



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

17 AUGUST 2015

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 27 JULY 2015

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

STAFF REPORTS

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

COUNCIL COMMITTEE MINUTES

Sports Advisory Committee Meeting Minutes - 28th July 2015
Mining Taskforce - 6 August 2015

DELEGATES REPORTS - NIL

NOTICES OF MOTION

Public Safety Issues with Lithgow City Councils Conduct of Halloween 2015 - Councillor M Ticehurst
Audio Recording of Lithgow City Council Meetings & Committee Meeting Policy - Councillor M Ticehurst

QUESTIONS WITH NOTICE - NIL

NOTICE OF RECISSIONS - NIL

BUSINESS OF GREAT URGENCY

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

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CLOSED COUNCIL

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ITEM-15 **CLOSED COUNCIL - ENVIRO - 17/08/15 - LEASE 176 MORT ST
LITHGOW - COUNCIL AND DEPARTMENT OF HUMAN SERVICES**

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CLOSED REPORT

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ITEM-15 **CLOSED REPORT - CONFIDENTIAL - ENVIRO - 17/08/15 - LEASE
176 MORT ST LITHGOW - COUNCIL AND DEPARTMENT OF
HUMAN SERVICES**

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GENERAL MANAGERS REPORTS

ITEM-1 GM - 17/08/15 - AUDIO RECORDING OF COUNCIL MEETINGS

REPORT BY: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 15-134: Ordinary Meeting of Council held on 1 June 2015.

SUMMARY

This report provides details in relation to the audio recording of Council meetings.

COMMENTARY

At the Council meeting on 1 June 2015 Council resolved the following:

15-134 RESOLVED

THAT Council acknowledge the Coffs Harbour City Council Audio Recording of Council and Committee Meetings Policy and seek a report back from Senior Council Officers on incorporating and adopting a similar Policy within the Lithgow City Councils Code of Meeting Practice.

The Policy Statement by Coffs Harbour City Council was produced as an example of procedures that should be followed for the recording of Council meetings. Unfortunately this Policy Statement contains outdated and/or irrelevant information and therefore should not be considered as a reference point to adopt a similar policy.

Examples of the outdated and/or irrelevant information includes:

- Despite the Coffs Harbour Policy being adopted in August 2013 and including the Freedom of Information Act 1998 as a reference for related legislation the legislation was actually repealed in 2010.
- The Privacy NSW, User Manual on the Tape Recording of Council Meetings was prepared in May 2004. This was later removed in 2006.
- Privacy NSW no longer exists
- The Information and Privacy Commission NSW (IPC) was established on 1 January 2011 and replaced the former Privacy NSW
- The Surveillance Act is not relevant

At the heart of the argument at the time that the above resolution was made was the incorrect belief (by Councillors McGinnes and Ticehurst) that under relevant privacy legislation that Council is required to orally announce to the public that a recording of the Council meeting was taking place.

Councillor McGinnes subsequently provided email advice quoting from a document titled 'User Manual on the Tape Recording of Council Meetings'. This manual had been prepared by Privacy NSW. Privacy NSW no longer exists and its role has been taken over by the Information and Privacy Commission NSW (IPC). Contact was made with the IPC in relation to the manual. The advice of the IPC was that the Manual was taken down in 2006 as it 'No longer accurately reflected the law'. There is no replacement document available.

The relevant sections of the New South Wales Privacy and Personal Information Protection Act 1998 provide:

8 Collection of personal information for lawful purposes

(1) *A public sector agency must not collect personal information unless:*

- (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and*
- (b) *the collection of the information is reasonably necessary for that purpose.*

(2) *A public sector agency must not collect personal information by any unlawful means.*

10 Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) *the fact that the information is being collected,*
- (b) *the purposes for which the information is being collected,*
- (c) *the intended recipients of the information,*
- (d) *whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) *the existence of any right of access to, and correction of, the information,*
- (f) *the name and address of the agency that is collecting the information and the agency that is to hold the information.*

Added to this is Section 4 of the Act which provides:

4 Definition of "personal information"

- (1) *In this Act, "personal information" means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.*
- (2) *Personal information includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics.*
- (3) *Personal information does not include any of the following:*

- (a) *information about an individual who has been dead for more than 30 years,*
 - (b) *information about an individual that is contained in a publicly available publication,*
 - (c) *information about a witness who is included in a witness protection program under the Witness Protection Act 1995 or who is subject to other witness protection arrangements made under an Act,*
 - (d) *information about an individual arising out of a warrant issued under the Telecommunications (Interception) Act 1979 of the Commonwealth,*
 - (e) *information about an individual that is contained in a public interest disclosure within the meaning of the Public Interest Disclosures Act 1994 , or that has been collected in the course of an investigation arising out of a public interest disclosure,*
 - (f) *information about an individual arising out of, or in connection with, an authorised operation within the meaning of the Law Enforcement (Controlled Operations) Act 1997 ,*
 - (g) *information about an individual arising out of a Royal Commission or Special Commission of Inquiry,*
 - (h) *information about an individual arising out of a complaint made under Part 8A of the Police Act 1990 ,*
 - (i) *information about an individual that is contained in Cabinet information or Executive Council information under the Government Information (Public Access) Act 2009 ,*
 - (j) *information or an opinion about an individual's suitability for appointment or employment as a public sector official,*
 - (ja) *information about an individual that is obtained about an individual under Chapter 8 (Adoption information) of the Adoption Act 2000 ,*
 - (k) *information about an individual that is of a class, or is contained in a document of a class, prescribed by the regulations for the purposes of this subsection.*
- (4) *For the purposes of this Act, personal information is "**held**" by a public sector agency if:*
- (a) *the agency is in possession or control of the information, or*
 - (b) *the information is in the possession or control of a person employed or engaged by the agency in the course of such employment or engagement, or*
 - (c) *the information is contained in a State record in respect of which the agency is responsible under the State Records Act 1998 .*
- (5) *For the purposes of this Act, personal information is not "**collected**" by a public sector agency if the receipt of the information by the agency is unsolicited.*

The most relevant section from Section 4 is:

- (3) *Personal information does not include any of the following:*
 - (b) *information about an individual that is contained in a publicly available publication,*

The Council minutes are a publicly available publication as are the reports in the local media of people who address Council or even those that attend council meetings.

In addition to the above Councils are also given some guidance in relation to how they operate through the Meetings Practice Note as issued by the Office of Local Government (<http://www.olg.nsw.gov.au/sites/default/files/Practice-Note-16-Meetings-Practice-Note-August-2009.pdf>). Here the relevant section provides:

2.16 Audio or Visual Recording of Meetings

A person may only use a recording device to record the meeting of a council or its committees with permission (cl.273 of the Regulation). A council could decide to record its meetings to ensure the accuracy of its minutes or for some other council function.

In coming to this decision, the council would need to consider section 8 of the Privacy and Personal Information Protection Act 1998 (PPIPA). This section states that personal information must not be collected unless it is reasonably necessary for a lawful purpose directly related to council's function. Further, a council would need to have regard to section 18 of PPIPA, which requires:

- that personal information must not be disclosed unless it is directly related to the reason why the information was collected; and*
- council has no reason to believe that the person concerned would object; or*
- the person concerned is likely to have been aware or has been made aware (in line with section 10 of PPIPA) that information of that kind is usually disclosed.*

Section 10 of PPIPA also requires a council, where reasonable, to make a person aware of certain matters before their information is collected or as soon as practical after collection.

As with any request to access council documents that may contain personal information, requests for access to tape recordings should be treated with caution.

Clause 273 of the Local Government (General) Regulations provides:

273 Tape recording of meeting of council or committee prohibited without permission

- (1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.
- (2)

The current Council Code of Meeting Practice, version 10, provides:

16 MINUTES - SOUND RECORDING [LP]

- (i) Ordinary, Extraordinary and Committee meetings of the Council may be recorded electronically in "open Council".
- (ii) A master recorded copy of Council and Committee Meetings will be retained in safe custody within the Council. The purpose of recording the minutes of a meeting are to provide a means to verify the official minutes when they are being prepared.
- (iii) Recordings will be accessible to Council staff for the purpose of confirmation of the minutes and will not be made available to other persons.
- (iv) The master copy will be destroyed after three (3) months of being made.
- (v) Recordings do not replace the official minutes as adopted for any meeting held on the Chamber and once the official minutes have been endorsed recordings can be destroyed without waiting for the expiry of the 3 month period identified as the maximum retention timeframe in sub clause (iv) above.
- (vi) Audio recording equipment may be made available for any other Committee or working group upon request provided that the subject meeting is conducted in the Council Chambers.
- (vii) Recording by external parties is dealt with in Clauses 71 and 72 of the Code.

