



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

14 DECEMBER 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 16 NOVEMBER 2015**

## **DECLARATION OF INTEREST**

## **PUBLIC FORUM**

## **PRESENTATIONS -**

Audit Presentation of the 2014/15 General Purpose and Special Purpose Financial Reports

## **MAYORAL MINUTES - NIL**

## **STAFF REPORTS**

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

## **COUNCIL COMMITTEE MINUTES**

Tourism Advisory Committee Meeting - 18 August 2015  
Community Development Committee Meeting - 17 November 2015  
Meadow Flat Hall Management Committee Minutes - 18 November 2015  
Traffic Advisory Local Committee - 19 November 2015  
Rural Lands Study Project Steering Committee Minutes - 23 November 2015

## **DELEGATES REPORTS - NIL**

## **NOTICES OF MOTION**

Formal Recognition by Council of James Malone (Jim) Robson - Councillor W McAndrew  
Sally's Flat near Hill End being shortlisted as a future site for nuclear waste storage - Councillor W McAndrew  
Foot Bridge behind Chivers Close - Councillor F Inzitari

## **QUESTIONS WITH NOTICE - NIL**

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**NOTICE OF RECISSIONS - NIL**

**BUSINESS OF GREAT URGENCY**

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

**CLOSED COUNCIL**

Performance Review of the General Manager

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## GENERAL MANAGERS REPORTS

### ITEM-1 GM - 14/12/15 - LOCAL GOVERNMENT ACT AMENDMENT - COUNCILLOR MISCONDUCT AND POOR PERFORMANCE

REPORT BY: R BAILEY - GENERAL MANAGER

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#### SUMMARY

Advice has been received that the Local Government Act 1993 has been amended by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015.

#### COMMENTARY

The Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015 (the “CMPP Act”) came into force and amended the Local Government Act 1993 (the “LG Act”) on Friday 13 November 2015.

The object of the CMPP Act is to reform the legislative scheme for addressing councillor misconduct and poor performance by streamlining and improving the effectiveness of performance improvement orders and to provide stronger powers to the Minister and the Chief Executive of the Office of Local Government.

The legislation was last amended in this regard in 2013 through the enactment of the early intervention framework to allow a more rapid response to poor performance and to drive improvement. The CMPP Act is designed to strengthen these provisions by offering a more effective deterrent to serious and repeated councillor misconduct and to ensure timely action is taken to uphold councillor behaviour.

The former provisions of the LG Act that allowed councillors to participate in the consideration of changes to a planning instrument applying to a council’s area where they have a pecuniary interest have also been amended.

Revisions have been made to the LG Act to update terminology and references relating to public sector agencies, legislation, and the like so that the words “any other person” mean any person with the power to make an order or take action under the Act.

To look at some of the more significant amendments to the Act:

- **Three Strikes**

With the amendments to s275 of the Act, persons who have been the subject of three or more orders for suspension from civic office for misconduct will now be disqualified from holding civic office for 5 years after the date the most recent order takes effect. This disqualification may effectively be for up to two council terms.

- **Reduced response times for investigated councils**

Under changes to s434 of the Act, councils now only have 28 days (down from 40 days) to prepare a response to an investigation report prepared by Director-General under s430 of the Act.

- **Changes to performance improvement orders**

Varying performance improvement orders – the Minister now has the ability to vary existing performance improvement orders by giving 7 days' notice to councils of the terms of the proposed variation and the reasons for it.

Reduced consultation periods – councils now only have 7 days to respond to a notice of intention to issue a performance improvement order in all cases whereas previously the consultation period was 21 days (or 7 days in cases where the Minister considered the improvement in the council's performance was required as a matter of urgency).

Further actions – following the introduction into the Act of s438A (7A), the Minister and other persons empowered under the Act no longer have to wait until the expiration of a performance improvement order to remedy non-compliance. Section 438A (7A) provides:

‘The making of a performance improvement order, or the fact that such an order is in force, does not derogate from a power of the Minister or any other person to make any other order or take any other action under this Act.’

The change means that Minister could, for example, suspend the Council, or hold a public inquiry, during the period for compliance with a performance improvement order.

Enforcement of performance improvement orders against individual councillors – the introduction of s438HA which allows the Minister to issue a compliance order against individual councillors who have failed to take action as required by a performance improvement order. Previously the non-compliance of individual councillors could only be remedied by the suspension of the entire council.

Section 438HA provides that a compliance order may be issued by the Minister against an individual councillor after a departmental report is prepared where the report finds that the councillor has failed to take action as required by a performance improvement order.

The Minister must first give the councillor written notice:

- specifying the action that the councillor has failed to take;
- specifying that the Minister proposes to issue a compliance order; and
- inviting the councillor to make submissions about why the order should not be made within a period of not less than 7 days.

The Minister may issue a compliance order after considering any submissions made by the councillor. The compliance order must:

- identify the action that the councillor has failed to take under a performance improvement order; and

- specify the extent to which the councillor may use council facilities or the amount that the councillor may be paid for the purposes of taking action under the performance improvement order (as the case requires); and
- specify the period (not exceeding 3 months) for which it is to remain in force.

While a compliance order remains in force against a councillor, the councillor:

- is not entitled to exercise any of the functions of the councillor other than as necessary to take the action specified in the compliance order, and
- is not entitled to any fee or other remuneration, or to the payment of expenses or to the use of council facilities, except as specified in the compliance order.

The Minister may extend the period for which the compliance order remains in force up to a further 3 months by giving written notice to the councillor.

At any time before or after taking action under s438HA, the Minister may request the Chief Executive to refer the matter to the NSW Civil and Administrative Tribunal (NCAT). The NCAT will decide whether to conduct proceedings into the matter after considering a report prepared by the Chief Executive.

- **Expanding the definition of 'misconduct' of a councillor**

The definition of 'misconduct' of a councillor in s440F of the Act has been expanded to include 'an act or omission of the councillor intended by the councillor to prevent the proper or effective functioning of the council or a committee of the council'.

The following examples of behaviour were provided by the Minister:

- preventing a council from making a decision by deliberately leaving a meeting to deprive it of a quorum;
- submitting large numbers of notices or questions on notice with a view to preventing the council from getting through its business;
- misusing rescission motions to prevent councils from revisiting a matter for another three months.

- **Dispensing with departmental misconduct investigations**

Following amendments to s440H, the Chief Executive can now dispense with the requirement to undertake an investigation as a prerequisite to taking disciplinary action against a councillor for engaging in misconduct if:

- the matter has been referred by the council and the Chief Executive is of the opinion that a departmental report may be based on the findings of an investigation carried out by or on behalf of the council, or
- the Chief Executive is of the opinion that the alleged misconduct, if proven, would be minor in nature and any disciplinary action would be comprised only of counselling or reprimanding, or
- the Chief Executive otherwise considers it appropriate to do so.

These changes will speed up the process of dealing with matters referred to the Office of Local Government.



Clearly these changes demonstrate a tougher Departmental approach to the issue of councillor misconduct and give the Office of Local Government greater flexibility to deal with councillor misconduct at an individual level. These changes should be welcomed by the industry.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

As described above

**ATTACHMENTS**

1. Act Amendment -  
<http://www.legislation.nsw.gov.au/maintop/view/repealed/act+37+2015+cd+0+Y>
2. Minister's first reading in Parliament, 16 September 2015 -  
[https://www.parliament.nsw.gov.au/prod/parlment/NSWBills.nsf/131a07fa4b8a041cca256e610012de17/42cabbad356857e2ca257eba001eb495/\\$FILE/2R%20Local%20Government.pdf](https://www.parliament.nsw.gov.au/prod/parlment/NSWBills.nsf/131a07fa4b8a041cca256e610012de17/42cabbad356857e2ca257eba001eb495/$FILE/2R%20Local%20Government.pdf)

**RECOMMENDATION**

**THAT** Council note that the Local Government Act 1993 has been amended by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015.

**ITEM-2            GM - 14/12/15 - AMENDMENTS TO COUNCIL'S CRIME PREVENTION  
COMMITTEE AND CBD REVITALISATION TOR**

**REPORT BY: M BREWSTER - ECONOMIC DEVELOPMENT OFFICER**

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**SUMMARY**

To seek endorsement from Council to update the Crime Prevention and CBD Revitalisation Action Plan Committee Terms of Reference committee memberships by replacing the Lithgow Business Association memberships with Lithgow District Chamber of Commerce memberships.

**COMMENTARY**

There are two Committees of Council that have memberships set aside for the Lithgow Business Association. These are the Crime Prevention Committee and the CBD Revitalisation Action Plan Committee. The Lithgow Business Association (LBA) has ceased to exist and has been replaced in recent weeks by the Lithgow District Chamber of Commerce (LDCC).

It would therefore be appropriate to offer the LBA Committee memberships to the LDCC and to thank the previous representatives from the LBA for their commitment and contributions made to each Committee.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council:

1. Update the Terms of References for the Crime Prevention Committee and the CBD Revitalisation Action Plan Committee by replacing the Lithgow Business Association Council Committee memberships with Lithgow District Chamber of Commerce memberships.
2. Seek nominations from the Lithgow District Chamber of Commerce for these two positions.

## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-3 ENVIRO - 14/12/15 - SECTION 96026/15 - MODIFICATION OF DEVELOPMENT APPLICATION 066/08DA - 50 LOT SUBDIVISION 'MOYNE FARM' LITTLE HARTLEY

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

## REFERENCE

Min No 09-386: Ordinary meeting of Council held on 14 September 2009

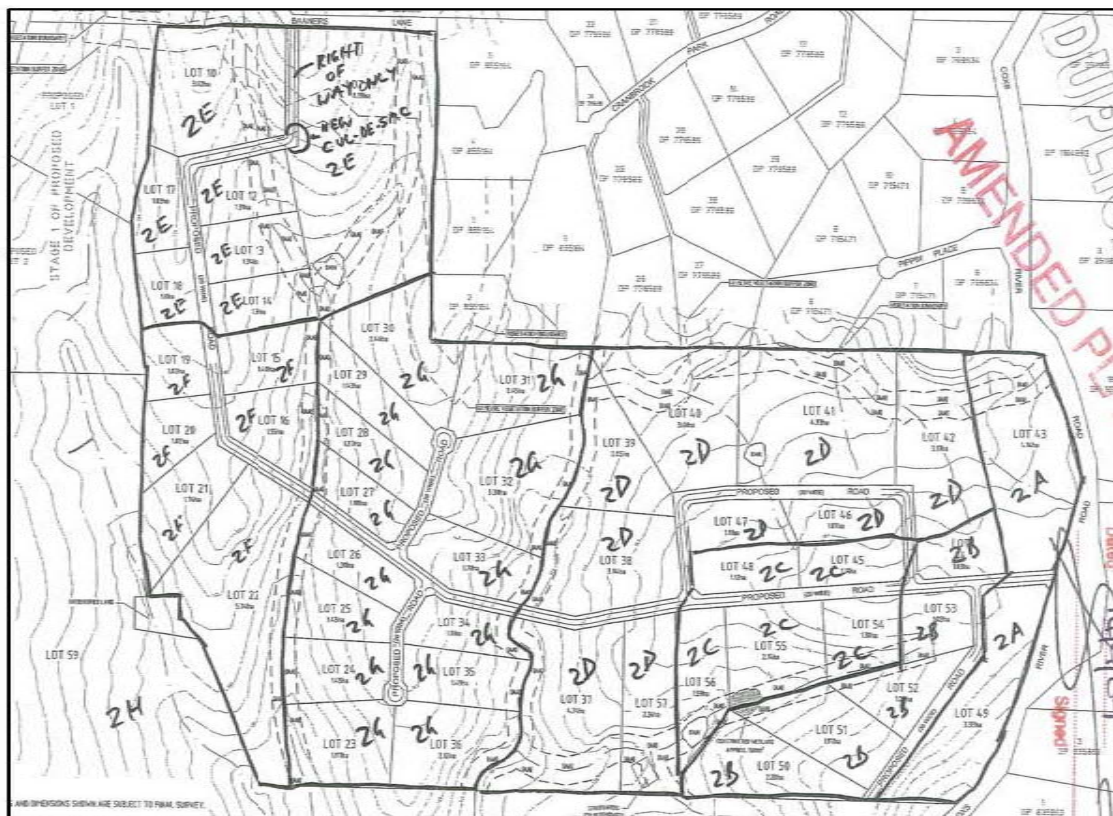
## SUMMARY

To assess and recommend determination of Section 96 Modification of Consent 026/15 for Development Application 066/08DA – 50 lot subdivision of 'Moyne Farm' Little Hartley. The recommendation is for approval subject to conditions of consent.

## COMMENTARY

Council at its meeting of 14 September 2009 considered a subdivision into 50 Lots which was subsequently approved as per the map below. The area is known as 'Moyne Farm', Lot 8 DP 1195860 & Lot 175 DP751644 with access from Coxs River Road.

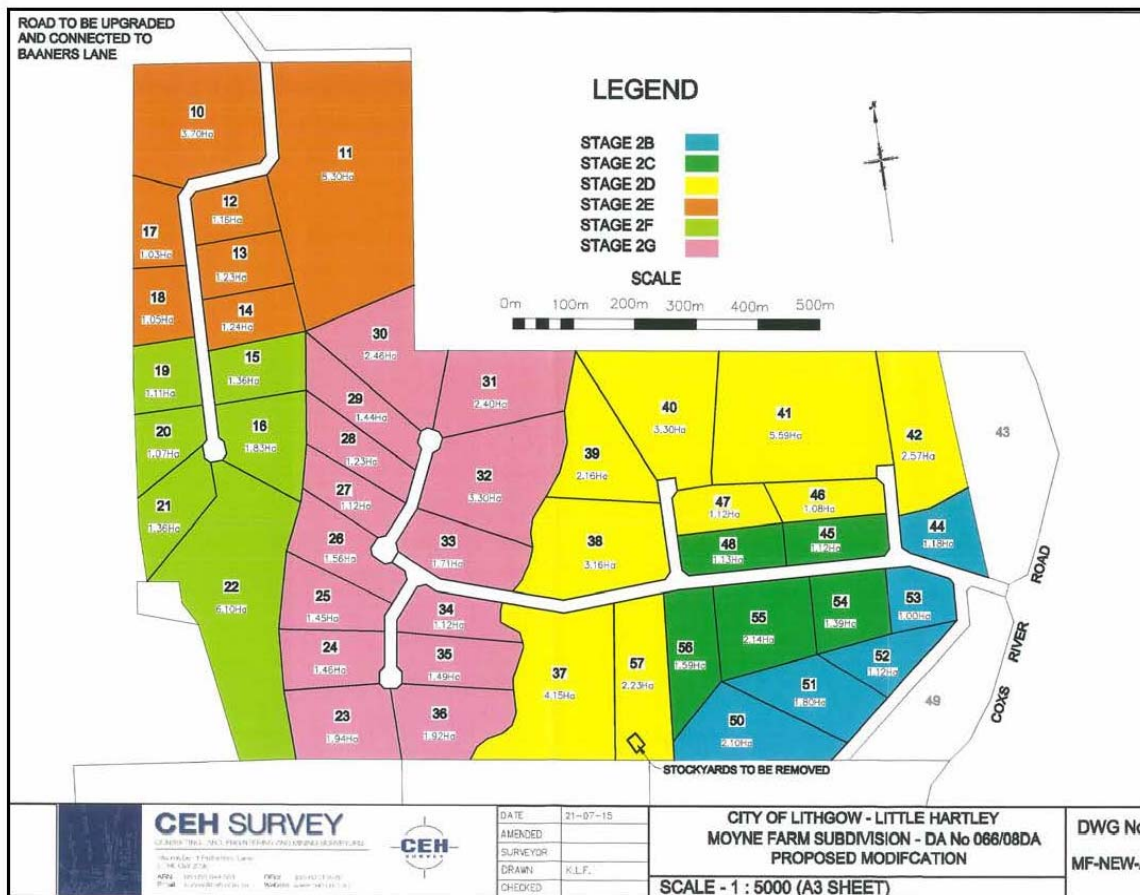
## Approved Plan



**THE PROPOSAL**

The modification seeks to change the access to 13 of the allotments due to the cost of providing two bridges over waterways as originally approved. It is proposed that the consent be amended to include two no through roads from Baaner’s Land and Coxs River Road instead of having one access from Coxs River Road. In addition to this change the applicant also requested that the remaining bridge for the proposal be changed to a single lane width. This new proposed layout is shown in the plan below:

**Proposed Plan**

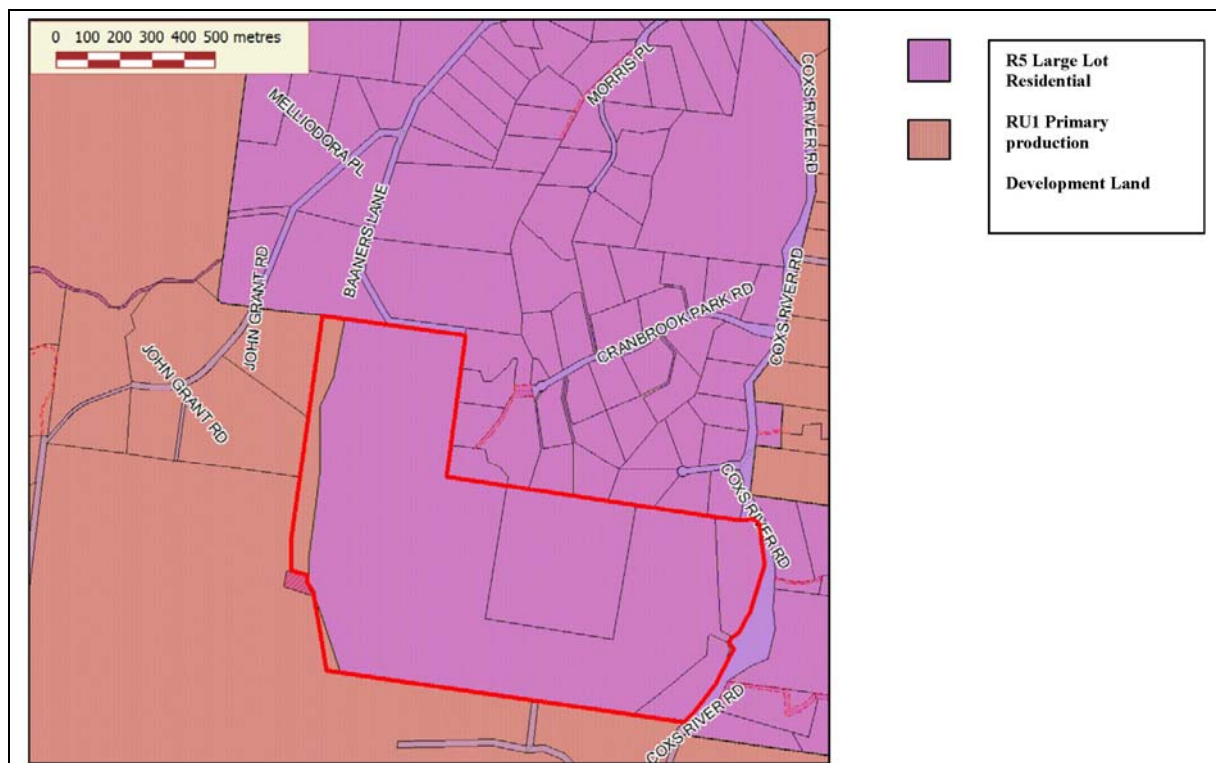


The original approval was determined by the elected Council at its meeting of 14 September 2009 for a subdivision and therefore the modification will again require determination from the elected Council.

