



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

23 MARCH 2015

AT 7.00pm

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# AGENDA

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**ACKNOWLEDGEMENT OF COUNTRY**

**APOLOGIES**

**PRESENT**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 2 MARCH 2015**

**DECLARATION OF INTEREST**

**PUBLIC FORUM**

**PRESENTATIONS - NIL**

**MAYORAL MINUTES - NIL**

**CORRESPONDENCE AND REPORTS**

Environment and Development Reports  
Operation Reports  
Corporate and Community Reports

**COUNCIL COMMITTEE MINUTES**

Disability Access Committee Minutes - 4 February 2015  
Tourism Advisory Committee Meeting - 17 February 2015  
Rural Lands Study Project Steering Committee Minutes - 17 February 2015  
Aquatic Centre Committee Meeting Minutes - 3 March 2015  
Blue Mountains Crossing Bicentenary Committee - 4 March 2015  
Meadow Flat Hall Management Committee Minutes - 5 March 2015  
Operations Committee Meeting - 5 March 2015

**DELEGATES REPORTS**

Centroc Meeting - 26 February 2015

**NOTICE OF RECISSIONS**

Notice of Rescission Motion - Road Renaming Guy Street Lithgow NSW

**NOTICE OF MOTION**

Notice of Motion - Department Of Local Government Letter Dated 13 March 2008 -  
Councillor M Ticehurst

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**QUESTIONS WITH NOTICE - NIL**

**BUSINESS OF GREAT URGENCY**

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

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## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-1 ENVIRO - 23/03/15 - 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  
 Min No 15-07: Ordinary Meeting of Council held on 9 February 2015  
 Min No 15-41: Ordinary Meeting of Council held on 2 March 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 thereafter 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 17 February 2015 to 10 March 2015:

Complaint Received		Problem Location			Complaint
Date	Time	Date	Time	Location of Detected Smell	
9 March 2015	9:32a m	8 March 2015	Morning	South-West of Lot 2 DP 874368	Obnoxious smell during the morning of today and yesterday. Visible haze hanging over chook shed.
		9 March 2015	Morning		

Over this time the following actions have been undertaken:

- Regular odour surveys (detailed below) undertaken by Certified officer. Refer to attachments 1 and 2 for the associated Site Map and Odour Intensity Scale

Location on Site Map	Date	Time	Odour Intensity Detected (Refer to Attachment 2)		Comments/Odour Characterised
			Maximum Level	Minimum Level	
1	Wednesday 18 February 2015	8:05am to 8:10am	1	0	No action required due to level
2		8:15am to 8:20am	0	0	No comment.
3		8:25am to 8:30am	0	0	No comment.

4		8:35am to 8:40am	0	0	No comment.
1	Thursday 19 February 2015	4:08pm to 4:13pm	0	0	No comment.
2		4:00pm to 4:05 pm	0	0	No comment.
3		3:30pm to 3:35pm	0	0	No comment.
4		3:40pm to 3:45pm	1	0	No action required due to level
5		3:52pm to 3:57pm	0	0	No comment.
1	Tuesday 24 February 2015	4:53pm to 4:58 pm	0	0	No comment.
2		4:45pm to 4:50pm	0	0	No comment.
3		5:02pm to 5:07pm	0	0	No comment.
4		5:09pm to 5:14pm	0	0	No comment.
5		5:16pm to 5:21pm	0	0	No comment.
1	Thursday 26 February 2015	8:37am to 8:42am	0	0	No comment.
2		8:30am to 8:35am	0	0	No comment.
3		8:10am to 8:15 am	0	0	No comment.
4		8:17am to 8:22am	0	0	No comment.
5		8:23am to 8:28am	0	0	No comment.
1	Monday 2 March 2015	4:28pm to 4:35pm	0	0	No comment.
2		4:22pm to 4:27pm	0	0	No comment.
3		4:35pm to 4:40pm	0	0	No comment.
4		4:41pm to 4:46pm	0	0	No comment.
5		4:47pm to 4:52pm	0	0	No comment.
1	Thursday 5 March 2015	8:10am to 8:15am	0	0	No comment.
2		8:16am to 8:21am	0	0	No comment.
3		8:22am to 8:27am	0	0	No comment.
4		8:33am to 8:38am	0	0	No comment.
5		8:39am to 8:44am	0	0	No comment.
1	Monday 9 March 2015	12:41pm to 12:46pm	0	0	No comment.
2		12:35pm to 12:40pm	0	0	No comment.
3		12:15pm to 12:20pm	0	0	No comment.
4		12:21pm to 12:26pm	0	0	No comment.
5		12:27pm to 12:32pm	0	0	No comment.

Proposed actions for next reporting period:

- Certified officer to continue regular odour checks at targeted times weekdays.

#### **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.

### **ATTACHMENTS**

1. Site Map of Chicken farm and Odour Investigation Area
2. Odour Intensity Scale

### **RECOMMENDATION**

**THAT** the information regarding complaints received and Council actions for the Wallerawang Poultry Farm for the period over the 17 February 2015 to 10 March 2015 be noted.



**ITEM-2            ENVIRO - 23/03/15 - WORKMEN'S CLUB VOLUNTARY PLANNING AGREEMENT**

**REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**REFERENCE**

Min No 12-437:            Ordinary Meeting of Council held on 26 November 2012  
Min No 12-471:            Ordinary Meeting of Council held on 17 December 2012

**SUMMARY**

To advise and seek endorsement of a Planning Agreement for the Lithgow Workman's Club.

**COMMENTARY**

At its Ordinary Meeting of 17 December 2012 Council resolved as follows:

**12-471 RESOLVED**

**THAT** Council enter into a Voluntary Planning Agreement with the Lithgow Workmen's Club for its Motel development (DA178/12) agreeing to a contribution of \$20,000 that may be expended on Community Facilities or Infrastructure and allocated at Council's discretion.

The proposal is for a motel development, carpark and refurbishment of the existing club.

The appropriate notification process has been carried out with no submissions being received. The agreement is ready for endorsement by Council.

**POLICY IMPLICATIONS**

Policy 7.12 – Planning Agreements applies.

**FINANCIAL IMPLICATIONS**

The financial implications for Council are the receipt of a monetary contribution for expenditure on Community Facilities or Infrastructure and allocated at Council's discretion.

**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. Voluntary Planning Agreement

## RECOMMENDATION

**THAT** Council ENDORSE the modified Voluntary Planning Agreement in relation to the Lithgow Workmen's Club.

**ITEM-3            ENVIRO - 23/03/15 - ANGUS PLACE- COMMUNITY ENHANCEMENT FUND**

**REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**SUMMARY**

To advise Council of the proposed expenditure of funds from a Community Enhancement Fund provided by a condition of consent for Angus Place Colliery, at Wolgan Road Lidsdale.

**COMMENTARY**

As part of the Angus Place Modification 4 (Project Approval 06\_0021) approved by the Department of Planning on 27 October 2014, the following condition was placed as a condition on the consent:

12. *Within 6 months of the date of this approval, the Proponent shall establish a Community Enhancement Fund of at least \$30,000 to fund projects of benefit to the local community. The Proponent shall:*
- (a) consult with Council and the CCC regarding expenditure from the fund;*
  - (b) nominate project/s for expenditure from the fund by 31 January 2015; and*
  - (c) ensure the nominated project/s are commenced no later than 30 June 2015, to the satisfaction of the Secretary.*

The proponent (being Angus Place Colliery) consulted the Community Consultative Committee (CCC) and the Wallerawang/Lidsdale Progress Association. A small sub-committee of the CCC was formed to look at options. A number of recommendations were proposed for the allocation of the fund including:

- Roof tiles at St Johns Church
- Platform or fencing at Hassan Walls
- Parking at Information Centre
- Park benches sited near the boat shed at Lake Wallace, carrying the names of miners who lost their lives mining.
- Provide facilities for small community groups to meet at the library.
- Wallerawang sports ground facilities.
- Information Bay adjacent to Barton Avenue Wallerawang.

The Community Consultative Committee (CCC) with the support of the Wallerawang/Lidsdale Progress Association recommended that the preferred organisation to be considered for the Community Enhancement Fund would be 'The Friends of St John' to help to replace and/or restore the tiles at the St Johns Church.

The roof of the church requires repair work due to the storm events over the past few months. The CCC investigated the cost of the work. The fund would help to repair the roof to a reasonably satisfactory safe condition for the church to continue to be used by the community.

The CCC agreed that it should be noted to 'The Friends of St John' that the fund is to be spent within 12 months. If the fund is not spent within this time period, then it would be held for the Wallerawang Lidsdale Progress Association for future projects in the Lidsdale/Wallerawang vicinity.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council note the Angus Place Community Consultative Committee recommendation to allocate \$30,000 from the Angus Place Colliery Community Enhancement Fund to 'The Friends of St John' to help to replace and/or restore the roof St John's Church, Wallerawang.

**ITEM-4            ENVIRO - 23/03/15 - DEVELOPMENT APPLICATION DA143-13-  
SUBDIVISION OF 1 LOT INTO 3, 90 OAKLEY FOREST ROAD  
MARRANGAROO**

**REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

**SUMMARY**

To assess and recommend determination of DA143/13. Recommendation will be for approval subject to conditions.

**COMMENTARY**

Council is in receipt of a Development Application DA143/13 for a subdivision of 1 lot into 3 on land known as Lot 11 DP 737488, 90 Oakley Forest Road Marrangaroo.

The development proposes a subdivision into 3 lots:

- Lot 1 of 1.8ha (includes existing house)
- Lot 2 of 7.1ha; and
- Lot 3 of 22.3ha

A plan is included in this report.

**Permissibility**

Given the proposal was submitted prior to gazettal of Lithgow Local Environmental Plan 2014 (LEP2014), this proposal is under the Lithgow City Local Environmental Plan 1994 (LEP1994) with due consideration also to be given to the exhibited Draft Local Environmental Plan 2013 (Draft LEP). The land is zoned 1(a) Rural (General) and 2(a) Residential in accordance LEP1994.

The subdivision does not comply with the development standards of LEP1994, Clause 12(2), as it does not meet the minimum lot size of 40ha for proposed Lot 3 (22.3ha). Lots 1 & 2 are permissible under Clause 9 and 12 of the LEP1994. A SEPP 1 Objection has been lodged as part of this application, however, the Planning and Infrastructure Varying Development Standards Guidelines August 2011, states:

***Concurrence of the Director-General to vary development standards***

*Councils may assume the Director-General's concurrence under SEPP 1 in relation to these applications but only if:*

- ii) That allotment has an area equal to or greater than 90 percent of the minimum area specified in the development standard.*

Therefore, the development requires referral to the Department of Planning and Environment for concurrence given Lot 3 is undersized with a variation of 44.25%.