Given the above:

- It would be a reasonable expectation that people attending a Council meeting that it is recorded, including by media from time to time. The Council meetings are open to the public to attend and their attendance may be recorded in the Council minutes or via local media. This would be similar to recordings of other levels of government including the State and Federal parliaments
- Council provides a higher standard than is required and provides warnings to those attending that the meetings are recorded by way of notices both inside and immediately outside of the Chamber. These notices were in place prior to 2008, though the number of warnings were increased in 2010.
- Council provides for the recording of Council meetings via its Code of Meeting Practice which has been advertised and resolved through a public process. Hence Council has given its authority under the Local Government Regulations

There is no requirement for Council to provide an oral warning to those present that the Council meetings are being recorded. Council has provided a higher standard and provided warning signs throughout the Chambers and prior to entering. Council MAY choose to provide a further higher standard and make a public announcement at the commencement of each meeting. In doing this, rather than create a new policy, an amendment to the Code of Meeting Practice would suffice.

POLICY IMPLICATIONS

As outlined above.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

As outlined in the report.

RECOMMENDATION

THAT Council:

1. Note the report in relation to the Audio Recording of Council meetings; and
2. Note that an oral statement is not required under the PPIP Act for the recording of Council meetings.

ITEM-2 GM - 17/08/15 - CLARENCE ACCESS - ZIG ZAG RAILWAY

REPORT BY: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 15-29: Ordinary Meeting of Council held on 9 February 2015
Min No 15-39: Ordinary Meeting of Council held on 2 March 2015

SUMMARY

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

COMMENTARY

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

15-29 RESOLVED

THAT Council:

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

Since that time discussions were held with Zig Zag Railway Co-op Pty Limited (ZZR).

Following those discussions and negotiations Council subsequently resolved:

15-39 RESOLVED

THAT Council:

1. Endorse the action taken in the signing of the Deed of Licence with Zig Zag Railway Co-op Pty Limited inclusive of:
 - Council providing full indemnity in favour of Zig Zag Railway, its Directors and Officers against any liability or risk arising from any use of that access way by any party while it is under control of Council;
 - On condition that the access will be closed if Council relinquishes control of any part of the access way;
 - Council to pay Zig Zag Railway reasonable legal costs in relation to the negotiation and execution of the Licence.

- The preservation throughout the term of the licence of the current usage which Zig Zag Railway has over the lands affected by the Licence.
 - Council not requiring Zig Zag Railway to remove any rail infrastructure or other items from Council owned land at Clarence during the term of the licence; and
 - That Council agrees to negotiate in good faith during the term of the licence in relation to the issues of fencing, culvert, level crossing, Interface Agreement and road dedication.
2. Thank Tim LeFevre for his assistance in getting this action completed so quickly.

As a result of the discussions a Deed of Licence between Council and ZZR whereby ZZR grants Council for six (6) months full control of the existing access track at Clarence was agreed and entered into. The Deed provided for the access track traversing Lot 1000 DP843871, Lot 134 DP751650, Lot 1 DP826250 and any other adjacent land owned by ZZR affected by that access track, for use by the general public and landowners and land users presently using the access track.

Liability indemnity was provided to ZZR and discussions took place principally in relation to:

1. The exchange of lands for the road access from the Bells Line of Road to the Crown Lands north of the level crossing
2. Safety fencing between the railway line and the access road
3. Drainage and the culvert under the railway line and level crossing
4. Signage for the level crossing
5. An assessment of the Australian Standard for Assessing Level Crossings (ALCAM)

Costs associated with the above, while they had not been fully costed, were considered to be beyond the capacity of either side to bear. As a result it was considered that discussions were required with the NSW State Government.

On site the parties agreed that:

- An extension of the Deed of Licence be entered into
- Further discussions take place in relation to the five points outlined above
- Together meet with NSW State Government representatives in an attempt to resolve the issues

POLICY IMPLICATIONS

NIL at this stage

FINANCIAL IMPLICATIONS

NIL at this stage apart from the legal expense for the extension of the Deed.

LEGAL IMPLICATIONS

A Deed of Licence has been entered into for a period of six (6) months with Zig Zag Railway. This report seeks the extension of that Deed.

The access track via Zig Zag Railway may be used by the general public for a further period of six months whilst negotiations on the track continue.

RECOMMENDATION

THAT Council endorse the extension of the Deed of Licence with Zig Zag Railway Co-op Pty Limited for a further six (6) months.

ITEM-3 GM - 17/08/15 - WATER STANDPIPE CHARGES

REPORT BY: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 15-187: Ordinary Meeting of Council held on 27 July 2015.'

SUMMARY

This report is in response to the request from Council at the 27 July 2015 Council meeting regarding Water Standpipe charges.

COMMENTARY

Council previously resolved that:

15-187 RESOLVED

THAT Council be provided with a report on the feasibility of removing, in this financial year, the charge of a daily/monthly access fee for water standpipe consumers.

Council presently provides a service to the community of making water available, for charge, via water standpipes located throughout the local government area. A metered standpipe is located at Hughes Street /Barton Avenue, Lithgow. This was erected in 2011 and led to a change in the fees and charges at the time.

Prior to the metered access point water carters could access any standpipe and pay an annual fee. There were then no limits to the amount of water that could be accessed for a year or quarter. In 2010-2011 the charges were:

Commercial carter	Per year	\$3729.51
Commercial carter	Per	\$959.31
Water usage plus access charge	Per	\$2.67
Daily access for metered water	Per day	\$5.50

In 2011 when the new metered standpipe was introduced new fees also introduced to recognise the actual amount of water used, hence a user pays system. For the 2015/16 period these charges are:

Water usage	Per kilolitre	\$3.35
Standpipe Key /Card (deposit or replacement)	Each	\$58.05
Access for metered water standpipe	Per day	\$6.65
	Monthly	\$202.00

The bond is refundable on the return of the key, for regular commercial water carters the bond may be held over. Consequently the next usage would be charges for access and water only. The access charge and usage charge are prepaid.

Council's Customer Service Team monitors the daily usage by recording when the key is returned and taken, therefore they may pay for five days but only use three days the first time and the other two day will remain in credit as does the kilolitres not used.

Earlier this year a comparison (of 2014-15 charges) was made with other local government areas and the following charges were then being applied:

Council	Access Card	Access Fee	Usage
Bathurst	\$15	-	\$7.10/kl
Orange	\$77.25	\$102 annually	\$2.78/kl
Mid Western	\$30	-	\$5.15/kl
Oberon	-	-	\$5.50/kl with a minimum purchase of \$27.00
Lithgow	\$56	\$6.40 per day	\$3.20/kl

As a further comparison the below charges are applied to those business premises connected to the town water supply.

Water Charge		
Business	Access - 20mm	\$675.00 - annual
	Access - 50 mm	\$895.00 - annual
	Access - 100mm	\$1020.00 - annual
	Access - 200mm	\$1020.00 - annual
Business	Usage Charges	\$3.11KL

The arrangements for the collection of water requires the customer to prepay for access and the water. The customer is then required to collect and return the key to Council.

It has been requested that a more user friendly and efficient manner would be to remove the daily access charge completely. This may be done in the current year and a small increase made in future years to the kilolitre charge to compensate for the loss of revenue. Unfortunately in order to make amendments to the Council Revenue Policy the provisions relating to the adoption of the Operational Plan are to apply. Here the following is provided:

405 Operational plan

- (1) A council must have a plan (its "**operational plan**") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.
- (2) An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.
- (3) A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at

- any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.
- (4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.
 - (5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.
 - (6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.

Hence as the Revenue Policy forms part of the Operational Plan Council must advertise any change for a period of 28 days and then consider any submissions made in relation to the proposal.

POLICY IMPLICATIONS

As outlined above

FINANCIAL IMPLICATIONS

Council's estimated revenue from the water standpipe access fee for 2015-16 is \$3,237.