The application will be assessed under Section 96 1(A) of the *Environmental Planning and Assessment Act 1979*.

**ASSESSMENT**

Under Lithgow Local Environmental Plan 2014 (LEP2014), the majority of the land is zoned R5 Large Lot Residential with a minimum lot size (MLS) of 2ha. Some of the land is zoned RU1 Primary Production with a MLS of 40ha as per the below mapping. However, the development of a subdivision with an average lot size of 2ha (and not less than 1ha) was originally permissible in the 1(c) Rural Small Holdings zone under Clause 14 of Lithgow City Local Environmental Plan 1994. This permissibility is carried forward with a modification to a consent and is not proposed to change as part of this application.



**Access:** There is a proposed new road from Cocks River Road servicing 36 allotments and another road is now proposed for the modification that will be constructed continuing from Baaner's Lane for 13 allotments. Both new roads will end in a cul-de-sac arrangement. In the preliminary consideration of the modification proposal the issue of additional traffic onto Baaner's Lane was considered to be paramount in consideration. Council requested a traffic report be supplied for assessment with the modification. This traffic report was completed by TTM Consulting Pty Ltd with assessment of traffic generation in regard to the Roads and Maritime Services (RMS) Guide to Traffic Generating Development 2002. Traffic surveys were also undertaken as part of the report and found that in a peak one hour period there were 48 traffic movements at the Baaner's Lane intersection with the Great Western Highway. It was assessed that this may increase to 52 traffic movements per hour in peak times (increase of an additional 4 movements) as a result of the additional 13 allotments. Council's Operations Department have reviewed the report and concurred that the increase in traffic will not be significant. However, additional improvements to Baaner's Lane are justified given the issues raised in submissions and cumulative impacts of additional lots accessing Baaner's Lane. Baaner's Lane is currently 7 to 7.2 metres wide in its construction. Whilst the road reserve is not wide there is scope for widening. If approved, a condition will be imposed requiring Baaner's Lane to be widened to 8 metres for part of its length. This will involve widening the current constructed formation by between .4 and .5 metres on both sides of the road (ie a total of .8m to 1m) for a distance of approximately 1.5km from the intersection with the Great Western Highway.

**Bushfire:** The land is mapped as bushfire prone and a reassessment of the proposal, given the access changes, was required by the RFS. The RFS have provided comments with no objection to the proposal subject to conditions of consent. It is considered that the bushfire risk will not change as a result of the modification.

**Adjoining Landuse:** The adjoining land uses are for rural residential and primary production such as land grazing and some cropping. The proposal does not seek to introduce a new land use to the area and is considered to be similar to that of surrounding development. There will be additional traffic but through a proper traffic study it has been found that any impact in this regard will be negligible.

**Water:** The development proposes to change the arrangement of access and remove the requirement for one of the two bridges within the subdivision. This was assessed by DPI-Water and Water NSW and found to be acceptable subject to amended conditions of consent. It was considered that the development will have minimal impact to water if conditions of consent are imposed on the development and therefore is satisfactory.

**Public Submissions:** The proposal was also sent to surrounding landowners as per the original application and placed on public display in Council's Administration Building for a period of 14 days with 6 submissions in total (4 after the exhibition date) received. A petition with 17 signatures was also received. The concerns raised in these submissions are summarised below:

- Baaners Lane is inadequate to cope with the proposed extra vehicle movements per day. Some areas of Baaners Lane require you to stop to allow oncoming traffic to pass. Baaners lane requires upgrades to allow for any additional proposed traffic movements.
- The Baaners lane should be a through road to Coxs River Road to help with the extra traffic with widening included, as the current road is not acceptable.
- The Baaners Lane is not visually safe as it is currently unsatisfactory to residents and business users of the road. Especially the two dog-leg corners south of Bonnie Blink Drive which really should be widened.
- The existing road is deteriorated as is without additional traffic on this road. There are many patched areas and potholes the whole way along.
- The road cannot handle another 100 car movements per day.

**Comment:** Council requested a traffic report be supplied for assessment with the modification. This traffic report was completed by TTM Consulting Pty Ltd with an assessment of traffic generation referencing to the Roads and Maritime Services (RMS) Guide to Traffic Generating Development 2002. Traffic surveys were also undertaken as part of the report and found that in one hour of peak period there were 48 traffic movements at the Baaners Lane intersection to the Great Western Highway. It was assessed that this may increase to 52 traffic movements per hour in peak times (being increase of 4 movements) as a result of the additional 13 allotments. The report concluded the following:

*“... that the traffic generation from the proposed residential subdivision is relatively minor and not of level normally associated with unacceptable traffic implications in terms of road network capacity of traffic related environmental effect.”*

Additionally, the proposal was forwarded to the RMS for assessment on the proposal with the following comments:

*“The modification proposes access for 13 lots to be via Baaners Lane upon completion of the upgrade of the intersection with the Great Western*

*Highway. As the completed intersection will provide a higher level of safety for all road users, Roads and Maritime does not object to the modification and makes no submission.”*

Council's Operations Department have reviewed the traffic report and concurred that the increase in traffic will not be significant. However, additional improvements to Baaner's Lane are still justified given the issues raised in submissions and cumulative impacts of additional lots accessing Baaner's Lane. If approved, a condition will be imposed requiring Baaner's Lane to be widened to 8 metres for a distance of approximately 1.5km from the intersection with the Great Western Highway.

**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 amended, removed and added.

**OTHER MATTERS**

The development was previously assessed by Water NSW (previously Sydney Catchment Authority), Rural Fire Service (RFS), Department of Primary Industries (DPI)-Water (previously NSW Office of Water), and Council's Engineers (Operations Department). Therefore, given the changes to the approved plan, Council has undertaken the same referrals as part of the modification of consent with no objections received for the proposal. The recommendations received from these authorities are detailed in the attached 79C report.

**POLICY IMPLICATIONS**

**Policy 7.2 Subdivision – Release of Subdivision Plans**

The development will be required to comply with the provisions of this policy given it is for a subdivision.

**Policy 7.5 Notification of Development Applications**

This policy applies as per the below Clause:

**4. Notification of Section 96 Applications**

*4.2 Section 96(1A) modifications that involve minimal environmental impact will not be notified unless in the opinion of Council, the proposed modification has the potential to increase the impact of the development on adjoining land.*

*4.4 In the event that Council decides notification is necessary it will notify the application for modification in the same manner as the original development application and also notify those persons who previously made submission. Therefore the proposal was notified to surrounding landowners and placed on display for a period of 14 days and therefore complies with Council's Policy.*

Therefore the application was sent to the surrounding area in the same manner as the original application for a period of 14 days to comply with this policy.

**Policy 7.7 Calling In Of Development Applications by Councillors**

The original application was called in and approved at Council's Ordinary meeting of 14 September 2009 and therefore the following Clause applies:

4. *This policy does not apply to applications to modify development consents unless the modification represents a significant departure from the original application; would involve issues the subject of an objection with the original application; or where the modification application itself has been called in under the processes outlined in this policy.*

Whilst the overall subdivision does not differ significantly from the original application as the number of lots is the same, the access on to Baaner's Lane provides a point of difference and public interest that justifies determination by the elected Council. The application has also received 6 submissions in total, one being a petition with 17 signatures. Therefore, it is appropriate that the modification be determined by the elected Council.

## **FINANCIAL IMPLICATIONS**

### **Section 94 Contributions**

A Section 94A Development Contribution Plan has been adopted since the original consent in which Council could seek to negotiate a Voluntary Planning Agreement for subdivisions over 20 allotments. However, the Section 94 Contributions for Rural Roads and Rural Fire Services were assessed as part of the original Development Application and imposed as conditions of consent. These contributions are not proposed to be changed as part of this modification. The number of lots is not proposed to change as part of the current application.

## **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 S96026/15 for 066/08 Development Application 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-4            ENVIRO - 14/12/15 - REHABILITATION WORKS - FORMER ANGUS PLACE LANDFILL**

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

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**SUMMARY**

To advise Council of the tender process for rehabilitation works at the former Angus Place Landfill.

**COMMENTARY**

Council has called for tenders for rehabilitation works to the former Angus Place landfill situated at Angus Place. A Plan of the proposed work is attached to the business paper.

The works involve:

- Site preparation works
- Site capping and revegetation
- Surface water management, and
- Site access and security

Tenders were called for the project on the basis that rehabilitation planning had indicated that the apparent cost of the work would be in excess of \$150,000.

Tender submissions were received from the following companies with tender prices shown inclusive of GST.

<b>Company</b>	<b>Price</b>
Central West Civil	\$176,126.00
Graceys Earthmovings	\$68,777.50
Henry Plant Hire	\$83,077.50
Henry Plant Hire (Alternative Drainage Option)	\$87,067.50
Hibbo Hire	\$165,960.00
Motion Civil	\$149,325.00
New Era	\$122,430.00
New Era ( Alternative Option)	\$127,358.00

All tenders were deemed to be compliant.

