



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

18 JULY 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 27 JUNE 2016**

**DECLARATION OF INTEREST**

**PUBLIC FORUM**

**PRESENTATIONS**

NIL

**MAYORAL MINUTES**

NIL

**STAFF REPORTS**

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

**COUNCIL COMMITTEE MINUTES**

Community Development Committee Minutes - 14 June 2016  
Crime Prevention Committee Minutes - 20 June 2016  
Business & Investment Committee Minutes - 21 June 2016  
Tourism Advisory Committee Meeting - 22 June 2016  
Traffic Advisory Local Committee - 23 June 2016  
Operations Committee Meeting - 23 June 2016  
Sports Advisory Committee Meeting Minutes - 28 June 2016

**DELEGATES REPORTS**

NIL

**NOTICES OF MOTION**

NIL

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**QUESTIONS WITH NOTICE**

GIPA - Income and Expenditure of Lithgow Aquatic Centre – 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 EXEC - 18/07/16 - AMENDMENTS TO THE LOCAL GOVERNMENT ACT, ELECTION FUNDING ACT AND REGULATION

REPORT BY: R BAILEY – GENERAL MANAGER

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## REFERENCE

NIL

## SUMMARY

The NSW Parliament has passed amendments to the *Local Government Act 1993* (the LGA) and the *Election Funding, Expenditure and Disclosures Act 1981* (the Election Funding Act). The amendments are designed to promote confidence in the integrity of local government elections and the candidates who stand for election to councils, and to offer a more effective deterrent to misuse by councillors of their office for personal gain.

The *Local Government General Regulation 2005* (Regulation) has also been amended to increase transparency about whether candidates at local government elections are property developers or close associates of corporations that are property developers. These terms are defined in clause 290(5) of the Regulation.

## COMMENTARY

The amendments include:

- The amendments to the Election Funding Act extend the State caps on political donations to local government elections. In practice, this means that:
  - candidates and third-party campaigners will not be able to accept more than \$2,600 per year from the same donor; and
  - registered parties and groups will not be able to accept more than \$5,900 per year from the same donor.
- The amendments to the Local Government Act:
  - disqualify a person from holding civic office in a council where:
    - they have been convicted by a court of an offence under the Election Funding Act (other than by way of the issue of a penalty notice) while holding that office, or within 2 years before nomination for election; or
    - they have been convicted of an offence carrying a sentence of 5 years or more imprisonment within 7 years before nomination for election;

- repeal the loophole in the LGA that allowed councillors to vote on changes to environmental planning instruments that do not alter the permissible uses of land without disclosing a pecuniary interest in the matter; and
- allow the Chief Executive of the Office of Local Government to apply to the Supreme Court for an order that a councillor, who has been found by the NSW Civil and Administrative Tribunal to have participated in the consideration of a matter in which they had a pecuniary interest in breach of their obligations under the LGA, pay to the council an amount equivalent to the financial benefit they received as a result of the council's decision in relation to the matter in question.
- The amendments to the Regulation:
  - require candidates at Local Government elections to disclose whether they are a property developer or a close associate of one in each of the following:
    - candidate information sheets submitted under section 308 of the LGA (which are published online prior to an election); and
    - statistical information sheets submitted under clause 289 of the Regulation (which are kept by General Managers and are available to the Office of Local Government).
  - make it clear that a nomination paper is not valid unless the person proposed for nomination has completed the candidate information sheet accompanying the nomination; and
  - provides that a returning officer at a council administered election is to make copies of nomination papers received by the officer and send those copies to the Electoral Commissioner, after the election.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Office of Local Government - Circular No 16-22 / 7 July 2016 / A498703
2. Local Government and Elections Legislation Amendment (Integrity) Bill 2016

## **RECOMMENDATION**

**THAT** Council notes the amendments to:

- 1) the Local Government Act 1993 (the LGA) and the Election Funding, Expenditure *and Disclosures Act 1981* (the Election Funding Act) and;
- 2) the *Local Government General Regulation 2005* (Regulation).

