



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

02 MARCH 2015

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 9 FEBRUARY 2015

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

STAFF REPORTS

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

COUNCIL COMMITTEE MINUTES

Lithgow Flash Gift Committee Minutes - 2 February 2015
Community Development Committee Minutes - 3 February 2015
Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee Minutes - 11 February 2015
Environmental Advisory Committee Minutes - 11 February 2015
Aquatic Centre Committee Minutes - 17 February 2015
Mining Taskforce Committee- 17 February 2015

DELEGATES REPORTS - NIL

NOTICES OF MOTION

Council construct a Disability Access Ramp at 25 Main St and to relocate the Disabled Parking Spot to the front of 25 Main St - Councillor F Inzitari

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 - 02/03/15 - LITHGOW GOLF COURSE PLAN OF MANAGEMENT

REPORT BY: R BAILEY – GENERAL MANAGER

REFERENCE

Min No 07-519:	Policy and Strategy Committee meeting held on 3 December 2007
Min No 05-09:	Ordinary Meeting of Council held on 27 January 2009
Min No 09-162:	Ordinary Meeting of Council held on 20 April 2009
Min No 09-301:	Ordinary Meeting of Council held on 13 July 09
Min No 09-351:	Ordinary Meeting of Council held on 24 August 2009

SUMMARY

The Lithgow Golf Course Plan of Management 2009 (the Plan) is required to be reviewed in accordance with the terms of the plan adopted by Council in 2009. This report recommends endorsement of the plan in its revised form for public exhibition in accordance with the requirements of the Local Government Act 1993. Following exhibition, the POM will be referred back to Council for final consideration and adoption.

COMMENTARY

Background

For over 50 years the Lithgow Golf Course and Club House has provided the residents of Lithgow and visitors to the area with quality golfing and recreational facilities.

In 1994, the Council resolved to classify the Lithgow Golf Course as 'community' land in accordance with the provision of s25 & 26 of the Local Government Act 1993. Further to this classification, it is a requirement under the Act that a Plan of Management be developed for the land which specifies the values of the site to the community and objectives for its ongoing and future management. A POM also specifies what the land can be used for, firstly through categorisation, and secondly by authorising uses that can be leased or licensed.

The Lithgow Golf Course Plan of Management 2009, was adopted by Council at its ordinary meeting of the 24th August 2009. The current Plan has been in operation for 5 years, and has satisfied its obligations under the Local Government Act during this period.

This Plan expressly authorises the provision of a lease and associated licenses over the golf course and club house with the permitted uses of: public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office.

These activities are consistent with the categorization of the land as 'sportsground'.

Purpose of the Plan of Management

The purpose of the Lithgow Golf Course Plan of Management is to:

- Ensure that the management of the facility complies with the requirements under the Local Government Act (1993) for Community Land.
- Outline objectives for the usage of the facilities as a Golf Course, Golf Club House and ancillary services to accommodate the needs of the community
- Identify the values of the site.
- Recommend management strategies that are practical and within budgetary constraints.
- Inform and guide the Lithgow City Council in decisions effecting the management of the golf course and club house in the short term and over an extended period.
- Ensure management of the facility is consistent with Council's policies and plans including Lithgow City Council's Community Strategic Plan 2013-2026, relevant Combined Delivery and Operational Plans as proposed and Lithgow Local Environmental Plan 2014.

Review of Plan of Management

The 2009 Plan of Management has been reviewed with only minor amendments required to reflect current zoning, legislative and operational updates. These include:

- Section 1.2 Removal of reference to end date of the plan
- Section 1.5 Reference the new Lithgow LEP 2014 and associated zoning changes.

The zoning of the site has changed from residential under the previous Lithgow LEP 1994 to an RE1 – Public Recreation zone under the Lithgow LEP 2014. The dominant use of the site is defined as a recreational facility (outdoor) - golf course, under the standard definitions of the new LEP. The other components of the use, including the licensed clubhouse and the associated services of functions and meeting rooms, office premises, pro shop and residence are considered subordinate to the dominant use of the site as a golf course. These uses are therefore defined as “ancillary uses” to the dominant use in terms of the standard definitions.(PS 13-001)

- Section 1.5 Update of reference to State Environmental Planning Policy (Sydney Drinking Water Catchment)2011
- Section 9 Removal of section 9. Community Consultation, as this is part of the process for adoption of the plan not ongoing management
- Section 10.5 Update the objectives/performance targets section to reflect Council's adoption in principle of the Open Space and Recreation Needs Study
- Section 11.1 Remove reference to the effluent reuse scheme
- Section 11.2 Update Action plan in line with works completed over the last 5 years.

Public Hearing

As the amendments to the POM do not involve a change in categorisation of the land, a public hearing is not required to be conducted in relation to the matter.(s.40(A))

Public Exhibition

Amendment of a POM requires compliance with the public notice requirements of s.38 of the Local Government Act 1993. These include:

1. The period of public exhibition of the draft plan must be not less than 28 days.
2. The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.
3. The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Part 2, Division 2 & 3 of the Local Government Act 1993 and the accompanying regulations

ATTACHMENTS

1. Draft Lithgow Golf Course Plan of Management

RECOMMENDATION

THAT Council:

1. Endorse the Draft Lithgow Golf Course Plan of Management 2015 for public exhibition for a period of 28 days, with a period of 42 days allowed for public submissions.
2. Following completion of the public exhibition and submissions period, the matter be referred back to Council for final consideration.

ITEM-2 GM - 02/03/15 - LEASE FOR LITHGOW GOLF CLUBHOUSE

REPORT BY: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 10-15: Ordinary Meeting of Council held on 18 January 2010
Min No 10-97: Ordinary Meeting of Council held on 22 March 2010
Min No 14-48: Ordinary Meeting of Council held on 10 February 2014

SUMMARY

Council previously granted a lease over Lot 1 DP 840412, commonly known as the Lithgow Golf Course, for the purposes of public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office. This lease is for five years and is due to expire in April 2015.

Council established a Working Party to investigate options for the future use of the grounds and facility.

COMMENTARY

The Lithgow Golf Club Limited was founded in 1905. In 1947 the Club acquired the property that is now the Lithgow Golf Course. The Council took ownership of the golf course and club house in 1980 with the first lease of 21 year being granted to the Club in February 1981. In effect the Club has either owned or leased the Golf Course since 1947.

In 2010 Council granted a lease to the Lithgow Golf Club Limited. General conditions of the lease include:

- The lease period be for five (5) years.
- The rent commences at \$5,000 and be subject to annual CPI increase.
- The golf club to undertake a minimum of \$5,000 maintenance on the golf club house each year.
- A service level agreement be negotiated annually.

The land is classified as Community Land under the NSW Local Government Act. It is permissible for Council to continue to grant a 'lease, license or other estate' over community land, however, the Local Government Act 1993 (the Act) contains restrictions on the granting of such leases.