LEP 1994 – Compliance Check		
	Clause	Compliance
9	1(a) zoning table	Yes
9	2 (a) zoning table	Yes

<b>11</b>	General Considerations for development in rural zones	Yes
<b>12</b>	Subdivision in Zone 1(a)	No
<b>30</b>	Land subject to bushfire hazards	Yes

The proposal meets the objectives of zone 1(a) as the land is not proposed to change in relation to its ongoing land use. The development is adjoining an established residential area and given the size of the proposal is not expected to impact on valuable deposits of resources and can be dealt with subject to conditions of consent. Proposed Lot 3 can still be used for agricultural pursuits and is not considered to be causing ongoing fragmentation given existing Lot 11 DP 737488 is currently undersized.

The development will be adequately serviced and not impact on existing infrastructure as onsite provisions will be required for each allotment. The proposal meets the objectives of zone 2(a) as it is allowing for a variety of housing types and is compatible with surrounding residential use in the area. The present use of the land is for residential and some agricultural grazing, with these uses not expected to change as a result of the subdivision.

The land is subject to bushfire with the Rural Fire Service not objecting to the proposal subject to conditions of consent; it is considered Clause 30 is complied with.

The Lithgow Local Environmental Plan 2014 was the Draft Lithgow Environmental Plan 2013 at the time of lodgement of this application and under Section 79C of the Environmental Planning and Assessment Act the draft is to be given due consideration. A check has been carried out against the draft LEP (subsequently gazetted) as follows:

LEP 2014 – Compliance Check		
	Clause	Compliance
<b>Part 2</b>	E4 Environmental Living zoning table	Yes
<b>4.1</b>	Minimum Subdivision lot size	No
<b>7.4</b>	Terrestrial biodiversity	Yes
<b>7.5</b>	Groundwater Vulnerability	Yes
<b>7.6</b>	Riparian land and watercourses	Yes
<b>7.7</b>	Sensitive lands	Yes
<b>7.10</b>	Essential Services	Yes

The proposed subdivision is within an E4 Environmental Living zone and is expected to have low impact on ecological, scientific or aesthetic features. The proposal will not create unreasonable or uneconomical demands for provisions of public infrastructure amenities or services and will have a neutral or beneficial effect on water quality. The minimum allotment size as per the Lot Size Map is 40ha, in which this subdivision cannot meet the requirements for any of the proposed allotments. The proposal does not create cost to the community and is promoting development of appropriately sized lots in relation to the existing uses of the land. In relation to terrestrial biodiversity and sensitive lands, it is considered that there is minimal impact in relation to the creation of two allotments. The groundwater vulnerability has been assessed as per requirements of SEPP (Sydney Drinking Water catchment) 2011 and considered that the development would be of little impact.

The development does not propose any works or development that would impact the riparian corridor given the building envelopes proposed. Lastly the development will comply with 7.10 as all essential services would be achievable on the lots with electricity, access and telecommunication required at subdivision stage.

It is considered that other than Clause 4.1 the development complies with draft LEP2013 and subsequently LEP 2014. However, the development will be assessed under LEP1994 and through a SEPP1 objection.

### **State Environmental Planning Policy No 1—Development Standards**

SEPP No 1—Development Standards – Compliance Check	
Clause	Compliance
3 Aims, objectives etc	Yes
6 Making of applications	Yes
8 Concurrence	Yes

The applicant has submitted a SEPP1 objection under this Planning Instrument in relation to proposed Lot 3, which will not comply with the provisions of LEP 1994 Clause 12(2) as below:

#### **12 Subdivision in Zone No 1 (a)**

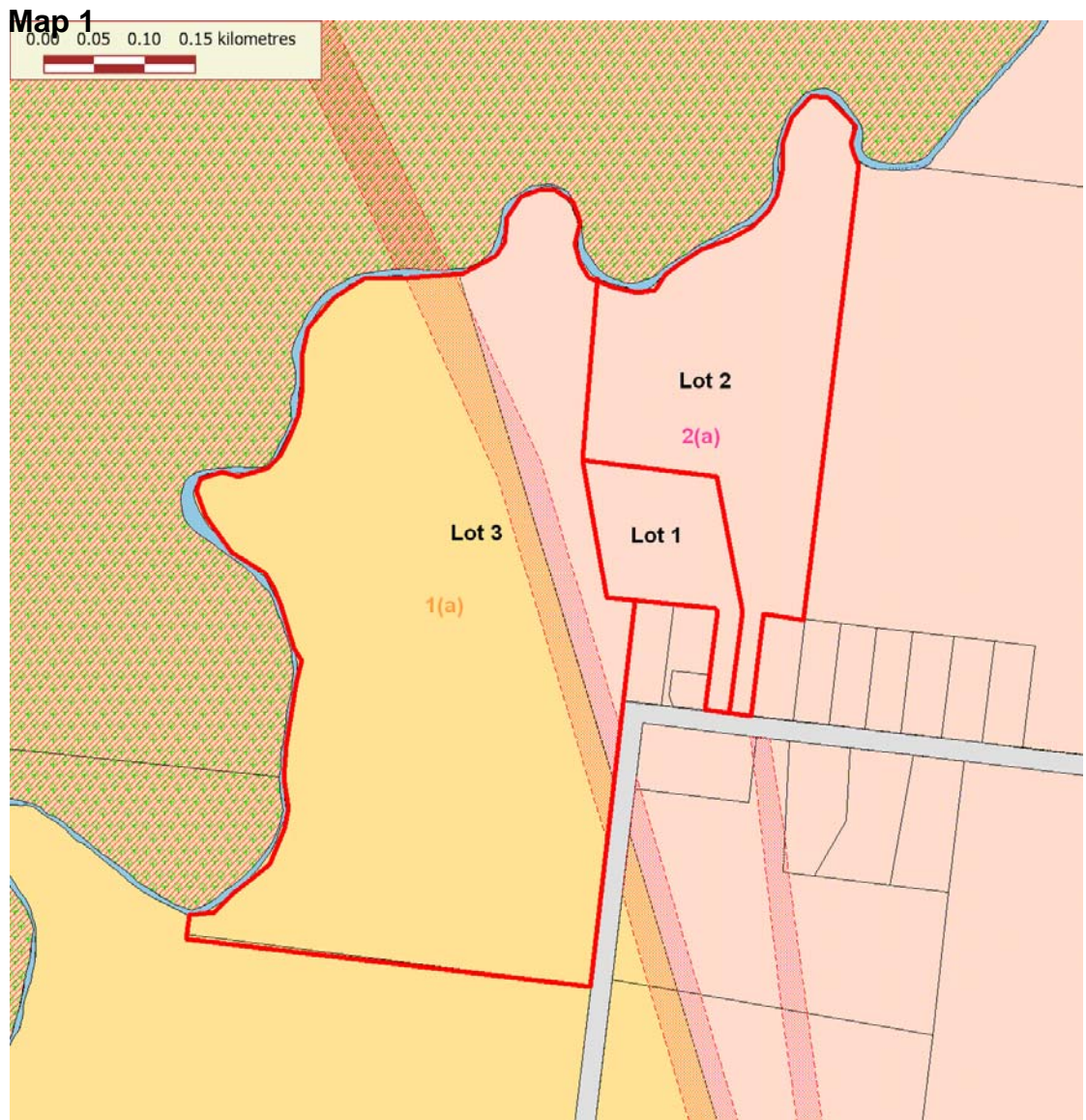
##### **(2) Creation of “40 hectare allotments”**

*The Council may consent to a subdivision of land within Zone No 1 (a) if each allotment to be created by the subdivision will have an area of not less than 40 hectares.*

The proposed Lot 3 will be 22.3ha, which is a variation to the 40ha minimum of 44.25%. However, the current Lot 11 DP 737488 is already undersized (31.16ha) and also contains a dual zoning with the 2(a) Residential zone. This is shown in the below in Map 1.

The proposed building envelope is proposed within the residential zoning of the land for Lot 3. Additionally, to minimise over development of the site and potential impacts on the ongoing operations of the existing quartzite quarry, the lots will be restricted by allowing only one dwelling per lot.

The area zoned 1(a) as part of Lot 3 is not changing in size as it is currently part of Lot 11 DP 737488. The land being divided off this existing lot are proposed Lots 1 and 2 which have a 2(a) Residential zoning with no restriction on minimum lot size for subdivision under LEP1994. Proposed Lot 3 will still contain some 2(a) Residential zoning and retain the same area for the 1(a) Rural (General) zoning.



As Lot 11 DP 737488 is already undersized and contains existing residential zoning, this land will be unchanged in relation to the existing uses and effects on agricultural viability.

#### **Authority Recommendations**

The proposal was sent to the Rural Fire Service (RFS), Water NSW and Councils Engineers for comment which are detailed in the attached 79C Report, with no objections to the proposal subject to conditions of consent being imposed.

Although a referral to Department of Trade & Investment Resource and Energy (DTRIS) was not required, Council sought further advice in relation to the assessment under the *State Environmental planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* pertaining to the importance of the existing quartzite quarry which is within the area of this proposal. The response from DTRIS in relation to the subdivision is summarised below:



*“The development consent process needs to consider any impacts the quarry operations may have on future development. In order for the development to proceed, the consent authority must be satisfied that the subdivision would not be subject to significant impacts (such as noise, vibration, dust and heavy vehicular movements) from the quarrying operation.*

*The proponent would also need to demonstrate that the presence of the subdivision and any associated development would not restrict extraction operations of the quarry.”*

**Comment:** It is considered that the subdivision would not have any additional impact on the quarry given the existing residential uses closer to the quarry to date. Additionally, the land could currently have a dual occupancy proposed which would be an addition of one dwelling. However, the subdivision will allow the addition of two dwellings only, with restrictive conditions of consent. There is a relatively large buffer between the building envelopes and the existing quartzite resource boundary which will help minimise impact to the quarry and to the residential uses of the land. With additional conditions of consent the impact of the quarry of the proposed new dwellings can be minimised further.

### **Public Submissions**

The proposal was also sent to adjoining neighbours and placed on public display in Councils Administration Building for a period of 14 days with two submissions received and are summarised below:

1. That the future owner of the land should not be allowed to dig up areas which would significantly affect neighbours in relation to dust.
2. That ongoing maintenance of adjoining properties be continued in relation to vegetation control.
3. That restriction on further development should be put on so that there is no further impact to the operation of the quarry. And include the following:
  - That windows and living areas (including patios) don't face south due to impacts from the neighbouring quarry.
  - That areas close to the quarry be restricted from further development.
  - That a covenant be imposed restricting the location of the dwellings away from the quarry.
  - That a single access road from all allotments be required from Oakey Forest road.

