates and no applications for water tank rebates for the period 6/12/2014 – 30/1/2015.

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

Six (6) varying complaints were received during the period 6/12/2014 – 30/1/2015 concerning water quality issues in the following areas:

- Coerwull Road, Lithgow
Flushed.
End of the line.
- Martini Parade, Lithgow
Flushed.
No obvious cause
- Redgate Street, Lithgow
Flushed no obvious cause.
- Chifley Road, Lithgow
Experiencing dirty water.
Flushed.
Maintenance on nearby fire hydrant.
- Cox Street, Portland
Flushed
Burst main in area.
- Hassans Walls Road, Lithgow
Flushed no obvious cause.

FINANCIAL IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

CORPORATE AND COMMUNITY REPORTS

**ITEM-17 CORP - 09/02/15 - COUNCIL INVESTMENTS HELD TO 31
DECEMBER 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
Min No 14-491: Ordinary meeting of Council held on 15 December 2014

SUMMARY

To advise Council of investments held as at 31 December 2014 in the 2014/15 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 December 2014 when compared to 30 November 2014, has decreased by \$319,959.66 from \$16,908,845.23 to \$16,588,885.57.

Cash held in Council's general fund bank account as at 31 December 2014 when compared to 30 November 2014 has decreased by \$1,797,223.45 from \$1,973,060.99 to \$175,837.54.

This results in an overall decrease in cash and investments of \$2,117,183.11.

INVESTMENT REGISTER 2014/15								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.11.14	VALUE 31.12.14	% OF TOTAL
AMP	On Call	26.08.14			3.15	1,005,791.85	1,008,395.89	6.08%
CBA	On Call				2.45	927,399.20	579,141.01	3.49%
IMBS	TD	07.10.14	05.01.15	90	3.4	1,008,821.92	1,008,821.92	6.08%
	TD	17.11.14	16.02.15	91	3.4	1,017,276.71	1,017,276.71	6.13%
	TD	22.12.14	23.03.15	91	3.4	1,000,000.00	1,000,000.00	6.03%
NAB	TD	24.11.14	23.02.15	91	3.5	1,026,940.44	1,026,940.44	6.19%
	TD	21.10.14	21.01.15	92	3.5	1,129,393.90	1,129,393.90	6.81%
	TD	09.10.14	07.01.15	90	3.5	500,000.00	500,000.00	3.01%
WESTPAC	TD	15.12.14	17.03.15	92	3.5	1,017,955.22	1,026,837.93	6.19%
	TD	03.10.14	05.01.15	94	3.49	1,296,683.07	1,296,683.07	7.82%

	TD	08.10.14	08.01.15	92	3.51	504,321.78	504,321.78	3.04%
	TD	14.10.14	14.01.15	90	3.52	499,712.34	499,712.34	3.01%
	TD	08.12.14	08.03.15	90	3.22	1,000,000.00	1,008,551.51	6.08%
ST GEORGE	TD	19.11.14	19.03.15	120	3.42	952,743.32	952,743.32	5.75%
	TD	26.11.14	24.03.15	118	3.47	1,513,421.92	1,513,421.92	9.12%
ME BANK	TD	24.11.14	23.02.15	91	3.45	500,000.00	500,000.00	3.01%
NEWCASTLE PERMANENT	TD	24.11.14	23.02.15	91	3.35	1,008,383.56	1,008,383.56	6.08%
FAMILY FIRST CREDIT UNION	TD	08.12.14	08.03.15	90	3.4	1,000,000.00	1,008,260.27	6.08%
TOTAL						16,908,845.23	16,588,885.57	