The Act provides that community land cannot be leased or licensed for more than 21 years and must have a Plan of Management. A Plan of Management for this land was developed in 2009. Section 47 of the Act provides that:

47 Leases, licences and other estates in respect of community land-terms greater than 5 years

- (1) *If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:*
 - (a) *give public notice of the proposal, and*
 - (b) *exhibit notice of the proposal on the land to which the proposal relates, and*
 - (c) *give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and*
 - (d) *give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.*
- (2) *A notice of the proposal must include:*
 - *information sufficient to identify the community land concerned*
 - *the purpose for which the land will be used under the proposed lease, licence or other estate*
 - *the term of the proposed lease, licence or other estate (including particulars of any options for renewal)*
 - *the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)*
 - *a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.*
- (3) *Any person may make a submission in writing to the council during the period specified for the purpose in the notice.*
- (4) *Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.*
- (5) *If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence or other estate except with the Minister's consent.*
- (6) *If the council applies for the Minister's consent, it must forward with its application:*
 - *a copy of the plan of management for the land*
 - *details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision*
 - *a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate*
 - *a copy of the newspaper notice of the proposal*
 - *a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate*
 - *a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the*

- needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.*
- (7) *On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.*
- (8) *After considering the application and any report of the Director of Planning, the Minister, if satisfied that:*
- (a) subsections (1), (2) and (6) have been complied with, and*
 - (b) such consent would not contravene section 46, and*
 - (c) in all the circumstances, it is desirable to grant consent, may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.*
- (8A) *On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).*
- (9) *The Minister's consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).*
- (10) *For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:*
- (a) would suffer a disadvantage or penalty if the same or a similar lease, licence or estate were not to be granted, for a further term, after the expiry of the current lease, licence or other estate, or*
 - (b) would enjoy an advantage or benefit if the same or a similar lease, licence or estate were to be so granted, is taken to confer an option for renewal for a term equal to the further term.*

Sections 47A and 47 (1-4) of the Act apply to leases of five years or less. Section 47 (5-10) may apply at the Minister's request.

47A Leases, licences and other estates in respect of community land-terms of 5 years or less

- (1) *This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.*
- (2) *If a council proposes to grant a lease, licence or other estate to which this section applies:*
- (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and*
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and*
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)-(9) are to apply to the proposal.*

- (3) *If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)-(9) are to apply to the proposal:*
- (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)-(8), and*
 - (b) section 47 (9) has effect with respect to the Minister's consent.*

Working Party

Council appointed a working party to explore and investigate options for the future use of the Lithgow Golf Course. The members appointed to the Working Party were Councillors Thompson, McGinnes and Hunter and the General Manager.

Three meetings of the working party were held with the following attendances:

Thompson	3
McGinnes	1
Hunter	3
General Manager	3

As a result of these meetings an Options Paper was prepared and is attached.

The current and reviewed Golf Course Plan of Management does not specify tender requirements for leases, licences or other estates over the land. As such the following may be applied:

1. A lease for five (5) years or less can be considered without calling for tenders regardless of the operating status of the lessee. This would still need to go through the exhibition process as outlined in s47A
2. A lease for more than five years must go to tender, unless lessee is a not for profit organisation. Upon finalisation of tender process

In accordance with s46A of the Act a lease of five years or less the lease does not have to go to tender. If the lease is for more than five years, then the lease will have to go to tender if the lessee is not a Not-for-Profit organisation.

The Lithgow Golf Club Ltd is a company limited by guarantee. The Articles of Association of the Lithgow Golf Club Ltd would indicate that the company is a Not For Profit organisation.

This report recommends that the Lithgow Golf Club Limited be identified as the preferred lessee.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL at this stage.

Maintenance of the golf course is dealt with through the Council Operational Plan and Delivery Program.

LEGAL IMPLICATIONS

Council will be required to comply with the Local Government Act 1993

ATTACHMENTS

1. Lithgow Golf Course Working Party Options Report
2. Current Lease between Lithgow City Council and Lithgow Golf Course

RECOMMENDATION

THAT:

1. Council advertise the Draft Lease to the Lithgow Golf Club, for the use of the Lithgow Golf Course and Club House, for a period of 28 days, allowing 42 days for response from the public as per Sections 47 and 47A of the Local Government Act.
2. The lease period be for five (5) years.
3. The rent commence at \$6,500 and be subject to annual CPI increases.
4. The Lithgow Golf Club be required to undertake a minimum of \$6,500 maintenance on the golf club house each year; or provide \$6,500 towards maintenance.
5. The Lithgow Golf Club also provide a contribution of 20% of its yearly profit to Council's budget towards the purchase of fertilizers and chemicals for use on the golf course and help out at renovation time.
6. The Lithgow Golf Club pay for all electricity and water charges for the clubhouse and course.
7. A service level agreement be negotiated and reviewed each year between the Council and the Lithgow Golf Club outlining minimum works to be undertaken by Council and the Lithgow Golf Club.
8. The service level agreement includes provisions for works to be undertaken by members of the Lithgow Golf Club on a volunteer basis around the golf course and club house.

ITEM-3 GM - 02/03/15 - CODE OF CONDUCT

REPORT BY: R BAILEY – GENERAL MANAGER

SUMMARY

The report is to clarify recent comments made in relation to the operation of the Code of Conduct.

COMMENTARY

During the recent Council meetings both Councillor Ticehurst and Councillor McGinnes have been (wrongly) very insistent that it is a breach of the Code of Conduct to name a councillor who is on public record for how a councillor voted during open council meetings.

During the debate councillors were indicating how both Councillors Ticehurst and McGinnes had in recent years voted against a number of development opportunities for the Lithgow LGA and as well as against budgets.

Despite being advised at these meetings that there is no such breach both councillors continued to argue that the naming of councillors, who were on the public record, was a breach of the Code of Conduct. In fact Councillor McGinnes demanded that he be shown where in the Code of Conduct it is not a breach.

Following their most recent statements both councillors were requested to identify where in the Code of Conduct this was a breach. Neither councillor responded to the requests.

On further researching this issue it was found that both councillors (Ticehurst and McGinnes) had themselves been naming other councillors in the way that they voted. This was particularly prevalent through Notices of Motion submitted by Councillor Ticehurst (then seconded by Councillor McGinnes) for the consideration of Council. The most recent examples here were to the July 2014 Council meeting.

These instances were pointed out to both councillors but no response from either councillor was received.

On reviewing the Meetings Practice Note from the Office of Local Government website advice is provided that:

Councils are encouraged to hold open council meetings as far as practical, and must almost always vote by open means (such as by show of hands). In this way members of the public can witness the conduct of a council meeting. They can also investigate the background to council decisions by inspecting the business papers of the meeting. Through a combination of minutes, public attendance and open meetings, accountability is achieved.

11.1 Contents of Minutes

11.1.1 Why and how should minutes be kept?

Section 375 of the Act requires a council to keep full and accurate minutes of a council meeting. A verified copy of the minutes should be kept for public inspection purposes (s.12 of the Act); for use in any court proceedings; and as a historical record. Councils will also need to follow requirements under the State Records Act 1998 in regard to the keeping of minutes.

Ideally minutes and agenda will be published on the council's website.

11.1.2 What matters must be included in the minutes of council meetings?
The Regulation provides that the following matters must be included in the minutes of council meetings —

- *Details of each motion moved at a council meeting and of any amendments (cl.254(a)).*
- ***The names of the mover and seconder of each motion and amendment (cl.254(b)).***
- *Whether each motion and amendment is passed or lost (cl.254(c)).*
- *The circumstances and reasons relating to the absence of a quorum together with the names of the councillors present (cl.233(3)).*
- ***The dissenting vote of a councillor, if requested (cl.251(2)).***
- ***The names of the councillors who voted for a motion in a division and those who voted against it (cl.251(4)).*** *Note that a division is always required when a motion for a planning decision is put at a meeting of the council (Section 375A of the Act).*
- *A report of the proceedings of the committee of the whole, including any recommendations of the committee (cl.259(3)).*

As stated in the Meetings Practice Note councils are encouraged to hold open council meetings and so that the public may see how Council deals with matters. Records of the meetings are kept, including details of movers and seconders of motions; councillors requesting that their names be recorded against Council decisions and voting on divisions. This is for the accountability of decisions made by the Council. Should a councillor feel embarrassed about their respective decisions then they may need to consider their role and involvement in the Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Lithgow City Council Code of Conduct

RECOMMENDATION

THAT Council:

1. Note that Cllr Ticehurst and Cllr McGinnes are INCORRECT to state that using the names of movers, seconders and how councillors voted during a Council debate on motions is a breach of the Code of Conduct
2. Note that Council is required to record in the minutes:
 - *The names of the mover and seconder of each motion and amendment (cl.254(b)).*
 - *The dissenting vote of a councillor, if requested (cl.251(2)).*
 - *The names of the councillors who voted for a motion in a division and those who voted against it (cl.251(4)).*

ITEM-4 GM - 02/03/15 - CLARENCE ACCESS - ZIG ZAG RAILWAY

REPORT BY: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 15-29: Ordinary Meeting of Council held on 9 February 2015

SUMMARY

The report provides further advice in relation to the Clarence Access and Zig Zag Railway.