### **Comment:**

1. Any future development of the lots would be subject to further applications to Council and at this time would be assessed, including potential impacts to adjoining landowners. Given there is no proposal to do works other than access, this issue will be considered for future applications on the land.
2. Vegetation control should be ongoing regardless of this application. Any issues should be can be dealt with under Vegetation Orders and is not a subject to be assessed as part of this subdivision.
3. The development is proposed to be restricted through conditions of consent that only allows one dwelling per lot and the use of noise mitigating measures on the 88B instrument associated to the subdivision of the land. The building envelopes as proposed by the applicant will also be imposed as positive covenants on the land to allow dwellings on the site which are further away from the quarry compared to existing residential dwellings. The development access has been

assessed by Council engineers in relation to potential traffic impacts. As the accesses are separate they will be adequate if they meet Council requirements. A Construction Certificate will be required for these driveway access points prior to any works commencing. No restrictions will be imposed requiring one access combining all three allotments.

**Conclusion**

That Council can support the subdivision of this land subject to conditions of consent detailed in the attached 79C. It may then be referred to the Department of Planning and Environment for determination.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

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

**ATTACHMENTS**

1. Complete 79C Planning Report under separate cover.

**RECOMMENDATION****THAT:**

1. Development Application 143/13 be SUPPORTED by Council subject to the conditions outlined in the attached 79C report.
2. The proposed DA143/13 and associated reports be referred to the Department of Planning for consideration and determination by the Director-General.
3. Development consent be granted upon the concurrence being granted by the Department of Planning & Environment.
4. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-5            ENVIRO - 23/03/15 - LITHGOW LOCAL HERITAGE ADVISORY  
COMMITTEE MINUTES - 10 FEBRUARY 2015**

**REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**REFERENCE**

Min No 14-416:            Ordinary Meeting of Council held on 27 October 2014  
Min No 14-333:            Ordinary Meeting of Council held on 18 August 2014

**SUMMARY**

This report details the Minutes of the Lithgow Local Heritage Advisory Committee Meeting held on 10 February 2015.

**COMMENTARY**

At the Lithgow Local Heritage Advisory Committee meeting held on 10 February, 2015, there were nine items on the agenda as summarised in the attached minutes.

Only one item discussed requires a resolution of Council. This item relates to the Adopted Terms of Reference (18 August 2014) for the operation of the Committee. The Committee reviewed the Adopted Terms of Reference and recommends Council make some minor changes to Responsibilities of the Committee and to the Frequency of Meetings.

These amendments are minor in nature and will not substantially alter the operation of the Committee as determined by full Council.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Lithgow Local Heritage Advisory Committee meeting of 10 February 2015.

**RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Lithgow Local Heritage Advisory Committee held on the 10 February 2015.
2. Amend the adopted Lithgow Local Heritage Advisory Committee Adopted Terms of Reference as follows:
  - a) **Item 3 of the Committee's Responsibilities** "To liaise with local communities and businesses in organising Heritage Week events" be DELETED.
  - b) **Frequency of Meetings** be amended to state:

"Meetings shall be held Bi Monthly on the Second Tuesday of the Month at 4pm in the Hartley Building". This meeting frequency to be reviewed in six months time (September 2015) and then reviewed annually noting that the Chair can call extraordinary meetings at any time as required.

**ITEM-6            ENVIRO - 23/03/15 - S96043-14 - MODIFICATION OF DEVELOPMENT APPLICATION 090-95DA MARRANGAROO QUARTZITE QUARRY**

**REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**REFERENCE**

Min No 14-278: Ordinary meeting of Council held on 30 June 2014

**SUMMARY**

To assess and recommend determination of Section 96 Modification of Consent 043/14 for Development Application 090/95DA - Marrangaroo Quartzite Quarry. The recommendation is for approval subject to conditions of consent.

**COMMENTARY**

Council at its meeting of 30 June 2014 considered providing its landowners consent for the submission of the Section 96 modification for this matter and resolved:

***THAT** Council provide its consent as landowner of Lot 68 DP 813538 to allow a Section 96 Modification of Consent Application of 090/956DA to be submitted for an amended extraction boundary for the Marrangaroo Quarry.*

Following this determination the application was submitted and is the subject of this report.

The property is located on Oakey Forest Rd, Marrangaroo.

**THE PROPOSAL:**

Council is in receipt of a modification of development consent application 090/95DA from Metromix Pty Ltd seeking to realign the western extraction boundary of the quarry to include 1.2ha being 1.2 Million tonnes of resource. The other change proposed is to allow a three (3) yearly review by a qualified botanist/ bush regenerator rather than the current annual review.

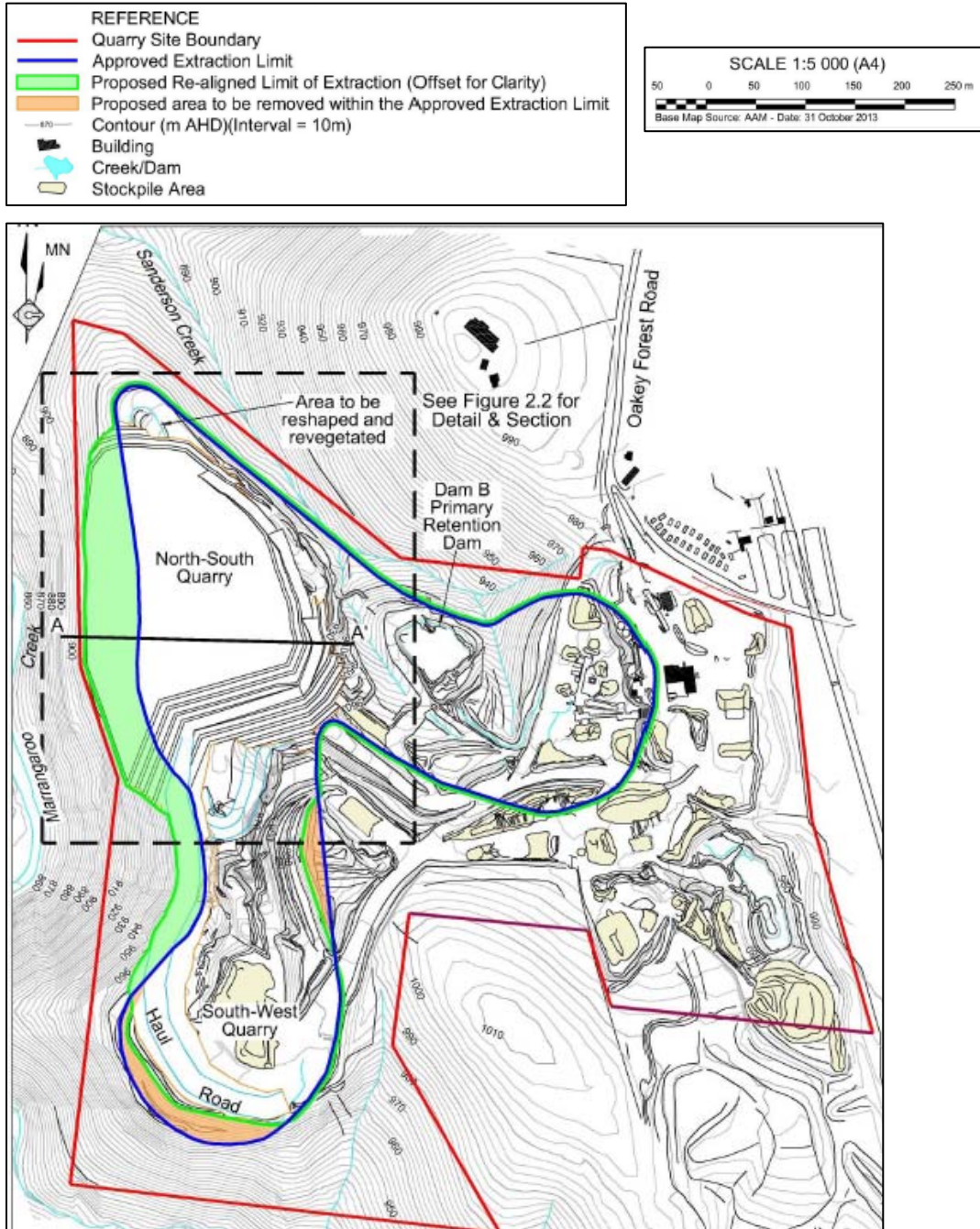
The relevant approval for the quarry was completed in 1995. This was modified in 2004 to increase the transportation hours.

The quarry is operated by Metromix Pty Limited and approved for 220,000t per year of product and utilises drilling & blasting, load & haul, and crushing & screening operations. The proposal is to change the extraction area due to more recent studies being undertaken in relation to the location of the quartzite.

Metromix proposes to re-align the boundary of the extraction area within the Marrangaroo Quarry to cover an additional 1.8 million tonnes of quartzite from the western boundary and North-South Quarry. Two areas of 0.6ha are to be removed from the extraction area. This means the overall extraction area will increase from 14.6ha to

15.8ha and the increased areas account for approximately 22% of the total resource within the proposed extraction limit. The approval of 1.2 ha or 1.2 million tonnes of resource would increase the life of the mine for an additional 6 years. This increase would allow an overall life of the quarry of approximately 32 years.

The plan below shows the proposed extraction boundary change:



In relation to the proposal to allow the re-vegetation monitoring to be undertaken on a three yearly basis rather than once a year, this is proposed due to the successful results. This would still be reviewed through the Annual Environmental Management Report (AEMR) process.

The application has been assessed under Section 96 (2) of the *Environmental Planning and Assessment Act 1979* and as Modification to Designated Development as per

Clause 4 (Schedule 3 for extractive industries) under the *Environmental Planning and Assessment Regulation 2000*.

### DETAILS OF CURRENT APPROVAL

The current approval was for the continued use of the Quartzite Quarry in 1995 (operations for the quarry commenced in 1912). This was modified in 2004 to increase the transportation hours.

The quarry is approved for 220,000t per year of product and utilises drilling & blasting, load & haul, and crushing & screening operations. The site contains stockpiles that do not exceed 70,000t with maximum heights of 6m. The product is transported off site by trucks with 85 - 90% turning right onto Lithgow and 10-15% turn left towards Wallerawang & Bathurst. Traffic movements include 12 to 20 light vehicles per day with a maximum of 250 trucks per day. The quarry employees 11 persons at the site with the hours of operation as follows:

Hours of Operation

Activity	Hours	Days*
Extraction	7:00am to 5:00pm	Monday to Saturday
Processing	7:00am to 5:00pm	Monday to Saturday
Sales	7:00am to 5:00pm	Monday to Friday
	7:00am to 2:00pm	Saturday**
Maintenance	7:00am to 5:30pm	Monday to Friday
	7:00am to 12 noon	Saturday
	24 hours	Monday to Sundays <sup>#</sup>
* Public holidays excluded.		
** Occasional Saturdays only.		
<sup>#</sup> Maintenance is rarely undertaken beyond normal hours but is sometimes required at short notice for short periods and then, it is required to be inaudible at nearby residences.		

