



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

27 JUNE 2016

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 6 JUNE 2016**

**DECLARATION OF INTEREST**

**PUBLIC FORUM**

**PRESENTATIONS – Nil**

**MAYORAL MINUTES**

**STAFF REPORTS**

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

**COUNCIL COMMITTEE MINUTES**

Sports Advisory Committee Meeting Minutes - 31 May 2016  
Tourism advisory committee - 1 June 2016 meeting  
Economic Development Advisory Committee Minutes - 2 June 2016  
Tourism Advisory Committee Meeting – 8 June 2016

**DELEGATES REPORTS**

Delegates Report – Centroc

**NOTICES OF MOTION – NIL**

**QUESTIONS WITH NOTICE**

Update on the Foundations (Formerly The Cement Works) Portland - Clr Ticehurst  
Community Petition - Marjorie Jackson Playing Fields in Lithgow - Councillor M Ticehurst

**NOTICE OF RECISSIONS – NIL**

**BUSINESS OF GREAT URGENCY**

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

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## GENERAL MANAGERS REPORTS

### ITEM-1 GM - 27/06/16 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION

**REPORT BY: R BAILEY – GENERAL MANAGER**

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## SUMMARY

The Local Government Remuneration Tribunal handed down its report for 2016-17 period. This report deals with the fees to be applied to councillors and the Mayor.

## COMMENTARY

The Local Government Remuneration Tribunal (the Tribunal) sets the range of fees for all councillors and mayors in NSW each year.

The Tribunal is responsible for categorising each council, country and mayoral office for the purpose of determining the minimum and maximum fees payable to councillors, members of county councils and mayors in each category.

This year the Tribunal has awarded an annual fee increase of 2.5 per cent, with effect from 1 July 2016. Section 241 of the *Local Government Act 1993* (NSW) requires the Tribunal to determine each year the maximum and minimum amounts of annual fees payable during the following year to mayors and councillors. Sections 248 and 249 of the Act require councils to fix and pay an annual fee based on the Tribunal's determination.

Councils are to fix councillor and mayoral fees for the 2016/17 financial year based on the Tribunal's determination. The level of fees paid will depend on what category the council is in. In Lithgow's situation this is a "Rural" category

A council cannot fix a fee higher than the maximum amount determined by the Tribunal. If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

The determinations by the Tribunal for 2016/17 are:

Fees for General Purpose and County Councils						
Category	Councillor/ Member Annual Fee		Mayor/Chairperson Additional Fee		Total Mayor/Chairperson Fee	
	Min \$	Max \$	Min \$	Max \$	Min \$	Max \$
<b>General Purpose Councils</b>						
Principal City	25,670	37,640	157,030	206,620	182,700	244,260
Major City	17,110	28,240	36,360	82,270	53,470	110,510
Metropolitan Major	17,110	28,240	36,360	82,270	53,470	110,510

Metropolitan Centre	12,830	23,950	27,260	63,640	40,090	87,590
Metropolitan	8,540	18,840	18,180	41,090	26,720	59,930
Regional Rural	8,540	18,840	18,180	41,090	26,720	59,930
Rural	8,540	11,290	9,080	24,630	17,620	35,920
<b>Country Councils</b>						
Water	1,700	9,410	3,640	15,460	5,340	24,870
Other	1,700	5,630	3,640	10,270	5,340	15,900

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The NSW Local Government Act 1993 requires:

*248 Fixing and payment of annual fees for councillors*

- (1) *A council must pay each councillor an annual fee.*
- (2) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (3) *The annual fee so fixed must be the same for each councillor.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal*

In addition to the above fees Council also provides the Mayor with a motor vehicle which is available for private purposes. No lease fee is currently payable for this.

At the Council meeting of 11 May 2015 Council resolved to:

1. Set the remuneration in 2015/16 for Councillors at \$10,070
2. Set the remuneration in 2015/16 for the Mayor at \$21,330
3. Set the 2015/16 car lease payable by the Mayor at NIL.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The increase is within the estimates set by Council earlier this year.

**LEGAL IMPLICATIONS**

Council is required to pay the remuneration in accordance with the limits set by the Tribunal.

**ATTACHMENTS**

1. 2016 Annual Determination-Local Government Remuneration Tribunal under Sections 239 and 241 Local Government Act, 1993, 29 March 2016.

## **RECOMMENDATION**

**THAT** Council:

1. Set the remuneration in 2016/17 for Councillors at \$10,325.00
2. Set the remuneration in 2016/17 for the Mayor at \$21,865.00
3. Set the 2016/17 car lease payable by the Mayor at Nil.



**ITEM-2 GM - 27/06/16 - EXCLUSION OF NOTICE OF MOTION**

**REPORT BY: R BAILEY - GENERAL MANAGER**

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**SUMMARY**

A Notice of Motion has been deemed to be unlawful and excluded from the business paper in accordance with Clause 240 of the NSW Local Government (General) Regulation 2005.

**COMMENTARY**

The General Manager is in receipt of a Notice of Motion (NOM) presented for this meeting of Council. The matter has been determined by the General Manager to be unlawful and therefore the NOM has not been included as part of the business paper for this Council meeting. In accordance with Clause 240 of the NSW Local Government (General) Regulation 2005 the General Manager must report such exclusions to the next meeting of Council.

The relevant section of the Regulation is:

**Clause 240 Agenda and business papers for council meetings**

- (1) The general manager must ensure that the agenda for a meeting of the council states:
  - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
  - (b) if the mayor is the chairperson-any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) subject to subclause (2), any business of which due notice has been given.
  
- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

Local Government (General) Regulations 2005

## **RECOMMENDATION**

**THAT** Council note the report on the exclusion of a Notice of Motion due to the item being declared unlawful and therefore excluded from the Business Paper in accordance with Clause 240 of the NSW Local Government (General) Regulation 2005.

## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-3 ENVIRO - 27/06/16 - SCORES ON DOORS

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

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#### SUMMARY

To advise Council of the New South Wales Food Authority *Scores on Doors* program.

#### COMMENTARY

*Scores on Doors* is a voluntary hygiene and food safety scoring program promoted by the New South Wales Food Authority that displays the results of regular inspections of food premises. New South Wales councils may, if they wish, participate in the program. The program is also voluntary for any food premises to participate in if a Council chooses to implement the program. Prior to the recent round of council amalgamations, 52 councils in New South Wales out of 152 were participating in the scheme.

Lithgow City Council carries out a traditional food inspection program with inspections of all food premises at least annually. Premises are inspected in relation to cleanliness, food handling and hygiene having regard to the provisions of the Food Act. Should any premises not come up to standard then, depending on the severity of the non-compliance, improvement notices, prohibition orders and Penalty Infringement Notices are possible under the legislation. Generally though, unless the non-compliance(s) is significant, re-inspections are arranged allowing the operator to make improvements. Voluntary closures sometimes occur to allow the operator to make improvements if the standards are such that the sale of food should not occur. Reactive inspections also occur should any complaints be received from the public. Council has not participated in the *Scores on Doors* program to date which would be envisaged to require additional inspections.

The program rates compliance with the Food Standards Code by awarding five stars (Excellent), four stars (Very Good) and three stars (Good). If a premise fails to meet the necessary criteria then no score is issued. The ratings are based on food safety and hygiene inspections including food temperature control; food prepared in advance of service; food handler hygiene; cleaning and sanitisation; and pest control. *Scores on Doors* certificates can then be displayed on participating food premises.

Whilst the principal of the program is commendable there have been some concerns expressed in the industry which is understood to be the prime reason why not all councils are participating.

At the 2015 Local Government conference a motion was put forward by Cootamundra Shire Council which among other things sought support to make the scores on doors scheme mandatory for all councils and food businesses in New South Wales.

In response, Local Government NSW (LGNSW) sought feedback from all councils on the *Scores on Doors* scheme. Responses were received from 35 councils, 18 councils

which currently participate in the Scores on Doors scheme and 17 which do not. 37.1% of respondents were in favour of the Scores on Doors program becoming mandatory. 22.9% of respondents indicated that they would support a mandatory program if it was amended or assurances were given in relation to the impact on Council resources.

Councils in support of Scores on Doors becoming mandatory indicated that the impact on resources was not significant and that by standardising the scheme it would be strengthened; improve food safety, and increase public awareness.