COMMENTARY

At the Ordinary Meeting of Council held on 9 February 2015 Council resolved the following;

15-29 RESOLVED

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.

Since that time discussions have been held with Zig Zag Railway representatives. Generally these discussions have been fruitful.

A supplementary report is expected to be provided for the Council meeting.

POLICY IMPLICATIONS

NIL at this stage

FINANCIAL IMPLICATIONS

Council will likely be requested to pay the legal costs of drawing up any agreement along with the legal costs of Zig Zag Railway.

LEGAL IMPLICATIONS

Legal agreement will be required.

RECOMMENDATION

THAT Council receive a supplementary report in relation to Clarence Access and Zig Zag Railway.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-5 ENVIRO - 02/03/15 DEVELOPMENT APPLICATION DA245/13 - SUBDIVISION OF 1 LOT INTO 61 GREAT WESTERN HIGHWAY MARRANGAROO

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 09-442:	Ordinary Meeting of Council held on 2 November 2009
Min No 12-129:	Ordinary Meeting of Council held on 23 April 2012
Min No 13-292:	Ordinary meeting of Council held on 19 August 2013
Min No 13-429:	Ordinary meeting of Council held on 16 December 2013
Min No 14-452:	Ordinary meeting of Council held on 17 November 2014

SUMMARY

To assess and recommend determination of DA245/13. Recommendation will be for approval subject to conditions.

COMMENTARY

Council is in receipt of a Development Application DA245/13 from Marrangaroo Estate Pty Ltd for a subdivision of 1 lot into 61 on land known as Lot 702 DP 1135310, Great Western Highway Bowenfels NSW 2790.

Original proposal

The original application was submitted for a subdivision of 1 lot into 55, which included the replacement of the existing access bridge from Great Western Highway over the Western Railway to Girraween Drive, to a two lane and pedestrian bridge. This included providing alternative access to the existing Marrangaroo Estate while the bridge was being constructed. These alternative accesses were either via the level crossing south of the proposal or through Oakey Forest Road north of the proposal. This original plan of the development was then amended by the applicant due to issues with the bridge design and providing alternative access.

Amended proposal

The amended proposal, for which consent is now sought, is for a subdivision of 1 lot into 61 with a proposed 'twin' bridge to be placed next to the existing bridge access from the Great Western Highway over the Western Railway to Girraween Drive. The proposal also includes the extension of Bundarra Place over Council land (Lot 68 DP813538) and Crown Lands (reserved road).

PERMISSIBILITY UNDER LOCAL ENVIRONMENTAL PLAN 1994

The application was submitted prior to the repeal of Lithgow City Local Environmental Plan 1994 (LEP1994) The land is zoned 2(a) Residential in accordance with the LEP 1994. The development being a subdivision is considered permissible under the zone 2(a) Residential (with no minimum allotment size), subject to development consent.

PERMISSIBILITY UNDER LITHGOW LOCAL ENVIRONMENTAL PLAN 2014

The Lithgow Local Environmental Plan 2014 (LEP 2014) was a draft at the time of lodgement of the application and therefore LEP 1994 is still the applicable Environmental Planning Instrument for which this development will be determined. However, consideration to the now gazetted Lithgow Local Environmental Plan 2014 is still to be undertaken as part of this proposal and is discussed below:

The zoning under the LEP2014 is R2 Low Density Residential with a minimum lot size of 2000m². The development is proposed to provide for the housing needs of the community and will maintain the water quality of receiving water catchments which complies with the objectives of the zone. The proposal will have allotments ranging from 1019m² to 6655m² with majority of the allotments under 2000m². All allotments are proposed to have adequate services and meet the requirements of the zone.

The property is also known to be of high biodiversity, sensitive land and comprising of groundwater vulnerability as per LEP 2014 mapping. However, assessments undertaken as per LEP1994 (zoning objectives, environmentally sensitive, bushfire prone land and adjoining to arterial roads) and with authority concurrence found the proposal to be appropriate with conditions of consent imposed.

EXHIBITION & COMMUNITY CONCERNS

The proposal was sent to surrounding landowners, landowners in the Marrangaroo Fields Estate and placed on public display in Council's Administration Building for a period of 14 days for the original proposal and again for the amended proposal. From these two exhibition periods there were a total of 53 submissions made, which are summarised and discussed below:

Traffic

- *The increase in traffic to the new subdivision will create greater congestion especially in peak hour times entering and leaving the highway.*
- *The congestion and safety of residents trying to enter and leave the highway which has a 100km speed limit is a concern.*
- *It is a major inconvenience for the closure of the one lane bridge for upgrading, which may take several months to complete, resulting in increased traffic flow and inconvenience to existing residents and Golf Club patrons. It is proposed that traffic will be diverted via Giraween Drive onto Bundarra Place, accessing a temporary road through to the new development and then onto the highway.*
- *The continual flow of heavy vehicles in the development stage of the new estate for several years will create further congestion, noise and dust to the existing residents of Marrangaroo Fields.*
- *The existing road surface is not capable of taking any increased traffic especially heavy vehicles. Most of the road surface is comprised of a series of patches with only gravel on the edges which washes into front lawns.*

- *The new subdivision should have its own access from the Great Western Highway due to the increased traffic in an already congested area.*
- *The upgrading to the bridge should be done first prior to any other works being undertaken.*
- *There are no formal plans submitted for the construction of the new bridge, and it does not seem that there was consultation with authorities.*
- *It is unclear why the proposed alternative access proposed during bridge construction cannot be the permanent access for the subdivision as it should be sealed given the amount of traffic to utilise it.*
- *It should be considered that the developer pay for any impact on the existing roadways as part of construction and ongoing impact of the subdivision.*
- *The intersection of Girraween Drive and Bundarra Place needs to be addressed as it would not be adequate for the increased traffic movements in this section.*
- *The intersection onto the highway needs to be addressed as the current egress and ingress laneways are not long enough to allow for safe access especially in a 100km/hr zone.*

Comments:

In relation to traffic the developer will be constructing an addition, separate to the existing bridge, making it a two lane access including pedestrian walkway. The turning lanes from the highway will be designed to the Roads and Maritime Services requirements for the largest class of vehicle, with the RMS providing comments on the entire proposal. There will be no closure of the bridge and access is to be provided at all times with minimal disturbance to residents of the area or patrons to the golf club. The development has been referred to RMS and John Holland Rail Pty Ltd, for the new bridge and access construction. Neither party objects to the proposal subject to conditions of consent being imposed. With the implementation of the new bridge, it is not expected that there will be ongoing congestion for the area, as it will be improved from existing.