LEGAL IMPLICATIONS

As outlined above

RECOMMENDATION

THAT Council:

1. Advertise its intention of removing, in this financial year, the charge of a daily/monthly access fee for water standpipe consumers.
2. Consider any submissions made in relation to the proposal.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-4 ENVIRO - 17/08/15 - DEVELOPMENT APPLICATION DA248/14 - SUBDIVISION OF 1 LOT INTO 12, TWEED ROAD LITHGOW

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

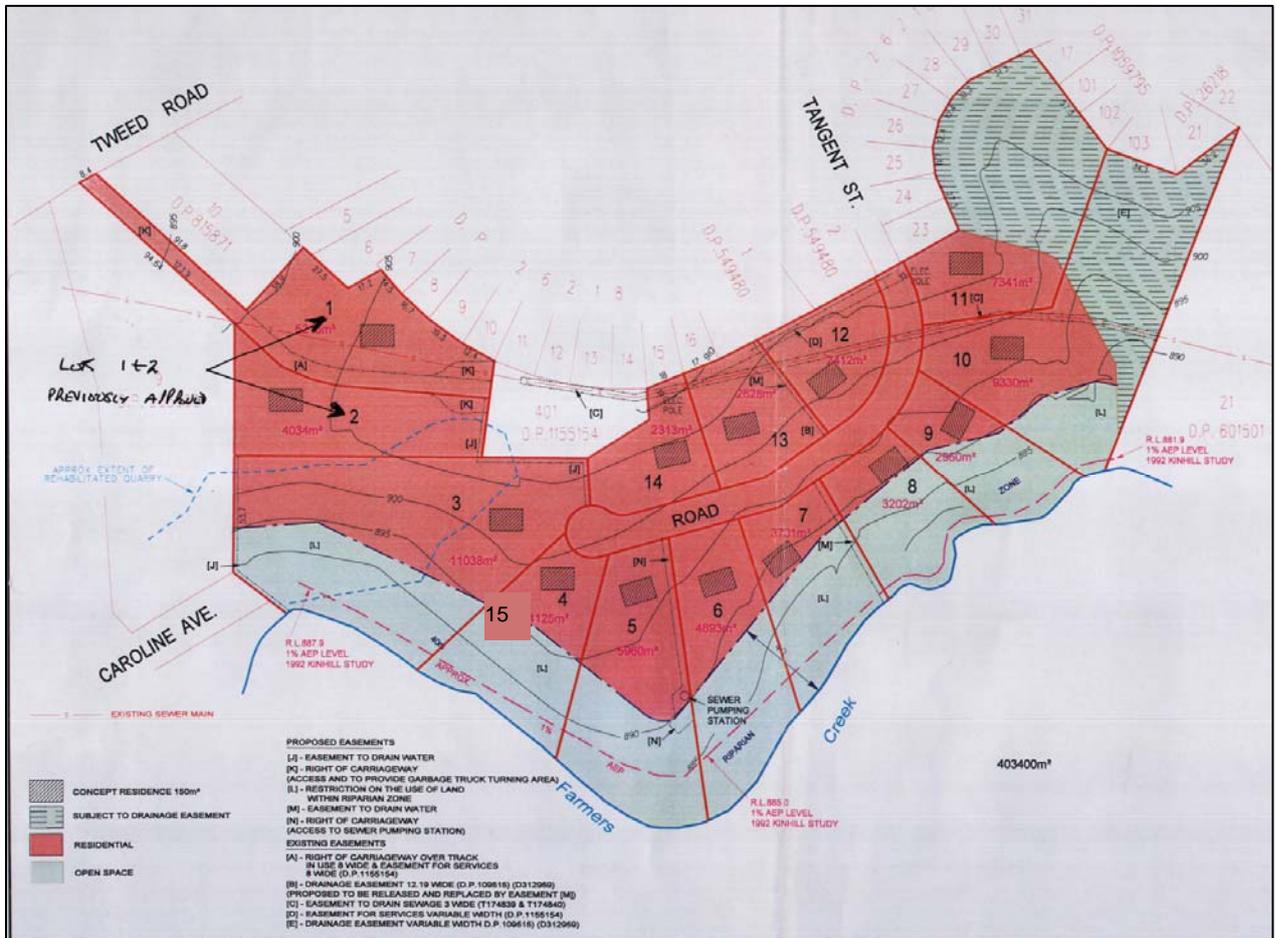
Min No 14-489: Ordinary Meeting of Council held on 15 December 2014
 Min No 15-75: Ordinary Meeting of Council held on 20 April 2015

SUMMARY

To assess and recommend determination of DA248/15. Recommendation will be for approval subject to conditions.

COMMENTARY

Council is in receipt of Development Application DA248/14 for a 1 lot into 12 lot subdivision on land known as Lot 402 DP 1155154, Tweed Road Lithgow NSW 2790 as shown below (Lots 1 & 2 not included):



The proposal is for 12 residential allotments as below and including a road extension of Tangent Street, Lithgow:

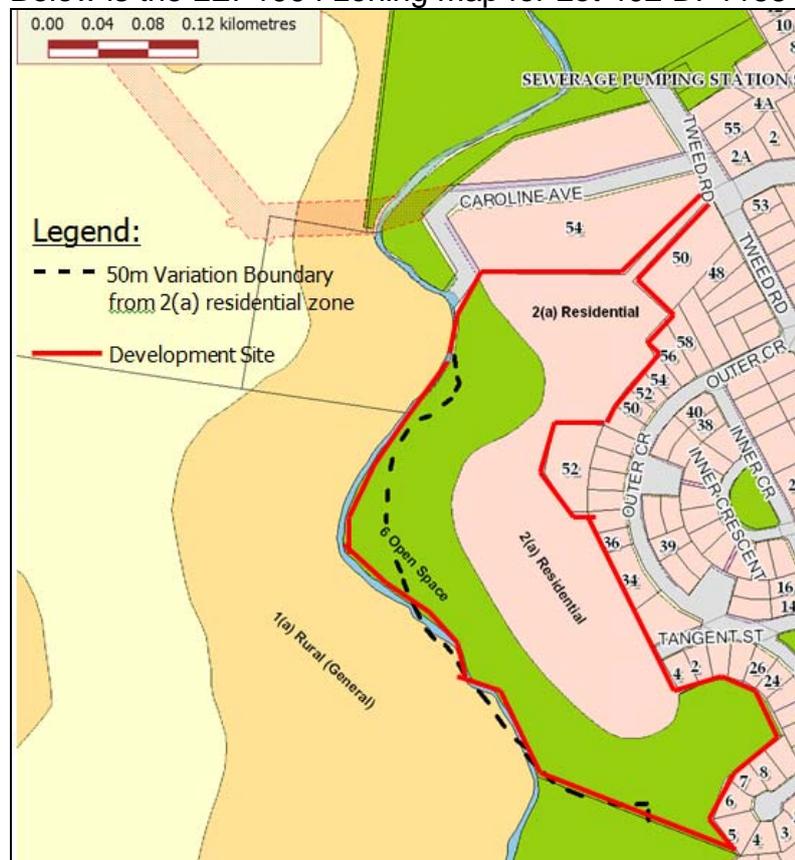
Lot 15 - 11038 m ²	Lot 9 - 2960 m ²
Lot 4 - 4125 m ²	Lot 10 - 9330 m ²
Lot 5 - 5960 m ²	Lot 11 - 7341 m ²
Lot 6 - 4893 m ²	Lot 12 - 2412 m ²
Lot 7 - 3701 m ²	Lot 13 - 2628 m ²
Lot 8 - 3202 m ²	Lot 14 - 2313 m ²

PERMISSIBILITY UNDER LOCAL ENVIRONMENTAL PLAN 1994

The application was lodged prior to the gazettal of Draft Lithgow Local Environmental Plan 2013 (DLEP2013). Therefore, the application is to be assessed under Lithgow City Local Environmental Plan 1994 (LEP1994) whilst having regard to DLEP2013 in accordance with the *Environmental Planning & Assessment Act 1979*.

The proposal is permissible in Zone 2(a) Residential. The land is also zoned 6 Open Space, however Clause 31 ‘Minor Variation to Zoning Boundaries’ is being utilised to allow for the subdivision to be permissible in Zone 6. Clause 31 provides for the subdivision to be undertaken within 50m of the adjoining boundary zone being 2(a) Residential. Council must be satisfied that ‘the carrying out of the development is desirable due to planning, design, ownership, servicing, or similar requirements relating to the optimum development of land to which this Plan applies or for minimising land degradation’.