**ITEM-2      GM - 18/07/16 - RESOURCES FOR REGIONS  
PROGRAM**

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

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**REFERENCE**

Min 14-87:    Ordinary Meeting of Council 3 March 2014.  
Min 16-34:    Ordinary Meeting of Council 26 February 2016.

**SUMMARY**

Council has recently been advised that a project for the Lithgow Local Government Area has been shortlisted for funding under the Resources for Regions program. The project being the Cullen Bullen Sewerage Treatment Plant.

Up to \$32 million is available in the 2015-16 programs. Expressions of Interest closed on 7 April 2016 and all Regional NSW councils were eligible to apply.

**COMMENTARY**

The NSW Government recognised that mining can place unique pressures on regional infrastructure and services. Since its implementation in 2012, Resources for Regions has delivered \$208 million to 32 projects across the State's most affected mining communities, revitalising infrastructure and relieving specific burdens that mining related activities can have on towns. One of these projects has been funding for the replacement of the rail over-bridge at Wallerawang, known locally as the Black Bridge.

Council submitted four Eols for funding under the most recent round. These included:

- i)    Adventure Playground
- ii)   Rural Fire Service Remote Fires Fighting Training Centre
- iii)   Blast Furnace Park
- iv)   Union Theatre

The Eol selected to go forward for a full application is for the Cullen Bullen Sewerage Treatment. The funding identified for this is \$4.48M. Council made application for this project in an earlier funding round in October 2014. Council was advised at the time that this project would not be progressing until Council completed a number of targets one of which being an Integrated Water Cycle Management (IWCM). While Council has commenced the IWCM project it is not expected to be completed for some time yet.

The application at the time proposed that the project be \$6.482m with a contribution by Council of \$2.0m. Council has factored this expenditure into future years budgets.

For this project to be considered a full application must be prepared and submitted by 15 August 2016.

## **BACKGROUND**

The Restart NSW Fund was set up to improve economic growth and productivity in the State and to fund infrastructure projects that will improve local infrastructure in regional areas affected by mining operations.

The NSW Government has committed to reserve three per cent of the Restart NSW Fund for the Resources for Regions program.

The 2015-16 Resources for Regions program will provide further opportunities for mining affected communities across regional NSW. Here all regional Local Government Areas (LGAs) were invited to submit an expression of interest (Eoi) for projects that will benefit the local community. The funding is a competitive process and applicants were required to demonstrate the level of mining affectedness and undergo an economic assessment.

Up to \$32 million is available in the 2015-16 program.

Joint Organisations of Councils (JOCs) and/or individual local councils, community groups, local businesses and non-government organisations were able to submit Eoi's. Project applications involving partnerships between groups were also encouraged.

Organisations submitting projects were required to demonstrate that their community and infrastructure is mining affected by providing evidence of one or more of the following:

- Significant mining industry presence within the LGA boundary. Mining presence may be in any of the three stages of mining: exploration and development; mine operations; or, contraction and mine remediation.
- Significant mine related demand for social and community services.
- Significant mining industry related impact on infrastructure.

The program was open to projects that cater for both economic and social infrastructure. Economic infrastructure includes roads, rail, local facilities to improve the movement of freight, airports, public transport, local water and sewerage projects.

Social infrastructure includes recreational facilities and childcare services and includes projects that support affordable housing and aboriginal employment and businesses.

Resources for Regions aims to provide grant funding for projects that:

1. Are able to demonstrate alignment with local government strategic plans, with the emphasis on projects that contribute the most to the advancement of mining affected regions.

2. Are able to demonstrate that their community and infrastructure services are subject to significant mining industry impact.
3. Deliver growth and economic benefits.
4. Have a Benefit to Cost Ratio (BCR) higher than 1.0.
5. Are not suitable for other programs.