It will be a condition of consent that the bridge be constructed and completed (signed off by Council, RMS and John Holland Rail) prior to any other subdivision works commencing. This will ensure that the issues raised with access to the subdivision are met and that minimal impact to the community is made.

It is also not practical to have an additional access for this subdivision from the highway given the site constraints and potential for further safety issues along the highway. This includes the originally proposed alternative access off the Great Western Highway at the level crossing (south of development) which was not suitable or supported by John Holland Rail, Council or the RMS as a permanent access to the development. This access will be conditioned to be fenced and not used other than for emergency services purposes.

Conditions will be imposed on the development to minimise dust at all times during construction.

The existing road surfaces in Marrangaroo Estate are to be upgraded in the near future by Council and will meet the requirements for the new subdivision. This will include some stormwater improvements and resealing up to the new construction areas.

Council's engineers have assessed the existing traffic arrangements of Bundarra Place and Girraween Drive and consider that some upgrades are required. Some works will be undertaken by Council and others by the developer where conditioned.

Alternative access during bridge construction

- *The proposed development seeks to use a right of carriageway on private property while constructing the new bridge. Owner's consent was not obtained by these owners or users of this Right of Carriageway.*
- *The existing property boundary currently cuts the proposed access in half and the track should be resurveyed to ensure the Right of Carriageway is carried through to allow ongoing access once the subdivision is completed.*
- *The existing level crossing is steep descent towards the highway and is not good condition that would be considered safe for increased traffic.*

Comments:

The concerns raised for the alternative access were originally provided when the proposal was first submitted and on exhibition. The application has since been amended to not require any alternative access, as a different bridge construction (an additional bridge lane) is now proposed. This bridge is to be constructed prior to any other works. Conditions will be imposed that no access be available to the site by alternative means.

The existing Right Of Carriageway (ROW) to over the level crossing (south of the development) and to properties over the railway is to be maintained until an alternative arrangement can be provided to the landowners utilizing this ROW and an appropriate condition would be imposed in any consent.

Safety

- *The safety of residents in the case of emergencies, such as evacuations and emergency services entering and leaving the two subdivisions with only one entry and exit point is not acceptable.*
- *The proposed temporary access is unsafe over a level crossing, unless boom gates can be installed due to fast speeds of trains in this location. It is particularly unsafe at night.*
- *The holding lanes with the temporary access will not be adequate off or onto the highway.*
- *With only one entrance to the subdivision it means that if the bridge was disabled for any reason all residents in this area would be stranded.*
- *The increase in traffic will affect the safety of children using bikes etc. in the streets as there is no formal footpath for them to use.*
- *During construction it is anticipated that large trucks will need to access the subdivision which will cause major traffic issues and degrade the existing roads which is not safe for the whole estate. This will continue to go on due to trucks needing to enter the new subdivision for the construction of the houses on the new lots.*
- *The current bridge does not provide for separate pedestrian pathway over the railway and the new design should consider this as school children utilise this bridge.*
- *No facility exists for a bus shelter for children; the bus currently stops in the 100km zone and picks the children up in the laneway.*

- *The maximum tonnage limit of the bridge needs to be adequately assessed given the types of vehicles to use the access and that it would increase to two lanes.*

Comments:

In relation to the points above and safety in an evacuation, there is an alternative emergency access via the level crossing and existing track. Although this access exists it will be conditioned that it be fenced and only accessed by emergency services and Council.

Again the temporary access is no longer required as part of this proposal and concerns raised for this are no longer relevant.

Council cannot require the developer to provide footpaths in an area that is not part of this proposal and where they were not historically provided. This is an issue for Council to consider for the entire Marrangaroo Estate. However, footpaths will be required by condition of consent for the new subdivision with linkages to the bridge (and on the bridge) and the existing playground area within the Marrangaroo Estate.

The bridge is to be constructed first which will be designed for the largest class of vehicle as a requirement by the RMS. This will minimise any potential traffic issues or safety concerns as it improves the existing situation.

There is an existing bus shelter within Marrangaroo Estate which is provided for school children pickup and drop offs for local schools.

Council Engineers have not imposed a tonnage limit on the bridge as it should be designed for the largest class of vehicle. This is to be controlled and designed as part of the construction certificate in consultation with the Council, RMS and JHR.

Solid Fuel Heaters

- *A condition should be imposed on the consent that does not allow solid fuel heaters in the estate as the bush area around Marrangaroo Fields is already being denuded by wood cutters from the estate and Lithgow.*

Comments:

If consent is given, a condition will be included to require an 88B restrictive covenant that prohibits the use of coal burning appliances on the allotments. However, wood fired appliances will be dealt with on a case by case basis and not restricted completely due to specification improvements of solid fuel heater systems.

Water

- *The development may impact on the water supply which already has low pressure in the Marrangaroo Fields Estate.*

Comments:

Council's Engineers have reviewed the development in relation to water services and consider that with appropriate conditions of consent on the design, there will be no impact on water pressure within the area. This may include upgrades of existing services through the Section 68 process.

Sewer

- *There is no plan to show where the sewer will hook up with the town sewer. This could have a profound effect on some of the properties that lay to the east of the proposed subdivision. Also it should be discussed with rail if the sewer is to cross their land.*
- *The development may impact on the sewer supply which may then have low pressure in the Marrangaroo Fields Estate.*

Comments:

The development will not require a new under bore of the highway as the services are to be connected to the existing network under the railway. If another under bore is required, this will require separate approval prior to any works being undertaken and will be a condition of consent if consent is granted.

Upgrades will be required for adequate sewer services to be provided to the subdivision. This is to be done in accordance with Council, JHR and Water NSW (Sydney Catchment Authority) guidelines and conditions of consent. All work will be subject to further design and calculation through the Section 68 process.

Extensive upgrades of Council's existing sewer pumping station are expected due to the increase in services required and will be at the cost of the developer.

Stormwater

- *It is unclear what will happen to storm water once a road has been built from the top of Bundarra Place to the new subdivision and how will the water be diverted and where will it be diverted to.*
- *Presently in heavy rains the water runs off the road at Bundarra Place and into properties with a river forming at the front of these properties. This will magnify when the new section of road is built.*
- *There should be kerb and gutter applied to Marrangaroo due to ongoing issues.*
- *The plans claimed there will be no flooding in this subdivision, however there are no figures in the plans to show how much excess water will run off the Subdivision when developed. If there are no flooding issues why is there a need for a retention basin.*
- *Storm water issues at the Bundarra Place cul-de-sac is already an issue without addition storm water impacts.*
- *Surface water drainage needs to be addressed especially with road grades*

Comments:

The stormwater quality and design has been assessed by Water NSW (SCA) and Council Engineers who have found it to be adequate subject to conditions of consent being imposed. The kerb and guttering along new roadways and into Bundarra will address the existing issue of Bundarra Place. The kerb and guttering cannot be applied to the entire Marrangaroo Fields subdivision as part of this application as it is an existing historical issue. However, the current issue of Bundarra Place can be addressed given the connection of the new subdivision to this area.

A retention basin is required to filter all sedimentation out of the stormwater overflow prior to it being distributed into Council's stormwater systems and is a requirement for

neutral or beneficial water quality by Water NSW. This is to be located adjacent to the Western Railway Line on proposed Lots 44, 45 & 46 and not on Council land.

The road design and surface water drainage has been assessed and can be adequately addressed through the design and conditions of consent.