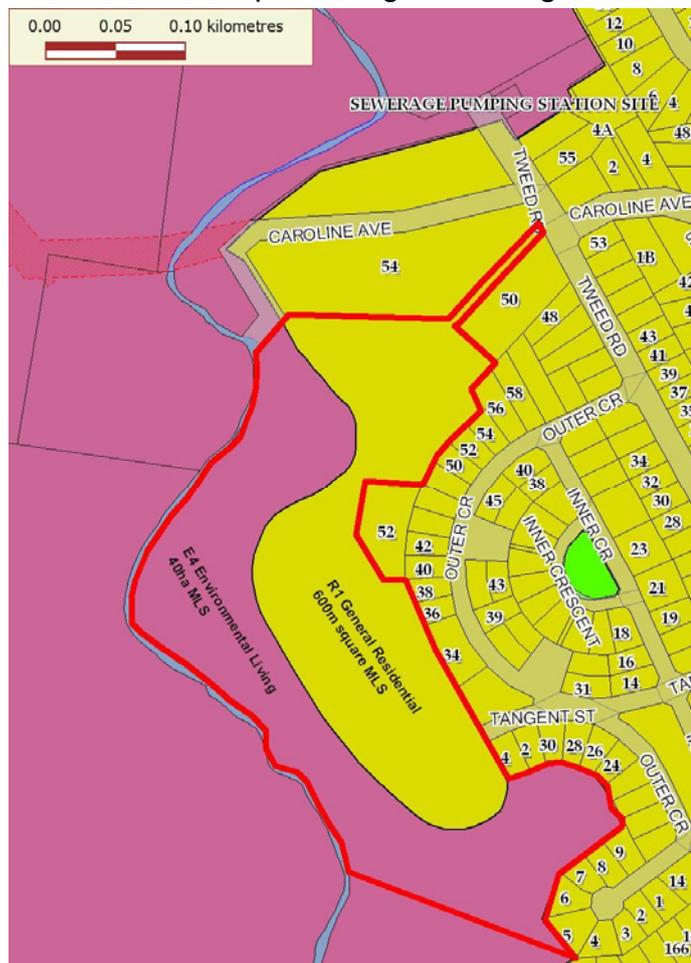
Below is the LEP1994 zoning map for Lot 402 DP1155154:



The Zone 6 Open Space will still be protected by the implementation of a Vegetation Management Plan as suggested by the applicant and would be conditioned if approved. With this plan it will improve the current environmental state of the area close to Farmers Creek. Therefore, it is considered that the application generally complies with the provisions of the LEP with the use of Clause 31 "Minor Variation to Zoning Boundaries".

PERMISSIBILITY UNDER DRAFT LITHGOW LOCAL ENVIRONMENTAL PLAN 2013

The proposed subdivision will generally meet the objectives of zone R1 General Residential and E4 Environmental Living under the draft LEP2013 which was subsequently gazetted as Lithgow Local Environmental Plan 2014. However, the subdivision does not meet the requirements of Clause 4.1 'Minimum subdivision lot size' for part of the subdivision, as the lots require a minimum lot size of 40ha (where zoned E4). The remainder of the lots are required to have minimum lot size of 600m² which is met for this development. See below map showing the zoning and MLS boundaries.



The development is within proximity of 'Braemar House' (locally heritage listed), however given it is for a subdivision and is not affecting streetscape within its vicinity; the development adequately complies with Clause 5.10.

Earthworks will be undertaken on the land as a result of this development with construction of roads and installation of services. Conditions of consent, if approved, would ensure that any fill brought to site was suitable and that adequate sediment and erosion controls in place.

The development at this stage is for a subdivision and the flood behaviour as a result of this application would be unchanged with the majority of works outside of the flood area. All allotments have adequate space to erect a dwelling outside of the flood liable land and will comply with Clause 7.1 of the draft LEP2013. The development will comply with Clause 7.2 for Stormwater Management with Water NSW and Council proposed conditions of consent.

The development has been assessed by the NSW Office of Water in relation to the proximity to the watercourse with General Terms of Approval provided if determination is for approval. Given the proposal is for subdivision it is not expected that the development will affect the riparian land or watercourses subject to the building envelope locations and appropriate conditions of consent, if approved.

In relation to Clause 7.8 Essential Services, the development will be adequately serviced with water, electricity, vehicular access, sewer and stormwater drainage.

Therefore, development generally complies with the provisions of the DLEP2013 with the exception of the MLS for subdivision. However, given the application was lodged under LEP1994, the development may be given determinative weight in this instance under LEP1994.

EXHIBITION & COMMUNITY CONCERNS

The proposal was also notified adjoining landowners, placed on public display in Councils Administration Building and advertised for a period of 30 days with seven (7) submissions received as summarised below.

The following concerns have been raised in submissions:

- The types of developments permissible on the allotments are unknown which could potentially have impacts on views, natural light and privacy of existing residents. It could be proposed or restricted i.e. only single storey houses and no large vegetation, to minimise impacts on these surrounding neighbours;
- The proposal will be steep for road access and for building, but Lots 9, 8 & 7 appear to extend into the riparian zone and to the flood plain of the river. Photos are submitted (attached) showing the river in a flood and it is believed that these lots would be compromised during this time. Erosion markings from the last flood are still evident today;
- The previous application accepted a soil survey report that stated the old 'Factory Dump Site' did not present any environmental problem, however this does not seem a rigorous enough assessment as the quarry area still presents a potential problem in that it was covered chitter and leaves potential for leaching of contaminated into the water course;
- Pleased to see drainage through lot 13 however there is a current Council drain at the border of Lot 1 & 2 Outer Crescent that drains into the paddock and the drainage has not been addressed;
- Issues are raised with the potential pollution to Farmers Creek from roadwork's, stormwater and the old quarry site;
- That the area will lose their quiet streets due to increased motor vehicles travelling through the area;
- That the narrowness of Tangent Street means it is nearly completely unpassable when two vehicles are parked either side of the street and with a crest of hill, curves

that have blind spots and increased traffic, the current issues and safety concerns will be increased;

- Machinery used to create the subdivision would generate a lot of dust and venture into adjoining properties which would affect cleaning, washing and maintaining those properties. This could also impact on health of families in the area especially if ongoing works for years or months;
- Given the economic climate of the town and recent job losses and the ongoing issues with the industry declines and the number of vacant land and houses already existing in the area, this application is not suitable or needed;
- The noise generated by heavy machinery used would be severely affecting pets and neighbouring animals and the clearing would also reduce the number of animals in this area;
- The drop off for Tangent Street is not suitable and traffic would not allow owners to have any parking at the front existing dwellings on this section of road. Other applications for subdivisions have been refused for the same reasons before;
- The proposed access from Tangent Street is not acceptable as stated in Environmental & Services Report printed 19/12/05 (DA125/05) in relation to the previous DA submitted to Council the report states:

'The original intention to utilise the already existing Tangent Street was discounted due to the steepness of the land directly at the end of Tangent Street... In respect of Tangent Street, it was thought preferable to not use this access due to Engineering considerations and considerations for adjoining owners'.

Council should agree with this previous report as nothing has changed this and it would have disastrous effects for families if approved. If the road is widened here it would bring the road closer to existing houses.

- That the proposal may affect existing wildlife of kangaroos, wombats, ring-tail possum, echidnas, Blue Tongued Lizard, various snakes and turtles, birds, Purple Copper butterfly and Eastern Bentwing Bat would all be greatly affected by this subdivision.

Comment:

The area is zoned residential and therefore the types of development in the future would be required to be permissible within this zoning. The land is suitably zoned to allow for a subdivision for residential purposes regardless of the current economic climate which is a matter for the developer to consider. All development on each allotment will have a merit based assessment in relation to views, overshadowing and privacy issues of the surrounding area as it cannot be addressed as part of the subdivision.

The flood study indicates flood levels and the proposed building envelopes have been proposed outside these areas, which will alleviate any flood inundation concerns. The road has been assessed by Council Engineers and deemed acceptable with the proposed grades which meet Council current guidelines. The development would have a number of conditions of consent if approved from Water NSW, NSW Office of Water and Council to ensure that during works no pollution (including sediments) enter the river, which will further reduce any impacts.

There is no evidence of leaching from previous activities on the land and a contamination report has confirmed the land is suitable for residential development. However, an

exclusion area will be implemented around the old quarry area to alleviate any further concerns.