Tenders were assessed utilising the following criteria:

<b>NON PRICE CRITERIA</b>	<b>Maximum Unweighted Score</b>	<b>Weighting (%)</b>
Demonstrated Experience and Past Performance	10	20

Understanding of the Requirement	10	20
Demonstrated Capability and Capacity	10	15
<b>PRICE CRITERIA</b>		
Tendered Price	10	45
Insurances - Public Liability \$20 million, Workers Compensation and Motor Vehicle Insurance	Pass/Fail	
Understanding of Workplace Health and Safety requirements and ability to comply;	Pass/Fail	
Attended site meeting	Pass/Fail	
Total Weighted Score	Out of	40*

\* Then converted to a percentage

A tender assessment panel was set up consisting of the Group Manager Environment & Development, Team Leader Environment and the Consultant who prepared the rehabilitation plan specifications.

The assessment panel came to a conclusion that the two most favoured submissions were Gracey's Earthmoving and Henry Plant Hire. In the final analysis scores were very close with Henry Plant Hire scoring 92.25% and Gracey's Earthmoving scoring 91%. Gracey's Earthmoving was the most advantageous in terms of price and on that basis the recommendation will be made to engage Gracey's Earthmoving to carry out the works.

### **POLICY IMPLICATIONS**

Council Tendering Policy 1.4 has been utilised in this process.

### **FINANCIAL IMPLICATIONS**

An amount of \$230,000 has been allocated for work at the site which also includes upgrading the transfer station facilities.

### **LEGAL IMPLICATIONS**

The tender process has been carried out in accordance with the requirements of Section 55 of the Local Government Act and Part 7 of its Regulations.

### **ATTACHMENTS**

1. Plan of Rehabilitation Works – Former Angus Place Colliery

### **RECOMMENDATION**

**THAT** Council:

1. Engage Gracey's Earthmoving to carry out rehabilitation works at the former Angus Place landfill for the tendered price of \$68,770.50 (GST inc).
2. Authorise the fixing of the common seal to the necessary documentation.

**ITEM-5            ENVIRO - 14/12/15 - DA245/13 - MARRANGAROO ESTATE PTY LTD  
VOLUNTARY PLANNING AGREEMENT**

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

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**REFERENCE**

Min No 15-35:            Ordinary Meeting of Council held on 2 March 2015

**SUMMARY**

To advise and seek endorsement of a Draft Voluntary Planning Agreement for Marangaroo Estate Pty Ltd.

**COMMENTARY**

On 2 March 2015, DA245/13 was approved for a subdivision of 1 into 61 lots on land known as Lot 702 DP 1135310, Great Western Highway Marrangaroo.

A condition of development consent was imposed as follows:

2. *The Applicant must enter into a planning agreement under section 93F of the Environmental Planning and Assessment Act 1979 with Council that is in the terms outlined in the email correspondence containing the offer dated 23 February 2015. The general terms of the agreement will be that the developer shall make a contribution of \$1,700 per additional residential allotment for community facilities in the local government area and an additional \$50,000 to the improvement/embellishment of the existing park/playground in Girraween Drive, Marrangaroo. Such agreement must be entered into prior to the issue of a Construction Certificate for subdivision works.*

The agreement must be formally endorsed by Council as per Council's Policy 7.10 – Planning Agreements. Once Council has endorsed the Draft Planning Agreement the required public notification process may proceed.

**POLICY IMPLICATIONS**

Policy 7.10 – Planning Agreements applies. The Policy provides that a draft VPA is to be reported to Council for approval to be placed on public exhibition and again for final endorsement following its exhibition.

**FINANCIAL IMPLICATIONS**

In this case the proposed VPA will realise \$1,700 per allotment (\$103,700 in total) to go towards community facilities and an additional \$50,000 to be spent on improvements to the existing park/playground.

**LEGAL IMPLICATIONS**

The legislative basis for the Planning Agreement is incorporated in the *Environmental Planning and Assessment Act 1979* (EP&A Act) (Sections 93F – 93L) and the *Environmental Planning and Assessment Regulations 2000* (Clauses 25B – 25H). Section 935 of EP&A Act provides that public notice must be given of a proposed Planning Agreement for at least 28 days before it can be entered into.

**ATTACHMENTS**

1. Draft Planning Agreement

**RECOMMENDATION****THAT:**

1. Council endorse the Voluntary Planning Agreement proposed by Marrangaroo Estate Pty Ltd in association with DA245/13 for a contribution of \$1,700 per allotment to go towards community facilities and an additional \$50,000 to be spent on improvements to the existing park/playground in Girraween Drive, Marrangaroo.
2. The Voluntary Planning Agreement be placed on public exhibition for a period of 28 days.

**ITEM-6            ENVIRO - 14/12/15 - SSD-6084 - HY-TEC INDUSTRIES PTY LIMITED,  
AUSTEN QUARRY VOLUNTARY PLANNING AGREEMENT**

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

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## **REFERENCE**

Min No 14-480:            Ordinary Meeting of Council held 15 December 2014

## **SUMMARY**

To advise and seek endorsement of a Draft Planning Agreement for Hy-Tec Industries Pty Limited.

## **COMMENTARY**

On 15 July 2015, the Department for Planning and Environment granted Development Consent for an extension to the Austen Quarry (State Significant Development-6084) on land known as Lots 1 and 2 DP 1005511, Lot 31 DP 1009967 and Lot 4 DP 876394,391 Jenolan Caves Road Hartley. The application proposes to continue to supply up to 1.1 million (M) tpa of quarry products to the Applicant's concrete batching plants and to external markets.

The capital investment value for this development is \$2.2 million. Council's *Section 94A Development Contributions Plan 2012* in place at the time stated that a Voluntary Planning Agreement (VPA) be sought for major development including:

- Development having a cost in excess of \$1 million; or
- Development for the purposes of a mine or extractive industry and associated infrastructure.

Submissions were made to the Department of Planning and Environment advising of this and of Council's intention to negotiate an agreement with the company prior to determination. The Department was requested to provide an opportunity for this to occur prior to issuing consent. However, the Department determined the application, granting development consent including the following condition of development consent.

## **COMMUNITY ENHANCEMENT**

20. Within 6 months of the date of this consent [15/07/15], unless otherwise agreed by the Secretary, the Applicant shall enter into a planning agreement with the Council in accordance with [division] sic

- Division 6 of Part 4 of the EP&A Act; and
- The terms specified in Appendix 7.

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*If there is any dispute between the Applicant and Council on the planning agreement, then either party may refer the matter to the Secretary for resolution.*

The terms specified in Appendix 7 of the consent states:

#### **APPENDIX 7: PLANNING AGREEMENT**

The Applicant shall pay Council \$0.025 per tonne of quarry product extracted and transported from the Stage 2 Extraction Area on a quarterly basis. Each payment shall be:

- (a) based on weighbridge records of the quantity of extraction material transported from the site in the relevant quarter;
- (b) paid within 21 days of the end of the relevant quarter;
- (c) adjusted in line with the Consumer Price Index calculated from the date of approval and applied annually from the first day of operation.

The agreement must be endorsed by the Council. Once the Council has endorsed the Draft Planning Agreement, the required public notification process may proceed.

The \$0.025 ton rate for payment was determined without any consultation with Council. This fact has been raised with the Department and disappointment expressed.

#### **Other Issues**

The Hartley District Progress Association Incorporated has indicated that they would like some of the funds to go towards local nominated projects and community enhancements. As part of the exhibition process they would be invited to make formal comment upon the draft VPA.

#### **POLICY IMPLICATIONS**

**Policy 7.10 – Planning Agreements** applies to the development. The Policy states that a draft VPA is to be reported to Council for approval prior to being placed on public exhibition. Following the exhibition period, the VPA is to be reported back to Council for final endorsement.

#### **FINANCIAL IMPLICATIONS**

The financial implications for Council are the receipt by Council of a development contribution being a monetary contribution to go towards public facilities and infrastructure within the Lithgow Local Government area.

Operating at capacity of 1.1 million tonnes per annum of quarried product transported from the site, this equates to \$27,500 per annum being received by Council under this agreement. Hy-Tec has indicated that they typically transport between 800,000 to 1.1m tpa and anticipate this to continue and to pick up to 1m tpa in the short term.

#### **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). Section 935 of the Environmental Planning and Assessment Act provides that public notice must be given of a proposed Planning Agreement for at least 28 days before it can be entered into.

## **ATTACHMENTS**

1. Draft Planning Agreement

## **RECOMMENDATION**

### **THAT:**

1. Council endorse the Draft Voluntary Planning Agreement proposed by Hy-Tec Industries Pty Limited for a contribution of \$0.025 per tonne of quarry product extracted and transported from the Stage 2 Extraction Area on a quarterly basis. This contribution is proposed to go towards Public Facilities and Infrastructure within the Lithgow Local Government area.
2. The Voluntary Planning Agreement be placed on public exhibition for a period of 28 days exclusive of public holidays and the Christmas Council closure period.

## OPERATION REPORTS

### ITEM-7 OPER - 14/12/15 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

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## REFERENCE

Min No 15-301: Ordinary Meeting of Council held on 16<sup>th</sup> November 2015

## SUMMARY

This report provides an update on various water management issues as per Minute Number 15-301.