It is estimated that 5.3 million tonnes remain within the current approved limit of extraction and at an average production level of 200,000t per year.

### ASSESSMENT:

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

**Draft Lithgow Local Environmental Plan 2013** (Draft LEP 2013) applies to the land which proposed to change the zoning to E4 Environmental Living in which the exhibited draft prohibited extractive industries within this zone. However, an amendment (proposed by a public submission) was supported by Council allowing the area known as Metromix Quarry to be rezoned as RU1. This made extractive industries permissible being under the RU1 Primary Production zone. Therefore, the development is consistent with the amended Draft LEP 2013. This was confirmed with gazettal of Lithgow Local Environmental Plan 2014.

### Noise/Vibrations/Blasting

There have been no issues raised in relation to noise and vibrations with the existing works of the quarry in the last five years. Operations have moved further away from residential areas and the monitoring of blasting is showing compliance with EPA guidelines and licencing. It is considered that the modification will not affect the noise,

vibration or blasting of the site as it is continuing away from the existing residential area and no change in extraction methods are proposed.

### **Flora**

Much of the Quarry Site is classified as 'Cleared and Severely Disturbed Lands', however there are areas of Tableland Slopes Brittle Gum, Tableland Apple Box and Tableland Riparian Scrub Complex within NSW Department of Environment & Conservation 2006. There are no Endangered Ecological Communities (EEC) within the area to be disturbed as per the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) or the Threatened Species Conservation Act 1995 (TSC Act). There are low likelihoods of Threatened Species (TS) within the study area under both of these Acts. It is considered that the modification will have minimal effects on flora given minimal EEC and TS within the area and ongoing rehabilitation to be undertaken.

### **Fauna**

A total of 68 fauna species were detected during a field investigation as part of an investigation for this modification proposal, comprising of; 3 frog species, 4 reptile species, 42 bird species and 21 mammals and a further 41 fauna species expected to occur in the area.

Given that the small area of habitat affected for these species and their occurrence in both the local area and wider region is considered unlikely that there would be a significant effect on these species, or their habitats. Therefore a Species Impact Statement was not required for this application. Additionally, the Commonwealth Department of Environment determined (27 August 2014) that the Proposal is not a Controlled Action and therefore does not require further assessment or approval under the EPBC Act.

### **Dust**

Over the past 5 years there have been minimal complaints made in relation to dust issues. The EPA have ensured that compliance with their licence requirements are ongoing with monitoring being undertaken at 3 locations. Onsite dust suppression methods have been employed using water sourced from storage dams to a 11,000 Litre truck and sprayed on haul roads and stockpile areas. The processing and crushing operations also use a wet screening method which means the product is wetter and minimises dust further in this process. Table 8.1 of the SOEE shows that since 2003 the deposited dust gauges for the operation have reported compliance with the average 4g/m<sup>2</sup>/month requirement of the EPA.

### **Traffic**

Given that the transportation for the proposal is not seeking to change, it is considered that the current arrangements are satisfactory even though it utilises public roads. However, the 6 years extension of time for the operations means ongoing traffic for those additional years that was not previously addressed. Roads and Maritime Services have addressed this issue in their correspondence and suggested that a condition be imposed restricting the maximum number of road haulage movements per day to 250 or 125 trips. It is considered that limiting the truck movements in addition to the limited times of movements will reduce traffic issues. Furthermore, with the extension for 6 years, contributions over this time will be provided for Oakey Forest Road via an existing condition of consent.



**Visual**

The Quarry site is not visible from any surrounding residence however, some of the west-facing extraction faces within the North-South Quarry and South-West Quarry are visible from vantage points near Mt Lambie which is located approximately 10km away. It is considered that the modification visual impacts have been assessed as minimal.

**Water**

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

**Soils**

The development is for an extractive industry and therefore would have a considerable impact on the soils given the mass movement. However impacts off site will be reduced by implementing stringent sedimentation and erosion controls for the entire operation.

**Rehabilitation monitoring**

The proposal seeks to vary a condition of consent for the revegetation monitoring to only occur every 3 years instead of every year. Given that minimal changes would occur over one year in relation to rehabilitation this may be supported by Council. However, in addition the operator/applicant should be required to undertake photographic monitoring at one point on each rehabilitation site each year for reference in the Annual Environmental Management Report.

**Bushfire**

A Bush Fire Management Plan (BFMP) is currently being prepared for the Quarry Site and will formally assess the risk associated with bush fires. It is considered that with the implementation of a BFMP in accordance with the Planning for Bushfire Protection 2006 guide that the proposal will reduce bushfire risks.

**Surrounding Landuses:**

The approved uses surrounding this land are for extractive industries, agriculture, forest, recreational and residential types. The extractive industry is existing and the extension to the west (further from recreational and residential uses) will be of less impact to the existing surrounding land uses. The extractive industry has been existing in the locality for many years (since 1912) with minimal impact on the surrounding land uses during this time, with this not expected to change as a result of the modification.

**Socioeconomic**

Given the proposal would not change the production levels of the existing quarry or the number of employees associated with the operations the socioeconomic aspects would be positive. This is due to the quarry continuing to operate for an additional 6 years is the modification to include 1.2ha into the extraction area is approved. This provides greater long-term employment for the area and job security for the existing workforce which is beneficial for the surrounding areas.

**Aboriginal heritage**

An assessment on potential impacts of Aboriginal Heritage was undertaken by Niche Environment & Heritage which identified no Aboriginal archaeological sites within the

proposed extension area. Based on the desktop assessment and visual inspection undertaken by Niche, it is considered that the likelihood of Aboriginal archaeological sites being located within the proposed extension area is limited due to the geology, topography and surrounding disturbed landscape, and no further archaeological assessment is required for works to continue.

### **Waste**

This type of extraction optimises the resource recovered and minimises waste material by reusing the overburden/unusable products elsewhere onsite for rehabilitation. Additional waste materials such as tyres, oil grease, scrap metal, general waste and paper are all disposed of at a licenced facility. Wastewater from onsite ablution facilities is controlled by an existing septic tank and transpiration bed suitable for 15 persons.

### **Submissions:**

The proposed modification was referred to Sydney Catchment Authority, NSW Department of Planning & Infrastructure, Roads and Maritime Services, Environment Protection Authority, NSW Trade & Investment, National Parks & Wildlife Services, NSW Office of Water with no objections subject to conditions of consent being amended or added.

The development was also notified to the surrounding landowners, members of the public who previously made submission and advertised for a period of 30 days as required for Designated Development. One (1) submission was received and the concerns raised in the submission are summarised below:

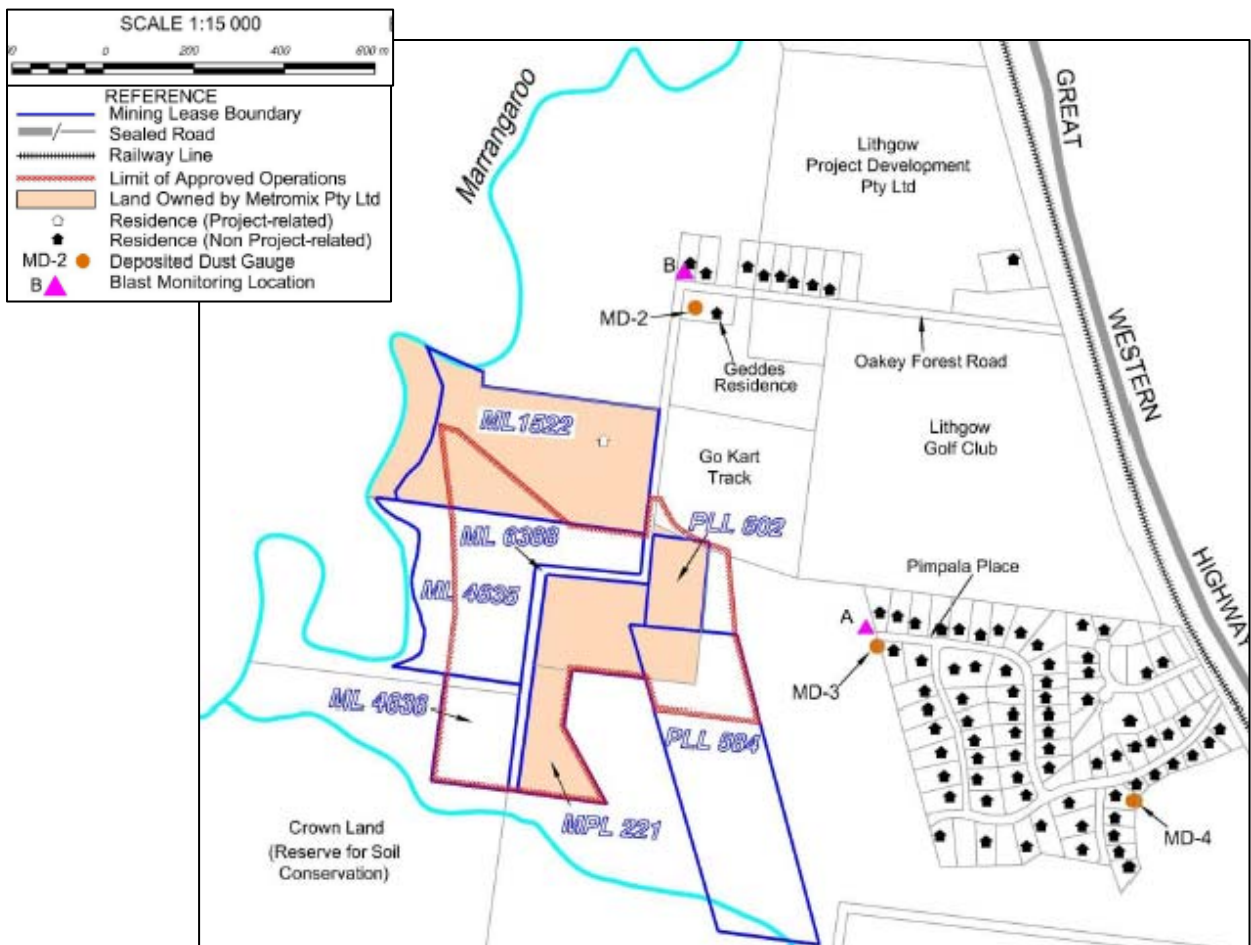
- 1 *Residents will be subjected to additional respirable dust created. The dust is not only unsightly and uncomfortable when present in homes and surroundings but being respirable present's health hazards in the form of pneumoconiosis after prolonged exposure. Metromix analysis states the quartzite contains 93-98% SiO<sub>2</sub> (Silica) so the airborne dust consists of the same, thus being detrimental to residents health as the fine particles are carried through the air and present a real possibility of depositing in the lungs of any person exposed unprotected to the dust.*
- 2 *Metromix have not fulfilled all their undertakings/obligations as presented in their submitted "Statement of Environmental Effects for the Continued Operation of the Marrangaroo Quartzite Quarry" (SOEE Marrangaroo Quarry), presented as their case for continued operation, to the Lithgow Council in 1995 and as outlined in Lithgow Council document "Draft Conditions of Consent" Point 1, (Dated November 1995). Council have been remiss in not ensuring that all such undertakings/ obligations have been implemented given they approved continued extended operations and given the close proximity of the Council developed Marrangaroo Fields residential estate, residents of whom Council have "duty of care" obligations. Metromix undertakings/obligations not fulfilled include but not limited to the following:*
  - a. *Relocation of the processing plant after 15 years to a location 'within the South West Quarry area'. This plant relocation should have occurred 2010/2011 and would have reduced dust problems encountered by residences in close proximity to the*