In relation to drainage, Council officers and Water NSW have placed stringent requirements for the stormwater infrastructure to adequately provide for the drainage of the site. In relation to traffic concerns Council officers have recommended conditions of consent to ensure the proposed development will meet Council requirements. This includes widening of the road and a passing bay on the existing section of Tangent Street. An increase of 12 lots within the area is not considered a major increase in traffic impacts in a residential area.

With regards to road works the applicant would be required to undertake work in a manner that reduces dust pollution at all times. The timing of construction is irrelevant as all works would still be subject to conditions of consent if approved. Construction noise would be limited to daylight hours and is not expected to be of major impact to flora or fauna. The majority of the land is devoid of vegetation with mainly overgrown grasses and it is not expected that the development of this land would significantly impact on flora and fauna of the area.

Lastly, previous reports cannot be relied on for the assessment of this application in relation to road design and traffic volumes as they do not reflect the current application, current guidelines or the current design of subdivision. This application is to be assessed on its own merits as detailed in the 79C assessment.

PLANNING AGREEMENTS

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to this subdivision proposal. The developer has agreed to make a contribution of \$3,000 per new allotment to go toward general community facilities. Whilst the details of the VPA will be separately reported to a future meeting a condition will be incorporated indicating the basic terms.

CONCLUSION

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

OTHER MATTERS

The Council at its meeting of 15 December 2014 in relation to the 'calling in' of this application, the following was resolved:

14-489 RESOLVED

THAT:

2. *An onsite meeting be held.*

A public community meeting was held with landowners invited to attend as a result of concerns raised for this development. This meeting had approximately 21 residents attend, the applicants, Council's assessing officers and Councillors. A brief summary of issues raised is detailed below:

- Tangent Street as it exists is narrow, with issues with parking currently. This will be exacerbated with additional traffic flows in the area;
- The extension of Tangent Street will mean a major cut/drop at the end of the existing road and will affect adjoining residents;
- Traffic management (i.e. signage etc) and flows need to be assessed, as it is perceived that the area would be unsafe and dangerous to pedestrians;
- Tangent Street would not be wide enough and will be too steep for garbage trucks and the like;
- Existing sewer services are currently an issue with wet weather overflows occurring, meaning that increased flows would have an amplified effect;
- Contamination from previous uses could affect future residential use and the environment with previous reports not sufficient in identifying the full extent of issues;
- The area is flood affected and the flood level is higher than the proposed house locations, with photographic proof that can be provided by residents;
- If approved, rural views and amenity of the area will be completely changed and not for the better; and
- There will be extra noise and dust experienced while construction is happening and is not acceptable.

Comments: All issues have been addressed in the previous assessment. However the applicant has amended the road proposal by supplying amended plans that proposes to minimise concerns raised from this meeting. An additional meeting occurred with residents from the end of Tangent Street to discuss the amended plans in detail. Again there were still concerns raised in relation to the road design and widening of the existing Tangent Street and these concerns were forwarded to the applicant for consideration. The applicant considered these further concerns and provided another set of amended plans for Council assessment in relation to the road design. The applicant declined to provide survey level plans.

This road proposal includes works near existing properties to widen the road, and additional conditions of consent are imposed by Council's Engineers to ensure adequate design as part of the Construction Certificate process. The grade will also be reduced as a result of the proposal and provisions put in place to ensure that all existing accesses are not compromised.

In conclusion, this is a challenging application on a difficult site. Some of the issues raised are valid but on balance consent can be recommended subject to conditions.

POLICY IMPLICATIONS

Policy 7.7 -Calling in of Applications by Councillors

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

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

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

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

FINANCIAL IMPLICATIONS

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

Sewer: The development requires additional connections to Council’s reticulated sewer. This requires potential upgrades of existing services to allow for the additional loadings. The cost of these of upgrades will be borne by the developer; however the ongoing maintenance of the services will be the responsibility of Council. It is important for Council to ensure that these services are properly provided to minimise potential unnecessary maintenance in the future. This is of public interest as there are additional sewer services that will be required to be maintained by Council resulting in future costs to the community. However, contributions through the Water Management Act 2000 will be applicable and will provide support to Council’s ongoing maintenance of this utility.

Water: The development requires additional connections to the reticulated water services. The cost of these of upgrades will be borne by the developer; however the ongoing maintenance of the services will be the responsibility of Council. It is important for Council to ensure that these services are properly provided to minimise potential unnecessary maintenance in the future. This is of public interest as there are additional water services that will be required to be maintained by Council resulting in future costs to the community. However, contributions through the Water Management Act 2000 will be applicable and will provide support to Council’s ongoing maintenance of this utility.

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 248/14 be approved, subject to the conditions outlined in the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-5 ENVIRO - 17/08/15 - INCREASE TO COMPANION ANIMALS
REGISTRATION FEES**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To advise Council on an increase in registration fees for companion animals.

COMMENTARY

Advice has been received from the NSW Office of Local Government advising that from 1 July 2015 cat and dog lifetime registration fees will increase in line with CPI. The new fees will be as follows:

- Desexed animal - \$51 increased from \$49
- Non-Desexed Animal - \$188 increased from \$182
- Breeder Concession - \$51 increased from \$49
- Pensioner Concession (De-sexed animal only) \$20 increased from \$19

Council's fees and charges for 2015/16 had been advertised and adopted in accordance with the previous fees. However, as these fees are regulated they will automatically apply and Council's fees and charges may be amended accordingly without the need for the 28 day exhibition process.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Detailed in this report.

LEGAL IMPLICATIONS

The Chief Executive of the Office of Local Government is empowered to issue a Notice under the Companion Animals Regulation 2008 specifying the new fees. This has been duly gazetted.

RECOMMENDATION

THAT Council:

1. Note the report on the increase to the Companion Animals Registration Fees
2. Amend its 2015/16 fees and charges for companion animals as follows:
 - Desexed animal - \$51
 - Non-Desexed Animal - \$188
 - Breeder Concession - \$51
 - Pensioner Concession (De-sexed animal only) \$20

OPERATION REPORTS

ITEM-6 OPER - 17/08/15 - SOUTH LITTLETON AND SOUTH BOWENFELS SEWERAGE INFRASTRUCTURE UPGRADE

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-376: Ordinary Meeting of Council held on 28 October 2013

SUMMARY

To report on the finalisation of this project undertaken by Contract by Precision Civil Infrastructure Pty Ltd.

COMMENTARY

At the Ordinary meeting of Council held on 28 October 2013, Council accepted a tender from Precision Civil Infrastructure Pty Ltd at a price of \$3,368,373 inclusive of GST for the upgrade of the South Littleton/South Bowenfels wastewater infrastructure. To facilitate supervision and project management the contract was split into three separable portions being the delivery system, consisting of a rising main and gravity mains, the upgrade of the South Bowenfels pump station and the South Littleton Pump stations. The upgrade of the pump stations involved construction of two new pump stations. From South Littleton the system delivers waste to the Lithgow STP via a rising main through Endeavour Park, a gravity main through Curtin Place, Enfield Avenue, under Main Street, the Main Western Railway and under Farmers Creek.

Attached are details of previous progress payments made to the Contractor and the final progress payment 8(b) which will bring the value of the work completed to date to \$3,788,310.02 inclusive of GST. This total cost includes a number of variations listed as (V1) to (V34) as detailed on the attached list totalling a nett \$419,938.02 inclusive of GST.

Some of the more significant variations include:

(V3), (V19) and V (25.3) power supply problems which were encountered, total cost \$99,848.37;

(V16) and (V22) associated additional drainage issues resulting from the agreement with the private property owner for access to the South Bowenfels Pump station, total cost \$81,418.42;

(V27) and (V28) demolition of the two existing pumping station structures which were not included in the original scope of works, total cost \$54,253.80.

(V1), (V5), (V9), (V10), and (V14) relocation of original route of pipeline to avoid existing services and public utilities, total cost \$133,120.72

(V6), (V7), (V12), (V13), (V29) and (V32) adjustment to pipeline fittings caused by relocation of pipeline route, total cost \$33,767.32

With regard to the electrical variations the original design of the switchrooms allowed for external switch control assemblies and during construction it was resolved to relocate switchrooms internally for protection, safety and security. With regard the pump designs for both stations the original concept allowed for duty standby, however this was redesigned to allow for duty assist in keeping with Council's other pump installations. The duty assist configuration of the pumps eliminates sewer overflows during periods of high inflow and allows both pumps to operate in parallel. Duty standby only permits one pump to operate with the second pump operating when there is pump failure. The original design of the project undertaken by consultants did not identify a potential problem with the necessary height clearance between the finished structures and the overhead power supply, this required raising and relocation of overhead power lines to provide regulation clearance.