Councils opposed to the Scores on Doors scheme becoming mandatory expressed concerns regarding their liability if a food poisoning incident occurred in a council endorsed 5 star premises; monitoring and enforcing food safety should be enough and it's not a council's role to praise a food business; the score is only as good as the day of the inspection; the scoring process is subjective with inconsistency occurring; there is a risk that businesses may negotiate or bribe for higher scores; public perception of scheme is about quality not safety; there is no quantitative evidence the scheme improves food safety; and various concerns on resource impacts. General feedback also included concerns that the scheme is largely a 5 Star display program as food businesses with 3 or 4 stars don't participate; that the scoring is not comparable across food business; and the processes is biased towards older businesses. Furthermore there was concern raised that that training and support is required for a consistent approach of scoring assessments across NSW.

In conclusion, a scheme to promote hygiene and food safety is admirable. However, the concerns raised through the feedback sought by LGNSW are shared by Council Environmental Health officers. The score provided is only as good as the day of the inspection and there is no guarantee that a health related incident could not occur, particularly if standards drop, shortly after the inspection. In circumstances such as this, Council could be the subject of significant criticism. On balance, participation in the Scores on Doors program is not supported at this stage.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil, if Council chooses not to participate in the program. Should Council choose to participate in the program it will be expected to utilise existing staff resources.

#### **LEGAL IMPLICATIONS**

There is no legal obligation to participate in the program.

#### **RECOMMENDATION**

**THAT** Council note the report on the *Scores on Doors* program and not participate in the scheme at this stage.

**ITEM-4            ENVIRO - 27/06/16 - DA029/16 PROPOSED DEMOLITION AND CONSTRUCTION OF SERVICE STATION AND CAFE AT GREAT WESTERN HIGHWAY, LITHGOW**

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

**REFERENCE**

Min No 16 – 51    Ordinary Meeting of Council held on 31 March 2016  
Min No 16 – 77    Ordinary Meeting of Council held on 18 April 2016

**SUMMARY**

To assess and recommend determination of DA029/16 for a service station & cafe, with the recommendation being for approval subject to conditions of consent.

**COMMENTARY**

Council is in receipt of a Development Application 029/16 for the demolition of existing buildings & construction of a service station and café on land known as Lot 1 Sec 3 DP 11241, Lot 1 & 2 DP514466 and Lot 1 DP808332, 1127-1131 Great Western Highway Lithgow NSW 2790.

The application has been reported to Council previously in relation to the variation to Council's Outdoor Advertising Development Control Plan for 2 x 10m pylon signage and in relation to the 'calling-in' of the application.

**Summary**

The site previously retained two vehicle repairers (BRD Automotive and Redding's Motor Repairs), a vehicle sales yard (Lean & Bennett) and adjoins Lithgow McDonalds Restaurant.

The proposal includes the following:

- Demolition of all existing buildings, hardstand and structures with the exception of the heritage building
- Construction of new service station including; a convenience store building (GFA 216m<sup>2</sup>), fuel canopy, 8 fuel bowsers, associated underground fuel tanks and infrastructure
- Modifications and use of the existing heritage building (GFA 93m<sup>2</sup>) for the purpose of a café with outdoor seating
- 52 carparking spaces (including 2 accessible spaces)
- 1 air and water parking space
- Construction of separate entry and exit points and deceleration lane to the site via Great Western Highway
- Construction of vehicle access links with the site to the adjoining McDonalds
- Landscaping works
- Business identification signage

- Minor grading of the site to accommodate the appropriate levels
- Consolidate two northern allotments Lots 1 & 2 DP514466
- Place reciprocal rights of carriageway being registered over Lot 1 Sec 3 DP11241 between the service station/café and McDonalds
- The operation is proposed for 24 hours.

The proposal also incorporates a linkage to the existing McDonalds Restaurant for through traffic which will also assist with overflow parking from McDonalds.

### **Lithgow Local Environmental Plan 2014 (LEP2014) compliance**

The development of a “restaurant or café”, “shop” and “service station” are permissible under Lithgow Local Environmental Plan 2014 Zone B4 Mixed Use, subject to development consent.

The development is to be a commercial premise on the Great Western Highway which will be accessible by patrons and does not detract from the role of the town core commercial precinct. The existing heritage item is to be retained and reused. The development will have minimal impact on water quality and meets the objectives of the B4 Mixed Use zone.

The heritage building is to be retained and reused as a café with internal fitout required. This use is consistent with the aims of heritage conservation and will promote the building in a positive way. A Heritage Impact Statement has been submitted with the application and if approved any works to the building will be controlled by proposed conditions of consent to minimise any impact on the existing building. The design of adjoining buildings has included setbacks and roof lines that promote the heritage building as a main feature and it will be an improvement of the current buildings and uses on the site.

If approved, earthworks will be undertaken onsite and completed in accordance with proposed conditions of consent to minimise erosion and sedimentation impacts. Additionally, comments from Sydney Trains (Transport NSW) have been provided in relation to earthworks within close proximity to the railway.

Stormwater management has been assessed by Council’s Operations Department and Water NSW who found, subject to proposed conditions of consent, the proposal will have adequate drainage and storm water treatment.

The development will comply with the provisions of the LEP subject to proposed conditions of consent if approved.

### **State Environmental Planning Policy No 55—Remediation of Land**

The historical use of the site was previously a service station and motor vehicle repairs/sales. Therefore, there is a potential for contamination to the existing site. An Environmental Site Assessment has been prepared by Parsons Brinckerhoff dated 11 November 2015 which provides detail of the existing soil and groundwater onsite using 15 borehole locations across the site, with 3 below groundwater level (which were then converted to wells). As a result it was found that there were two main areas of impacted soil:

- The area surrounding the former underground petrol storage infrastructure on the northern end of the site (1131 Great Western Highway);
- The storage area for 200L drums of engine oil, lubricants, other specialist fluids, scrap metal and spent batteries along the southern end of the eastern boundary of the site (1127 Great Western Highway)

Although there were some exceedances during testing it was not within limits that would cause health risks. From the overall study recommendations are made which will form conditions of consent if this application is approved. The site is suitable for a service station and complies with the SEPP.

#### **State Environmental Planning Policy No 64—Advertising and signage**

The proposed signage is compatible with the character of the area given it is for commercial uses along the highway. Examples of existing signage include McDonalds Restaurant and Red Rooster. The signage and design will not detract from the heritage building onsite and will be consistent with the existing theme.

The proposal has been referred to the Roads and Maritime Services for assessment and meets the requirements of the SEPP.

#### **State Environmental Planning Policy (Infrastructure) 2007**

The proposal is within proximity to some electricity infrastructure owned by Endeavour Energy and therefore a referral to the authority was undertaken as per Clause 45 of the SEPP. Endeavour Energy's comments have been received with no objections raised subject to conditions of consent.

The proposal is immediately adjacent to a rail corridor with Clauses 85 & 86 of the SEPP applying. Therefore, a referral to Sydney Trains (Transport NSW) was undertaken with their recommendations for the proposal raised no objections subject to conditions of consent.

The development has a frontage to a classified road being the Great Western Highway with Clauses 101 & 104 of the SEPP applying. This is due to the development being a traffic generating development (service station and more than 50 carspaces on site). The application was forwarded to the Roads and Maritime Services (RMS) for assessment in relation to safety, design, parking, efficiency of movement, and potential congestion. The RMS has provided their comments with no objection to the proposal subject to conditions of consent being imposed if the application is to be approved.

#### **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

The application is required to be assessed by Water NSW given the scale of development proposed for commercial purposes. Therefore, a referral to Water NSW was undertaken in accordance with the SEPP with recommendations from Water NSW detailed further in this report. Water NSW found that the proposal will have a neutral or beneficial effect on water quality subject to conditions of consent being imposed.

#### **Protection of the Environment Operations (Clean Air) Regulation 2010**

The regulation applies to the development through Part 4, Division 5 - transfer of Petrol and Division 6 - Petrol Volatility. This ensures that vapour pressure is being closely monitored, maintained at safe levels and reported when required to the appropriate

authorities. Additionally, it ensures that the premises in which fuel can be purchased has the appropriate nozzles fitted with automatic overfill protection devices. The development will be required to comply with the provisions of this regulation for the ongoing operations of the service station.

**Further Impact Assessment:**

Adjoining Landuse: The surrounding area is generally occupied by commercial uses along the highway with the proposal to be consistent with the surroundings. Residential land uses occur in Caroline Avenue and Andrew Street, however these dwellings are well separated by the Great Western Highway and mature landscaping. The proposal is for a 24 hour operation which is not expected to have any additional impact on adjoining landuses. The proposal will not cause any landuse conflicts and is permissible within the zone.

Context and Setting: The proposed development will be located within an established commercial area and will have no major impact on the context and setting of the area. The development has been designed to complement existing features of similar development in the area and should complement the overall use of the properties.