The assessment criteria for EoIs was to be centred around:

- Criteria 1: Strategic Assessment
- Criteria 2: Economic Assessment
- Criteria 3: Affordability
- Criteria 4: Deliverability

Lithgow City Council submitted four expressions under the Resources for Regions Program. These were, in priority order:

- i) Adventure Playground
- ii) Rural Fire Service Remote Fires Fighting Training Centre
- iii) Blast Furnace Park
- iv) Union Theatre

A summary of the projects includes:

**i) Adventure Playground**

The Adventure Playground project involves the construction of an all abilities adventure playground at Endeavour Park that will provide fun, safe, interesting and unstructured play areas for all local children and visitors. It will incorporate a mining theme to celebrate Lithgow's past and will be equipped with various apparatus and activities that develop creating, social and cognitive skills in children.

The principle outcomes of the project will be a diverse economic base, improved health status, greater social cohesion and improved productivity for Central West NSW. It will support the growing tourism sector encouraging people to stay longer and address the issue of obesity in children.

The estimated total cost of the project is \$1.2 million.

Under the Resources for Regions program Council has requested \$650,000 in funding.

\$550,000 will come from Council and partners, including Centennial Coal VPA, community contributions and from Section 94A contributions.

**ii) Rural Fire Service Remote Fires Fighting Training Centre**

This project involved the construction of a NSW RFS Remote Area Training Centre for the Central West which is to be located in Marrangaroo.

The training centre will include a static helicopter winch simulator and vertical access and roping platform and forms part of the NSW State Government's election

commitment to build four remote area training centres in NSW. The Lithgow LGA has been identified as the most suitable Central West location.

In addition to the simulator and platforms the site will be further utilized to store equipment, trailer and trail bikes attached to the local Remote Area Operations Unit. The training centre will have a training room attached to allow training to be conducted for Remote Area Volunteers in the Central West NSW. The facility will also be available for the RFS Rapid Aerial Response Program to use as a stand-by location.

The estimated total cost of this project is \$2,090,000.

2016 - \$900,000  
2017 - \$1,190,000

Under the Resources for Regions program Council has requested \$1,095,000 in funding.

\$995,000 is to be contributed by NSW RFS.

### **iii) Blast Furnace Park**

The Blast Furnace Park project will help support the continued diversification of Lithgow and the Central West as a whole. The park provides the region with a number of economic opportunity and already developing a reputation as a preferred venue for the Australian and International film industry. The project involves preparing the site to be both film ready and better prepared for events and tourism all of which are currently occurring but are restricted, presenting significant opportunities for growth. This project will increase tourism and events which result in economic benefits for the area.

The estimated total cost of this project is \$1,100,000.

Under the Resources for Regions program Council has requested \$550,000 in funding.

Council has committed \$550,000 towards this project.

### **iv) Union Theatre**

Council is planning to carry out significant upgrade works to the heritage listed Union Theatre through the provision of dressing rooms and associated facility. The upgrade project will significantly increase patronage of the facility not only for productions but also making it more attractive for social functions, weddings and the like. Through the increase in patronage and also measured increases in its fees and charges Council believes it can increase its annual revenues.

The Council has committed \$400,000 in its current budget for the works but requires additional funding to complete the project.

The estimated total cost of this project is \$1 million.

Under the Resources for Regions program Council has requested \$600,000 in funding.

\$400,000 confirmed contribution from Council.

There was no set minimum or maximum amount that can be provided in grant funding under Resources for Regions.

Applicants were encouraged to consider and propose the maximum co-contribution to the project, from council, industry, users and other Federal and State Government sources.

### **CONCLUSION**

While Council did previously seek funding for the Cullen Bullen Sewer System it was not included in the funding application for the current round. It may now be appropriate to hold discussions with the relevant funding body/authority to vary the proposal.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

As set out above.

### **LEGAL IMPLICATIONS**

NIL

### **ATTACHMENTS**

1. Infrastructure NSW Letter

### **RECOMMENDATION**

**THAT** Council:

1. Authorise the Mayor, Deputy Mayor and General Manager to hold negotiations with the relevant funding body/authority with a view to transferring the indicated EoI funding for Cullen Bullen Sewer System.
2. Should the above negotiations prove to be successful then the Mayor, Deputy Mayor and General Manager be authorised to accept the conditions and submit a funding application(s) for the proposed project(s).
3. Should the above negotiations prove to be unsuccessful then authorise the full funding application to be submitted for the Cullen Bullen Sewer System.