*processing plant. The Metromix Company lists this as an objective for Compliance with the EPA for onsite activities and transportation in Table 4.1 yet has not implemented this relocation.*

- b. Metromix show little regard to the “SOEE Marrangaroo Quarry” by blasting on any day that suites rather than adhering to the undertakings to “program to avoid cloudy days for blasting”. This has however happened on a number of occasions.*
- c. Dust suppression during present plant operations, notable when processing plant is operating, is almost non-existent. Dust misting sprays on the processing plant referred to in the “SOEE Marrangaroo Quarry”, if used, are totally inadequate with dust plume evident over the quarry and the Marrangaroo area whilst ever the processing plant is operating. It is obvious that containment of dust levels to the quarry is not being addressed, and could be eliminated by the relocation of the plant.*
- d. What safeguards are in place to ensure acceptable air quality and dust admissions are maintained around the quarry. Little dust monitoring has occurred since 1994. Does Council receive regular reports on dust monitoring?*

Comments:

Over the past 5 years the Quarry has only received 3 complaints directly relating to dust issues. This is not consistent with the submission regarding ongoing issues with dust to residents. Additionally, the Annual Environmental Management Reports supplied by Metromix contain the information on dust monitoring for the year. Below is a map showing the dust monitoring locations.



For points 1, 2 (c) & (d) as shown above there are 3 locations for dust monitoring as per the EPA licence requirements. The annual average deposited dust levels at MD-2, MD-3 and MD-4 were all below the  $4\text{g}/\text{m}^2/\text{month}$  guideline level recommended by the EPA. Dust control measures involve use of water for suppression of dust generated from quarrying operations. Water sourced from the storage dams is used to suppress dust generated from quarrying operations. Water sourced from storage dams is used to suppress dust generated from haul roads and stockpile areas. Dust suppression in these areas are currently undertaken using the 11,000 litre water truck.

The EPA has provided a statement that 'over the past 5 years there was only one anonymous complaint received for dust dating to 9 August 2012.' It was advised that it was investigated but not fully substantiated as dust suppressions were being deployed on site. However, at the time of the complaint the quarry suspended operations at the quarry. No other complaints have been received over the past five years by the EPA on any matters regarding the Quarry, other than recently (3/2/2015- dust issues) which found the quarry to be compliant in relation to dust which was dealt with by the EPA. The extraction areas of the quarry have also moved further away from residential areas over time which may attribute to less concerns being raised over the last five years.

In relation to 2(a), although the movement of the processing plant was endorsed as part of the original SOEE to occur within 15 years, this has not occurred. This is due to the ongoing operations complying with all criteria set by the EPA including noise, blasting and dust issues. There was an upgrade undertaken on the processing plant in 2004

which implemented wet screening processes. As a result the stockpiled products contain more moisture and therefore less opportunity for dust emissions. Again, there has been minimal complaints regarding the quarry and the operations have complied with EPA requirements. It has been advised that the progression and sequence of the extraction has changed since first proposed in 1995 to better optimise extraction and minimise overburden.

Additionally, a more recent discovery of the listed Purple Copper Butterfly at the northern boundary North-South Quarry, the location of the long-term haul road is now proposed to be located through the South-West Quarry and not in the area occupied by the butterfly. Therefore the South-West Quarry, originally the preferred area for the relocation of the processing plant, no longer provides a suitable area.

Monitoring is continuing while the quarry is operational as per EPA licencing and it is not considered that the processing plant will require relocation. It is also considered that the condition relating to reporting of dust should be changed to coincide with the AEMR.

For 2(b) the blasting is undertaken on suitable days as per licencing requirements and no concerns have been previously raised with Council, the EPA or the Metromix Quarry. The development continues to comply with the EPA licencing requirements for blasting.

**Conclusion:**

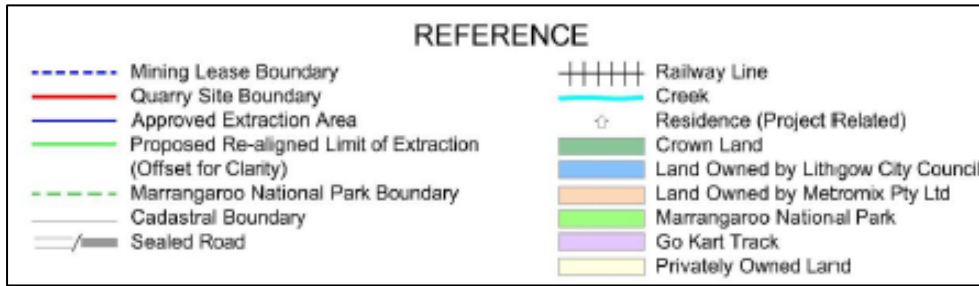
All issues have been addressed within the 79C Report (Attached) and were found to be satisfactory for the development to proceed subject to conditions of consent being changed and added.

**POLICY IMPLICATIONS**

Council's *Policy 7.6 – Development Applications By Councillors And Staff Or On Council Owned Land* states:

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

Given that the Modification of Consent Application relates to Council owned land Lot 68 DP 813538 (shown in map below) from the original consent the development must be determined by Council. However, it is noted that the land owned by Council is not being varied by this application. Additionally, the application is classed as Designated Development (as defined under *Environmental Planning & Assessment Regulations 2000*) which requires approval by Council in relation to delegations.



**FINANCIAL IMPLICATIONS**  
NIL

**LEGAL IMPLICATIONS**

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

## **ATTACHMENTS**

1. Complete 79C Planning Report under separate cover.

## **RECOMMENDATION**

### **THAT:**

1. Section 96 Modification of Consent S96043/14 for Development Application 090/95 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.

## OPERATION REPORTS

### ITEM-7 OPER - 23/03/15 - TENDERS FOR WATER MAIN RELINING LITHGOW

**REPORT BY: I STEWART - OPERATIONS MANAGER**

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#### SUMMARY

This report seeks a determination from council with regard to tender TEN 01/15 water main relining tender.

#### COMMENTARY

Council in the capital works program for 2015 has funds available to undertake water main replacement throughout the reticulated supply areas in the Lithgow local government area. The estimated cost of the proposed works was \$400,000

Council called for tenders for water main relining of 2000m of water main from Main St to Great Western Highway intersection of Coerwull Road Lithgow and 1700m of water main from Wallerawang – Rydal Road to Wallerawang Reservoir Forest Ridge Drive Wallerawang. The tender called for “slip Lining” of councils existing water mains with a new polyethylene liner. This method was chosen due to the location of the existing mains and proximity to other services and due to the current water mains both crossing the Main Western Rail Line.

Tenders were called for and Council received only one (1) tender submission from Pipe Replacement Solutions

Tenders closed on Wednesday 11<sup>th</sup> February 2015.

#### Tenders

One (1) conforming tender was received by closing time 2.00pm 11<sup>th</sup> February 2015

Tenderer Submissions	Price (ex GST)	Price (incl GST)
Pipe Replacement Solutions	\$902,900.00	\$1,003,222.22

#### Evaluation

The tender evaluation panel reviewed the tender received, and found that due to the lack of competitive responses, the panel recommends that Council decline to accept the tender as per clause 178 (1) (b) of the Local Government (General) Regulation 2005. As Council would be aware, when a Council resolves to not accept any tenders, clause 178 (3) of the Local Government (General) Regulation 2005, they must do one of the following:

- a) postpone or cancel the proposal for the contract,



- b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- f) Carry out the requirements of the proposed contract itself.

The panel recommends that Council resolve to cancel the proposal for the contract as per clause 178 (3) (a) and reconsider the project specifications in order to gain best value for money.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

NIL

#### **RECOMMENDATION**

**THAT** Council:

1. Not accept any tenders for TEN 01/15
2. Cancel the proposal for contract as per Clause 178 of the Local Government (General) Regulation 2005 Clause 178 (3) (A).

**ITEM-8            OPER - 23/03/15 - WATER REPORT**

**REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

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**REFERENCE**

Min No 15-42:            Ordinary Meeting of Council held on 2 March 2015

**SUMMARY**

This report provides an update on various water management issues as per Minute Number 15-50.

**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, 9 March 2015 was 100% full. Oberon Dam capacity on Monday, 9 March 2015 was 59.23%.

**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**

<b>Month</b>	<b>Oakey Park WTP (ML)</b>	<b>Clarence Transfer (ML)</b>	<b>Fish River Supply (ML)</b>
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

February 2015	95	0	66
<b>TOTAL</b>	<b>735</b>	<b>0</b>	<b>436</b>

**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
<b>TOTAL</b>	<b>1,481</b>	<b>159</b>	<b>813</b>	<b>1,217</b>	<b>0</b>	<b>787</b>

**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 17/02/2015 to 12/03/2015.

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 17/02/2015 to 12/03/2015.

**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– 17/02/2015 – 12/03/2015.

**Water Reticulation Complaints**

The Lithgow reticulation network has experienced a significant increase in the level of dirty water complaints from 12 March 2015. Upon investigation it was found that the levels of iron coming into Oakey Park water treatment plant from Farmers Creek Dam had spiked significantly. It is believed that the iron was reacting with the chlorine in the distribution network to discolour the treated water. The dirty water occurrences have been random in their location, but predominately located in the Cook St and Shaft Street reservoir pressure zones. Dirty water complaints were tested on site and at all locations the water quality was found to be within the Australian Drinking Water Guidelines health limits.

Council officers have been working with the NSW Office of Water during this period to resolve the matter. NSW Health was notified, and they advised that the iron levels do not present a health risk, however do impact on water aesthetics such as taste, smell and colour.