Other

- *Security and privacy of land will be compromised*
- *The existing estates rural nature will be compromised*
- *The development will change the existing relaxed lifestyle of the area*
- *Dust and noise pollution during construction will impact residents.*
- *Increased bugs/vermin from proposed storm water detention centre will impact the surrounding area.*
- *Concerns raised about running sewer and water through adjoining properties impacting future use of land.*
- *Increased lighting and noise in the area will impact on the amenity*
- *That there will be a decrease in sub-soil moisture from natural runoff*
- *Decrease in wildlife in the area due to residential development.*
- *Loss of natural water springs as the area is built up.*

Comments:

The subdivision is proposed within an appropriately zoned area for residential purposes. Fencing and street lighting should minimise security issues. In relation to privacy this should not be compromised as it is a development for residential purposes next to existing residential and rural uses.

The existing Marrangaroo Fields Estate subdivision is of residential nature with some rural attributes. However, it is considered that a residential subdivision not an incompatible use in the area. Dust, erosion and sedimentation controls and mitigation will minimise any potential issues.

The stormwater detention basin will have an owners operating environmental management plan that is the responsibility of owners and is on the title of the land. This will be a condition of consent and should minimise vermin and pests within these areas. The detention basin is within an allotment and it will be the owners responsibility to control vermin and pests.

Owners consent will be required as part of the Section 68 applications to Council in relation to any potential easements through adjoining properties.

The amenity of the area, although changed is not expected to be detrimental as it is an adjoining residential use. Lighting and noise will only be attributed to residential uses and is expected to be minimal with appropriate conditions of consent.

Water NSW have addressed potential impacts on water and have no objections to the proposal subject to conditions of consent being imposed.

The majority of the property is devoid of native vegetation with scrub and forest type vegetation on the north and western edges. It is considered that there will be minimal

impacts as part of the subdivision on native wildlife as the area has minimal wildlife to be lost.

It is expected there will be minimal impacts on the natural water springs. However geotechnical reports will be prepared for any excavation works for services and/or road constructions.

PLANNING AGREEMENT

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to this subdivision proposal. The developer has agreed to make a contribution of \$1,700 per new allotment to go toward general community facilities and also an additional \$50,000 to be spent on improvements to the existing park/playground in Girraween Drive. The developer is of the view that a significant contribution is already being made to the community by improving the access situation and under these circumstances is not able to agree to a greater contribution. Whilst the details of the VPA will be separately reported to a future meeting a condition will be incorporated indicating the basic terms.

CONCLUSION

The proposal complies with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality subject to conditions of consent being imposed. As such it is recommended that development consent be granted subject to the conditions as detailed within the 79C assessment (Attachment 1).

OTHER MATTERS

The Council at its meeting of 17 November 2014 heard concerns raised by a member of the public on the proposed subdivision, and resolved:

***THAT** the request for an onsite meeting in relation to DA245/13 at Marrangaroo Fields be declared as business of great urgency.*

An onsite meeting Chaired by the Mayor was held on 18 December 2014 with Councillors, Council Officers the applicant and residents. The meeting was attended by 51 neighbours and residents. The meeting allowed Councillors and the public to raise issues and concerns about the proposal. Questions were invited by the Group Manager-Environment & Development and technical questions were responded to by staff or the applicant. The process provided every opportunity for all views to be aired and all questions were responded to. The process was successful in clarifying issues for those in attendance.

Finally, the application seeks to use Council land to construct a road from the end of Bundarra Place, across Council owned land being lot 68 DP813538, to the new subdivision. This road would become a public road. Council has only issued its landowners consent so the development application can be considered. Neither the issue of landowners consent nor the issue of development consent itself would give the proponent any permission to do any work on the land or infer Council support for any sale, acquisition, transfer or use of the land. This must be the subject of an entirely separate process.

POLICY IMPLICATIONS

Policy 7.7 - Calling in of Applications by Councillors

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

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

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

Determination of this application will therefore be by the elected Council.

Policy 1.3 - Acquisition and Disposal of Assets

Should the proponent seek to purchase Council land for the purpose of constructing a road land then Policy 1.3 – Acquisition and Disposal of Assets would be applicable. However, this would be the subject of a separate process.

FINANCIAL IMPLICATIONS

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

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

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

Council land:

This application requests the use of Council land to construct a road to the proposed development from Bundarra Place. Whilst this must occur under a separate process, there is ongoing maintenance costs associated with public roads.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Complete 79C Planning Report under separate cover.

RECOMMENDATION

THAT:

1. Development Application 245/13 be APPROVED, subject to the conditions outlined in the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
3. The applicant be advised that the granting of development consent does NOT provide any permission to conduct any works on Lot 68 813538 or infer any agreement for the sale, acquisition, transfer or use of any part of that land. Any proposal to seek permission to use the said land or for the sale, acquisition or transfer of part of the land shall be the subject of an entirely separate process and commercial consideration between Council and the applicant.

**ITEM-6 ENVIRO - 02/03/15 - DOCTORS GAP - WATER AND SEWERAGE
INFRASTRUCTURE**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 07-109: Ordinary Meeting of Council held on 2 April 2007
Min No 08-191: Ordinary Meeting of Council held on 18 November 2008
Min No 09-219: Ordinary Meeting of Council held on 1 June 2009
Min No 11-116: Ordinary Meeting of Council held on 28 March 2011
Min No 14-136: Ordinary Meeting of Council held on 24 March 2014

SUMMARY

To provide Council with an update on issues surrounding the possible provision of water and sewerage services to Doctors Gap and advise that under the circumstances the project cannot proceed.

COMMENTARY

Council will recall this matter involving the proposed project to provide reticulated water and sewerage to Doctors Gap. The Doctors Gap Landholders Association has been unable to gain unanimous agreement on undertaking a subdivision of the existing dwellings which must be reached in order for the project to proceed. At its Ordinary meeting of 24 March 2014 the Council resolved as follows:

14-136 RESOLVED

THAT:

1. Council as soon as possible, call a public meeting of the Doctors Gap Landholders Association to update them on the Council's proposal for water and sewerage infrastructure in the Doctors Gap
2. Council also advise the members of the Doctors Gap Landholders Association, that if 100% of Landholders are not in favour of the Council providing water and sewerage services to their land, then Council's position will be to immediately cease all future financial and planning support for the proposed project.
3. Should the landholders be in favour of the projects proceeding the Council will require the property to be subdivided in to the individual allotments. Subdivision of the land will be required to allow for Roadways water sewer mains to be on Council owned land

A meeting was subsequently held with the Doctors Gap Landholders Association and correspondence forwarded to members on two occasions. At this stage only one response has been received advising that the party does not agree to the subdivision. There appears no hope that agreement will be achieved and there appears no choice but to abandon the project at this stage. Council has been financially planning for a project

and in this regard has set aside a total of \$450,000 for water and \$1,000,000 for sewer. Should Council not proceed with the project this funding could be re-allocated.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

A total of \$450,000 for water and \$1,000,000 for sewer has been allocated for the project. Should Council not proceed with the project this funding could be re-allocated.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. **NOT** proceed with a project to service the Doctors Gap area with water and sewer.
2. Advise the Doctors Gap Landholders Association accordingly.

ITEM-7 ENVIRO - 02/03/15 - WALLERAWANG POULTRY FARM UPDATE

REPORT BY: A MUIR- GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 14-483: Ordinary Meeting 15 December 2014
 Min No 15-07: Ordinary Meeting 9 February 2015

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 22 January 2015 to 17 February 2015:

Complaint Received		Problem Location			Complaint
Date	Time	Date	Time	Location of Detected Smell	
23 January 2015	2:24pm	23 January 2015	2:24pm	South-West of poultry farm	Disgusting smell, as bad as it has been, coming from Poultry farm into sunroom, lounge, verandah and kitchen.