## COMMENTARY

### Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam # 2 capacity on Wednesday 2<sup>nd</sup> December 2015 was 90.95%. Oberon Dam capacity on Wednesday 3<sup>rd</sup> December 2015 was 63.7%.

### 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	113	0	50
August	112	0	66
September	117	0	57
October	123	0	63
November	117	0	75
<b>TOTAL</b>	<b>582</b>	<b>0</b>	<b>311</b>



**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
<b>TOTAL</b>	<b>1,217</b>	<b>0</b>	<b>787</b>	<b>1,308</b>	<b>0</b>	<b>769</b>

**Clarence Transfer System**

Water has not been transferred from the Clarence Colliery Dam to Farmers Creek No 2 Dam since January 2013 when 158 ML were transferred during the period November 2012 to January 2013.

**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 7/11/2015 to 4/12/2015.

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 7/11/2015 to 4/12/2015.

### **Current Water Restrictions Update**

Level 1 restrictions are effective from Monday, 17<sup>th</sup> March 2014.

### **Water Saving Schemes or Processes Update**

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving one (1) application for household appliance rebates and no applications for water tank rebates for the period 7/11/2015 to 4/12/2015.

### **Water Reticulation Complaints**

Three (3) varying complaints were received during the period 7/11/2015 to 4/12/2015 concerning water quality issues in the following areas:

<b>Locality</b>	<b>Concern</b>	<b>Notes</b>
Guy Street, Lithgow	Customer advised of dirty, brown water.	Result of burst main in Inch Street, main was flushed.
Macauley Street, Lithgow	Customer advised of brown water that has worsened over a few days	Result of burst main in Inch Street, main was flushed.
Elm Street, Lithgow	Customer advised of dirty, brown water.	A water sample was taken from this location and was found to comply with the ADWG limits. The main was flushed as a precaution.

### **Burst Water Main, Coerwull Road Lithgow**

On Saturday 28 November a water main break at Coerwull Road near the Great Western Highway, resulting in interruption of water supply to residents of Bowenfels including Fullagar Avenue, Coerwull Road, Evans Close, Chivers Close, and the Great Western Highway.

Due to the size and age of the main, the required fitting was not readily available and the main was capped on Saturday afternoon in order to restore water supply to residents east of Coerwull Road bridge. On Monday 30 November the fitting was sourced and the main was repaired. On Tuesday morning the main broke again, adjacent to the section of main repaired on Monday, which was repaired early Tuesday afternoon. Late Tuesday afternoon the main burst for a third time, and was repaired Tuesday evening.

Valves will shortly be installed either side of this section of water main to allow isolation of the weak fibro pipe until full replacement can be undertaken. By isolating this area, water supply to areas of Bowenfels will not be disrupted by future bursts in this section.

Replacement of this section of main is a high works priority and following receipt of necessary pipework, upgrade will be commenced.

### **Trend Analysis**

Further to Council's request for future water reports to contain trend analysis data of water quality complaints, this data is currently being prepared and will be included in the next water report.

**POLICY IMPLICATIONS**  
NIL

**FINANCIAL IMPLICATIONS**  
NIL

**LEGAL IMPLICATIONS**  
NIL

**RECOMMENDATION**

**THAT** Council note the water report.

## **CORPORATE AND COMMUNITY REPORTS**

### **ITEM-8            CORP - 14/12/15 - AUDIT PRESENTATION OF THE 2014/15 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS**

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

#### **SUMMARY**

To advise Council that its' Auditors, Crowe Horwath, will be at the meeting of 14 December 2015 to make a presentation of the 2014/15 General Purpose Financial Reports and Special Purpose Financial Reports and Special Schedules.

#### **COMMENTARY**

In compliance with Section 418(3) of the Local Government Act due notice has been provided in the local media that the 2014/15 financial statements will be presented to the public. Copies of the financial statements have been made available for inspection at the Administration Centre and on Council's website. All interested members of the public have been invited to attend and in accordance with Section 420 of the Local Government Act 1993, Council will accept submissions, in writing, for a period of seven days following the audit address. As per the Act submissions received will be forwarded directly to the Auditors for their response.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

The 2014/15 General Purpose Financial Reports, Special Purpose Financial Reports and Special Schedules represent Council's position as at 30 June 2015.

#### **LEGAL IMPLICATIONS**

NIL

#### **RECOMMENDATION**

**THAT** Council:

1. Thank Crowe Horwath for the presentation.
2. Accept submissions, in writing, for a period of seven days following the audit address until 4.30pm on the 21 December 2015. All submission which are received by the due date be forwarded to Council's Auditors in line with Section 420(3) of the Local Government Act.

**ITEM-9          CORP - 14/12/15 - CODE OF CONDUCT COMPLAINTS RECEIVED 1  
JULY 2014 TO 30 JUNE 2015****REPORT BY: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY**

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**REFERENCE**

Min No 13-50:          Ordinary Meeting of Council held on 25 February 2013  
 Min No 14-462:        Ordinary Meeting of Council held on 17 November 2014

**SUMMARY**

The Council's complaints co-ordinator is to report annually on complaints statistics. Council, at its meeting held on 25 February 2013 adopted the new Model Code of Conduct.

**COMMENTARY**

In accordance with *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013 Part 12*, the complaints coordinator is required to report to Council and the Office of local Government Code of Conduct details included in Attachment A.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The cost of managing the 2 Code of Conduct Complaints for 2014/15 was \$22,629.40.

**LEGAL IMPLICATIONS**

In accordance with, *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013 Part 12*, the statistics must be reported to Council within 3 months of the end of September each year, and provided to the Office of Local Government.

**ATTACHMENTS**

1. Model Code of Conduct Complaints Statistics Lithgow City Council.

**RECOMMENDATION**

**THAT** the report on the Code of Conduct complaints statistics for 2014/15 be noted.

**ITEM-10            CORP - 14/12/15 - COUNCIL INVESTMENTS HELD TO 30  
 NOVEMBER 2015**

**REPORT FROM: J BROZEK – GROUP MANAGER CORPORATE AND COMMUNITY**

**REFERENCE**

Min No 15-176:        Ordinary meeting of Council held on 27 July 2015  
 Min No 15-197:        Ordinary meeting of Council held on 17 August 2015  
 Min No 15-253:        Ordinary meeting of Council held on 28 September 2015  
 Min No 15-277:        Ordinary meeting of Council held on 26 October 2015  
 Min No 15-305:        Ordinary meeting of Council held on 16 November 2015

**SUMMARY**

To advise Council of investments held as at 30 November 2015 in the 2015/16 financial year.

**COMMENTARY**

Council's total investment portfolio, as at 30 November 2015 when compared to 31 October 2015, has increased by \$3,013,967.72 from \$21,633,203.23 to \$24,647,170.95. While cash in Council's bank account decreased by \$1,076,025.66 from \$2,560,812.66 to \$1,484,787.00.

There is an overall increase in cash and investments of \$1,937,942.06 since 31 October 2015.

INVESTMENT REGISTER 2015/16								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.10.15	VALUE 30.11.15	% OF TOTAL
AMP	On Call	26.08.14			2.55	1,027,442.53	1,027,442.53	4.17%
CBA	On Call				1.95	4,530,229.64	4,537,732.44	18.41%
AMP	TD	29.10.15	17.02.16	111	2.65	1,000,000.00	1,000,000.00	4.06%
	TD	24.08.15	16.12.15	114	2.75	1,000,000.00	1,000,000.00	4.06%
IMBS	TD	18.11.15	17.02.16	91	2.75	1,000,000.00	1,000,000.00	4.06%
	TD	30.09.15	13.01.16	105	2.75	1,000,000.00	1,000,000.00	4.06%
NAB	TD	24.08.15	02.12.15	100	2.90	1,000,000.00	1,000,000.00	4.06%
	TD	21.10.15	20.01.16	91	2.90	1,023,674.25	1,023,674.25	4.15%
	TD	29.09.15	06.01.16	99	2.90	1,000,000.00	1,000,000.00	4.06%
WESTPAC	TD	09.10.15	09.01.16	92	2.00	1,013,606.50	1,013,606.50	4.11%
ST GEORGE	TD	19.09.15	19.01.16	122	2.90	976,735.93	976,735.93	3.96%
	TD	26.10.15	24.02.16	120	2.75	1,008,690.41	1,008,690.41	4.09%
ME BANK	TD	25.11.15	24.02.16	91	2.85	1,000,000.00	1,000,000.00	4.06%
	TD	23.09.15	23.12.15	91	2.75	1,000,000.00	1,000,000.00	4.06%
	TD	30.10.15	03.02.16	96	2.85	1,000,000.00	1,000,000.00	4.06%
		30.11.2015	02.03.16	93	2.90		1,000,000.00	4.06%
NEWCASTLE PERMANENT	On Call	25.05.15			2.00	1,024,410.78	1,024,410.78	4.16%
FAMILY FIRST	TD	03.11.15	01.02.16	90	2.50	1,028,413.19	1,034,878.11	4.20%

CREDIT UNION								
BANK OF QLD	TD	30.10.15	10.02.16	103	2.65	1,000,000.00	1,000,000.00	4.06%
MY STATE BANK	TD	25.11.15	02.03.16	98	2.90		1,000,000.00	4.06%
	TD	30.11.15	09.03.16	100	2.90		1,000,000.00	4.06%
<b>TOTAL</b>						<b>21,633,203.23</b>	<b>24,647,170.95</b>	<b>100.00%</b>