**ITEM-3            GM - 18/07/16 - FIT FOR THE FUTURE - LOCAL  
GOVERNMENT REFORM**

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

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**REFERENCE**

Min No 14-456:    Ordinary Meeting of Council held on 17 November 2014  
Min No 15-145:    Ordinary Meeting of Council held on 29 June 2015  
Min No 15-269:    Ordinary Meeting of Council held on 26 October 2015  
Min No 15-296:    Ordinary Meeting of Council held on 16 November 2015  
Min No 16-04:     Ordinary Meeting of Council held on 8 February 2016

**SUMMARY**

Since the NSW Government announced its plans on Friday 18 December 2015 in relation to Local Government Reform in NSW a number of reviews have been held and councils merged and the number of councils in the State has been reduced. The Government has also indicated that it has in principal support for further mergers to occur.

The Government has approached those councils considered not 'Fit' and not subject to a merger to review their Fit for the Future submissions and undertake a reassessment.

**COMMENTARY**

Last year, NSW councils (excluding eight councils in the far west) participated in a comprehensive review of local government performance, this being the 'Fit for the Future'. The process was designed to transform the system of local government to ensure councils deliver better services and infrastructure to their communities.

Councils that did not meet the sustainability, service and infrastructure and efficiency benchmarks and who are not subject to a merger proposal have been invited to revise their improvement plans and resubmit them for assessment. Those that are assessed as being Fit for the Future will be eligible to access the TCorp borrowing facility.

Lithgow City Council has been identified as one of 14 councils to be invited to participate in the process.

The Office of Local Government has released Reassessment Guidelines for the councils involved in the process. This is the first in a series of reassessment processes and it applies only to the following councils:

- Those not satisfying the Financial Criteria in the IPART assessment; and
- Those not currently subject to a merger proposal.

Councils eligible for the first round of reassessment have until 29 July 2016 to submit their reassessment. A Council resolution is required to support the reassessment.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. FTF Reassessment Guidelines May 2016

**RECOMMENDATION**

**THAT** Council authorise the Mayor, Deputy Mayor and General Manager to make a Fit For the Future Reassessment submission for Lithgow City Council.

**ITEM-4 GM - 18/07/16 - RETURNS UNDER SEC 449 - LG ACT 1993 DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS**

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

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**REFERENCE**

Min 15-272: Ordinary Meeting of Council 26 October 2015.

**SUMMARY**

To advise Council of the returns required to be lodged with the General Manager under Section 449 of the Local Government Act 1993 for Councillors & Designated Person for the period 1 July 2015 to 30 June 2016.

**COMMENTARY**

Section 449 of the Local Government Act requires Councillors and designated persons to lodge returns under Section 449 for the period 1 July 2015 to 30 June 2016.

Section 449 Provides:

***449 Returns disclosing interests of councillors and designated persons***

1. *A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form in Part 1 of Schedule 3.*
2. *A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in the previous year or if the person ceases to be a councillor or designated person within the 3-month period.*
3. ***A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form in Part 1 of Schedule 3.***
4. *A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.*
5. *Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.*
6. *Nothing in this section or Schedule 3 requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.*

Section 450A requires the returns lodged under section 449 to be tabled at a meeting of Council.

Section 441 defines designated persons as:

- *the general manager*
- *other senior staff of the council*
- *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest*
- *a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

In addition to the General Manager the following positions have been classified by Council as designated persons:

- Group Manager Building & Development
- Group Manager Operations
- Group Manager Corporate & Community
- Finance Manager
- Development Manager
- Water & Waste Manager
- Information Technology Manager
- Community & Culture Manager
- Tourism Manager
- Team Leader Building
- Team Leader Planning
- Team Leader Environment
- Strategic Land Use Planner(s)
- Property Officer
- Building & Development Officers (4)

The Returns have now been issued to all persons (councillors and designated persons) and are due to be returned by no later than 30 September 2016.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council:

1. Note the report on Disclosure of Interests under Section 449 of the Local Government Act 1993 for the period 1 July 2015 to 30 June 2016
2. Note that the relevant forms have been issued to all councillors and designated staff
3. Note that the Returns are to be provided to the General Manager by no later than 30 September 2016.

## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-5      ENVIRO - 18/07/16 - ROAD NAMING - NEW ROAD FOR DA06710 BOWEN VISTA, SOUTH BOWENFELS

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

## REFERENCE

Min No 16-101      Ordinary Meeting of Council held on 16 May 2016

## SUMMARY

To progress the road naming process for 'Settlers Close'.

## COMMENTARY

At Council's meeting of 16 May 2016 the proposed road name of 'Settlers Retreat' was put forward for the new road within Stage 3 of the Bowen Vista Estate subdivision under 067/10DA (see attachment 1) with the below resolved:

**That:**

1. Council commence the online road naming process for "Settlers Close" for Stage 3 of 067/10DA, in accordance with Geographical Names Board's NSW Road Naming Policy. This will include advertising in the local newspaper requesting for submissions on the proposed road name.
2. If submissions against the proposal are received, detail of the submissions will be reported back to a Council meeting for determination.
3. If no submissions against the proposal are received, Council proceed with the online road naming process and gazettal of 'Settlers Close'. This includes notifying emergency services of this outcome.

The proposal was advertised in accordance with Council's Road Naming Policy for a period of 28 days with one submission received. Therefore, this report is submitted in accordance with item 3 in the above resolution.

The submission received detailed the following in relation to "Settlers Close" road naming:

*'The original application to name the cul-de-sac in stage 3 of Bowen Vista proposed the name "Settlers Retreat". It is proposed that the original road designation of "Retreat" be reinstated. Road Naming in NSW must be consistent with the Geographical Names Board NSW addressing User Manual which aids in the implementation of AS/NZS 4819: Rural and Urban Addressing. Section 6.10 of the Manual lists the types to be used in NSW. This list includes the Road Type, Abbreviation, Description and which types of roadway it is applicable for.*

*Retreat is described as "a roadway forming a place of seclusion" and is applicable to a cul-de-sac type roadway. Both description and the*

*applicable road type fits with the proposed cul-de-sac in Stage 3 of Bowen Vista.*

*It is requested that the original road proposal of “Settlers Retreat” be approved by Council.’*

The submission correctly points out that the name “Retreat” is consistent with the Geographical Names Board User manual and being defined as “a roadway forming a place of seclusion” fits with the roadway in question. When the matter was first reported to Council on 16 May 2016 there was strong view expressed by the Council that the term “Retreat” was not the terminology that Council would like to see applied. The Geographical Names Board User Manual defines the following types of roadway that may be applied specifically for a cul-de-sac:

<b>Road Type</b>	<b>Meaning</b>
Close	Short, enclosed roadway
Court	Short, enclosed roadway
Mews	Roadway in a group of houses
Place	Short, sometimes narrow, enclosed roadway
Retreat	Roadway forming a place of seclusion

Whilst the term “Retreat” is acceptable, it is also at Council’s discretion whether it would be comfortable with this name in the long term. Given that the Council was quite adamant in the first instance regarding the term “Retreat” it may consider the submission received, but continue with the term “Close” if it chooses.

## **OTHER MATTERS**

The developer/applicant requires the name of this road to be officially gazetted prior to the Subdivision Certificate release for Stage 3 of 067/10DA. Therefore, this process is being undertaken prior to works being completed for Stage 3 of 067/10DA subdivision of Bowen Vista Estate.

## **POLICY IMPLICATIONS**

This road will be named in accordance with Council’s Road Naming Policy.

## **FINANCIAL IMPLICATIONS**

Council will incur additional advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant of the subdivision under DA067/10.