Over this time the following actions have been undertaken:

- Targeted inspections were carried out on the following dates:

Inspection Date	Observations	Actions
24 January 2015 7:15am to 7:25am	No odour observed at any section around the poultry farm	Nil
24 January 2015 4:45pm to 4:55pm	Slight smell from Thompson Creek Road- not considered offensive. No other odours experienced around the poultry farm	Nil
25 January 2015 9:00am to 9:10am	Slight smell from Thompson Creek Road - not considered offensive. No other odours experienced around the poultry farm	Nil
25 January 2015 4:15pm to 4:25pm	No odour observed at any section around the poultry farm	Nil

26 January 2015 10:30am to 10:40am	No odour observed at any section around the poultry farm	Nil
26 January 2015 5:15pm to 5:25pm	No odour observed at any section around the poultry farm. Light drizzle rain experienced during inspection	Nil
10 February 2015 9:00am	No odour observed at any section around the poultry farm	Nil
13 February 2015 4:00pm	No odour observed at any section around the poultry farm	Nil
16 February 2015 8:30am	No odour observed at any section around the poultry farm	
17 February 2015 9:00am to 9:30am	No odour observed at any section around the poultry farm	Nil
17 February 2015 10:00am and 10:30am	No odour observed at any section around the poultry farm	Nil
17 February 2015 4:15pm	No odour observed at any section around the poultry farm	Nil

- Details of complaints are forwarded to the owner of the property for explanation and works that may be attributed to the issues indicated in the complaints.
- One Council officer has now successfully completed training in odour assessment and is calibrated.

Proposed actions for next reporting period:

- Undertake targeted inspections and document results including certified officer to undertake odour checks between identified hours.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

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 complaints received and Council actions for the Wallerawang Poultry Farm for the period over the 22 January 2015 to 17 February 2015 be noted.

OPERATION REPORTS

ITEM-8 OPER - 02/03/15 - WATER REPORT MARCH 2015

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No: Ordinary Meeting of Council held on 9 February 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, 16 February 2015 was 100% full. Oberon Dam capacity on Monday, 16 February 2015 was 60% 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

January 2015	89	0	100
TOTAL	735	0	436

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 1/2/2015 to 16/2/2015.

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 1/2/2015 to 16/2/2015.

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 no applications for household appliance rebates and no applications for water tank rebates for the period– 1/2/2015 – 16/2/2015.

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. In addition, annual cleaning of Councils potable water reservoirs occurred during the first two weeks of February 2015, which can attribute to incidents of discoloured water in the network.

Fifteen (15) varying complaints were received during the period 1/2/2015 – 16/2/2015 concerning water quality issues in the following areas:

- Lockyer Street, Lithgow - Mains flushed; No obvious cause.
- 4 complaints Vale Of Clwydd Area, Lithgow - Mains Flushed; Burst Water Main
- Burton Street, Lithgow - Mains Flushed; No obvious cause.
- Hassans Walls Road, Lithgow - Experiencing dirty water; Mains Flushed.
- Fullagar Avenue, Lithgow - Mains Flushed; End of main.
- Guy Street, Lithgow - Mains Flushed; No obvious cause.
- Mort Street, Lithgow - Mains Flushed; Burst main in area
- Mills street, Lithgow - Mains Flushed; No obvious cause
- Heffernan Place, Lithgow - Mains Flushed; No obvious cause
- Lidsdale Street, Wallerawang - Distasteful water investigated and tested; No water quality values exceeded ADWG water guidelines. Water found to be within the limits of the ADWG (water guidelines)
- Fairview Drive, Lithgow - Mains Flushed; No obvious cause
- Market Place, Glen Davis - Mains Flushed; Due to work carried out on hydrant upstream

FINANCIAL IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

CORPORATE AND COMMUNITY REPORTS

**ITEM-9 CORP - 02/03/15 - QUARTERLY PERFORMANCE REPORT ON 2014
2015 OPERATIONAL PLAN FOR THE PERIOD 1 OCTOBER TO 31
DECEMBER 2014**

REPORT BY: J BROZEK – GROUP MANAGER CORPORATE AND COMMUNITY

REFERENCE

Min No 14-245: Ordinary Meeting of Council held on 2 June 2014
Min No 14-463: Ordinary Meeting of Council held on 11 November 2014

SUMMARY

This report provides the Quarterly Performance Report on the 2014-2015 Operational Plan for the period of 1 July to 31 December 2014. It recommends that variations to income and expenditure estimates are adopted. This quarter’s budget variations do not impact on the cash balance.

COMMENTARY

The October to December Quarterly Performance Report on the 2014-2015 Operational Plan has been prepared and details are provided with the attachment to the Business Paper.

The attachment provides a detailed summary of achievements against the Delivery Program 2013-2017.

Note: A negative balance is identified in brackets.

2014/15 Quarterly Budget Comparison			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	72,778	72,778	0
September Quarter	79,612	79,812	(200)
December Quarter	83,940	84,140	(200)

2014/15 Quarterly Budget Comparison Fund			
Budget(Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
General	64,229	64,429	(200)
Water	10,507	10,507	-
Wastewater	9,204	9,204	-

The revised December quarter of the 2014-2015 Operational Plan has been adjusted as detailed in the following table.

2014/15 Quarterly Budget Variations				
	Division	Program	Variation	Reason
1)	Operations	Roads and Maritime Services Repairs 3X3 Program - Income	(33,345)	Additional grant income to be received.
2)	Operations	Roads and Maritime Services Repairs 3X3 Program - Expense	33,345	Increased expenditure due to receipt of additional grant funding.
3)	Recreation	Aquatic Centre Income	12,160	Reduction in entry fees and kiosk sales.
4)	Recreation	Aquatic Centre Expenditure	(12,160)	Reduction in expenditure on heating.
5)	Waste Management	Waste Management Expenses	(6,805)	Decreased expenditure on worm bins and recycling depot expenses.
6)	Waste Management	Waste Management - Income	6,805	Decreased income from recycling depot offset by increased revenue from waste management charge and worm bins.
7)	Environment	Weed Control – Hassans Walls - Income	(19,680)	Revised to reflect grant income.
8)	Environment	Weed Control – Hassans Walls - Expense	19,680	Expenditure of grant funds.
9)	Executive	OH&S System	7,500	OHS projects and furniture completed in July 2014. Funded from unexpended funds from last financial year.
10)	Executive	OH&S System Reserve	(7,500)	Transfer from reserve to fund WHS project completed early this financial year.
11)	Executive	Local Government Week – Expense	(5,400)	Estimated savings based on actual to date. Budget vote transferred to other programs within Executive Department.

2014/15 Quarterly Budget Variations				
	Division	Program	Variation	Reason
12	Operations Capital	RMS Blackspot - Income	(110,895)	Additional grant income from original budget.
13	Operations Capital	RMS Blackspot - Expense	110,895	Increased expenditure being funded from additional grant income.
14	Operations Capital	Lithgow Rail Interchange Refurbishment - Income	(478,264)	Revised income based on adjusted project scope.
15	Operations Capital	Lithgow Rail Interchange Refurbishment - Expense	478,264	Revised income based on project scope.
16	Operations Capital	Blackbridge Replacement – Grant Income	(3,430,050)	Grant funding from Roads and Maritime Services.
17	Operations Capital	Blackbridge Replacement - Expense	3,430,050	Expenditure being funded from grant income.
18	Recreation Capital	Lidsdale Tennis Court - Income	(25,000)	Revised to reflect grant income.
19	Recreation Capital	Lidsdale Tennis Court - Expense	25,000	Additional expenditure being funded from grant income.
20	Development and Planning Capital	Administration Building Improvements - Expense	5,400	Revised based on estimated expenditure.
21	Waste Water Capital	Portland STP Upgrade - Income	(240,000)	Increased grant income.
22	Waste Water Capital	Portland STP Upgrade - Expense	240,000	Expenditure being funded from additional grant income.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

The financial implications as reported in the October to December Quarterly Performance Report, 2014-2015 Operational Plan.