Upon the advice of the NSW Office of Water, the water treatment process at Oakey Park Water Treatment Plant was temporarily modified in order to remove the iron prior to it reaching the reticulation network. In conjunction with this, Council officers have been flushing water mains and scouring reservoirs in order to draw the clean water through. It is believed that the spike in iron was caused by dam turnover, which is a natural occurrence resulting from changing climatic conditions. During dam turnover stagnant waters from the depths of the dam, which are rich in dissolved iron, are brought closer to the surface. Council officers will be conducting testing in conjunction with the NSW Office of Water to confirm that dam turnover was the cause of the recent water discolouration.

**FINANCIAL IMPLICATIONS**

NIL

**POLICY IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council note the water report.

**CORPORATE AND COMMUNITY REPORTS**

**ITEM-9            CORP - 23/03/15 - COUNCIL INVESTMENTS HELD TO 28 FEBRUARY 2015**

**REPORT BY: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY**

**REFERENCE**

- 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
- Min No 15-45:             Ordinary meeting of Council held on 2 March 2015

**SUMMARY**

To advise Council of investments held as at 28 February 2015 in the 2014/15 financial year.

**COMMENTARY**

Council's total investment portfolio, as at 28 February 2015 when compared to 31 January 2015, has increased by \$4,536,430.87 from \$15,887,946.44 to \$20,424,377.31.

There is an overall increase in cash and investments of \$447,552.13.

<b>INVESTMENT REGISTER 2014/15</b>								
<b>INSTITUTION</b>	<b>INV TYPE</b>	<b>DATE LODGED</b>	<b>DATE DUE</b>	<b>DAYS</b>	<b>INT</b>	<b>VALUE 31.01.15</b>	<b>VALUE 28.02.15</b>	<b>% OF TOTAL</b>
AMP	On Call	26.08.14			2.9	1,011,093.69	1,013,798.71	4.96%
CBA	On Call				2.2	2,001,395.83	2,004,814.65	9.82%
IMBS	TD	16.02.15	18.05.15	91	3.05	1,017,276.71	1,025,899.87	5.02%
	TD	22.12.14	23.03.15	91	3.4	1,000,000.00	1,000,000.00	4.90%
NAB	TD	23.02.15	25.05.15	91	3.15	1,026,940.44	1,035,901.56	5.07%
	TD	21.01.15	21.04.15	90	3.5	1,000,000.00	1,000,000.00	4.90%
	TD	07.01.15	07.04.15	90	3.5	504,703.67	504,703.67	2.47%
	TD	15.12.14	17.03.15	92	3.5	1,026,837.93	1,026,837.93	5.03%
	TD	27.02.15	01.07.15	124	3.1	0.00	1,000,000.00	4.90%
WESTPAC	TD	05.01.15	06.04.15	91	3.25	1,308,337.59	1,308,337.59	6.41%
	TD	08.12.14	09.03.15	91	3.22	1,008,551.51	1,008,551.51	4.94%
ST GEORGE	TD	19.11.14	19.03.15	120	3.42	952,743.32	952,743.32	4.66%
	TD	26.11.14	26.03.15	120	3.47	1,513,421.92	1,513,421.92	7.41%
ME BANK	TD	23.02.15	24.08.15	182	3.0	500,000.00	504,300.68	2.47%
	TD	27.02.15	24.06.15	117	2.97	0.00	2,000,000.00	9.79%
NEWCASTLE PERMANENT	TD	23.02.15	25.05.15	91	3.0	1,008,383.56	1,016,805.63	4.97%

FAMILY FIRST CREDIT UNION	TD	08.12.14	08.03.15	90	3.4	1,008,260.27	1,008,260.27	4.94%
BANK OF QUEENSLAND	TD	27.02.15	01.07.15	124	3.02	0.00	1,500,000.00	7.34%
<b>TOTAL</b>						<b>15,887,946.44</b>	<b>20,424,377.31</b>	

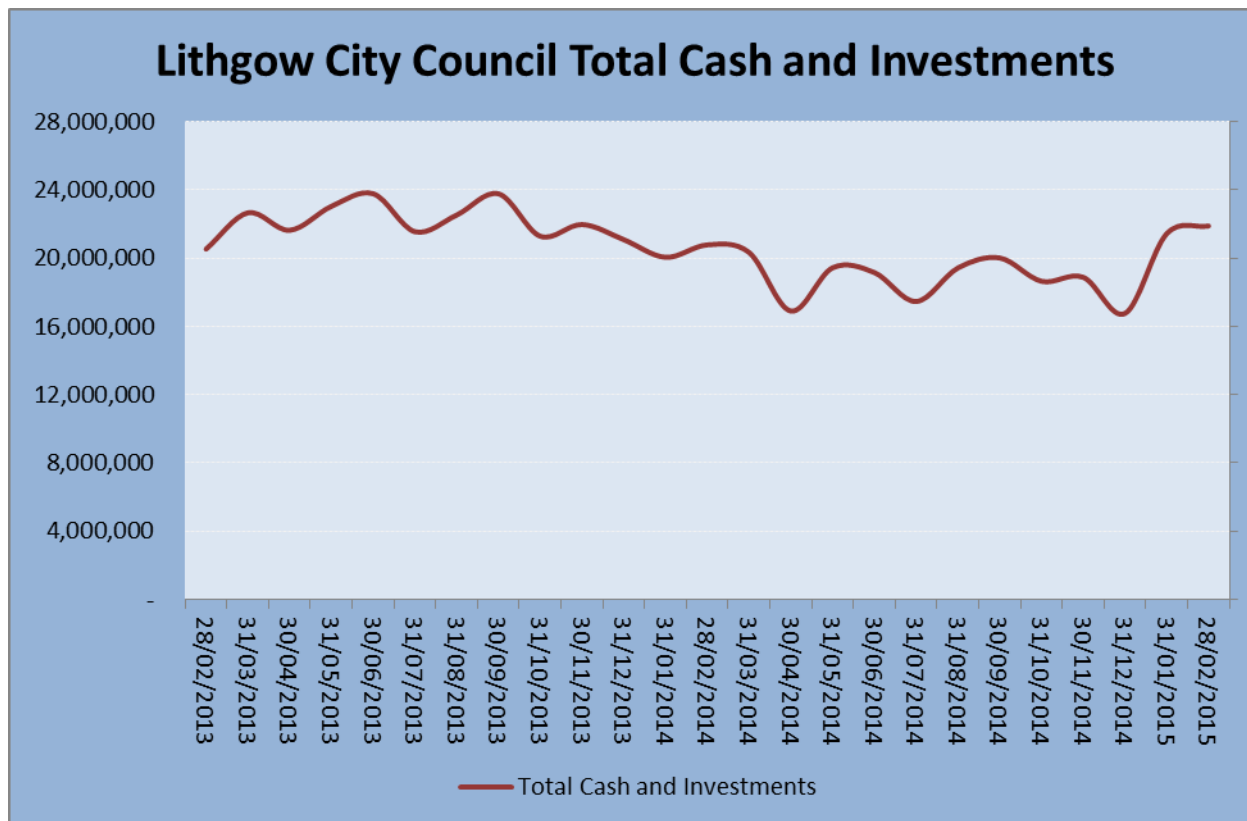
I, Juli-Ann Brozek, Lithgow City Council's Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

The movement in Investments for the month of February 2015 were as follows:

Opening Balance of cash and investments as at 31 January 2015	\$21,443,392.84
<u>Plus</u> New Investments – February 2015	\$4,536,430.87
<u>Less</u> Investments redeemed – February 2015	\$4,088,878.74
Closing Balance of cash and investments as at 28 February 2015	\$21,890,944.97

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

On the graph below historical and current investments to 28 February 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 28 February 2015 is \$363,194.43 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 \$20,424,377.31 and cash of \$1,466,567.66 for the period ending 28 February be noted.

## COMMITTEE MEETINGS

**ITEM-10          CORP - 23/03/15 - DISABILITY ACCESS COMMITTEE MINUTES - 4  
FEBRUARY 2015**

**REPORT BY:     V GULABOVSKI - COMMUNITY DEVELOPMENT OFFICER**

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## REFERENCE

Min No 14-66:            Ordinary Meeting of Council held on 10 February 2014  
Min No 14-250:         Ordinary Meeting of Council held on 2 June 2014  
Min No 14-320:         Ordinary Meeting of Council held on 28 July 2014  
Min No 14-398:         Ordinary Meeting of Council held on 29 September 2014

## SUMMARY

This report details the minutes of the Disability Access Committee meeting held 4 February 2015.

## COMMENTARY

At the Disability Access Committee meeting held on 4 February 2015 various items were discussed by the committee including:

- Disability Inclusion Act 2014
- Implementation actions of Disability Access Plan

## 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 Disability Access Committee meeting 4 February 2015
2. Terms of Reference - Disability Access Committee

## RECOMMENDATION

### THAT:

1. Council note the minutes of the Disability Access Committee meeting held 4 February 2015.



2. The Terms of Reference of the Disability Access Committee be amended to allow for a minimum of two (2) meetings per year.
3. The Terms of Reference of the Disability Access Committee be amended to include the review and monitoring of the implementation of the Disability Access Plan and to assist in the development of the Disability Inclusion Action Plan as required by the NSW Disability Inclusion Act.

**ITEM-11            CORP - 23/03/15 - TOURISM ADVISORY COMMITTEE MEETING - 17  
FEBRUARY 2015**

**REPORT BY:    K BARROW – TOURISM MANAGER**

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**REFERENCE**

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  
Min No 15-21:         Ordinary Meeting of Council held on 9 February 2015

**SUMMARY**

This report details the Minutes of the Tourism Advisory Committee Meeting held on 17 February 2015

**COMMENTARY**

At the Tourism Advisory Committee held on 17 February 2015, there were numerous items discussed by the Committee that requires action from Council including:

- Billboard and Town Entry Signage Update
- BMLOT Report
- Roaring 20's Glamour and Gowns Ball
- Key Action from Tourism Strategy
- Tourism Managers Report

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1.    Minutes from the Tourism Advisory Committee meeting of 17 February 2015
2.    LGA and Town Entry Signage Concept design number 1

## RECOMMENDATION

**THAT** Council:

1. Note the minutes of the Tourism Advisory Committee held on the 17 February 2015.
2. Note the new billboards have been installed and endorse Concept 1 for the town entry signage.

**ITEM-12            ENVIRO - 23/03/15 - RURAL LANDS STUDY PROJECT STEERING  
                         COMMITTEE MINUTES - 17 FEBRUARY 2015**

**REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**SUMMARY**

This report presents the minutes of the Rural Lands Study Project Steering Committee Meeting held on 17 February 2015

**COMMENTARY**

At the Rural Lands Study Project Steering Committee Meeting held on 17 February 2015, there were several items on the agenda with discussion outlined in the attached minutes. No matters discussed require a Council resolution.