The variation relating to the stormwater drainage was created by the need to extend the piping of the runoff from the access road and Pump station via the natural watercourse beyond the wetlands located on the private property adjacent to the access to the pump station at South Bowenfels.

A number of variations have been paid to the contractor and the final progress payment being referred to as (8) b includes a contract payment of \$208,009.98 and unpaid variations totalling \$211,927.88.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The funding available for this project totals \$3,431,617 ex. GST
Expenditure totals \$3,443,918.40 ex. GST.

LEGAL IMPLICATIONS

Council is committed contractually to pay the contractor approved variations to the contract price.

ATTACHMENTS

1. Schedule of progress payments and variations made to Precision Civil Infrastructure Pty Ltd

RECOMMENDATION

THAT Council:

1. Confirm the variations to the contract payments made to Precision Civil Infrastructure Pty Ltd totalling a nett sum of \$419,938.02 for works associated with the South Littleton/South Bowenfels Wastewater Upgrade project.
2. Note that the contract works for the South Littleton and South Bowenfels Infrastructure Upgrade are now finalised at a total cost of \$3,788,310.02 GST inclusive.

ITEM-7 OPER - 17/08/15 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 15-175: Ordinary Meeting of Council held on 27th July 2015

SUMMARY

This report provides an update on various water management issues as per Minute Number 15-175.

COMMENTARY

Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam # 2 capacity on Monday, 3rd August was 100%. Oberon Dam capacity on Monday, 3rd August 2015 was 60%.

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 2015/2016. 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 2013/2014 & 2014/2015.

Table 1 - Oakey Park Monthly Output and Clarence Transfer 2015/2016

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	50	0	113
TOTAL	50	0	113

Table 2 - Oakey Park Monthly Output and Clarence Transfer 2013/2014 & 2014/2015

Month	2013/14			2014/15		
	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	93	0	44	80	0	63

August	96	0	67	145	0	45
September	102	0	73	105	0	66
October	130	0	58	112	0	61
November	106	0	61	120	0	65
December	100	0	47	84	0	36
January	111	0	109	89	0	100
February	93	0	73	95	0	66
March	62	0	68	143	0	67
April	105	0	61	99	0	71
May	118	0	59	105	0	55
June	101	0	67	131	0	74
TOTAL	1,217	0	787	1,308	0	769

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 18/7/2015 to 7/8/2015.

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 18/7/2015 to 7/8/2015.

Current Water Restrictions Update

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

Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving seven (7) applications for household appliance rebates and one (1) application for water tank rebates for the period 18/7/2015 to 7/8/2015.

Water Reticulation Complaints

Five (5) varying complaints were received during the period 18/7/2015 to 7/8/2015 concerning water quality issues in the following areas:

Locality	Concern	Notes
Kiln Street, Portland	Dirty water, brown/orange coloured water	Low point in the reticulation system.
Cooerwull Road, Lithgow	Customer advised that he is experiencing coffee coloured water	Reticulation system dead ends in this locality can cause build-up of discoloured water
Chivers Close, Lithgow	Experiencing dirty water this morning, brown water	Location affected by dead end reticulation system.
Evans Close, Lithgow	Customer advised that they are experiencing dirty water	Location affected by dead end reticulation system
Fullagar Avenue, Lithgow	Caller advised that she is experiencing dirty water, she advised that she had done a load of whites and they have come out grey	Location affected by dead end to the reticulation system

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

CORPORATE AND COMMUNITY REPORTS

ITEM-8 CORP - 17/08/15 - COUNCIL INVESTMENTS HELD TO 31 JULY 2015

REPORT FROM: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY

REFERENCE

Min No 15-45:	Ordinary meeting of Council held on 2 March 2015
Min No 15-63:	Ordinary meeting of Council held on 23 March 2015
Min No 15-88:	Ordinary meeting of Council held on 20 April 2015
Min No 15-123:	Ordinary meeting of Council held on 1 June 2015

SUMMARY

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

COMMENTARY

Council's total investment portfolio, as at 31 July 2015 when compared to 30 June 2015, has increased by \$1,512,769.29 from \$15,664,384.01 to \$17,177,153.30.

There is an overall increase in cash and investments of \$1,817,956.84.

INVESTMENT REGISTER 2014/15								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.06.15	VALUE 31.07.15	% OF TOTAL
AMP	On Call	26.08.14			2.55	1,023,153.69	1,025,298.11	5.97%
CBA	On Call				1.95	1,517,948.37	1,515,519.39	8.85%
AMP	TD	31.07.15	30.10.15	91	2.75	0.00	1,000,000.00	5.82%
IMBS	TD	18.05.15	17.08.15	91	2.75	1,033,700.93	1,033,700.93	6.02%
	TD	02.07.15	30.09.15	90	2.75	1,008,476.71	1,016,848.45	5.92%
NAB	TD	25.05.15	24.08.15	91	2.97	1,044,036.94	1,044,036.94	6.08%
	TD	21.07.15	21.10.15	90	2.95	1,008,737.04	1,016,281.85	5.92%
	TD	01.07.15	29.09.15	91	2.90	1,000,000.00	1,000,000.00	5.82%
WESTPAC	TD	09.07.15	09.10.15	92	2.65	1,000,000.00	1,006,881.10	5.86%
ST GEORGE	TD	19.06.15	19.09.15	92	2.50	970,619.70	963,455.81	5.61%
	TD	26.06.15	26.10.15	122	2.60	1,007,522.86	1,000,000.00	5.82%
ME BANK	TD	23.02.15	24.08.15	182	3.00	504,300.68	504,300.68	2.94%
	TD	24.06.15	23.09.15	91	2.95	1,000,000.00	1,000,000.00	5.82%
	TD	31.07.15	30.10.15	91	2.80	0.00	1,000,000.00	5.82%
NEWCASTLE PERMANENT	On Call	25.05.15			2.00	1,024,410.78	1,024,410.78	5.96%
FAMILY FIRST CREDIT UNION	TD	07.05.15	05.08.15	90	2.75	1,021,476.31	1,021,476.31	5.95%
BANK OF QUEENSLAND	TD	27.02.15	01.07.15	124	3.02	1,500,000.00	0.00	0.00%
	TD	31.07.15	30.10.15	91	2.70	0.00	1,000,000.00	5.82%
TOTAL						15,664,384.01	17,177,153.30	100.00%

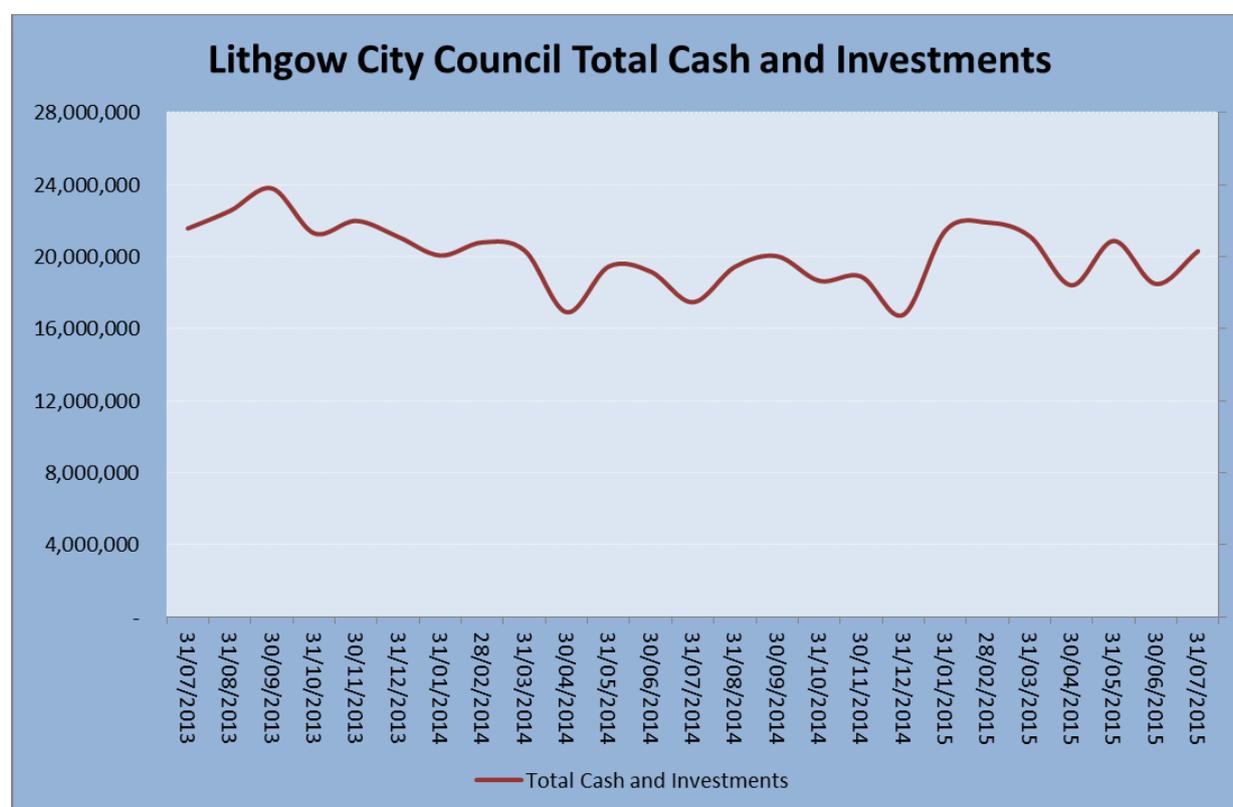
I, Juli-Ann Brozek, Lithgow City Council's Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