## **LEGAL IMPLICATIONS**

The road will be named in accordance with *Roads Act 1993* and *Roads Regulation 2008*.

## **ATTACHMENTS**

1. Plan showing location of road with the original naming proposal of “Settlers Retreat”

## **RECOMMENDATION**

### **THAT**

1. Council continue with the online road naming process for “Settlers Close” for Stage 3 of 067/10DA, in accordance with Geographical Names Board’s NSW Road Naming Policy.
2. If submissions against the proposal are received additional to the term “Retreat”, detail of the submissions will be reported back to a Council meeting for determination.
3. If no further submissions against the proposal are received, Council proceed with the online road naming process and gazettal of ‘Settlers Close. This includes notifying emergency services of this outcome.

**ITEM-6      ENVIRO - 18/07/16 - S96028 - 16 MODIFICATION OF  
CONSENT FOR 061/07DA - SUBDIVISION OF 1 LOT  
INTO 7 MAGPIE HOLLOW ROAD SOUTH BOWENFELS**

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

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**SUMMARY**

To assess and recommend determination of modification of consent S96028/16 for 061/07DA. The modification application seeks the removal of conditions relating to Section 94 contributions. Recommendation will be for approval subject to conditions.

**COMMENTARY**

Council is in receipt of a modification of development consent application from Stanmar Constructions Pty Ltd. The application seeks to remove the requirement for payment of Section 94 contributions for Rural Roads on the basis that the proponent will voluntarily seal approximately one kilometre of Old Bathurst Road.

The original application was approved under delegation on 22 July 2008 for a subdivision of one lot into 7 with a new road off Old Bathurst Road. The consent included the following condition:

*53 A contribution of \$21,000 (7\*\$3000) being \$3,000 per new allotment is to be paid towards the upgrading of roads to be paid prior to the issue of the Subdivision Certificate, in accordance with Council's adopted Section 94 Contribution Plan for rural roads.*

The applicant requests that Council remove the condition due to its voluntary proposal to seal Old Bathurst Road from the intersection of Magpie Hollow Road to the new subdivision road constructed road as part of the subdivision. The sealed section is approximately 1 km in length and Council Engineers estimate the cost at over \$60,000.00.

At this stage, the road re-sealing work has not occurred although a Construction Certificate has been lodged. The difficulty in removing the condition prior to the completion of the work is that should the work not proceed for any reason then the contributions would be foregone. The applicant is agreeable to the modification becoming effective upon completion of the sealing work.

**OTHER MATTERS**

Given that the proposed amendment is for the removal of the requirements for Section 94 contributions for rural roads, the modification is considered to be minor and does not require re-notification or re-referral. However, given Council officers cannot approve an application to waive fees under delegation, the proposal is reported for determination.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The cost of sealing this section of Council maintained road is significantly more than the contributions that would have been received as part of the rural roads contributions. Sealing of this road means less ongoing maintenance is required by Council and is beneficial to the surrounding area. As the Rural Roads Section 94 Contributions Plan has been repealed any contribution would have been paid into the funding pool under Council's Section 94A Contributions Plan.

## **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** Council:

1. Upon the completion of the sealing of Old Bathurst Road from the intersection of Magpie Hollow Road to the intersection of the new road associated with 061/07DA, S96028/16 Modification of Consent 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-7      ENVIRO   -   18/07/16   -   DA238/14   -   PLANNING  
AGREEMENT   -   PROPOSED   SUBDIVISION   3   LOTS  
INTO   12,   GLEN   ALICE,   GLEN   ALICE-   OLD   ROAD   GLEN  
DAVIS**

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

**REFERENCE**

Min No 15-100:      Ordinary Meeting of Council held on 11 May 2015  
Min No 16-48:      Ordinary Meeting of Council held on 21 March 2016

**SUMMARY**

To advise and seek endorsement of a Voluntary Planning Agreement.