Access/ traffic: The proposal will gain access from the Great Western Highway which has been assessed by the Roads and Maritime Services who have advised that no objection to the proposal is raised subject to conditions of consent being imposed if approved. The proposal is along the highway and would be expected to have a high traffic flow in and out with the allotment containing a service station, café and connections to McDonald's Restaurant.

The carparking requirements are met with the supply of 52 spaces on one of the allotments. However, given the carparking allotment is not to be consolidated to provide one lot for the entire proposal, a covenant and reciprocal right of carriageway arrangement will be required. This has been incorporated into the proposed conditions of development consent.

Heritage: The land retains a heritage item known as the Coerwull Presbyterian Church. The proposed use of the site is similar to previously approved and would improve the area as it removes the use of a carsales yard close to the church. The use of the building will improve as it will be used for a café and promote the building itself. A heritage assessment of the proposal was supplied with the following recommendations detailed and to be incorporated into conditions of consent:

- *Retain the external simple form visible from each side*
- *Retain external access to the majority of windows to both sides of the building to provide for natural light and an understanding of the building internally and externally.*
- *Retain the full sense of the hall space internally, including the coffered ceiling.*
- *No divisions are to be placed directly across windows (either horizontally or vertically).*
- *If a mezzanine structure is to be inserted it should be set out from the external walls so the full height of the windows are able to be viewed and understood.*



- *Any services for the adaptation such as toilets, kitchens etc, are to be located outside the structure in the form of an attached pavilion or low roofed appropriate addition to the rear area.*
- *Alternately small self-contained plug-in café facilities may be able to be accommodated in the hall if it is possible to do so without damaging original fabric.*
- *Options to utilise the original fire place within any future adaptations should be investigated.*

This proposal allows for the upgrade of the existing building to a standard that would benefit the significance of the building and is a positive conservation outcome overall. The proximity of the new buildings has been set back and roof height reduced to ensure that the heritage building is the prominent building on the site. The external wall of the new service station will be designed to ensure less impact on the heritage building given the pre-fabricated concrete wall. This will ensure that there is less impact on the building and is assessed as acceptable.

Soils: The proposed development will have no significant impact on soils subject to conditions of consent and ongoing monitoring of the soils. The site has current contamination issues; however, the use of the site for a service station and café is suitable with maintenance to be undertaken during construction.

Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and there will be no additional impacts on soils subject to conditions of consent.

Air and Microclimate: A condition of consent will be imposed requiring that dust suppression be used during construction works to minimise impacts on the surrounding area. Additionally, ongoing compliance in relation to vapour will be required with vents located at the rear of the allotment.

Waste: Waste during construction will be to a licenced facility detailed in the waste management plan and as per conditions of consent if approved. The development will be connected to Council's reticulated sewer system. Additionally, waste receptacles will be provided onsite to ensure that general waste (i.e. food packaging) is disposed of correctly which includes a recycling area. However, conditions will be imposed to ensure a tidy and clean site is maintained.

Noise and Vibration: The proposal is near the Great Western Highway and Western Rail Line which have potential noise and vibration impacts on the development. Given the proposal is for a service station and café the impact will be minimal. The proposal is not expected to cause any noise or vibration issues on the surrounding area with no conflicting land uses nearby.

## **OTHER MATTERS**

The proposal was sent to Water NSW, Roads and Maritime Services, Endeavour Energy and Sydney Trains (Transport NSW) for assessment with no objections subject to conditions of consent. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with no submissions received.

## **POLICY IMPLICATIONS**

### **Policy 7.5 Notification of Development Applications**

This policy applies to the application as below:

#### ***5. Who will be notified under this Policy and how long is the notification period?***

*5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.*

Therefore the proposal was notified to adjoining and adjacent landowners and placed on display for a period of 14 days, which complies with Council's Policy.

### **Policy 7.7 Calling in of Development Application 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.*

The proposal was sent to Council for information as per the first dot point on 18 April 2016. The application is now put forward to be determined at this Council meeting.

## **FINANCIAL IMPLICATIONS**

### **Section 94A Development Contributions Plan 2015**

The Section 94A plan applies to this development given it is for a service station and café at an estimated cost of \$1,900,000, using the below levy:

<b>Estimated cost of development</b>	<b>Levy applicable</b>
\$200,001 and over	1%

Therefore, the following condition of consent should apply to the development if approved:

- Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$19,000.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of

contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

### **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 029/16 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 - 27/06/16 - WALLERAWANG POULTRY FARM UPDATE

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

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### REFERENCE

Min No 14-483: Meeting of Council held on 15 December 2014  
Min No 15-07: Ordinary Meeting of Council held on 9 February 2015  
Min No 15-41: Ordinary Meeting of Council held on 2 March 2015  
Min No 15-55: Ordinary Meeting of Council held on 23 March 2015  
Min No 15-76: Ordinary Meeting of Council held on 20 April 2015  
Min No 15-101: Ordinary Meeting of Council held on 11 May 2015  
Min No 15-147: Ordinary Meeting of Council held on 29 June 2015  
Min No 16-122: Ordinary Meeting of Council held on 6 June 2016

### SUMMARY

This report has been provided in relation to the Council resolution of 11 May 2015 being:

15-101 RESOLVED

**THAT** Further reports to Council in relation to complaints and ongoing odour surveys for the Wallerawang Poultry Farm only occur in instances where an odour level of 2 or more is recorded on the odour intensity scale by Council's odour specialist.

### COMMENTARY

As part of ongoing routine odour monitoring an odour intensity level of 2 was detected by Council's odour specialist on Thursday 9 June 2016, which may be described as:

2. Odour present in the air, which easily activates the sense of smell, is very distinctive and clearly distinguished, tends to be objectionable and/or irritating, and is persistent in the community.

Refer to attachments 1 and 2 for the associated Site Map and Odour Intensity Scale in relation to the full results of Council's odour specialist survey undertaken on 9 June 2016, as detailed below:

Location on Site Map	Time	Odour Intensity Detected		Comments/Odour
		Maximum Level	Minimum level	
	2:44pm to 2:49pm	0	0	Nil
2	2:38pm to 2:43pm	0	0	Nil
3	2:20pm to 2:25pm	2	1	Nil
4	2:26pm to 2:31pm	0	0	Nil
5	2:32pm to 2:37pm	0	0	Nil

An investigation into the weather and climate conditions at the time of the event was undertaken by Council and the following information was available from the Australian Bureau of Meteorology:

Statistics for Thursday 9 June 2016:

Weather Observation		Results
Temperatures	Maximum	No data
	Minimum	7.6°C
Rain		11.8mm
Maximum Wind Gusts	Direction	No data
	Speed	No data
	Time	No data
9am	Temperature	9.9
	Relative Humidity	89%
	Direction	North-North West
	Speed	17km/h
3pm	Temperature	No data
	Relative Humidity	No data
	Direction	No data
	Speed	No data

Statistics for the first 9 days of June 2016:

Weather Observation			Results
Temperature	Mean	Minimum	6.3°C
		Maximum	12.0°C
	Lowest	Minimum	1.0°C
		Maximum	9.0°C
	Highest	Minimum	9.4°C
		Maximum	13.7°C
Rain	Mean		--
	Lowest		0mm
	Highest		56.0mm
	Total		109.0mm

The high proportion of rainfall experienced during the first 9 days of June 2016 (total of 109.0mm) and the 11.8mm of rain experienced on the 9 June 2016, may have been a contributing factor towards the odour emissions of this date.

Council officers have contacted the landowner in regard to any unusual farm activities and the weather data recorded on-site for Thursday 9 June 2016, which may have contributed towards odour emissions. However, no response had been received prior to the Council reporting deadline.

#### **OTHER MATTERS**

It is intended to continue regular odour surveys by Council's odour specialist at varying time periods.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

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

## **ATTACHMENTS**

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

## **RECOMMENDATION**

**THAT** the information regarding odour issues for the Wallerawang Poultry Farm be noted.

**ITEM-6            ENVIRO - 27/06/16 - PROPOSED LEASE TARANA WASTE  
TRANSFER STATION**

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

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## **SUMMARY**

This report is to advise of Council's intention to enter into a lease with Transport for NSW for the use of a Lot 1 DP 165694, adjacent to the Main Western Railway line at Tarana to allow for continued use and upgrade of a waste transfer station.

## **COMMENTARY**

Council has been investigating the upgrade of a waste transfer station at Tarana since 2010. Various sites have been investigated and discounted. The site of the existing Planning has now been selected as the most suitable. Plans have been developed for the transfer station upgrade and Development Application is ready for lodgement once signed off by the landowner.