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

Opening Balance of cash and investments as at 30 June 2015	\$18,478,089.94
Plus New Investments – July 2015	\$3,317,956.84
Less Investments redeemed – July 2015	\$1,500,000.00
Closing Balance of cash and investments as at 31 July 2015	\$20,296,046.78

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 31 July 2015 are shown.



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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest earned to 31 July 2015 is \$25,921.10 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 \$17,177,153.30 and cash of \$3,118,893.48 for the period ending 31 July be noted.

REFERENCE

Min No 14-134: Ordinary Meeting of Council held on 24 March 2014

SUMMARY

This report is in response to a resolution by Council on 24 March 2014 which resolved that:

“Council provide a report with regards to changing the Council boundaries for the Megalong Valley.”

COMMENTARY

Council has requested details of the process to realign the Lithgow City Council LGA boundary and the Blue Mountains City Council LGA within the Megalong Valley. There are 50 properties within the Lithgow Local Government Area (LGA), which may be transferred to the Blue Mountains City Council LGA.

The office of Local Government has advised that the boundary change process commences with a formal decision by the effected Councils. To move forward with this process, Lithgow City Council is required to make a decision to prepare a submission for boundary realignment.

Council officers would then undertake the process of preparing the submission. During this stage, formal consultation could occur with both effected residents and the Blue Mountains City Council. Once complete, the submission would be presented to the Council for final endorsement and decision to proceed (or not) with lodgement to the Office of Local Government. The Office of Local Government would then refer the submission to the Boundaries Commission.

The Boundaries Commission is required under Section 263 of the Local Government Act to consider the following factors when assessing the submission;

Sec 263 Functions of the Boundaries Commission

- (3) *When considering any matter referred to it that relates to the boundaries of areas or the areas of operations of county councils, the Boundaries Commission is required to have regard to the following factors:*
 - (a) *the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned,*
 - (b) *the community of interest and geographic cohesion in the existing areas and in any proposed new area,*

- (c) *the existing historical and traditional values in the existing areas and the impact of change on them,*
- (d) *the attitude of the residents and ratepayers of the areas concerned,*
- (e) *the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for that area,*
- (e1) *the impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities,*
- (e2) *the impact of any relevant proposal on the employment of the staff by the councils of the areas concerned,*
- (e3) *the impact of any relevant proposal on rural communities in the areas concerned,*
- (e4) *in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards,*
- (e5) *in the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented,*
- (f) *such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas.*

Further information on the process is found in the attachment, “Barriers & incentives to voluntary boundary change”.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Should the area be removed from the LGA there is the potential reduction of rate revenue. However, there would also be the reduction in the provision of services such as rural road grading.

LEGAL IMPLICATIONS

The process of a LGA boundary change would be undertaken in accordance with the *Local Government Act 1993*.

ATTACHMENTS

1. Barriers & incentives to voluntary boundary change – Independent Local Government Review Panel.
2. Maps identifying the boundary areas to be changed.

RECOMMENDATION

THAT Council note the report detailing the Boundary Change Process.

**ITEM-10 CORP - 17/08/15 - 2013/14 OLG COMPARATIVE INFORMATION ON
NSW COUNCIL**

REPORT BY: J BROZEK – GROUP MANAGER CORPORATE AND COMMUNITY

SUMMARY

This report is to advise Council of the release of the 2013/14 Comparative Information on NSW Councils by the Office of Local Government with a recommendation that the report be noted.

COMMENTARY

The Office of Local Government (OLG) has recently released the 2013/14 Comparative Information on NSW Councils. This Comparative Report continues the transition towards providing more user-friendly access to performance data. The OLG is continuing to work with local government to develop key performance indicators under a new Local Government Performance Measurement Framework. The indicators will help communities to measure important aspects of a council's performance including financial sustainability, community leadership, asset management and service delivery.

The publication provides comparative information on the performance of all local councils in NSW and is designed to help both the community and Council assess a broad range of activities across a diverse range of local government areas.

The Australian Classification of Local Government (ACLG) classifies each council into one of twenty two categories according to their socioeconomic characteristics and their capacity to deliver a range of services to the community. Councils are firstly classified as either urban or rural. Urban councils are divided into four categories, capital city, metropolitan developed, regional town/city or fringe and rural councils. The rural councils are classified in to three sub categories, significant growth, agricultural or remote. The final classification for both urban and rural councils is based upon population. In this publication, we have put NSW councils into eleven groups instead of twenty two. (These are referred to as the "OLG Groupings"). This is because several of the ACLG categories contain either no NSW councils or only one or two councils. It should be noted, that the groupings are based on broad demographic variables. As a result, there are often large differences between councils in the same group. This information should not be relied upon by councils to argue for individual policy changes.

Lithgow City Council is classified in Group 4, defined as a medium, urban, regional town or city with a population density of less than six hundred persons per square kilometre, or a total population of up to 30,000.

Lithgow is described as having a population of 21,118 and cover 4,513.8 square kilometres. The population density per square kilometre is 4.7. The five year population growth is shown as 3.8% compared to the previous year of 3.6%.

There are 31 Councils in Group 4 and include areas such as Orange, Bathurst Regional, Mid Western Regional, Dubbo, Ballina, Eurobodalla, Kempsey, Goulbourn Mulwaree, Lismore, Tamworth Regional and Singleton.

The following summary compares Lithgow City Council to the neighbouring Council's of Bathurst, Orange and Mid Western Regional as well as the average for Group 4 Councils and the average for all NSW Councils.

Category/Indicator	Lithgow	Bathurst	Orange	MWRC	Group 4 Average	NSW Average
Your Council						
Full Time Equivalent (FTE)	187	353	366	288	315	295
Rating						
Average Residential Rate \$	644.56	877.99	1,184.42	783.83	924	761
Average Farmland Rate \$	1,130.83	1,381.28	1,700.27	2,273.06	1,932	1,874
Average Business Assessment \$	3726.38	4132.09	5376.67	1868.88	3,364	2,833
Financial						
% Own Source Revenue	75	78	55	68	73	70
% Grants Revenue	25	20	44	32	26	30
Operating Performance Ratio %	-6.59	-6.29	-1.97	-6.84	-8	9
Unrestricted Current Ratio	1.90	3.91	2.73	3.43	3	4
Building & Infrastructure Renewal Ratio %	138	63	14	73.2	73	87
Infrastructure Backlog Ratio %	11	10	1	19	8	9
Expenditure Categories						
Governance & Administration Expenditure per capita (\$)	37.98	339.97	147.89	377.47	254	365
Environmental Expenditure per capita (\$)	168.25	163.92	299.49	247.83	240	228
Total Water & Sewer Expenditure per capita (\$)	798.99	368.57	472.14	396.34	411	307
Community Services & Amenities, Education & Housing Expenditure per capita (\$)	170.00	131.11	262.08	208.78	185	222
Recreational & Cultural Expenditure per capita (\$)	180.70	342.06	300.52	205.39	212	215
Public Order, Safety & Health Expenditure per capita (\$)	70.51	33.57	65.75	66.06	70	102
Other Services Expenditure per capita (\$)	137.09	147.26	187.77	321.98	212	325
Roads, Bridges & Footpaths Expenditure per capita (\$)	160.62	332.07	212.36	513.27	339	610
Library Services Expenditure per Capita (\$)	69.28	35.96	47.42	43.12	47	46

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Your Council June 2015 – Profile & Performance of the NSW Local Government Sector.