**COMMENTARY**

At Council's ordinary meeting of 21 March 2016 it was resolved to approve a subdivision of 3 lots into 12 lots with the inclusion of a Voluntary Planning Agreement for a contribution of \$40,000 to go towards the upgrade of Glen Alice Road.

The draft Voluntary Planning Agreement was placed on public exhibition for a period of 28 days with no submissions being received. Consequently the Voluntary Planning Agreement is ready for final endorsement by Council. Once endorsed the Voluntary Planning Agreement may be finalised and notified to the Minister for Planning and Environment.

**POLICY IMPLICATIONS**

Policy 7.10 – Planning Agreements applies. The Policy provides that final endorsement of the Planning Agreement is to be reported to Council.

**FINANCIAL IMPLICATIONS**

The developer has agreed to make a contribution of \$40,000 to go towards the upgrade of Glen Alice Road.

**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). The Voluntary Planning Agreement has been exhibited for a period of at least 28 days pursuant to Section 935 of the Environmental Planning and Assessment Act 1979.

**ATTACHMENTS**

1. Planning Agreement

## RECOMMENDATION

### THAT:

1. Council endorse the Voluntary Planning Agreement on behalf of Glen Alice Pty Ltd consisting of a contribution of \$40,000 to go toward the upgrade of Glen Alice Road.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning and Environment.

**ITEM-8      ENVIRO - 18/07/16 - DA112/16 - PROPOSED INTERNAL  
MODIFICATION TO BUSHFIRE SHED AT LOT 4  
SECTION 3 DP 758222, CASTLEREAGH HIGHWAY,  
CAPERTEE**

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

**SUMMARY**

A development application has been submitted for an internal modification to an existing NSW Rural Fire Services Bush Fire Shed at Capertee. The proposed development is on Council owned land and in accordance with Council policy must be referred to Council for determination. To assess and recommend determination of DA112/16.

**COMMENTARY**

The New South Wales Rural Fire Service has submitted a Development Application DA112/16 on land known as Lot 4 Section 31 DP 758222, 34 Castlereagh Highway, Capertee NSW 2846 that is owned by Lithgow City Council. The application is for building a proposed internal modification to provide accessible facilities within the existing NSW Rural Fire Service Bushfire Shed.

The development proposes to provide a unisex accessible water closet and shower facility within the existing bushfire shed. The proposed modification is in the rear portion of the shed additions approved in 1993 in an area approximately 2.3 metres x 1.9 metres. This facility would provide complying accessible amenities for users of the bush fire brigade shed.

The application has been assessed in accordance with relevant planning instruments that relate to the land. The proposal has an acceptable impact on the surrounding neighbourhood and environment and can be approved subject to conditions.

**NEIGHBOUR NOTIFICATION AND SUBMISSION**

The proposal was notified to surrounding adjoining landowners in accordance with Council's Policy 7.5: *Notification of Development Applications* for a period of 14 days.

No submissions were received.

**POLICY IMPLICATIONS**

Council's Policy 7.6 '*Development Applications by Councillors and Staff and Relatives or on Council Owned Land*' requires that any development application on Council owned land must be referred to Council for consideration and determination. It further provides that no aspect of the application be dealt with under delegated authority.

**FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979.

### **ATTACHMENTS**

1. Complete 79C Planning Report under separate cover.
2. Proposed site plan and elevations

### **RECOMMENDATION**

#### **THAT:**

1. Development Application DA112/16 be approved with conditions of consent as detailed in the 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-9      ENVIRO - 18/07/16 - S96006/16 MODIFICATION OF  
CONSENT FOR 066/95DA - TOURIST TRAIN  
OPERATIONS - LITHGOW STATE MINE RAILWAY**

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

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**REFERENCE**

Ordinary Meeting of Council held on 16 October 1995

**SUMMARY**

To assess and recommend determination of modification of consent for DA066/95.

**COMMENTARY**

Council is in receipt of a modification of development consent application from Lithgow State Mine Railway Ltd for 066/95DA in relation to a tourist train operation from State Mine site to Eskbank Station.