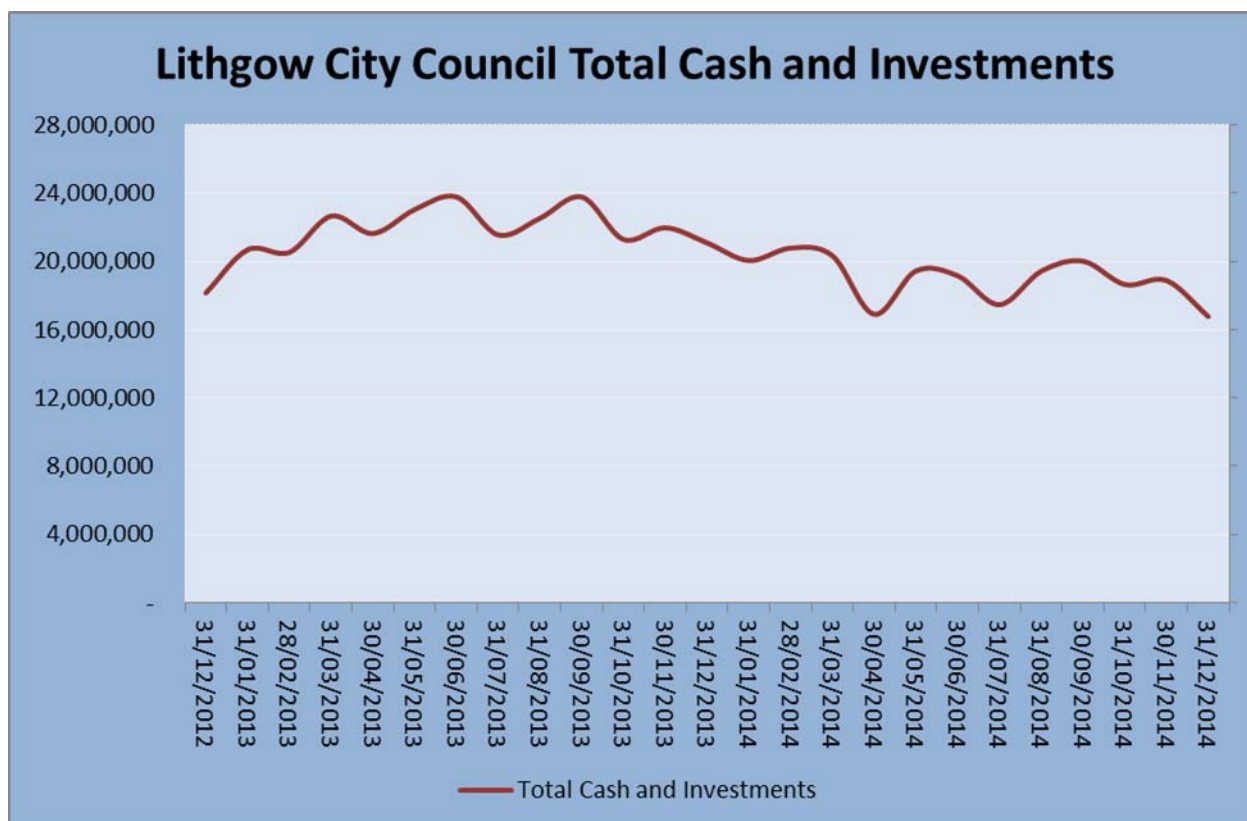
I, Juli-Ann Brozek, Lithgow City Council's Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

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

Opening Balance of cash and investments as at 30 November 2014	\$18,881,906.22
<u>Plus</u> New Investments – December 2014	\$38,470.48
<u>Less</u> Investments redeemed – December 2014	\$2,155,653.59
Closing Balance of cash and investments as at 31 December 2014	\$16,764,723.11

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 31 December 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 a draft of the Investment Policy as Policy 8.7 which includes the Minsters Investment Order of 12 January 2011.

FINANCIAL IMPLICATIONS

Interest earned to 31 December 2014 is \$280,073.11 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 revised 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 \$16,588,885.57 and cash of \$175,837.54 for the period ending 31 December be noted.

COMMITTEE MEETINGS

**ITEM-18 ENVIRO - 09/02/15 - ENVIRONMENTAL ADVISORY COMMITTEE
MEETING MINUTES - 12 NOVEMBER 2014**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 12 November 2014.

COMMENTARY

At the Environmental Advisory Committee meeting held on 12 November 2014 there were 8 items on the agenda which are outlined in the attached minutes.

None of the items discussed require a resolution from the Council

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Environmental Advisory Committee meeting of 12 November 2014.

RECOMMENDATION

THAT Council note the minutes of the Environmental Advisory Committee held on 12 November 2014.

ITEM-19 CORP - 09/02/15 - 2 DECEMBER 2014 - COMMUNITY DEVELOPMENT COMMITTEE MINUTES

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

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
Min No 14-495: Ordinary Meeting of Council held on 15 December 2014

SUMMARY

This report details the minutes of the Community Development Committee meeting held on 2 December 2014.