The preferred site for the development is part of the rail estate network controlled by Transport for NSW. Correspondence has been received from John Holland Rail acting as agent for Transport for NSW, requesting Council's agreement in principle to the following lease terms for the site:

Lease Term:	3-5yrs
Rental:	\$550.00per annum (incl GST)
Rent Review:	3% per annum
Agreement Type:	Licence
Insurance:	Public liability with indemnity \$250Mil. Transport for NSW and John Holland Rail to be noted on policy
Use:	Waste Transfer Station
Conditions:	Proposed lease area to be fenced

Council's insurers have been consulted and have advised that Transport for NSW and John Holland can be noted as interested parties on its policy and that the \$250m limit is well within the policy limit with Statewide. Therefore, compliance with the insurance requirements of the proposed lease is achievable.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Lease costs to be funded from recurrent budget. Nil financial implications arising from this report.

## **LEGAL IMPLICATIONS**

Lease documentation to be vetted by Council solicitors.

## ATTACHMENTS

1. Preferred Site Map for Tarana Waste Transfer Station

## RECOMMENDATION

### **THAT** Council:

1. Agree to the establishment of a lease over Lot 1 DP 165694 Tarana, for the development of a waste transfer station, in accordance with the following terms:  
Lease Term: 3-5yrs  
Rental: \$550.00per annum (incl GST)  
Rent Review: 3% per annum  
Agreement Type: Licence  
Insurance: Public liability with indemnity \$250Mil. Transport for NSW and John Holland Rail to be noted on policy  
Use: Waste Transfer Station  
Conditions: Proposed lease area to be fenced
2. The General Manager be delegated authority to finalise and endorse the lease documentation
3. Authorise the affixing of the Council seal to any required documentation.



**ITEM-7            ENVIRO - 27/06/16 - FAIR TRADING IMPLEMENTATION -  
VOLUNTARY PURCHASE & DEMOLITION PROGRAM - LOOSE FILL  
ASBESTOS**

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

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**SUMMARY**

To advise Council on the NSW Government Loose Fill Asbestos Voluntary Purchase and Demolition Program.

**COMMENTARY**

Correspondence has been provided by NSW Fair Trading advising of the NSW Government Voluntary Purchase and Demolition Program as part of its efforts to solve the loose-fill asbestos insulation issue in NSW.

The Voluntary Purchase and Demolition Program allows for a NSW Government purchase of affected premises and properties. Property owners may register for a free inspection of their property by 1 August 2016. NSW Fair Trading has established an Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program. Affected properties will be afforded the opportunity for the government to purchase their property at a valuation that reflects the value prior to the identification of asbestos. Alternatively, the premises only may be purchased by the government; the building demolished; the land rehabilitated and provided back the land owner for re-building. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

A list of loose-fill affected properties within each local government area to which the scheme applies has been provided. At this stage in Lithgow 515 properties have registered and loose fill asbestos has been identified in 3 properties.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

- 1) Loose Fill Asbestos Update

## **RECOMMENDATION**

**THAT** Council note the report on the NSW Government Department of Fair Trading Loose Fill Asbestos Voluntary Purchase and Demolition Program.

## **OPERATION REPORTS**

**ITEM-8            OPER - 27/06/16 - DRAFT POLICY 3.3 - DRINKING WATER QUALITY**

**REPORT BY: J EDGECOMBE – ACTING GROUP MANAGER OPERATIONS**

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### **REFERENCE**

Min No 16-81:            Ordinary Meeting of Council held on 18<sup>th</sup> April 2016

### **SUMMARY**

This report is to present Draft Policy 3.3 – Drinking Water Quality to Council for adoption.

### **COMMENTARY**

Draft Policy 3.3 – Drinking Water Quality Policy has been reviewed and was submitted to Council on 18<sup>th</sup> April 2016. Subsequently the document was placed on public exhibition for a 28 day period and was advertised from 13<sup>th</sup> May 2016 to 10<sup>th</sup> June 2016 for public comment. No comments were received.

The NSW Public Health Act 2010 and Public Regulations 2012 require drinking water suppliers to develop and adhere to a quality assurance program, i.e. a Drinking Water Management system.

The NSW Government has endorsed the Australian Drinking Water Guidelines (ADWG) which provide a basis for assessing water quality by specifying health based and aesthetic criteria. Council's proposed drinking water draft policy has been developed to identify the measures that Council will undertake to maintain drinking water quality to ensure consistent compliance with the Australian Drinking Water Guidelines (ADWG). The ADWG are the primary reference on drinking water quality in Australia and they are designed to provide an authoritative reference on what defines safe, good quality water, how it can be achieved and how it can be assured.

NSW Department of Health has for years provided a drinking water testing service to water supply authorities using the ADWG guidelines and it recommends that water suppliers similarly monitor in line with the ADWG.

NSW Health provides free of charge testing for water supply system monitoring for indicator bacteria and health related inorganic chemicals and monitors Council's water supply independently of Councils' monitoring.

Council's water supply is monitored for such issues as turbidity, ph, iron, manganese, true colour and lead, those criteria being listed in the ADWG.

### **POLICY IMPLICATIONS**

Draft Policy 3.3 – Drinking Water Quality Policy will be added to the Council's policy register.

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Draft Policy 3.3 – Drinking Water Quality

## **RECOMMENDATION**

**THAT** Council **ADOPT** Draft Policy 3.3 – Drinking Water Quality.

**ITEM-9            OPER - 27/06/16 - PORTLAND SEWERAGE AUGMENTATION  
TENDER RECCOMENDATION**

**REPORT BY: J EDGECOMBE – ACTING GROUP MANAGER OPERATIONS**

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**REFERENCE**

Min No 14-311:        Ordinary Meeting of Council held on 28 July 2014  
Min No 14-423:        Ordinary Meeting of Council held on 27 October 2014  
Min No 14-468:        Ordinary Meeting of Council held on 17 November 2014  
Min No 15-251:        Ordinary Meeting of Council held on 28 September 2015  
Min No 16-124:        Ordinary Meeting of Council held on 6 June 2016

**SUMMARY**

This report seeks a determination from Council to award a tender for the construction of the Portland Sewage Augmentation.

This report will also inform Council of the subsequent tender review and evaluation undertaken by both Council officers and NSW Public Works for the following three pre-selected tenderers:

- Leed Engineering & Constructions P/L
- Cockram Construction P/L t/a Cockram Envico
- Gongues Constructions P/L

**COMMENTARY**

Lithgow City Council called for tenders on the 10 March 2016 for the construction of the Portland Sewerage Augmentation. This project involves the construction of a Sewage Treatment Plant on the site of the existing plant at Albion Road, Portland.

**Tenders Received**

Tenders were called on the 10th March 2016 and closed at 9.30am on the 3rd May 2016. Three tenders were received, the details of which are included below (all amounts are GST inclusive)

<b>Tenderer</b>	<b>Tender Amount (Incl GST)</b>	<b>Recommended Tender Amount <sup>1</sup> (Incl GST)</b>
Gongues Constructions P/L	\$9,988,000	\$10,027,160
Leed Engineering & Construction P/L	\$10,649,000	
Cockram Construction P/L t/a Cockram Envico	\$11,323,322	

1. The 'Recommended Tender Amount' is the Tender Amount plus (or minus) adjustments offered by the Preferred Tenderer to withdraw Qualifications and Departures from the original project specifications.

## **Tender Process**

The tendering process was required to comply with the Local Government (General) Regulation 2005 (the Regulation).

Council decided to call tenders from three (3) contractors shortlisted following an Expressions of Interest process, in accordance with clause 168 of the Regulation.

The evaluation method included weighted price and non-price criteria with a price:non-price ratio of 70:30.

A Tender Evaluation Plan consistent with the Regulation and the Conditions of Tendering in the RFT documents was prepared and endorsed by the Tender Evaluation Committee prior to close of tenders.

The RFT documents call for the submission of conforming tenders plus mandatory pricing alternatives. Council will be the sole decision maker on which mandatory alternatives are to be adopted and the tender amount adjusted accordingly.

Four (4) addenda were issued during the tender period to address tenderer's queries.

## **Initial Evaluation**

In accordance with the RFT documentation, all submissions were lodged electronically prior to the approved closing date and time.

All tenders included all returnable schedules marked "Submit with Tender Form".

All tenders acknowledged the four addenda that were issued.

Except for the Qualifications and Departures dealt with during the Evaluation of Price stage, all tenders met the requirements of the RFT documents.

## **Evaluation of Non-Price Criteria**

The information submitted by the tenderers was evaluated against the specified non-price criteria in accordance with the Tender Evaluation Plan. A summary of the scores agreed for the non-price criteria was formed. This summary was a combination of the weighted, totaled and normalized scores, signed by all members of the Tender Evaluation Committee.