RECOMMENDATION

THAT Council note the 2013/14 Comparative Information on NSW Councils recently released by the Division of Local Government.

COUNCIL COMMITTEE MEETINGS

ITEM-11 OPER - 17/08/15 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 28TH JULY 2015

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 15-153: Ordinary Meeting of Council held on 29th June 2015

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 28th July 2015.

COMMENTARY

At the Sports Advisory Committee held on 28th July 2015, there were numerous items discussed by the Committee, including:

- 2015 LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking Requests

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

- Financial Assistance Requests
- Kremer Park Synthetic Wicket
- Reg Cowden Awards Night

ATTACHMENTS

1. Minutes of the Sports Advisory Committee meeting held on 28th July 2015.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 28th July 2015;
2. Provide Chloe Anlezark & Tayla Lloyd with \$300 each toward the cost of participating in the NSR Soccer Australia Program;
3. Consider providing \$3,000 annually in its draft delivery plan towards the cost of running the Reg Cowden Awards and that LJ Hooker be thanked for their ongoing financial support of the event.

REPORT BY: R BAILEY – GENERAL MANAGER

REFERENCE

Min No 15-157: Ordinary Meeting of Council held on 29 June 2015

SUMMARY

At the Mining Taskforce meeting held 6 August 2015 there were a number of issues discussed including:

COMMENTARY

- The progress of the Centennial Coal application for the Springvale Mine Extension
- The progress on Airly Mine Extension
- Economic Benefit Changes to Assessment of Developments
- Meeting with Minister Roberts

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Mining Taskforce meeting held on 6 August 2015.

RECOMMENDATION

THAT Council note the minutes of the Mining Taskforce meeting held on 6 August 2015.

NOTICES OF MOTION

ITEM-13 NOTICE OF MOTION - 17/08/15 - PUBLIC SAFETY ISSUES WITH LITHGOW CITY COUNCILS CONDUCT OF HALLOWEEN 2015 - COUNCILLOR M TICEHURST

REFERENCE

New Halloween Sponsorship, Lithgow Mercury Saturday 1 August 2015.

Council and the business community working together on Halloween, The Village Voice Saturday 1 August 2015.

Lithgow City Council Media Release: <http://council.lithgow.com/halloween-workshop-set-to-help-businesses-maximise-the-benefits/>

COMMENTARY

The Lithgow Mercury published the following media report on Saturday 1 August 2015,

"LITHGOW City Council has been successful in obtaining two local sponsors for this year's Lithgow community Halloween event. Centennial Coal and Treeview Estates have committed to providing sponsorship to Lithgow Halloween 15, which will greatly assist in the success of one of Lithgow's major events for the year. Lithgow City Council's Mayor, Councillor Maree Statham said yesterday she has been 'very encouraged by the wonderful news that we have already received sponsorship for this year's event.

"Whilst it seems like early days, it is great that two local businesses have already committed to the success of Halloween 2015." The two Halloween events that Lithgow has hosted in as many years have been very successful.

It was estimated that approximately 15,000 people attended last year's event which was nearly three times the amount from the previous year. This year it is anticipated that new records will be set with what has become a hugely popular but previously unlikely success story. This is even more the prospect as Halloween this year falls on a Saturday.

"I would like to encourage all businesses in our local government area to come on board and support this year's event" the Mayor concluded. More information on sponsorship for Lithgow Halloween 2015 can be obtained by contacting Council. There was also an encouraging turnout of local interests at a meeting at the Council Chambers this week to further planning for the incredibly popular October event."

The Village Voice published the following additional information in their media report on Saturday 1 August 2015,

“The plan at this stage is for four separate precincts down Main Street focussing on different events throughout the day and into the evening.

There is huge growth estimated for the event this year with Council staff focussing their marketing activities not just locally but throughout the entire Central West and into Western Sydney.”

The Lithgow City Council Media Release posted on Tuesday 4 August 2015, quoted that,

“Now in its third year, Halloween has proven to be one of the most popular events in the region. Last year Halloween attracted an estimated 15,000 people into the Main Street of Lithgow and this year promises to be even bigger.”

With there being various Council and public predictions that the potential crowd attendance attending Halloween 2015 will range from more than 20,000 to possibly up to 45,000 people, it is a reality that the Lithgow City Council could find that the public safety of people including a majority of young children could be at risk unless all appropriate known precautions and steps are taken to adequately plan for any and all eventualities.

Q. Could the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on the Lithgow City Council’s conduct of their Halloween 2015 public event, in particular copies of the relevant Council and Consultant Plans of Management for Halloween 2015 that will be in place for:

- Traffic & Parking Control in and around the Lithgow CBD;
- Event Crowd Control and if this will include engaging a Consultant specialising in calculating and counting crowd numbers so that accurate figures on the number of people attending can be established for any future planning of this annual event.
- Police and Private Security;
- Emergency Services Access;
- Working With Children Checks;
- Provision of Candy/Confectionery to Children; and the
- Sale and Consumption of Liquor in the Lithgow CBD.

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on the Lithgow City Council’s conduct of their Halloween 2015 public event, in particular copies of the relevant Council and Consultant Plans of Management for Halloween 2015 that will be in place for:

- Traffic & Parking Control in and around the Lithgow CBD;
- Event Crowd Control and if this will include engaging a Consultant specialising in calculating and counting crowd numbers so that accurate figures on the number of people attending can be established for any future planning of this annual event.
- Police and Private Security;

- Emergency Services Access;
- Working With Children Checks;
- Provision of Candy/Confectionery to Children; and the
- Sale and Consumption of Liquor in the Lithgow CBD.

ITEM-14 NOTICE OF MOTION - 17/08/15 - AUDIO RECORDING OF LITHGOW CITY COUNCIL MEETINGS & COMMITTEE MEETING POLICY - COUNCILLOR M TICEHURST

REFERENCE

Council Resolution 15-134 at the Ordinary Meeting of the Lithgow City Council on 1 June 2015.

COMMENTARY

At the Ordinary Meeting of the Lithgow City Council on 1 June 2015, the Minutes confirm that the Council resolved as follows:

ITEM-20 NOTICE OF MOTION - 01/06/15 - AUDIO RECORDING OF LITHGOW CITY COUNCIL MEETINGS & COMMITTEE MEETING POLICY – CLR M TICEHURST

15-134 RESOLVED

THAT Council acknowledge the Coffs Harbour City Council Audio Recording of Council and Committee Meetings Policy and seek a report back from Senior Council Officers on incorporating and adopting a similar Policy within the Lithgow City Councils Code of Meeting Practice.

- Q. Could the General Manager and/or Senior Council Officers provide a report to Councillors at this Ordinary Meeting of the Lithgow City Council on the current status of Council Resolution 15-134 made at the Ordinary Meeting of the Lithgow City Council on 1 June 2015?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide a report to Councillors at this Ordinary Meeting of the Lithgow City Council on the current status of Council Resolution 15-134 made at the Ordinary Meeting of the Lithgow City Council on 1 June 2015.

BUSINESS OF GREAT URGENCY

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

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

CLOSED COUNCIL

ITEM-15 **CLOSED COUNCIL - ENVIRO - 17/08/15 - LEASE 176 MORT ST
LITHGOW - COUNCIL AND DEPARTMENT OF HUMAN SERVICES**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

SUMMARY

The purpose of this report is to advise Council of the current status of lease negotiations for the lease of 176 Mort Lithgow being the 'Centrelink' building currently leased to the Department of Human Services (DHS).

RECOMMENDATION

THAT Council consider the report in relation to the lease of 176 Mort Street, Lithgow in Closed Council pursuant to Section 10A(2)(c) of the Local Government Act 1993.