COMMENTARY

At the Community Development Committee meeting held 2 December 2014 various items were discussed by the committee, including:

- 2015 Local Citizenship Awards - The Committee allocated Local Citizenship Awards to the nominees received under the different award categories. These awards were presented at the official Lithgow Australia Day Ceremony held on 26 January 2015.
- Financial Assistance - The Committee recommended that \$1,500 in Round 2 Financial Assistance be allocated to the Combined District Kart Club for their inaugural Metropolitan Invitational event. This matter was reported to Council on 15 December 2014 (Min 14-495).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Community Development Committee meeting held on 2 December 2014.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Community Development Committee meeting held on 2 December 2014.
2. Allocate \$1,500 in Round 2 Financial Assistance to the Combined District Car Club to assist with their inaugural Metropolitan Invitational event on 29/30 November 2014.

**ITEM-20 CORP - 09/02/15 - TOURISM ADVISORY COMMITTEE MEETING - 3
DECEMBER 2014**

REPORT BY: K BARROW – TOURISM MANAGER

REFERENCE

Min No 14-214: Ordinary Meeting of Council held on 12 May 2014
Min No 14-295: Ordinary Meeting of Council held on 30 June 2014
Min No 14-372: Ordinary Meeting of Council held on 8 September 2014
Min No 14-436: Ordinary Meeting of Council held on 27 October 2014

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 3 December 2014

COMMENTARY

At the Tourism Advisory Committee held on 3 December 2014, there were numerous items discussed by the Committee that requires action from Council including:

- Budget Submission
- BMLOT Report
- Tourism Manager’s Report

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Tourism Advisory Committee meeting of 3 December 2014

RECOMMENDATION

THAT Council note the minutes of the Tourism Advisory Committee held on the 3 December 2014

**ITEM-21 OPER - 09/02/15 - OPERATIONS COMMITTEE MEETING MINUTES -
4 DECEMBER 2014**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Details of the Minutes of the Operations Committee Meeting held on Thursday, 4 December 2014 for Council adoption.

COMMENTARY

At the Operations Committee Meeting held on Thursday, 4 December 2014 there were a number of items discussed by the Committee, with all items being actioned under the Committee’s delegated authority.

Items discussed included:

- Review of Major Capital Works
- Works in Progress

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

- Wattlemount Road

THAT Council provide \$200,000 in the 2015/2016 budget to commence improvements to the drainage on the section of Wattlemount Road that has been transferred to Council and to allow for gravel re sheeting of sections of the road.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Operations Committee Meeting held on 4 December 2014.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Operations Committee meeting held on 4 December 2014.
2. Provide \$200,000 in the 2015/2106 draft budget to commence drainage improvements on Wattlemount Road and allow gravel resheeting on sections of the road that have been reclassified as public road.

**ITEM-22 OPER - 09/02/15 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 9 DECEMBER 2014**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 14-466: Ordinary Meeting of Council held on 9 December 2014

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 9 December 2014.

COMMENTARY

At the Sports Advisory Committee held on 9 December 2014, there were numerous items discussed by the Committee including:

- 2014 LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking Requests

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

- Financial Assistance Requests

ATTACHMENTS

1. Minutes of the Sports Advisory Committee meeting held on 9 December 2014.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 9 December 2014.
2. Provide Bryce Altman with \$100.00 toward the cost of participating in the 6th Commonwealth Australian Taekwondo Championships.

**ITEM-23 OPER - 09/02/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 12
DECEMBER 2014**

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Advisory Local Committee Meeting held on 12 December 2014.

COMMENTARY

At the Traffic Advisory Local Committee meeting held on 12 December 2014, the following items were discussed by the Committee:

- Request for information charity walk organisation
- Fundraising Bike Ride March 2015
- Parking issues Young Street Lithgow
- Camp Quality Tractor Trek Event 2015
- Request for concealed driveway signage Mort Street Lithgow
- BRD Automotive Services
- Request confirmation from council meeting requirements amended instrument of delegation forthcoming National Heavy Vehicle Regulator / NHVR
- Customer action request Browns Gap Road
- Customer action request Castlereagh Highway Capertee
- Request for pedestrian crossing – Great Western Highway
- Request for disabled parking zones at Eskbank Surgery
- Proposed heritage date signs – Hartley Vale
- DA198/14 Casson Harte Super Fund, McNiven Consulting Pty Ltd & S & E White - Cafe Fitout & Deck
- Customer action request – James Street Lithgow
- Visitor Information Centre pedestrian crossing

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

- Request for signage 2 hour parking limit Visitor Information Centre Coerwull Road Lithgow
THAT:
 1. Two hour parking signage be erected stating that two hour parking is available from 9am – 5pm seven days a week.
 2. The regulatory markings on the approaches to the adjacent rail crossing be installed.
- Request for bus zone times to be changed Eskbank Street Lithgow
THAT the signage be altered to read 2.30pm – 4.30pm.