The summarized scores for non-price criteria are included below:

<b>Tenderer</b>	<b>Total normalized non-price score</b>	<b>Rank</b>
Leed Engineering & Construction P/L	30.00	1
Cockram Envico	30.00	1
Gongues Constructions P/L	28.33	3

## Evaluation of Price

### Examination of Tendered Rates

The tender is a combination of a lump sum contract together with a unit rate for excavation and removal of materials located outside the new works, if requested by the Principal.

Mandatory Alternatives - Council has accepted all the mandatory alternatives.

Unit Rate – Tenderers were asked to provide a unit rate for removal of materials, including contaminated material located outside the new work areas, if directed by Lithgow City Council. The unit rate tendered by all three tenderers was examined and revealed no issues of concern. The rate tendered by both Gongues Constructions P/L and Leed Engineering & Construction P/L was \$88/m<sup>3</sup>. Cockram Envico's tendered unit rate was \$61/m<sup>3</sup>. It is envisaged that up to 500m<sup>3</sup> of additional material may need to be removed. This will not affect the relativity of tenders as the maximum adjustment between unit rates is calculated at \$13,500 (500m<sup>3</sup> x \$27/m<sup>3</sup>).

### Assessment of Qualifications and Departures

Gongues Constructions P/L and Leed Engineering & Construction P/L tenders did not contain qualifications and departures.

Cockram Envico's tender contained qualifications and departures and did not fully meet the requirements in the RFT documents

### Normalised Price Scores

The tenders were compared on the basis of the Assessed Tender Amounts. These amounts were calculated by adding the assessed values of the Qualifications and Departures and mandatory alternative items selected by Lithgow City Council.

The Assessed Tender Amounts were used to calculate the weighted and normalised price scores using the method set out in the Tender Evaluation Plan. The price scores are summarised below.

<b>Tenderer</b>	<b>Weighted price score</b>	<b>Ranking</b>
Gongues Constructions P/L	70.00	1
Leed Engineering & Construction P/L	66.08	2
Cockram Envico	61.66	3

### Total Scores

Total scores were obtained for each of the three tenderers by adding the total non-price score and the weighted price score. This gave the total score and ranking as set out below.

<b>Tenderer</b>	<b>Total non-price Score</b>	<b>Weighted price score</b>	<b>Total score</b>	<b>Ranking</b>
Gongues Constructions P/L	28.33	70.00	98.33	1
Leed Engineering & Construction P/L	30.00	66.08	96.08	2
Cockram Envico	30.00	61.66	91.66	3

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

This project is part funded by an allocation of \$10.05 million from the NSW Resources for Regions program with any required additional funds being provided by Council. The total budget is \$15.05 million and total funds spent to date are \$685,432 ex GST (\$753,975.20 inc. GST). Total funds committed to date are \$579,664 ex GST (\$637,630.40 inc. GST), tender expenditure so far is \$1,265,096 ex GST (\$1,391,605.60 inc. GST).

## **LEGAL IMPLICATIONS**

NIL

## **RECOMMENDATION**

**THAT** Council:

1. Accept the tender submission from Gongues Constructions Pty Ltd for Ten Million Twenty Seven Thousand One Hundred and Sixty Dollars GST inclusive (\$10,027,160.00 GST inclusive) for the Augmentation of Portland Sewerage Treatment Plant.
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this tender.



**ITEM-10 OPER - 27/06/16 - WATER REPORT**

**REPORT BY: J EDGECOMBE – ACTING GROUP MANAGER OPERATIONS**

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**REFERENCE**

Min No 16-126: Ordinary Meeting of Council held on 6<sup>th</sup> June 2016

**SUMMARY**

This report provides an update on various water management issues.

**COMMENTARY**

**Current Dam Levels for both Farmers Creek No. 2 Dam and Oberon Dam**

Farmers Creek No. 2 Dam capacity on Friday, 10<sup>th</sup> June 2016 was 90%. Oberon Dam capacity on Friday, 10<sup>th</sup> June 2016 was 52%.

**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 and 2014/2015.

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

<b>Month</b>	<b>Oakey Park WTP (ML)</b>	<b>Clarence Transfer (ML)</b>	<b>Fish River Supply (ML)</b>
July	113	0	50
August	112	0	66
September	117	0	57
October	123	0	63
November	117	0	75
December	162	63	55
January	120	0	74
February	111	0	77
March	132	0	88

April	119	12	61
May	131	0	43
<b>TOTAL</b>	<b>1,226</b>	<b>75</b>	<b>666</b>

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

Month	2013/2014			2014/2015		
	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>

### **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 28/5/2016 to 17/6/2016.

### **Treatment Plants Monitoring Results**

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 24/5/2016 and forwarded to Sydney Water for testing. Results will be available to Council's Ordinary Meeting of 18<sup>th</sup> July 2016. All test results

are 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 supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal from 1/6/2016 to 3/6/2016 whilst works were being undertaken on Farmers Creek No. 2. This was also a trial of the contingency operation of the Lithgow water supply. Dam 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 28/5/2016 to 17/6/2016.

### **Current Water Restrictions Update**

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

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

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving four (4) applications for household appliance rebates and no applications for water tank rebates for the period 28/5/2016 to 17/6/2016.

### **Water Reticulation Complaints**

One complaint was received during the period 28/5/2016 to 17/6/2016 concerning water quality issues in the following area. Testing of the water was undertaken at the location.

<b>Locality</b>	<b>Concern</b>	<b>Notes</b>
Great Western Highway, Lithgow	Reported dirty water at Hospital.	Water was tested and complied with all ADWG health limits. Main was flushed.

Details of water complaints made in the last six (6) months are displayed in the attachment.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

### **ATTACHMENTS**

1. Water Quality Complaint Trend

### **RECOMMENDATION**

**THAT** Council notes the water report.

## CORPORATE AND COMMUNITY REPORTS

### ITEM-11 CORP - 27/06/16 - COUNCIL INVESTMENTS HELD TO 31 MAY 2016

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

## REFERENCE

Min No 16-15: Ordinary meeting of Council held on 8 February 2016  
Min No 16-59: Ordinary meeting of Council held on 21 March 2016  
Min No 16-110: Ordinary meeting of Council held on 16 May 2016  
Min No 16-128: Ordinary meeting of Council held on 06 June 2016

## SUMMARY

To advise Council of investments held as at 31 May in the 2015/16 financial year.

## COMMENTARY

Council's total investment portfolio, as at 31 May 2016 when compared to 30 April 2016, has decreased by \$993,521.19 from \$22,630,800.42 to \$21,637,279.23. While cash in Council's bank account increased by \$3,362,270.51 from \$1,053,086.11 to \$4,415,356.62.

There is an overall increase in cash and investments of \$2,368,749.32 since 30 April 2016. This is primarily due to the income from rating revenue and matured investments on 31 May 2016.

INVESTMENT REGISTER 2015/16								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.04.16	VALUE 31.05.16	% OF TOTAL
AMP	On Call	26.08.14			2.55	1,036,274.36	1,036,274.36	4.79%
CBA	On Call				1.95	0.00	1,000,000.00	4.62%
IMBS	TD	17.02.16	18.05.16	91	2.8	1,000,000.00	0.00	
	TD	13.01.16	04.05.16	112	2.8	500,000.00	0.00	
NAB	TD	16.03.16	15.06.16	91	3.03	1,000,000.00	1,000,000.00	
	TD	16.03.16	14.06.16	90	3.06	1,000,000.00	1,000,000.00	
	TD	07.05.16	07.08.16	91	2.98	1,000,000.00	1,000,000.00	
	TD	06.04.16	09.08.16	125	3.03	1,000,000.00	1,000,000.00	
								18.49%
WESTPAC	TD	13.04.16	13.08.16	122	2.90	1,025,636.84	1,025,636.84	4.74%
ST GEORGE	TD	19.05.16	19.08.16	90	2.9	986,203.58	994,049.98	
	TD	26.02.16	26.06.16	121	2.4	1,025,696.63	1,025,696.63	
	TD	31.03.16	31.07.16	122	3.15	1,000,000.00	1,000,000.00	
	TD	05.05.16	05.08.16	92	3.05	0.00	500,000.00	
	TD	12.05.16	12.08.16	90	2.90	0.00	1,000,000.00	
								20.89%
ME BANK	TD	24.02.16	25.05.16	91	2.85	1,000,000.00	0.00	
	TD	06.04.16	05.07.16	90	2.85	1,000,000.00	1,000,000.00	
	TD	02.03.16	31.05.16	90	2.85	1,000,000.00	0.00	