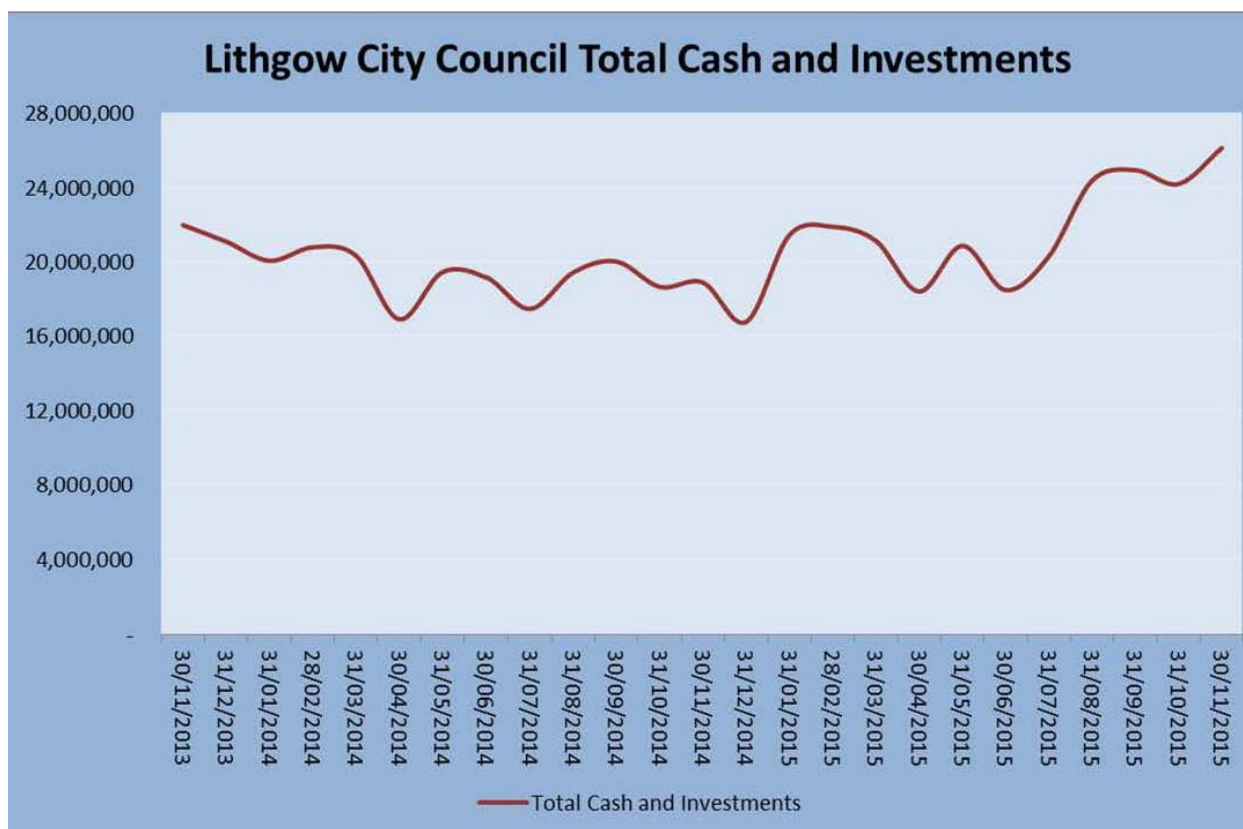
I, Juli-Ann Brozek, Lithgow City Council's Group Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

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

Opening Balance of cash and investments as at 31 October 2015	\$24,194,015.89
Plus New Investments – November 2015	\$3,013,967.72
Less Investments redeemed – November 2015	\$1,076,025.66
Closing Balance of cash and investments as at 30 November 2015	\$26,131,957.95

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 30 November 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 Minister's Investment Order of 12 January 2011.

### **FINANCIAL IMPLICATIONS**

Interest earned to 30 November 2015 is \$146,057. 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 \$24,647,170.95 and cash of \$1,484,787.00 for the period ending 30 November 2015 be noted.



## COUNCIL COMMITTEE MINUTES

### ITEM-11            CORP - 14/12/15 - TOURISM ADVISORY COMMITTEE MEETING - 12 NOVEMBER 2015

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

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## REFERENCE

Min No 15-21:            Ordinary Meeting of Council held on 9 February 2015  
Min No 15-65:            Ordinary Meeting of Council held on 23 March 2015  
Min No 15-226:           Ordinary Meeting of Council held on 7 September 2015

## SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 12 November 2015

## COMMENTARY

At the Tourism Advisory Committee held on 12 November 2015, there were numerous items discussed by the Committee that requires action from Council including:

- #LithgowHalloween15

*Lithgow Halloween Information Pack* – 200 Information packs were printed and distributed to interested local businesses

Business Information Workshops – Three workshops were run for the benefit of local shopkeepers.

### *Sponsorships/Partnerships*

Council staff was successful in obtaining 4 major sponsors for Lithgow Halloween 15 they include

- Centennial Coal – Family Fun Precinct
- Treeview Estates – Flavours Precinct
- McDonalds Lithgow – Funky Precinct
- Energy Australia – Energy Australia stage and entertainment.
- Halloween partnerships were also engaged with Coates Hire, Henry's Plant and Equipment Hire, Lithgow Workies, Creative Lighting and Audio and Howard and Sons pyrotechnics.

### **Media Coverage**

Headline Publicity – Lithgow Tourism engaged the services of specialist media liaison and publicity company Headline Publicity who broadened the scope the exposure of Halloween considerably. Among the media engaged by Headline Publicity was the Daily Telegraph who featured Halloween on the front page of their Best Weekend magazine as

well as a generous write-up that proved exceptional value for money (valued at \$78,000). Exposure on the event was also covered by travel blogger 'Vacation Goddess' whose chief writer Alison Carmichael who attended the event.

### **TV Advertising**

The 30 and 15 second commercials were featured on PRIME and WIN. A report from Prime TV was our commercial was played during prime air time including through Seven news, Sunrise and 800 words (Television series).

**Other advertising** – Advertisements for Halloween were placed in the following media:

Lithgow Mercury, Lithgow Village Voice, Blue Mountains Life Magazine and MOVE FM. Halloween Banners were created and displayed around the area. McDonalds in Lithgow, Mudgee, Blaxland and Emu Plains promoted the event with the TV Commercial on their restaurant.

Lithgow Living History Group were engaged to hand out Halloween literature at Penrith and Katoomba Railway Stations in full costume, distributing all the leaflets taken and getting positive reactions.

**Social Media** – Facebook was heavily utilized during and included the Lithgow Tourism Events Page and the Lithgow Halloween Page.

Final numbers for the event were estimated over 27,000 people attending the event.

- Consumer Shows
- Tourism Managers Report

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

### **ATTACHMENTS**

1. Minutes from the Tourism Advisory Committee meeting of 12 November 2015

### **RECOMMENDATION**

#### **THAT:**

1. Council note the minutes of the Tourism Advisory Committee held on the 12 November 2015.
2. The Chair of the Committee write to all sponsors and supporters thanking them for their commitment to the event.
3. Council consider committing \$120,000 in the 2016/2017 budget for the 2016 Halloween Event.

4. The Chair of the Committee write to Zig Zag Brewery and congratulate the Brewery on hosting a successful ball.

**ITEM-12          CORP - 14/12/15 - COMMUNITY DEVELOPMENT COMMITTEE  
MEETING - 17 NOVEMBER 2015**

**REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE**

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**REFERENCE**

Min No 15-20:	Ordinary Meeting of Council held on 9 February 2015
Min No 15-25:	Ordinary Meeting of Council held on 9 February 2015
Min No 15-47:	Ordinary Meeting of Council held on 2 March 2015
Min No 15-92:	Ordinary Meeting of Council held on 20 April 2015
Min No 15-83:	Ordinary Meeting of Council held on 20 April 2015
Min No 15-155:	Ordinary Meeting of Council held on 29 June 2015
Min No 15-227:	Ordinary Meeting of Council held on 7 September 2015
Min No 15-233:	Ordinary Meeting of Council held on 7 September 2015
Min No 15-258:	Ordinary Meeting of Council held on 28 September 2015

**SUMMARY**

This report details the minutes of the Community Development Committee meeting held on 17 November 2015.

**COMMENTARY**

At the Community Development Committee meeting held 17 November 2015 various items were discussed by the Committee, including:

**Australia Day 2016** - The Committee discussed the proposed program for the 2016 Australia Day event and the NSW Local Citizenship Awards criteria.

**Renaming of the South Littleton Hall** - Council resolved on 28 September 2015 (Min 15-258) to refer to the Community Development Committee, the possible renaming of the South Littleton Hall to the Kiddle Hall in recognition of Molly and Max Kiddle. The Committee considered this matter and recommends to Council that the South Littleton Hall be named the Kiddle Memorial Hall in recognition of Molly and Max Kiddle.

**Financial Assistance -**

Council called for applications during October 2015 for Round 2 Non-Recurrent Financial Assistance. There is \$32,592 available for allocation in Round 2. The Committee considered the applications received as detailed in the following table. Twenty six applications to the value of \$48,759 were received and twenty-four projects to the value of \$17,950 are recommended for funding.