- Loading zone request current parking to be changed Eve Boutique Main Street Lithgow
THAT the issue of loading zone sign be altered to read Monday to Friday from 8am through to 6pm.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Traffic Advisory Local Committee meeting held on 12 December 2014.

RECOMMENDATION

THAT:

1. Council note the minutes of the Traffic Advisory Local Committee held on the 12 December 2014.
2. Two hour parking signage be erected stating that two hour parking is available from 9am – 5pm seven days a week at the Visitor Information Centre, Coerwull Road Lithgow.
3. The regulatory markings on the approaches to the rail crossing adjacent to the Visitor Information Centre, Coerwull Road Lithgow be installed.
4. The bus zone signage be altered to read 2.30pm – 4.30pm in Eskbank Street, Lithgow.
5. The issue of loading zone sign be altered to read Monday to Friday from 8am through to 6pm in front of Eve Boutique, Main Street Lithgow.

ITEM-24 CORP - 09/02/15 - 22 DECEMBER 2014 - COMMUNITY DEVELOPMENT COMMITTEE MINUTES

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

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
Min No 14-495: Ordinary Meeting of Council held on 15 December 2014

SUMMARY

This report details the minutes of the Community Development Committee meeting held on 22 December 2014.

COMMENTARY

At the Community Development Committee meeting held 22 December 2014 various items were discussed by the committee, including:

- 2015 Local Citizenship Awards. The committee reviewed the nominations received in the Open Citizen Achievement Award category of the 2015 Local Citizenship Awards and decided not to give an award in this category.
- The committee reviewed the Financial Assistance application submitted by the Lithgow Lion's Club Community Markets for Round 2 Non-Recurrent Financial Assistance and resolved that the Lithgow Lions Club be requested to provide more detailed information on their application and that the matter be considered again at the Committee's February 2015 meeting.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Community Development Committee meeting held on 22 December 2014.

RECOMMENDATION

THAT Council note the Minutes of the Community Development Committee meeting held on 22 December 2014.

NOTICES OF MOTION

ITEM-25 NOTICE OF MOTION - 09/02/15 - COUNCIL TO CREATE A NEW INTERSECTION ON THE GREAT WESTERN HIGHWAY FOR GIRRAWEEEN DR MARRANGAROO – COUNCILLOR F INZITARI

COMMENTARY

This particular intersection has been dangerous to say the least for many years. Considering the high amount of traffic that uses this intersection daily, it is a miracle that no one has yet been seriously hurt or even killed. The most obvious problem is the narrow visual distance from the intersection to the west bound traffic coming over the crest at 100 kph. It is more like Russian roulette when drivers have to negotiate not only this issue, but be wary of the east bound traffic that is travelling at 100 kph as well. With so many young families living at Marrangaroo Fields, it must be a nervous trip for the parents every time they leave their homes, not to mention the golfers who enjoy the local golf course.

Although Council has looked at this intersection over the years, and was limited in what they achieved because of the complexity of the situation, I feel that there is a very good possibility that this intersection can be made much safer.

The end result would eventually be similar to the intersection at Blaxland (Blue Mountains, Western Side), where the road runs parallel with the Great Western Highway from the intersection, then swings onto the Railway Bridge. The proposed new road will swing away from the Great Western Highway before straightening up before the intersection. There seems more than enough room for this road to be built. This would give the exiting traffic valuable extra time to view the western bound traffic, and exit safely. The visible distance from the East bound traffic will still be quite visible and safe.

It is vital that Council show due urgency on this issue, and look into all options in achieving a safer intersection for the community.

RECOMMENDATION

THAT:

1. Council work with the RMS to construct a new intersection approximately 150 metres westbound on the Great Western Highway.
2. Council continue to build Girraween Dr from the current intersection, running it parallel to the Great Western Highway up to the proposed new intersection.
3. The RMS remove the median strip at the new intersection, creating a turn right lane for the east bound traffic on the Great Western Highway
4. The RMS create a new turn left lane at the new intersection for the west bound traffic on the Great Western Highway.

COMMENTARY

The Lithgow district is currently experiencing a slow down in the mining/power, small business, industrial and commercial areas. This is creating angst, uncertainty, and a lack of confidence in our LGA. Over the past several decades, the Lithgow region has not kept up with a majority of other regional towns in relation to growth, and this is evident in our growth rate. It is also more alarming that the growth in our LGA is predicted to steadily decline by 2030 (according to the Australian Bureau Of Statistics), whereas Western Sydney is expected to have an extra million people by the same time.