	TD	20.04.16	19.07.16	90	3.06	1,000,000.00	1,000,000.00	
	TD	27.04.16	26.07.16	90	3.06	1,000,000.00	1,000,000.00	
	TD	18.05.16	24.08.16	98	2.90	0.00	1,000,000.00	
								18.49%
FAMILY FIRST CREDIT UNION	TD	01.02.16	01.05.16	90	2.50	1,041,257.50	1,047,676.21	4.84%
BANK OF QLD	TD	10.02.16	11.05.16	91	2.85	1,000,000.00	0.00	
	TD	25.02.16	22.06.16	118	2.95	1,000,000.00	1,000,000.00	
								4.62%
MY STATE BANK	TD	02.03.16	31.05.16	90	2.90	1,007,786.30	0.00	
	TD	09.03.16	09.06.16	92	2.90	1,007,945.21	1,007,945.21	
								4.66%
BEYOND BANK	TD	01.03.16	01.06.16	92	3.00	1,000,000.00	1,000,000.00	
	TD	01.03.16	08.06.16	99	3.00	1,000,000.00	1,000,000.00	
	TD	25.05.16	25.08.16	92	2.95	0.00	1,000,000.00	
								13.86%
<b>TOTAL</b>						<b>22,630,800.42</b>	<b>21,637,279.23</b>	<b>100.00%</b>

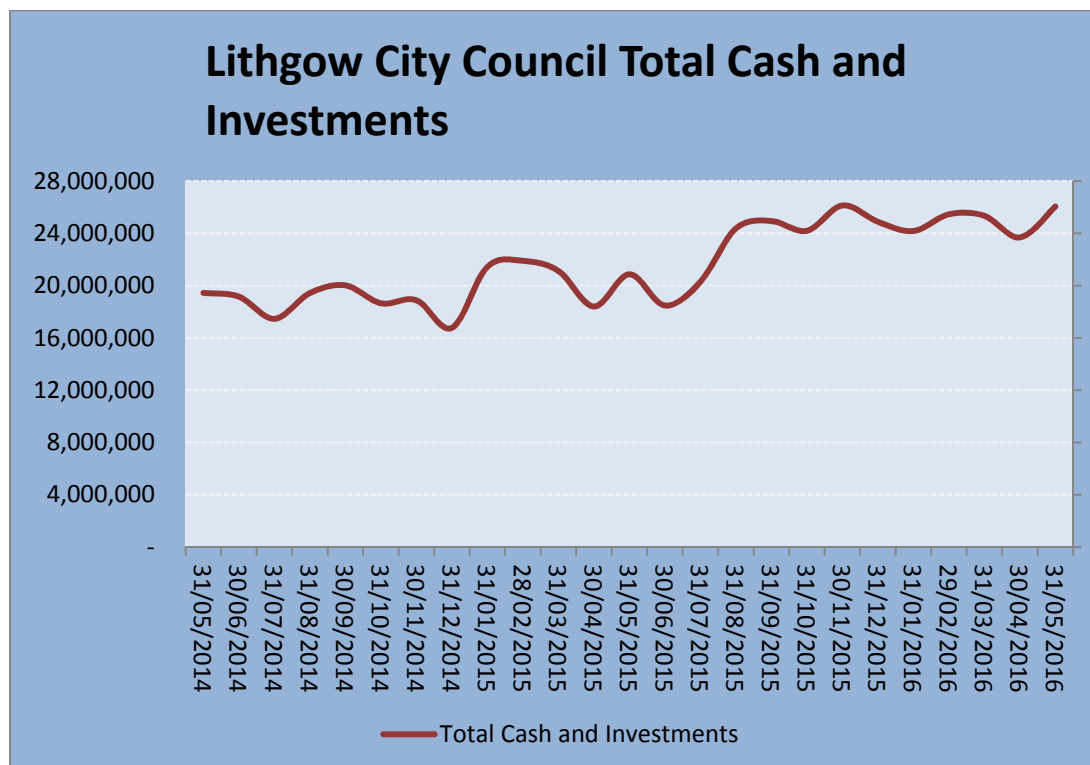
I, Juli-Ann Brozek, Lithgow City Council's Group Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

The movement in Investments for the month of May 2016 were as follows:

Opening Balance of cash and investments as 30 April 2016	\$23,683,886.53
Plus New Investments – May 2016	\$7,876,535.62
Less Investments redeemed – May 2016	\$5,507,786.30
Closing Balance of cash and investments as at 31 May 2016	\$26,052,635.85

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 May 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 Minster's Investment Order of 12 January 2011.

### **FINANCIAL IMPLICATIONS**

Interest received for month of May 2016 was \$62,957.22. Interest is paid on the maturity date of the investment. 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 \$21,637,279.23 and cash of \$4,415,356.62 for the period ending 31 May 2016 be noted.

**ITEM-12            CORP - 27/06/16 - ADVICE OF INELIGIBILITY OF DVA PENSIONERS TO CLAIM A REBATE FOR 2014-2015 and 2015-16 RATING YEAR**

**REPORT BY: J BROZEK – GROUP MANAGER CORPORATE & COMMUNITY**

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**REFERENCE**

Min No 12-275:        Ordinary Meeting of Council held on 15 October 2012  
Min No 13-384:        Ordinary Meeting of Council held on 28 October 2013

**SUMMARY**

The purpose of this report is to advise Council that four Department of Veteran Affairs pensioners no longer receive a Centrelink Pension Concession Card which deems them ineligible to receive a rebate on their annual rate notice. A recommendation is included that Council continue to allow the rebate for the 2014/15 and 2015/16 financial years at its own cost of \$1,650.00 and \$1,392.50 respectively.

**COMMENTARY**

At the meeting of 15 October 2012 Council considered a report on five Department of Veteran Affairs pensioners whose records no longer match with Centrelink and therefore Council could not verify their ongoing eligibility to receive a rebate on annual rates and charges.

Minute No: 12-275 from the meeting of 15 October 2012 resolved that:

1.    *Council write off 2012-13 annual income of \$1,625 as the equivalent pension rate rebate on the following five DVA pensioner properties:*
  - Property No: 12250
  - Property No: 14510
  - Property No: 27350
  - Property No: 52480
  - Property No: 63750
  
2.    *Council consider the rebate of the five properties on an annual basis*

During August 2014 three of the above five Department of Veteran Affairs (DVA) pensioners were again rejected from holding a Pension Concession Card, along with a new DVA pensioner applying and in August 2015 two of the above five Department of Veteran Affairs (DVA) pensioners were again rejected from holding a Pension Concession Card, along with two new DVA pensioners, due to their personal changing circumstances and accordingly this made them ineligible to receive a concession on Council rates.

The personal circumstances of pensioners are known to change on a regular basis but Council should consider the current rejections in isolation due to the fact that the rejected

pensioners are all war widows, and two of the pensioners have claimed, and been granted, a Council pension rebate for many years.

Council officers previously contacted each pensioner to advise that their DVA Pension had been rejected. Centrelink advised that some DVA pensions have changed and ultimately the flow on affected many NSW pensioners, rejecting their pension rebate. The Department of Veteran Affairs advised that it is a decision of the individual Council as to whether the pension rebate is continued to be granted under these circumstances.

Council may continue to grant the pension rebate to the DVA pensioners but it must be noted that reimbursement cannot be sought from the State Government and Council will meet the write off by reducing general, water and sewerage rate income.

An annual report was not previously made to Council for the 2014/15 period, due to a delay in filling a position vacancy.

The properties involved for 2014/15 are:

- Property No: 6570, annual rate levy \$2,233.28, rebate \$412.50, annual rates paid in full.
- Property No: 12250, annual rate levy \$2,189.91, rebate \$412.50, annual rates paid in full.
- Property No: 27350, annual rate levy \$2,150.70, rebate \$412.50, annual rates paid in full.
- Property No: 63750, annual rate levy \$1,993.38, rebate \$412.50, annual rates paid in full.

The properties involved for 2015/16 are:

- Property No: 6570, annual rate levy \$2,318.27, rebate \$417.50, annual rates paid in full.
- Property No: 12250, annual rate levy \$2,273.86, rebate \$423.20, annual rates paid in full.
- Property No: 62810, annual rate levy \$2,003.64, rebate \$423.20, annual rates paid in full.
- Property No: 74900, annual rate levy \$989.13, rebate \$125.00, annual rates paid in full.

### **POLICY IMPLICATIONS**

Council write off 2014/2015 annual income of \$1,650.00 and 2015/16 annual income of \$1,392.50 being the value of the pension rebate due to the properties listed.

### **FINANCIAL IMPLICATIONS**

Reduction of \$1,650.00 rate Income for 2014/15 and \$1,392.50 rate Income for 2015/16.