The Group Manager of Corporate and Community, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, that Council's 2014-2015 Operational Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

ATTACHMENTS

1. Quarterly Progress Report 1 October – 31 December 2014.

RECOMMENDATION

THAT:

1. Council adopt the variations to the Council budget as outlined in the report.
2. Council note that the Group Manager of Corporate and Community, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2014-2015 Operational Plan has been reviewed and the financial position of Council is satisfactory.

ITEM-10 CORP - 02/03/15 - COUNCIL INVESTMENTS HELD TO 31 JANUARY 2015

REPORT BY: J BROZEK - GROUP MANAGER, CORPORATE & 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
- Min No 15-18: Ordinary Meeting of Council held on 9 February 2015

SUMMARY

To advise Council of investments held as at 31 January 2015 in the 2014/15 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 January 2015 when compared to 31 December 2014, has decreased by \$700,939.13 from \$16,588,885.57 to \$15,887,946.44.

The overall cash and investments balance has an increase of \$4,678,669.73 from \$16,764,723.11 to \$21,443,392.84.

Council drew a \$5,600,000 commercial loan during the month of January. This loan is being used to fund the aquatic centre. The interest rate payable on this loan is 3.56% and the interest expense will be offset by Council's Local Infrastructure Renewal Scheme (LIRS) subsidy.

INVESTMENT REGISTER 2014/15								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.12.14	VALUE 31.01.15	% OF TOTAL
AMP	On Call	26.08.14			3.15	1,008,395.89	1,011,093.69	6.36%
CBA	On Call				2.45	579,141.01	2,001,395.83	12.60%
IMBS	TD	07.10.14	05.01.15	90	3.4	1,008,821.92	0.00	0.00%
	TD	17.11.14	16.02.15	91	3.4	1,017,276.71	1,017,276.71	6.40%
	TD	22.12.14	23.03.15	91	3.4	1,000,000.00	1,000,000.00	6.29%
NAB	TD	24.11.14	23.02.15	91	3.5	1,026,940.44	1,026,940.44	6.46%
	TD	21.01.15	21.04.15	90	3.5	1,129,393.90	1,000,000.00	6.29%

	TD	07.01.15	07.04.15	90	3.5	500,000.00	504,703.67	3.18%
	TD	15.12.14	17.03.15	92	3.5	1,026,837.93	1,026,837.93	6.46%
WESTPAC	TD	05.01.15	06.04.15	91	3.25	1,296,683.07	1,308,337.59	8.23%
	TD	08.10.14	08.01.15	92	3.51	504,321.78	0.00	0.00%
	TD	14.10.14	14.01.15	90	3.52	499,712.34	0.00	0.00%
	TD	08.12.14	08.03.15	90	3.22	1,008,551.51	1,008,551.51	6.35%
ST GEORGE	TD	19.11.14	19.03.15	120	3.42	952,743.32	952,743.32	6.00%
	TD	26.11.14	24.03.15	118	3.47	1,513,421.92	1,513,421.92	9.53%
ME BANK	TD	24.11.14	23.02.15	91	3.45	500,000.00	500,000.00	3.15%
NEWCASTLE PERMANENT	TD	24.11.14	23.02.15	91	3.35	1,008,383.56	1,008,383.56	6.35%
FAMILY FIRST CREDIT UNION	TD	08.12.14	08.03.15	90	3.4	1,008,260.27	1,008,260.27	6.35%
TOTAL						16,588,885.57	15,887,946.44	

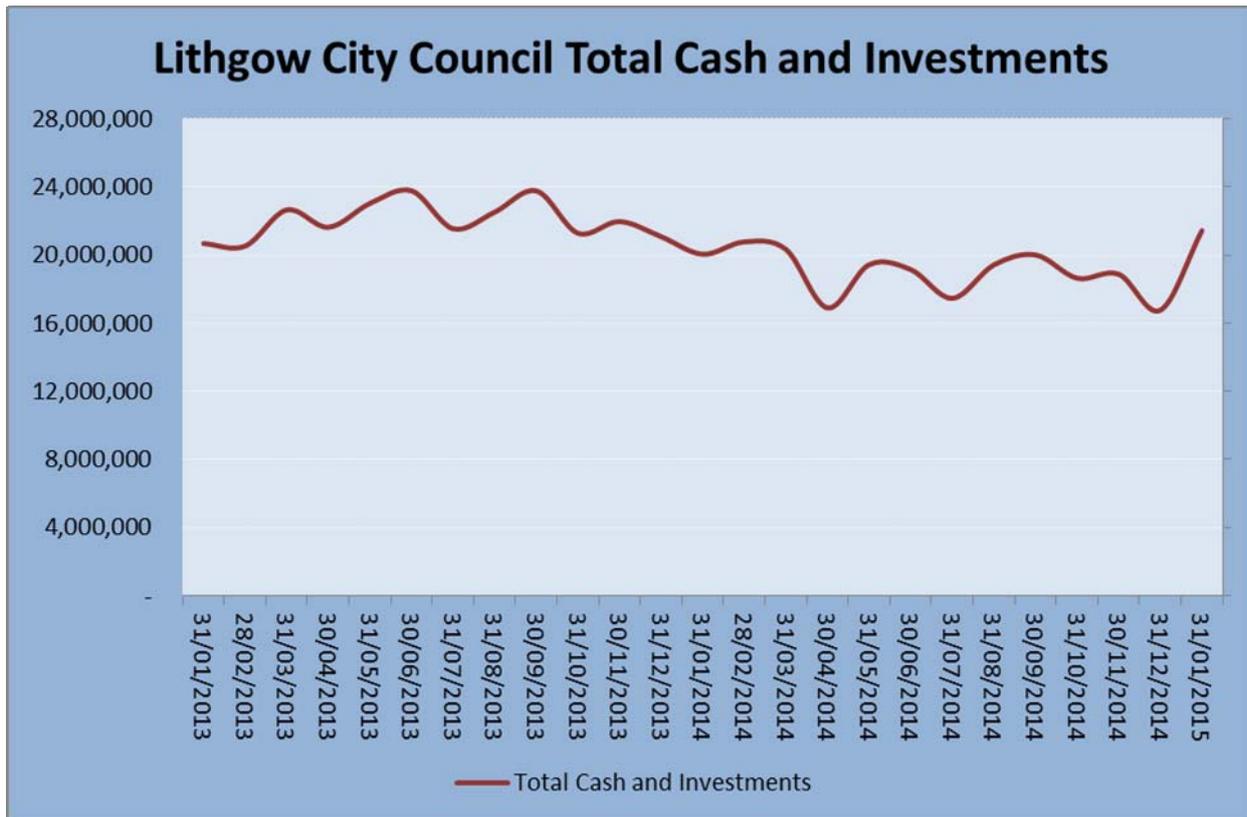
I, Juli-Ann Brozek, Lithgow City Council's Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

The movement in Cash and Investments for the month of January 2015 were as follows:

Opening Balance of cash and investments as at 31 December 2014	\$16,764,723.11
<u>Plus</u> New Investments – January 2015	\$1,248,247.67
<u>Plus</u> Loan funding received – January 2015	\$5,600,000.00
<u>Less</u> Investments redeemed – January 2015	\$2,169,577.94
Closing Balance of cash and investments as at 31 January 2015	\$21,443,392.84

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 January 2015 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 January 2015 is \$347,862.82. Interest is paid on the maturity date of the investment, however an entry is performed at month end to account for interest earned but not yet received. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council’s Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

LEGAL IMPLICATIONS

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

- Local Government Act 1993 - Section 625

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

RECOMMENDATION

THAT Investments of \$15,887,946.44 and cash of \$5,555,446.40 for the period ending 31 January be noted.