These facts and figures are readily available to the public, and is certainly put into the equation when any business considers investing in any area. Unfortunately, these figures do not help Lithgow attract major business investments within our LGA.

Examples being:

- The investments by Bunnings and Harvey Norman, who are quite well known for creating large buildings and car parks for their establishments,.
- The vacant shop fronts at the Pottery Plaza, some have never been leased since day one.
- The vacant shops in our CBD including Main Street.

Considering our close proximity to the largest city in Australia, and having four major roads run straight through our town, Lithgow has lagged behind in relation to growth. Council now needs to think outside the square and start a campaign to promote Lithgow, for now, and for the future. Council needs to give investors reasons why they can, instead of why they cannot. Jobs need to be created, that then creates growth, which in turn creates more jobs, and so on.

With the average house price in the Sydney Basin the most expensive in Australia, and predicted to go even higher, and with more people working from home because of the internet, now is the perfect time to capitalise on this situation, convince these people to sell up and locate to Lithgow with change in the bank.

The campaign will be headed by the slogan:

Lithgow Has It AALL (Affordability, Accessibility, Lifestyle, Location)

We will incorporate our surrounding beauty, medical, and schooling facilities, universities, new aquatic centre, fantastic golf course, sporting fields, and our lakes just to name a few.

What should be mentioned is if Badgery's Creek International Airport was to go ahead that we would be in a prime location.

To my knowledge, Lithgow has been part of the 'relocation' campaign from the NSW Govt which offers city residents \$7000.00 to help relocate. I would assume it hasn't been successful because of the lack of publicity it has received. If this grant is still available, then we can include this offer in our campaign.

Council can't build new business to create jobs, but it can start creating opportunities and incentives for new business and residents to consider relocating to this area.

RECOMMENDATION

THAT:

1. Council allocate from their budget \$40,000 per annum for 3 years for advertising and promotion, starting the financial year 2015/16.
2. Council form a committee that will include Council's Community Development Officer, Senior Tourism Officer, Senior Economic Officer, Mayor, and a minimum of 2 Councillors
3. Council target the Western Sydney Region, and basing it's campaign on the slogan, Lithgow Has It AALL (Affordability, Accessibility, Location, Lifestyle).
4. Council promote in this campaign our surrounding beauty, lakes, new aquatic centre, golf course, medical and schools, universities, parks and sporting facilities.
5. The committee liaise with local real estate agents on a monthly basis to determine what we have available for residential and business.
6. Any meeting with ANY person/s in relation to a business proposal be in the presence of the Mayor and a minimum of 2 Councillors.
7. Spot rezoning be implemented when considering new business proposals.
8. Any unrealistic conditions imposed by the SCA, or NSW Water, on any new business or industry be referred to our State Member for immediate consultation and resolution.

**ITEM-27 NOTICE OF MOTION - 09/02/15 - COUNCIL INVESTIGATE THE MT
PIPER & WALLERAWANG POWER STATION PROPERTIES -
COUNCILLOR F INZITARI**

COMMENTARY

The sale of both of these power stations to Energy Australia not so long ago, I think it would be in Council's best interest to investigate how these properties should be rated.

I would assume that the previous owners (NSW Govt), would have had a 'special' rating as they were a Government owned asset.

Now that Energy Australia are the owners, I'm assuming that these properties would be rated as commercial as they are a private commercial enterprise, no different than the Coal Mining companies or for any other business related properties.

RECOMMENDATION

THAT Council investigate the rating for both Mt Piper & Wallerawang Power Stations in its current state, and present this report back to Council before the 31 May 2015.

COMMENTARY

Zig Zag Railway Co-op Limited have erected signs stating that access will be stopped on the 1 March 2015 to a formed road known as Clarence Road or Old Bells Line of Road. This will deprive many people and agencies of an access to Northern Clarence and the Newnes Plateau. Part of this formed road is on Lithgow Council land that is not a designated road, also Zig Zag rail have considerable infrastructure on this Council Land.

RECOMMENDATION

THAT Council:

1. Dedicate Lot 1, DP 917875 as a Council Road.
2. Request Zig Zag Rail remove all infrastructure from Lot 1, DP 917875.
3. Enter into discussions with Zig Zag Rail for a land swap to accommodate both Road and Rail in this area.
4. Have discussions with Crown Lands Department to achieve access over Crown Land in this area.

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.*