### **LEGAL IMPLICATIONS**

NIL



## RECOMMENDATION

**THAT** Council:

1. Write off \$1,650.00 and \$1,392.50 as the equivalent pension rate rebate from the 2014/15 and 2015/16 financial year on the following DVA pensioner properties:
  - Property No: 6570
  - Property No: 12250
  - Property No: 27350
  - Property No: 62810
  - Property No: 63750
  - Property No: 74900
2. Authorise the continuing rebate of the four properties, 6570, 12250, 62810 and 74900 on an annual basis whilst the above pensioners continue to receive DVA benefits as war widows.

## COUNCIL COMMITTEE MINUTES

### ITEM-13 OPER - 27/06/16 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 31 MAY 2016

**REPORT BY: J EDGEcombe – ACTING GROUP MANAGER OPERATIONS**

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## SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 31<sup>st</sup> May 2016.

## COMMENTARY

At the Sports Advisory Committee held on 31<sup>st</sup> May 2016, there were numerous items discussed by the Committee, including:

- Financial Assistance Requests
- 2016 LJ Hooker Reg Cowden Memorial Sports Star Of The Year Awards
- Booking Requests

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

- Wallerawang Rugby League Football Club – New Members

**THAT** Council accept Sharon Howarth and Phillip Howarth as the Sports Advisory Committee representatives from the Wallerawang Rugby League Football Club.

## ATTACHMENTS

1. Minutes of the Sports Advisory Committee meeting held on 31<sup>st</sup> May 2016.

## RECOMMENDATION

**THAT** Council:

1. Note the minutes of the Sports Advisory Committee held on 31<sup>st</sup> May 2016; and
2. Accept Sharon Howarth and Phillip Howarth as the Sports Advisory Committee representatives from the Wallerawang Rugby League Football Club.

**ITEM-14            CORP - 27/06/16 - TOURISM ADVISORY COMMITTEE 1 JUNE 2016  
MEETING**

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

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**REFERENCE**

Min No 15-226:        Ordinary Meeting of Council held on 7 September 2015  
Min No 15-329:        Ordinary Meeting of Council held on 14 December 2015  
Min No 16-62:         Ordinary Meeting of Council held on 21 March 2016  
Min No 16-113:        Ordinary Meeting of Council held on 16 May 2016

**SUMMARY**

This report details the Minutes of the Tourism Advisory Committee Meeting held on 1 June 2016

**COMMENTARY**

At the Tourism Advisory Committee held on 1 June 2016, there were numerous items discussed by the Committee that requires action from Council including:

- Lithgow Halloween Festival 16

Council staff provided the committee with an overview of the Lithgow Halloween Festival 16 event planning. Items included:

- Sponsorship
- Expressions of Interest
- Preliminary budget
- Possible income opportunities
- Road Closure
- Guinness Book of World Record Attempts
- Markets
- Rides
- Project Planning
- Business Information Sessions and workshops
- Jobs list

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes from the Tourism Advisory Committee meeting of 1 June 2016

## **RECOMMENDATION**

**THAT** Council notes the minutes of the Tourism Advisory Committee held on the 1 June 2016.

**ITEM-15 EXEC - 27/06/16 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES 2 JUNE 2016**

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

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**REFERENCE**

Min No 14-100: Ordinary Meeting of Council held on 3 March 2014  
Min No 14 323: Ordinary Meeting of Council held on 28 July 2014  
Min No 14-434 Ordinary Meeting of Council held on 27 October 2014

**SUMMARY**

This report details the Minutes of the Economic Development Advisory Committee meeting held on 2 June 2016

**COMMENTARY**

At the Economic Development Advisory Committee Meeting held on 2 June 2016, there were numerous items discussed by the Committee including:

- Lithgow Promotional Project
- Façade Improvement Program Applicants
- Regional Living Expo 16
- Retail Catchment/Leakage Study
- Economic Development Strategy and Investment Prospectus

Some of the items were outside the Committees delegations and require Council to formally consider the recommendation:

- Regional Living Expo 2016

**THAT** Council decline the opportunity to participate in the Regional Living Expo 2016 but reconsider its position in 2017

- 2015 -2020 Economic Development Strategy and Investment Prospectus

**THAT** Council adopt the draft Economic Development Strategy and Investment Prospectus

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes from the Economic Development Advisory Committee meeting of 2 June 2016

## **RECOMMENDATION**

**THAT** Council:

1. Note the Minutes of the Economic Development Advisory Committee held on 2 June 2016
2. Decline the opportunity to participate in the Regional Living Expo 2016 but reconsider its position in 2017
3. Adopt the draft Economic Development Strategy and Investment Prospectus

**ITEM-16            CORP - 27/06/16 - TOURISM ADVISORY COMMITTEE MEETING -  
8/06/16**

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

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## **REFERENCE**

Min No 15-226:        Ordinary Meeting of Council held on 7 September 2015  
Min No 15-329:        Ordinary Meeting of Council held on 14 December 2015  
Min No 16-62:         Ordinary Meeting of Council held on 21 March 2016  
Min No 16-113:        Ordinary Meeting of Council held on 16 May 2016

## **SUMMARY**

This report details the Minutes of the Tourism Advisory Committee Meeting held on 8 June 2016

## **COMMENTARY**

At the Tourism Advisory Committee held on 8 June 2016, there were numerous items discussed by the Committee that requires action from Council including:

- Lithgow Visitor Information Centre upgrade
- Lithgow City Council Event Venue
- Consumer Shows
- Update on current projects
- General Business

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes from the Tourism Advisory Committee meeting of 8 June 2016

## **RECOMMENDATION**

**THAT** Council notes the minutes of the Tourism Advisory Committee held on the 8 June 2016.

## DELEGATES REPORT

ITEM-17      27/06/16 - DELEGATES REPORT - CENTROC

**REPORT BY: COUNCILLOR MAREE STATHAM**

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### SUMMARY

Delegates attended the Centroc Board Meeting at Parliament House Sydney on 12 May 2016. This report provides a summary of that meeting.

### COMMENTARY

Along with the Deputy Mayor and General Manager I attended the Centroc Board meeting at Parliament House Sydney 12 May 2015. Meetings were also held the day before with several parties along with Centroc representatives.

Member for Bathurst and Minister for Local Government Paul Toole assisted with organising the Parliament visit again this year. The Board thanked him for his support.

With the Cabinet meeting on the Local Government amalgamations in the morning and the official announcement by the Premier at 12.30pm, some Ministers were unable to address the Board. Apologies were received from The Hon Paul Toole, Minister for Local Government, The Hon Robert Stokes, Minister for Planning and The Hon Mr John Barilaro, Minister for Regional Development.

Given the circumstances of the day we were fortunate to have the following Ministers and officials address the Board.

- The Hon Jillian Skinner, Minister for Health;
- Senior advisors to the The Hon Duncan Gay, Minister for Roads, Maritime and Freight, Mr Andrew Huckel and Ms Emma Higginson;
- The Hon Andrew Constance, Minister for Transport and Infrastructure;
- The Hon Niall Blair, Minister for Lands and Water and Primary Industries; and
- Executive Director of Planning and Design, to the Hon Robert Stokes, Minister for Planning, Mr Halvard Dalheim.

Prior and Post Board meetings, the Centroc Chair, Cr Bill West, met with

- The Hon Paul Green - Christian Democratic Party;
- The Hon Robert Brown, MLC & The Hon. Robert Borsak, MLC - Shooters and Fishers Party;
- The Hon Niall Blair MLC, Minister for Primary Industries, Minister for Land and Water;
- The Hon Mick Veitch, MLC, Shadow Minister for Primary Industries, Shadow Minister for Lands and Water, and Shadow Minister for Western NSW;
- The Hon Duncan Gay - Minister for Roads, Maritime and Freight;
- The Hon Sarah Mitchell - Parliamentary Secretary for Rural and Regional Health and Western NSW; and



- Mr Chris Hall, Chief of Staff, Ms Anna Reed, Policy Adviser, to The Hon. Stuart Ayers, MP Minister for Trade, Tourism and Major Events and Sport.

Follow-up meetings are being arranged in the region.

I now provide the following report for Council's information, along with the meeting minutes.

**Transport Infrastructure** - Centroc Members resolved to provide \$50,000 to kick start the implementation of the Centroc Road Transport Technical Committee Business Plan.

The Board will also receive a report on the potential for funding to assist in having fibre to airports in the region.

The Chair met with the Hon Duncan Gay, Minister for Roads, Maritime and Freight on the Wednesday. He confirmed that the Bells Line Corridor should be secured by the end of the year. The region thanked the Minister for his ongoing support for our region through the Fixing Country Rail and Fixing Country Roads Programs issued a media release in this regard.