**ATTACHMENTS**

1. Minutes of the Rural Lands Study Project Steering Committee Meeting held on 17 February 2015.

**RECOMMENDATION**

**THAT** Council note the minutes of the Rural Lands Study Project Steering Committee Meeting held on 17 February 2015.

**ITEM-13 OPER - 23/03/15 - AQUATIC CENTRE COMMITTEE MEETING  
MINUTES - 3 MARCH 2015**

**REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

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**SUMMARY**

This report details the Minutes of the Aquatic Centre Committee Meeting held on 3 March 2015.

**COMMENTARY**

At the Aquatic Centre Committee meeting held on 3 March 2015, there were a number of items discussed by the Committee including:

- Setting of Fees and charges for the first Season of the Indoor Complex and access to Indoor Pool Complex for Commercial Operators.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Aquatic Centre Committee meeting of 3 March 2015.

**RECOMMENDATION**

**THAT:**

1. Council note the minutes of the Aquatic Centre Committee held on 3 March 2015.
2. Introduce the following interim fees for the winter 2015 swimming season:

<b>Casual Visits</b>	
Child under 5 Years	Free
Child 5 - 16 Years	\$3.50
Concession	\$3.50
Adult	\$5.50
Over 75's	Free
<b>Season Pass (Valid 6 months)</b>	
Child 5-16 Years	\$150

Concession	\$150
Adult	\$200
Family	\$350
<b>10 Visit Pass</b>	
Child 5-16 Years	\$31.50
Concession	\$31.50
Adult	\$49.50
<b>Learn to Swim (30 minute lessons once per week, 10 week term payable upfront)</b>	
First Child	\$140 per term
Second Child	\$130 per term
Additional Children	\$120 per term per child
<b>Aqua Aerobics</b>	
Casula Visit	\$10 per class plus entry fee

3. Council staff conduct all learn to swim and aqua aerobics sessions during the first season of the Pool and not permit commercial providers.
4. Introduce the following hours of operation for the new indoor pool

Monday to Friday	6am to 11am, 1pm to 7pm
Weekends	8am to 4pm

**ITEM-14            CORP - 23/03/15 - BLUE MOUNTAINS CROSSING BICENTENARY COMMITTEE - 4 MARCH 2015**

**REPORT BY:    W HAWKES - CULTURAL DEVELOPMENT OFFICER**

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**REFERENCE**

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

**SUMMARY**

This report details the Minutes of the Blue Mountains Crossing Bicentenary Committee Meeting held on 4 March 2015

**COMMENTARY**

At the Blue Mountains Crossing Bicentenary Committee held on 4 March 2015, there were several items discussed by the Committee including:

- Hartley Date Signing Project
- The Macquarie Events - commemorative events and projects planned for the 200th anniversary of the first church service held at Glenroy by Governor Macquarie.
- Cox's Road Resumption and Access to Mt Blaxland
- Events Calendar update.

Hartley District Progress Society is organising a commemorative divine service to be held in Butlers Paddock (Jenolan Caves Road) on Sunday 26 April 2015.

Rosemary and Brad Barber (owners of Glenroy) are also organising a commemorative divine service at Glenroy (Jenolan Caves Road) on Thursday 30 April 2015.

Council will restore the 1937 Glenroy Cairn (First Divine Service) at Jenolan Caves Road, Hartley, following the conservation recommendations of the Royal Australian Historic Society.

The Committee recommended that Council support these projects from the \$5,000 in remaining funds for Blue Mountains Crossing Commemorative Projects as follows:

- \$1,000 - Installation of the Hartley Date Signs by Council.
- \$2,000 - to Hartley District Progress Association as a contribution for the commemorative service.
- \$1,000 - Contribution to Rosemary and Brad Barber for the Glenroy commemorative service.

- \$1,000 - Restoration of the Glenroy Cairn by Council.

Council, under S356, may provide financial assistance to persons or undertake works on private land, however an extensive process must be undertaken. It may be more prudent to re-allocate these funds for another purpose and be reconsidered by the Committee at its next meeting.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

There is \$5,000 of unspent funds in the Blue Mountains Crossing Committee Projects budget. The assistance may be funded from this budget.

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

1. Minutes from the Blue Mountains Crossing Bicentenary Committee meeting of 4 March 2015.

#### **RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Blue Mountains Crossing Committee meeting held 4 March 2015.
2. Approve the allocation of funds to Blue Mountains Crossing projects as follows:
  - \$1,000 - Installation of the Hartley Date Signs
  - \$2,000 - Hartley District Progress Association for the Macquarie Event
  - \$1,000 - Restoration of the 1937 Glenroy Cairn (First Devine Service)
3. Approve that the allocation of the remaining \$1,000 funds be reconsidered by the Committee at its next meeting.



**ITEM-15            ENVIRO - 23/03/15 - MEADOW FLAT HALL MANAGEMENT  
                         COMMITTEE MINUTES 5 MARCH 2015**

**REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**SUMMARY**

This report presents the minutes of the Meadow Flat Hall Management Committee Meeting held on 5 March 2015

**COMMENTARY**

At the Meadow Flat Hall Management Committee Meeting held on 5 March 2015, there were a number of items discussed which are outlined in the attached minutes.

The only matter requiring Council approval is the recommendation from the committee that the refundable deposit in the proposed fees and charges for the Meadow Flat Hall be reduced for community functions to \$245.00. The reason for the recommendation is that an upfront payment of \$489.00 was considered by the committee to be excessive for a community/resident function.

It is suggested that the refundable deposit fee could be reviewed prior to final determination of the Operational Plan/Budget.

**ATTACHMENTS**

1. Minutes of the Meadow Flat Hall Management Committee Meeting held on 5 March 2015.

**RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Meadow Flat Hall Management Committee Meeting held on 5 March 2015.
2. Reduce the proposed refundable deposit fee for Meadow Flat Hall to \$245.00 for community functions in its consideration of fees and charges prior to final determination of the 2015/2016 Operational Plan.

**ITEM-16 OPER - 23/03/15 - OPERATIONS COMMITTEE MEETING - 5 MARCH 2015**

**REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

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## **SUMMARY**

This report details the Minutes of the Operations Committee Meeting held on 5 March 2015.

## **COMMENTARY**

At the Operations Committee Meeting held on 4 March 2015, there were a number of items discussed by the Committee including:

- Major Works Projects - Aquatic Centre, Flood Mitigation Program, and Portland STP upgrade.
- Proposed Works Program for 2105/2016.
- Kremer Park.
- Oakey Park Water Treatment Upgrade.
- Mowing.
- Proposed closure of the Mt Sandy Track where it runs through Mr Sandy Allan's property in the Kanimbla Valley.
- Silcock Street RFS Encroachment on Private Property.
- Pied Piper Inspections – Need for Footpaths in the James Parade/Kermer Crescent Area.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes from the Operations Committee meeting of 3 March 2015.

## **RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Operations Committee held on 5 March 2015
2. Not support the application to close the public access over Mount Sandy Kanimbla Valley

## DELEGATES REPORT

### ITEM-17 DELEGATES REPORT - 23/03/15 - CENTROC MEETING - 26 FEBRUARY 2015

#### REPORT FROM: COUNCILLOR MAREE STATHAM, MAYOR

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## REFERENCE

Min No 14-400: Ordinary Meeting of Council held on 29 September 2014

## SUMMARY

This report outlines the discussions from the Centroc meeting held at the Boorowa Ex Services Club in Boorowa on Thursday 26 February 2015.

## COMMENTARY

The Centroc Board held its last meeting at the Boorowa Ex Services Club in Boorowa on 26 February 2015. The following report is for Council's information, along with the draft minutes of the meeting.

**Guest speakers** - were from Charles Sturt University providing advice on economic modelling of Central NSW. Subsequently the Board resolved to progress the next steps in strategy for regional economic development.

**Transport Infrastructure** - the Board resolved to remove the Centroc Weight of Loads Group. Over the years there has been a steady decline in member support for this program. Wellington Council managed this group and have provided advice that they no longer resource this service. The Board approved an Advocacy Plan for Transport Infrastructure. Discussion regarding a new regional roads group is underway.

**Water Security** – A Regional Infrastructure Priority Matrix has been developed by Centroc in conjunction with RDA Central West. It builds on the criteria developed by Infrastructure Australia and Infrastructure NSW to semi-quantitatively rank the infrastructure needs of the region. The Board gave consideration to the priorities for water infrastructure of the region from lists of up to 10 projects from each member council.

The Board also approved an Advocacy Plan for Transport Infrastructure.

On Thursday 19 February a delegation led by the Centroc Chair met with the Minister for Natural Resources, Lands and Water Senior Policy Advisor Warwick Pelly in Sydney, amongst the topics discussed was the dam consultation process, reducing the compliance burden for Councils and organising a meeting post the election for the Minister for Water to review the region's water infrastructure priorities.

**Health** – The Centroc Health Workforce group held a meeting in Forbes on 12 February. Guest speakers included Mr Stephen Jackson, Acting CEO of Western Medicare Local, Dr Ian Cameron, CEO of NSW Rural Doctors' Network and Dr Estrella Lowe, also from NSW Rural Doctors' Network.

Monday 9 February Centroc met with the Minister for Local Government to discuss various topics, Health infrastructure, was one of the topics and The Minister for Local Government has offered to provide support to the region in its efforts to have federal funding provided specifically for health infrastructure.

On Thursday 19 February the Chair of Centroc led a delegation to meet with the Minister for Health the Hon Jillian Skinner. The Minister undertook to provide advocacy support regarding the need for Local Government to be funded to build infrastructure for health such as doctor's surgeries.

**Regional Development** – A meeting is being arranged with the advisors to the Hon Barnaby Joyce seeking to proffer the region's position regarding the need for a more integrated effort regarding agriculture. The work being undertaken in collaboration with the State on the Regional Growth Plan includes the development of strategy around agriculture from a land use perspective.

Chair of RDA Central West, Mr Allan McCormack, was warmly congratulated on his appointment and Centroc is reinvigorating its MoU where both organisations are working very well together.

**Planning** – The region continues its advocacy with regard to the Audit Standards Board and its resource intensive approach to accounting for residual value. The Planners Group are well into developing advice for an Issues Paper to help inform the Regional Growth Plan.

**Operational Report** – Centroc continues to maintain savings for the Region. Since 14 December 2012 a total net savings of \$2,891,935 has been achieved for Councils for the operational support program.

The Chair of Centroc has written thanking the staff working across the region to optimise the use of the Centroc WHS Induction Program.

Centroc has been very active in writing responses to the Australian Energy Regulator regarding Essential Energy's submissions to increase electricity pricing, particularly for street lighting.

**Management Plan for 2015/2016** – The Management Plan covering the period of January 2015- December 2016 was adopted along with the budget for the financial year.

## **JO Update**

### **Background**

Centroc lodged an Expression of Interest (EoI) to become a Pilot Joint Organisation of Councils (JO) with the Office of Local Government 17 October 2014.