Organisation and Project Name	Project Outline	Amount requested	Amount Recommended	Comment
<b>Lithgow Senior Citizens Club</b> Ongoing program costs & running costs for events.	The Senior Citizens Club provides entertainment, mental stimulation, outings and socialising for the elderly.	\$1,000	\$600	
<b>Can Assist - Lithgow Branch</b> Running costs.	Can Assist financially assists people affected by cancer e.g. cost of medicines, accommodation while receiving treatments, utility accounts or cost of living.	Amount requested not specified	\$500	
<b>St Patrick's Primary School Lithgow</b> Vegetable Garden	Establish a vegetable garden for K-Year 6 students to support classroom learning in a practical way, teach the students about different food and methods of growing food.	\$2,300	\$500	
<b>Nepean Blue Mountains Local Health District Primary Care &amp; Community Health</b> Bowenfels Engagement Project	Provide a BBQ once per month in Bowenfels for young people and purchase portable basketball rings.	\$3,000	\$1,500	
<b>Gorrie Ban</b> Excursions	Take the elderly on an out of town bus trip 4 times during 2016.	\$2,800	\$1,000	

Organisation and Project Name	Project Outline	Amount requested	Amount Recommended	Comment
<b>Barton Park Giant Trees Arboretum</b>  Grand Opening	The Arboretum will open to the public for the first time on the 28 November 2015 and assistance is sought for portable toilets, tables, PA system rental and a first aid kit.	\$3,000	\$1,500	
<b>Lithgow Community Orchestra</b>  Orchestral workshops	Run workshops and lessons during 2016 for beginner string players to provide them with the skills to become playing members of Lithgow Community Orchestra.	\$700	\$350	
<b>Lithgow Flash Dragons</b>  Sweep oar purchase	Purchase replacement competition sweep oar to complement the Flash Dragon's competition Dragon Boat.	\$650	\$300	
<b>Lithgow Quota Club</b>  Replace the memorial miner statue in Quota Park	Replace statue of the miner in Quota Park due to vandalism and deterioration	Amount not specified	\$1,000	
<b>Lithgow District Garden Club</b>  Garden & Picnic Area within Giant Trees Arboretum	To create a garden and picnic area at the entrance of the Giant Trees Arboretum.	\$1,000	\$400	

Organisation and Project Name	Project Outline	Amount requested	Amount Recommended	Comment
<b>Lithgow partnerships Against Domestic Violence and Family Abuse</b>  Domestic Violence Services Referral Card	Update and re-print existing 2011 domestic violence referral card which was distributed to local services to educate non domestic violence services in the community about the services available, and provide them with access to local referral points.	\$1,699	\$800	
<b>Lithgow &amp; District Community Nursery</b>	Computer Update	\$1,493	\$750	
<b>Mitchell Conservatorium – Lithgow</b>  New Horizons Seniors Beginners Band	Provide a participatory group music activity for Lithgow seniors (residents over 60, ATSI residents over the age of 50 and people over 50 with a lifelong disability), who are either beginners or re-starters on a musical instrument.	\$3,100	\$1,000	
<b>Lithgow District Car Club</b>  Rates re-imburement Yvonne Martin Memorial Motorsport Park		\$1,290	\$850	
<b>First Australian Muzzleloading Gun Rifle Pistol Club Lithgow</b>	Rate Re-imburement	\$1,038	\$500	

Organisation and Project Name	Project Outline	Amount requested	Amount Recommended	Comment
<b>Lithgow National Trust</b> John Wellings Award		\$800	\$400	
<b>Friends of St John's Church</b>	Rate Re -imbursement	\$1,000	\$500	
<b>Wallerawang Lidsdale CWA</b>	Rate Re -imbursement	\$519	\$300	
<b>Portland Sport and Recreation Club</b>  Portland Bike Track	Construct a series of bike tracks for children aged 3 and above to provide a safe and legal place for the youth of Portland and surrounds to ride their bikes. This facility will provide a positive recreational option for youth in Portland.	\$10,000	\$0	The Committee will reconsider this submission in the new year as land use and consent issues remain outstanding
<b>Crystal theatre Ball Committee</b>  Debutante Ball	A fundraising ball to be held at the Crystal Theatre.	\$1,000	\$0	The Committee was advised that the ball did not proceed
<b>Portland Quilters</b>  Ongoing costs	Costs for fabric and tools to provide quilts to those who are very ill, elderly or grieving.	\$1,000	\$500	
<b>Capertee &amp; District Progress</b>	Capertee Memorial Hall Heating	\$3,000	\$1,500	



Organisation and Project Name	Project Outline	Amount requested	Amount Recommended	Comment
<b>Association</b>				
<b>Hampton Reserve Trust</b> Mower	Purchase mower to maintain the grounds as a safe area for all the community to use.	\$3,000	\$1,000	
<b>Cullen Bullen Progress Association</b>	Rates re-imbursment	\$870	\$500	
<b>Portland District Motor Sports Club</b> Sponsorship	Sponsorship of major NSW Title held at Cullen Bullen Speedway	\$1,500	\$700	
<b>Lara Jean Association</b> Movie Mayhem	Conduct a special event (Movie mayhem) at Katoomba United Cinemas for special needs kids, including children from special schools and schools with support classes in Lithgow and Blue Mountains. Up to 150 local families can attend and enjoy the free movie, lunch, showbags and lucky door prizes.	\$3,000	\$1,000	
<b>TOTAL</b>		<b>\$48,759</b>	<b>\$17,950</b>	

**Lithgow Show Society:** The Committee also considered a request from Lithgow Show Society for the waiver of Lithgow Showground and Civic Ballroom hire fees for the 2016 Lithgow Show as well as for three fundraising events prior to the 2016 Show. The Show Society is seeking to raise funds through these events to assist with offsetting costs from the 2015 Show and to ensure the running of the 2016 Lithgow Show:

- “Machines” - farm machinery, cars and trucks 18-19 September 2015. Council fee \$953.30

- Summer Horse Show: 25-26 January 2016. Council fee \$953.30
- February 2016: Lithgow Show Ball. Council fee estimate \$733
- Lithgow Show – 11-13 March 2016. Council fee: \$3,958.20

Total Request: \$6,597.80

Council has provided \$12,000 financial assistance in 2015/16 to the Show Society for the holding of the 2016 Lithgow Show. The Committee noted that the \$3,958.20 Council fee for the Showground and Civic Ballroom hire already represents a discount from the standard fee.

The Committee also noted that Council Policy 4.2 Financial Assistance states that Council will not consider additional funding requests from organisations that receive recurrent financial assistance.

The Committee recommends however to Council that in view of the financial hardship facing the Show Society, Council's Policy 4.2 Financial Assistance be amended to allow for a one-off payment of additional financial assistance to the Lithgow Show Society of 50% of their request, to the value of \$3,298.90. This payment would be met from the existing Non-Recurrent Financial Assistance allocation.

**Recurrent Financial Assistance:** The Committee further recommends to Council that in framing the 2016/17 Operational Plan, the Solid Fuel Rebate Recurrent Financial Assistance allocation be moved to a more appropriate budget program in Council's Environment Department and that the allocation to schools for end of year presentations be increased from \$50 to \$60 per school. These matters will be addressed in the formulation of the 2016/17 Operational Plan.

### **Update of Current projects**

#### **Blast Furnace**

Council is advised that repair and remediation works have commenced at Blast Furnace with a scheduled February 2016 completion date. Following this, Council is planning to proceed with Masterplan works including fencing, boardwalks and interpretative signage as funds allow.

#### **World War 11 Memorial**

The Memorial in Queen Elizabeth Park was unveiled to the public and officially dedicated on 11 November 2015. The event was well attended by the public.

#### **Adventure Playground**

Design work has commenced on the playground to be located at Endeavour Park.

#### **Bowenfels Gun Emplacement**

Installation of interpretative signage has commenced however Council is waiting for resolution of public access issues to the site.

#### **Re-Naming Of Meadow Flat Hall**

The Committee was asked to comment on a proposal to re-name the Meadow Flat Hall in recognition of the late Mr Mac Scott, a Councillor on Blaxland Shire Council and prominent community figure in the area. The Committee considered this matter and

recommends that Council rename the Meadow Flat Hall to the Mac Scott Memorial Hall in recognition of Mr Mac Scott.

### **Public Donation Policy**

Council resolved on 7 September 2015 (Min 15-233) to refer to the Community Development Committee for its consideration, a proposal for Council to receive and disburse public donations to local charities to provide immediate financial support for people involved in tragic accidents or incidents.

The Committee recommends that in the event of declared natural disasters only, Council establish a relief fund in a similar way to the Mayoral Bushfire Relief fund that was established after the 2013 bushfires. Council would at the time each natural disaster is declared, seek Deductible Gift Recipient Status for the fund from the ATO to enable public donations to attract tax deductibility.

The Committee considered that relief funds should not be established to provide assistance in relation to personal tragedies or other events that are not declared natural disasters as these matters can be best dealt with by local charities and would not attract Deductible Gift Recipient Status.

### **POLICY IMPLICATIONS**

The allocation of additional financial assistance to the Lithgow Show Society is contrary to Council's Policy 4.2 Financial Assistance.

### **FINANCIAL IMPLICATIONS**

An amount of \$32,592 Financial Assistance remains for allocation in 2015/16 of which \$17,950 is recommended for allocation in Round 2 and a further \$3,298.90 to the Lithgow Show Society, a total of \$21,248.90. This leaves \$11,343.10 remaining for allocation should further requests be made during the current year.

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

### **ATTACHMENTS**

1. Community Development Committee Minutes of 17 November 2015.

### **RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Community Development Committee meeting held 17 November 2015.
2. Rename the South Littleton Hall to the Kiddle Memorial Hall in recognition of Molly and Max Kiddle.
3. Provide Round 2 Non-Recurrent Financial Assistance to the value of \$17,950 to the following twenty-four organisations.