COMMITTEE REPORTS

**ITEM-11 CORP - 02/03/15 - LITHGOW FLASH GIFT COMMITTEE - 2
FEBRUARY 2015**

REPORT BY: R PARK – EVENTS COORDINATOR

REFERENCE

Min No 14-287: Ordinary Meeting of Council held on 30 June 2014
Min No 14-438: Ordinary Meeting of Council held on 18 August 2014
Min No 14-369: Ordinary Meeting of Council held on 8 September 2014
Min No 14-435: Ordinary Meeting of Council held on 27 October 2014

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 2 February 2015

COMMENTARY

At the Lithgow Flash Gift Committee held on 2 February 2015, there were numerous items discussed by the Committee;

- Financial Report
- Report from Lithgow Little A's

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Lithgow Flash Gift Committee meeting of 2 February 2015

RECOMMENDATION

THAT Council:

1. Note the minutes of the Lithgow Flash Gift Committee held on the 2 February 2015.
2. Contribute \$480 from Lithgow Flash Carnival for the clinics held in September 2014 and the clinic to be held in September 2015 for the Lithgow Little Athletics Association

**ITEM-12 CORP - 02/03/15 - COMMUNITY DEVELOPMENT COMMITTEE
MINUTES - 3 FEBRUARY 2015**

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

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
Min No 15-20: Ordinary Meeting of Council held on 9 February 2015
Min No 15-25: Ordinary Meeting of Council held on 9 February 2015

SUMMARY

This report details the minutes of the Community Development Committee meeting held on 3 February 2015.

COMMENTARY

At the Community Development Committee meeting held 3 February 2015 various items were discussed by the Committee, including:

- ANZAC Day 2015. The committee was provided with an update of the plans to commemorate ANZAC Day 2015.
- Australia Day 2015. An overview of Australia Day 2015 events was provided to the committee including celebrations, entertainment and an outline of the official ceremony held at Queen Elizabeth Park.
- Committee Terms of Reference. The committee was provided with the Terms of Reference for discussion and review.

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 3 February 2015.

RECOMMENDATION

THAT Council note the Minutes of the Community Development Committee meeting held 3 February 2015.

**ITEM-13 ENVIRO - 02/03/15 - HOWARD & SONS PYROTECHNICS PTY LTD
COMMUNITY LIAISON COMMITTEE MEETING MINUTES - 11
FEBRUARY 2015**

REPORT BY: A MUIR- GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 14-64: Ordinary meeting of Council held on 10 February 2014
Min No 14-287: Ordinary meeting of Council held on 30 June 2014

SUMMARY

This report details the latest Minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee.

COMMENTARY

The meeting for the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee was held on the 11 February 2015. No items arising from the meeting require a resolution by the Council and the minutes are provided for information.

The following matters of interest were discussed during this meeting:

- Bunker System for loading and unloading
- Bogan Gate incident
- Pipers Flat Headstones
- Excess payments to insurance companies

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee - 11 February 2015.

RECOMMENDATION

THAT Council note the minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee Meeting held on 11 February 2015.

**ITEM-14 ENVIRO - 02/03/15 - ENVIRONMENTAL ADVISORY COMMITTEE
MEETING MINUTES - 11 FEBRUARY 2015**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 11 February 2015.

COMMENTARY

At the Environmental Advisory Committee meeting held on 11 February 2015 there were 7 items on the agenda which are outlined in the attached minutes.

One of the items discussed requires a resolution from the Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Environmental Advisory Committee meeting held on 11 February 2015.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Environmental Advisory Committee held on 11 February 2015.
2. Consider allocating the sum of \$35,000 in the 2015/16 budget for Farmers Creek rehabilitation projects.

**ITEM-15 OPER - 02/03/15 - AQUATIC CENTRE COMMITTEE MEETING
MINUTES - 17 FEBRUARY 2015**

REPORT BY: M BAILEY – ACTING GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Aquatic Centre Committee Meeting held on 17 February 2015.

COMMENTARY

At the Aquatic Centre Committee meeting held on 17 February 2015, there were a number of items discussed by the Committee including:

- Update on Lithgow Aquatic Centre Stages 2, 3 and 4
- Indoor Aquatic Centre Facility opening hours and charges

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Aquatic Centre Committee meeting of 17 February 2015.

RECOMMENDATION

THAT Council note the minutes of the Aquatic Centre Committee held on 17 February 2015.

ITEM-16 GM - 02/03/15 - MINING TASKFORCE

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

This report details the Minutes of the Mining Taskforce Meeting held on 17 February 2015.

COMMENTARY

At the Mining Taskforce meeting held on 17 February 2015 there were a number of issues discussed.

The taskforce met with a Community Liaison Officer from the Division of Resources and Energy of the Department of Trade and Investment, Regional Infrastructure and Services

The taskforce were also provided with updates on:

- Springvale project – assessment process update
- Angus Place update (extension of employment)
- Approval process and update on remaining Centennial mines in the Lithgow LGA
- Baal Bone Colliery
- Mount Piper Power Stations
- Gardens of Stone

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Mining Taskforce meeting held on 17 February 2015
2. Baal Bone Project Mod 1 - Environmental Assessment

RECOMMENDATION

THAT Council note the minutes of the Mining Taskforce meeting held on 17 February 2015.

NOTICES OF MOTION

ITEM-17 NOTICE OF MOTION - 02/03/15 - COUNCIL CONSTRUCT A DISABILITY ACCESS RAMP AT 25 MAIN ST AND TO RELOCATE THE DISABLED PARKING SPOT TO THE FRONT OF 25 MAIN ST - COUNCILLOR F INZITARI

COMMENTARY

The Mobility Aids business at 25 Main St Lithgow is owned and operated by life long resident Kevin Collins. The Collins family have been associated with business in this area for decades, and had previously operated the Collins Hardware Store at the same location. The Collins name is very well respected within the community, and they have contributed considerably to this area for over 100 years.

The Mobility Business is one of a successful shop that includes others in the Blue Mountains and in Bathurst. It is a credit that in this economic climate a local business is not only thriving and growing, but creating much needed employment.

It has come to my attention from the owner, that many of his customers who are elderly and who have respiratory problems are finding it very difficult to access the store from the narrow rear lane, and from the current disability parking spot in front of 45-49 Main St. It may not seem that that these locations are logistically difficult for many of us, but to those who are disadvantaged, and many of them are as the business caters for these people in particular, it can be both uncomfortable and challenging.

RECOMMENDATION

THAT Council:

1. Construct a disability accessible ramp in the front of 25 Main St Lithgow (similar to the ramp on the Eastern Side of Mort St near the Old Convent).
2. Refer the relocation of the disabled parking spot that is currently in front of 45-49 Main St, to the front of 25 Main St to the Traffic Advisory Local Committee (TALC).
3. Complete both points 1 and 2 before 30th June 2015.

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.*