The Minister for Local Government, The Hon Paul Toole, announced Centroc was one of 5 successful Pilot JOs on 12 November 2014.

\$300,000 will be made available by the NSW Government to help fund Pilot JO activities.

On 17 November 2014, representatives of Centroc, including the Chair, met in Sydney to join fellow Joint Organisation representatives (Hunter, Illawarra, Namoi and Riverina regions) to start developing the details of the Pilot program where the advice to the meeting was drawn from the final report by the Independent Local Government Review Panel.

The Central West JO Regional Workshop was held 27 November in the Blayney Community Centre, all Mayors, General Managers, Centroc Staff and key state agencies from the region were in attendance. The workshop progressed the Plan for the JO Pilot.

The Centroc Executive directed the development of a two year management Plan from January 2015-December 2016 for the Pilot and twelve month transition period. Further advice regarding the Management Plan is provided in another report where it seeks approval from the Board at this meeting. The Management Plan makes the following commentary regarding the Pilot JO:

*Centroc has been selected as a Pilot JO to undertake a series of activities, these being:*

- *regional strategic planning*
- *inter-governmental collaboration*
- *regional leadership and advocacy*
- *operational support to member Councils*
- *governance, resourcing and administration*
- *evaluation*

*The Pilot itself will:*

- *enable different approaches to be tested*
- *help understand the best ways for State and Local Government and other partners to work together and build relationships*
- *develop a suite of information, tools and resources that support successful collaboration*
- *help build the enabling legislative model and identify changes needed in other legislation*
- *inform the implementation of JOs across regional NSW from September 2016.*

*Recognising the process will be iterative, Centroc has committed to underpinning its work as a Pilot on the following principles:*

- *A strong network of Councils working collaboratively across NSW will offer this state competitive advantage;*
- *Frank and fearless advice from experienced practitioners should be proffered to best position the workability of any reforms;*
- *Diversity is critical to regional development and robust decision making;*
- *JO design should be enable Local Government to be nimble and opportunistic;*
- *The process should include significant engagement with and responsiveness to all Pilot JO member Councils; and*
- *The experience of and learnings from the highly successful Centroc Water Utilities' Alliance should be shared across NSW*

Centroc continues to build on relationships with State agencies and regional entities through the JO pilot and is developing advice for a funding agreement with State Government.

Centroc member staff and RDA Central West are working with the Department of Planning and Environment to develop the Regional Growth Plan for the Central West. Various workshops have taken place and an Infrastructure Issues Paper is near completion where at the time most Councils have provided input. Please request the draft which has been provided to planning staff in the Central West Regional Growth Plan footprint.

A response to the Rural Councils Workshop Outcomes Paper was submitted to the Office of Local Government 7 January. This can be provided on request.

General Managers met 14 January 2015 to discuss risk management for the JO Pilot. This informed the further refinement of the Management Plan and advice to a Communications Plan which is near completion.

Some of the key risks and mitigations identified included:

- The legislative basis for the Joint Organisations may not be suitable for the region. This will be mitigated through the documentation of a recommended model in the pilot process.
- The State may be insufficiently resourced to effectively participate in regional strategic planning. This will be mitigated by working with the State to identify a committed and designated regional planning project team including Department of Premier and Cabinet.
- The direction of the JO may be at odds with individual councils or councillors. This will be mitigated by developing a Communication Plan that has opportunities for elected representatives and staff of councils to directly participate in and inform the activities of the JO.

Key opportunities include:

- The opportunity to use the Communication Plan to promote the model developed in this region as a leading example
- The opportunity to continue to promote the successes that Centroc has already achieved to decision makers
- The opportunity to lead the development of collaborative relationships with the State.

Members should have received advice regarding the regional water priority infrastructure where transport is near completion.

The first phone hookup of Pilot JOs with the OLG was held Wednesday 11 February. Representatives from the Department of Premier and Cabinet were also in attendance. Advice was provided that the funding agreements were in train as was a template for Regional Strategic Priorities.

A meeting of Pilot JOs west of the Blue Mountains and other ROCs able to attend with the Regional Leadership Group was held 18 February, the work at this meeting began a body of advice informing the optimisation of engagement with the State. This continues with good support from the Department of Premier and Cabinet.

The Centroc Board considered advice on progression of the Pilot and resolved to progress a draft Evaluation Plan through the Executive once the Office of Local Government has provided feedback. Key messages in a Communication Plan have been circulated to member councils and the plan itself will be circulated for member feedback in due course.

**Conclusion**

There is a lot of valuable collaborative activity going on in this region, through our JO Pilot program and with state agencies, all activities are tracking well to date. Centroc members, are fully engaged and should be congratulated for their efforts for the Region.

**RECOMMENDATION**

**THAT** the Mayoral Report from the Centroc Board Meeting 26 February 2015 at Boorowa be noted.

## NOTICES OF MOTION

### ITEM-18 NOTICE OF RESCISSION MOTION - 23/03/15 - ROAD RENAMING GUY STREET LITHGOW NSW

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Council has recently received representations in relation to the renaming of Guy Street, Lithgow. Council previously made the following resolution:

#### 14-236 RESOLVED

##### THAT:

1. Council provide justification for the names 'Mac Scott Road' and Vincent McManus Road' to the Geographical Names Board, then:
  - a) If accepted Council rename Reservoir Road Portland to 'Vincent McManus Road', and Morell Street, Lyons Street and Mead Street, Meadow Flat to 'Mac Scott Road' by proceeding with the Government Gazettal of these roads and advise Emergency Services and land owners of these road names.
  - b) If the names are not accepted, Council proceed with advertising and notification of an alternative name and report to Council.
2. **Council re-name the western end of Guy Street, Lithgow to 'Crowle Street' by Government Gazettal of this road and advise Emergency Services and land owners of this road name.**
3. No further action be taken regarding Falnash Street.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

## RECOMMENDATION

##### THAT:

1. Council rescind part 2 of Resolution 14-236, i.e:  
*Council re-name the western end of Guy Street, Lithgow to 'Crowle Street' by Government Gazettal on this road and advise Emergency Services and land owners of this road name.*
2. The name of Guy Street remain unchanged.

**This Notice of Rescission has been duly signed by 3 Lithgow City Councillors.**

Councillor Ray Thompson  
Councillor Col Hunter  
Councillor Peter Pilbeam



**ITEM-19 NOTICE OF MOTION - 23/03/15 - DEPARTMENT OF LOCAL GOVERNMENT LETTER DATED 13 MARCH 2008 - COUNCILLOR MITCHEHURST**

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## **REFERENCE**

Department of Local Government letter to the General Manager of Shellharbour City Council dated 13 March 2008.

Lithgow Mercury media report 6 November 2014 titled, Lithgow's pool debate led to councillor ejection from ordinary meeting.

<http://www.lithgowmercury.com.au/story/2668635/lithgows-pool-debate-led-to-councillor-ejection-from-ordinary-meeting/>

## **COMMENTARY**

Following the Ordinary Meeting of the Lithgow City Council held on Monday 27 October 2014, it was publicly reported in the Lithgow Mercury on the 6 November 2014, that the General Manager reminded Councillor McGinnes that he could be charged with trespassing if he continued to refuse to leave the Council Meeting.

In a letter to the General Manager of the Shellharbour City Council dated 13 March 2008, the then Acting Director-General signed a letter on behalf of the then Director-General clarifying a number of issues surrounding alleged acts of disorder at Council Meetings.

## **ATTACHMENTS**

1. Attached Department of Local Government letter to the General Manager of Shellharbour City Council dated 13 March 2008.

## **RECOMMENDATION**

**THAT** Council note the attached Department of Local Government letter to the General Manager of Shellharbour City Council dated 13 March 2008 with respect to alleged acts of disorder at Council Meetings.

### **General Manager's comment:**

The following is provided to assist with the advice contained within the letter from the Department of Local Government. This advice is consistent with Lithgow Council's actions so far:

#### **10 Who is entitled to attend meetings?**

- (1) Except as provided by this Part:

- (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
  - (b) a council must ensure that all meetings of the council and of such committees are open to the public.
- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:**
- (a) by a resolution of the meeting, or**
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.**
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

The above is reflected in clause 43 of Lithgow Council's Code of Meeting Practice.

Under clause 258 of the Regulations a person is required to leave the place where the meeting is being held immediately after being expelled.

**258 Power to remove persons from meeting after expulsion**

If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:

- (a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or
- (b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion-immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

In relation to the reference to the Council meeting of 27 October 2014, the following was recorded in the minutes:

Councillor McGinnes stood up and loudly and persistently interjected in the debate.

The Mayor asked Councillor McGinnes to be seated and remain quiet.

Councillor McGinnes continued to loudly address the Council.

The Mayor gave Councillor McGinnes a warning and asked him to refrain from addressing the Council.

Councillor McGinnes continued from his feet to loudly address the Council.

The Mayor repeatedly requested Councillor McGinnes to be seated.

The Mayor gave Councillor McGinnes a second warning and again asked him to be seated and refrain from addressing the Council.

Councillor McGinnes continued to loudly talk over the Mayor and address the Council.

The Mayor gave Councillor McGinnes his final warning.

Councillor McGinnes continued.

#### **14-410 RESOLVED**

**THAT** Councillor McGinnes be ejected from the Council

**MOVED:** Councillor Pilbeam

**SECONDED:** Councillor F Inzitari

The General Manager formally asked Councillor McGinnes to vacate the chambers (7.59pm)

Councillor McGinnes did not vacate the chambers and remained seated.

The General Manager then issued several instructions for Councillor McGinnes to leave the chambers.

Councillor McGinnes remained in his seat.

Councillor Ticehurst began to interject and was asked to refrain from addressing the Council.

The Mayor adjourned the meeting at 8.01pm.

Councillors were requested to vacate the chambers.

The Council reassembled at 8.31pm with all of the aforementioned councillors present with the exception of Councillors McGinnes and Ticehurst.

On resuming the meeting the Mayor asked the Council if it wished to continue business.

The Council responded in the affirmative.

According to the Office of Local Government's Meetings Guidelines:

#### **8.1.1 How should councillors conduct themselves at meetings?**

.....Councillors have a responsibility to behave professionally in and out of council meetings. Councillors should maintain good working relationships with each other and act in a manner appropriate to their civic status. This would include orderly behaviour and complying with rulings from the chairperson at council meetings (Clauses 9.5 and 9.6 Model Code). The Meeting Code and council's Code of Conduct identify the standards and responsibilities imposed on councillors by the Act, the Regulation and the Model Code.

Acts of disorder committed by councillors during council or committee meetings may amount to misbehaviour, leading to censure by the council or suspension.

The information above, along with the letter provided by Councillor Ticehurst, confirm that the action taken by the Lithgow City Council on Monday, 27 October 2014 to eject Councillor McGinnes was correct.

## **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.*