<b>Organisation and Project Name</b>	<b>Amount Recommended</b>
<b>Lithgow Senior Citizens Club</b> Ongoing program costs & running costs for events.	\$600
<b>Can Assist - Lithgow Branch</b> Running costs.	\$500
<b>St Patrick's Primary School Lithgow</b> Vegetable Garden	\$500
<b>Nepean Blue Mountains Local Health District Primary Care &amp; Community Health</b> Bowenfels Engagement Project	\$1,500
<b>Gorrie Ban</b> Excursions	\$1,000
<b>Barton Park Giant Trees Arboretum</b> Grand Opening	\$1,500
<b>Lithgow Community Orchestra</b> Orchestral workshops	\$350
<b>Lithgow Flash Dragons</b> Sweep oar purchase	\$300
<b>Lithgow Quota Club</b> Replacement of the memorial miner statue in Quota Park	\$1,000
<b>Lithgow District Garden Club</b> Garden & Picnic Area within Giant Trees Arboretum	\$400
<b>Lithgow partnerships Against Domestic Violence and Family Abuse</b> Domestic Violence Services Referral Card	\$800
<b>Lithgow &amp; District Community Nursery</b> Computer Update	\$750
<b>Mitchell Conservatorium – Lithgow</b> New Horizons Seniors Beginners Band	\$1,000
<b>Lithgow District Car Club</b> Rates re-imburement Yvonne Martin Memorial Motorsport Park	\$850
<b>First Australian Muzzleloading Gun Rifle Pistol Club Lithgow</b> Rates re-imburement	\$500

<b>Organisation and Project Name</b>	<b>Amount Recommended</b>
<b>Lithgow National Trust</b> John Wellings Award	\$400
<b>Friends of St John's Church</b> Rate Reimbursement	\$500
<b>Wallerawang Lidsdale CWA</b> Rate Reimbursement	\$300
<b>Portland Quilters</b> Ongoing costs	\$500
<b>Capertee &amp; District Progress Association</b> Capertee Memorial Hall Heating	\$1,500
<b>Hampton Reserve Trust</b> Mower	\$1,000
<b>Cullen Bullen Progress Association</b> Rates re-imburement	\$500
<b>Portland District Motor Sports Club</b> Sponsorship	\$700
<b>Lara Jean Association</b> Movie Mayhem	\$1,000
<b>TOTAL</b>	<b>\$17,950</b>

4. Provide a one-off payment of additional financial assistance to the Lithgow Show Society of 50% of their Lithgow Showground and Civic Ballroom fee waiver requests to the value of \$3,298.90 for the following events: "Machines" - farm machinery, cars and trucks event held 18-19 September 2015; Summer Horse Show to be held 25-26 January 2016; Lithgow Show Ball to be held in February 2016, and; Lithgow Show to be held 11-13 March 2016.
5. Rename the Meadow Flat Hall to the Mac Scott Memorial Hall in recognition of Mr Mac Scott.
6. Establish a relief fund to attract public donations for the support of the community during declared natural disasters only and as each event occurs, seek Deductible Gift Recipient Status for the fund from the Australian Taxation Office.

**ITEM-13          ENVIRO - 14/12/15 - MEADOW FLAT HALL MANAGEMENT  
COMMITTEE MINUTES - 18 NOVEMBER 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 18 November 2015.

**COMMENTARY**

At the Meadow Flat Hall Management Committee Meeting held on 18 November 2015, there were a number of items discussed which are outlined in the attached minutes.

There were no issues requiring Council approval from this meeting.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes of the Meadow Flat Hall Management Committee Meeting held on 18 November 2015.

**RECOMMENDATION**

**THAT** Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 18 November 2015.

**ITEM-14 OPER - 14/12/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 19 NOVEMBER 2015**

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

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## **SUMMARY**

This report details the Minutes of the Traffic Advisory Local Committee Meeting held on 19<sup>th</sup> November 2015.

## **COMMENTARY**

At the Traffic Advisory Local Committee meeting held on 19<sup>th</sup> November 2015, the following items were discussed by the Committee:

- RMS – Council parking audit of public schools in the area
- Loading Zone Signage – Lithgow Mobility Aids
- Lithgow Bike Stop/Brake Pro Rear Lane Parking
- Suggestions - Additional Pedestrian Crossings Required In Main Street Lithgow
- Notification - IPWEA Submission To Staysafe Inquiry Into Motorcycle Safety Available For Viewing
- Contract – Linemarking Services
- Request For Armco Barrier - Geordie Street Lithgow
- Traffic Lights - Lithgow Street and Mort Street Intersection
- Traffic Control Plan – Halloween 2015
- Shared Pedestrian Bicycle Lane and Crossings - Barton Ave
- Disabled parking- LINC building Railway Parade
- Linemarking- Padley Street
- Intersection – Tarana Sodwalls Road Diamond Swamp Road
- Vehicle Restriction - Hartley Vale Road
- Pedestrian Crossing - Eskbank Street Mort Street
- Psyfari Festival

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Traffic Advisory Local Committee meeting held on 19<sup>th</sup> November 2015.

## RECOMMENDATION

**THAT** Council note the minutes of the Traffic Advisory Local Committee held on the 19<sup>th</sup> November 2015



**ITEM-15            ENVIRO - 14/12/15 - RURAL LANDS STUDY PROJECT STEERING  
COMMITTEE MINUTES - 23 NOVEMBER 2015**

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

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**REFERENCE**

Min No 15-66:            Ordinary Meeting of Council held on 23 March 2015  
Min No 15-127:          Ordinary Meeting of Council held on 1 June 2015  
Min No 15-224:          Ordinary Meeting of Council held on 7 September 2015

**SUMMARY**

This report details the Minutes of the Rural Lands Study Project Steering Committee Meeting held on 23 November 2015.

**COMMENTARY**

At the Rural Lands Study Project Steering Committee held on 23 November 2015, there were eight items discussed by the Committee as outlined in the attached minutes. Key matters discussed included:

- Project progress update
- Project Plan and methodology
- Community engagement and consultation plan framework

No matters discussed require a Council resolution.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Rural Lands Study Project Steering Committee meeting of 23 November 2015.

**RECOMMENDATION**

**THAT** Council note the minutes of the Rural Lands Study Project Steering Committee held on the 23 November 2015.

## NOTICES OF MOTION

**ITEM-16 NOTICE OF MOTION - 14/12/15 - FORMAL RECOGNITION BY COUNCIL OF JAMES MALONE (JIM) ROBSON - COUNCILLOR W MCANDREW**

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## COMMENTARY

The 8<sup>th</sup> October this year saw the sad passing of James Malone (Jim) Robson (Order of Australia/ Australian Medal

Jim was a tireless worker and supporter of this community all his life, with the following roles and achievements

Coalminer and active member of the Miners Federation

Prominent businessman

Lifelong supporter of Lithgow Greyhounds

Elected to Lithgow Council as an Alderman in 1953

Became Mayor in 1958 and held that position for 10 years

Retired from Council in 1974 after 21 years

Life member of the ALP

Driving force behind the construction of the new Lithgow Intergrated Health Facility

Past Chair of both the Lithgow Community Private Hospital and Three Tree Lodge Aged Care Facility

Many within our Community will sadly miss him

## RECOMMENDATION

**THAT** Lithgow City Council investigate ways of formally recognizing and honouring Jim for his achievements and commitment to our Community over many years. This could include but not be limited to naming an important part of our LGA after Jim.

**ITEM-17 NOTICE OF MOTION - 14/12/15 - SALLYS FLAT NEAR HILL END  
BEING SHORTLISTED AS A FUTURE SITE FOR NUCLEAR WASTE  
STORAGE - COUNCILLOR W MCANDREW**

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**COMMENTARY**

On the 12 November this year the Federal Government short listed 6 potential sites for nuclear waste storage, one of those being Sally's Flat near Hill End in the Central West of NSW.

Aside from the issues that the proposed site will create for local residents in and near Sally's Flat, my major concern lies in the fact that if Sally's Flat is chosen then one can be assured that nuclear waste will be transported through our LGA and more specifically along the Great Western and Castlereagh Highways. That should be of concern to residents and ratepayers in our LGA.

**RECOMMENDATION**

**THAT** Council seek clarification from the appropriate Federal Government Department on the nuclear waste transport routes, methods and conditions associated with the proposed Sally's Flat site and all information be brought back to a future Council meeting for Council to decide a formal position on the Sally's Flat proposal

**ITEM-18 NOTICE OF MOTION - 14/12/15 - FOOT BRIDGE BEHIND CHIVERS CLOSE - COUNCILLOR F INZITARI**

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**SUMMARY**

Council to conduct necessary repairs to Foot Bridge over Farmers Creek - behind Chivers Close

**COMMENTARY**

This bridge is used by residents who reside along Chivers Close and surrounding streets, who utilise it to gain access to Coalbrook Street, which in turn allows them to commute to other areas of the Lithgow area. It helps create a shortcut for these residents, who would otherwise have to walk the very long way via Coerwull Road.

I feel this bridge needs some maintenance in order to make sure it remains in a safe working condition for many years to come. If this work is not done soon, then I would assume it would eventually become condemned.

**RECOMMENDATION**

**THAT** Lithgow Council conduct necessary repairs to the footbridge over Farmers Creek behind Chivers Close in this financial year.

## **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-19      MAYORAL MINUTE - CLOSED COUNCIL - CONFIDENTIAL - 14/12/15 - PERFORMANCE REVIEW OF THE GENERAL MANAGER

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#### Reason for Confidentiality

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

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

#### SUMMARY

This report outlines the outcomes of the General Manager's 2012/13 performance review.

#### RECOMMENDATION

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