**Water Security** – Centroc will lodge a submission to the Legislative Council inquiry into augmentation of water supply for rural and regional NSW. In preparation to the submission, an invitation will be sent to the Chair of the Legislative Committee No.5 to visit the regional to hear about the work this region is doing in strategic regional water planning.

A meeting with Mr Frank Garofalow, Director Water Regulation and Ms Alison Kirk, Director Water Planning and Policy was held whilst representatives were in Sydney, the main topics covered were, Water Regulation and Inter-governmental collaboration and alignment and Strategic Regional Water Planning Framework.

Parkes, Forbes and Central Tablelands Water (CTW) members met with the Hon Niall Blair MLC, Minister for Primary Industries, and Minister for Lands and Water on 11 May 2016, at this meeting the following key items were raised with him;

- Regional Priority Infrastructure Plan and
- Parkes-Forbes- CTW pipeline project.

Correspondence will be followed up with the Minister regarding an update on the Centroc Water Security Study.

**Health** – Advice will be provided to the Board on strategies to remove the barrier to rural health workforce.

The Board have asked Department of Premier and Cabinet to coordinate a meeting with key stakeholders including Primary Health Network, and Western NSW Local Health District with a view of scoping the collaborative opportunity of alignment between health precincts and integrated health care.

Minister Jillian Skinner addressed the Centroc Board the main topics raised were;

- Regional Health Workforce;
- Regional Health Infrastructure, particularly issues around car parking at a number of hospitals in the region; and
- Growing our own Health workforce.

A further report will be provided on the success on the Beyond the Range Program.

**Regional Development** – Central NSW Tourism, Chair, Mr Norm Mann, and Executive Officer Ms Lucy White addressed the Centroc Board on the success of the current model and approach. It was noted that this is under review by the State with advice to be provided in the second half of this year. Attendees were keen to see the current successes of this region included in any new regional tourism organisation structures.

A Memorandum of understanding between Centroc and TAFE was adopted.

A presentation from Ms Alison Morgan on the Making it happen in the Regions initiative, was presented, members are encouraged to engage in the process. Advice was provided on a workshop attendees were invited to in Dubbo 24 May.

Advice was received from the Chair of Regional Development Australia Central West (RDACW), Mr Alan McCormack on concerns particularly for Education in the region. The Board resolved to receive a report on options from working with RDACW on supporting education in the region.

Mayors are encouraged to provide support to their communities through the Census process.

Economic Development Officers will be approached with scoping advice for improving the case for investment in the region, particularly with the lack of alignment in data analysis.

A Mining Affectedness in Central NSW report was endorsed; it will be revised annually based on feedback from Members.

A report to the Board will be received on 'the Right to Farm'.

Parliamentary Secretary for Western NSW, Sarah Mitchell and Parliamentary Secretary for Southern NSW, Katrina Hodgkinson addressed the Board.

**Planning** – A response to the Regional Plan is due mid June. As this is such a short turn around, Centroc will be seeking an extension to allow a better response.

A submission will be lodged by Centroc to IPART on the review of the local Government rating system.

Mr Halvard Dalheim, Executive Director of Planning and Design, provided advice on the Regional Plan, as Minister for Planning as The Hon Robert Stokes was unable to attend.

**Operational** – The new members reviewed on the Code of Conduct panel were approved by the Board.

Centroc staff continue to maintain savings for the Region. Over 5,000 courses have been completed since the online training system began in 2012, and over 1,000 employees have been trained in 2015/2016 for various courses, with over \$150,000 in savings been achieved for this financial year.

**Financial** – the anticipated profit at 30 June 2016 is \$35,755 against a budgeted profit of \$5,470. This profit has increased due to the LGP rebate received and the increase income from the training services.

The Treasurer arrived during the Premiers amalgamations announcement and expressed her interest in visiting the region. Further follow up with her office will be undertaken with Centroc staff.

There is a lot of valuable collaborative activity going on and Centroc members should be congratulated for their collaborative efforts for better outcomes for the region. I commend this report to you for noting.

In addition to the above, following up letters have been sent to Ministers in relation to matters that more directly affect Lithgow.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

1. Minutes Centroc Board Meeting 12 May 2016

#### **RECOMMENDATION**

**THAT** Council Note the minutes of the Centroc Board Meeting held on 12 May 2016.

## QUESTIONS WITH NOTICE

ITEM-18      **QUESTION WITH NOTICE - 27/06/16 - UPDATE ON THE FOUNDATIONS (FORMERLY THE CEMENT WORKS) PORTLAND - CLR TICEHURST**

**LISTED BY:    COUNCILLOR MARTIN TICEHURST - 15 JUNE 2016**

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## REFERENCE

The Foundations Portland NSW website: [www.thefoundations.com.au](http://www.thefoundations.com.au).

## SUMMARY

Q.    Could the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on the current and future status of works at The Foundations (formerly the Cement Works) Portland?

## ATTACHMENTS

1)    Screenshot from The Foundations Portland NSW website of the Outline of Project Phases.

## RECOMMENDATION

**THAT** the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on the current and future status of works at The Foundations (formerly the Cement Works) Portland.

**ITEM-19 QUESTION WITH NOTICE - 27/06/16 - COMMUNITY PETITION - MARJORIE JACKSON PLAYING FIELDS IN LITHGOW - COUNCILLOR M TICEHURST**

**REPORT BY: COUNCILLOR MARTIN TICEHURST - 15 JUNE 2016**

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**REFERENCE**

A Community Petition seeking signatures is currently circulating on the Marjorie Jackson Playing Fields in Lithgow.

**COMMENTARY**

A Community Petition seeking signatures is currently circulating in the Lithgow CBD on the Marjorie Jackson Playing Fields in Lithgow.

It states:

“As concerned players, We are asking people to sign our petition to help us inform Council of the dilapidated state of our Grounds & Facilities. There are over 650 players playing here every Saturday, which does not include Parents, Partners, Siblings and extended family members attending games throughout the day. If you feel that our grounds & facilities need to be up graded and maintained better, please sign below.”

Q. Could the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on the current condition and status of works for the Marjorie Jackson Playing Fields in Lithgow.

**RECOMMENDATION**

**THAT** the General Manager and/or Senior Council Officers provide a report to this Ordinary Meeting of Council on the current condition and status of works for the Marjorie Jackson Playing Fields in Lithgow.

## **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-20            CONFIDENTIAL - CLOSED COUNCIL - CORP - 27/06/16 - REQUEST FOR CONSIDERATION - EXCESSIVE WATER ACCOUNT FOR PROPERTY 2370**

**REPORT BY: J BROZEK – GROUP MANAGER CORPORATE & COMMUNITY**

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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:

- (b)        The personal hardship of any resident or ratepayer.

### **SUMMARY**

The owner of Property 2370 submitted a Financial Hardship Request for consideration regarding high water consumption accounts, as a result of continuing water breakage issues on the property during the period April 2015 to January 2016.

### **RECOMMENDATION**

**THAT** Council consider the report on Request for Consideration – Excessive Water Account for Property 2370 be considered in Closed Council pursuant to Section 10A(2)(b) of the Local Government Act 1993.

**ITEM-21            CONFIDENTIAL - CORP - 27/06/16 - CLOSED COUNCIL - BULK  
FUEL TENDERS THROUGH CENTROC**

**REPORT BY: J BROZEK – GROUP MANAGER CORPORATE & COMMUNITY**

**Reason for Confidentiality**

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

- (d) commercial information of a confidential nature that would if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

**SUMMARY**

This report summarises the regional tender process undertaken by Centroc, on behalf of Councils, in relation to supply of bulk fuel. The recommendation is that Council enter into a supply contract with a panel of three providers.

**RECOMMENDATION**

**THAT** Council consider the report on Bulk Fuel Tenders through Centroc be considered in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.



**ITEM-22            OPER – 27/06/16 - CONFIDENTIAL - CLOSED COUNCIL -  
CONSTRUCTION OF RAIL OVERBRIDGE, WALLERAWANG**

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

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### **Reason for Confidentiality**

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

- (d) commercial information of a confidential nature that would, if disclosed:
  - (ii) confer a commercial advantage on a competitor of the council, or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

### **SUMMARY**

This report provides detail regarding the Extension of Time submitted by Abergeldie Complex Infrastructure Pty Ltd and related claim for compensable delay damages.

### **RECOMMENDATION**

**THAT** Council consider the report on the Extension of Time submitted by Abergeldie Complex Infrastructure Pty Ltd and related claim for compensable delay damages be considered in Closed Council pursuant to Section 10A(2)(d)(ii) and 10A(2)(g) of the Local Government Act 1993.