The original approval was determined at the Council Meeting of 16 October 1995 in which a one year trial was undertaken and one trip completed. The original approval allowed 7 round trips on Sundays and restricted the use of the steam coal fired locomotive to once a month.

The proposal seeks to:

- Increase tourist train trips to 7 round trips per day for two weekends (Saturday & Sunday) per month, including the public holiday if it should fall on the same weekend.
- Additionally, operate one weekend a month with 14 round trips per day.
- Remove restrictions to the amount of times the steam locomotive can operate, which was once a month in previous consent.
- Set the hours of operation from 8.30am to 6.00pm.
- Change existing conditions that refer to older legislation.

The train route for the tourist train operation includes:

- State Mine Heritage Park
- Lake Pillans
- Blast Furnace Park
- Eskbank Goods Shed

**Lithgow City Local Environmental Plan 1994 (LEP1994)**

The development was originally permissible in the zone under previous Lithgow Local Environmental Plan 1994 and the development's permissibility is not proposed to change as part of this modification.

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

Under LEP2014 a ‘passenger transport facility’ is defined below and would only be permissible within a small portion of the proposed loop zoned IN2 Light Industrial and is prohibited in all other areas that are zoned E3 Environmental Management.

“**passenger Transport Facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.”

However, the proposal could be considered under Clause 5.10(10) Conservation Initiative of LEP2014 as the majority of the land and rail loop would be heritage listed.

Given the original consent was granted under LEP1994, the current LEP2014 does not hold determinative weight for the modification.

### **Further Impact Assessment:**

#### Noise:

A noise assessment has not been undertaken by the applicant to support the proposed increase in train movements and how this may impact adjoining residents. However, the noise will be restricted to hours of 8:30am to 6:00pm if the determination of the application is for approval. Additionally, conditions of consent are proposed to require compliance with the relevant noise criteria and also require the submission of a noise report in the event that a number of validated complaints are received.

#### Traffic & Access:

Council’s engineers have assessed the development and found that the proposal will have adequate parking in the surroundings to meet the needs of the modification. The State Mine Heritage Park will be the main location for parking, with adequate space available onsite. Any increase in traffic will be on public roads which are considered adequate to cater for the increase traffic volumes.

#### Air:

No air emissions assessments have been undertaken by the applicant to support the proposed increase in coal powered train movements and the potential for air pollution impact by the development. However, conditions of consent are proposed to require compliance with emissions criteria and also require the submission of an air emissions report in the event that a number of validated complaints are received.

### **OTHER MATTERS**

Although an increase from the original development, the modified proposal is substantially the same and can be assessed under Section 96(1A) of the *Environmental Planning & Assessment Act 1979*. The proposal has been referred to the Rural Fire Service and State Rail Authority for comment in relation to modification, with no objections raised subject to conditions of consent. The application has also been notified to adjoining landowners for a period of 21 days with 9 submissions (8 being objections) received as summarised below.

## **PUBLIC SUBMISSIONS**

### Noise/vibration

- The railway workshop is being used more frequently now and trains are travelling at odd times being early morning and late at night.
- The weekend is for relaxing which won't be possible with the amount of train movements and the times.
- The noise of the whistle and shaking of the house will cause issues and impact on neighbours.
- 10am to 4pm for the hours of trains running is more suitable as it wouldn't impact on neighbours as much.
- The peace and quiet of the area will be impacted with increased trains and also with the addition of the train workshop.
- When the Liaison Committee was formed there was an agreement that the whistle not to be used and flagman be put in place instead. This has not happened to date.
- There should be an indication on how the development complies with NSW EPA Rail Infrastructure Noise Guidelines.
- The noise level would breach the NSW EPA noise levels as set by Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects.
- The noise from increased traffic will impact on the surroundings, especially on weekends prior to 8am. This does not meet NSW EPA guidelines.

### Air pollution

- The smoke from steam trains stays around for a many hours.
- The steam train should not be used at all and is a health risk to residents with soot and smoke within the area.
- There seems to be nothing that would have changed that could allow for the coal fired steam train to be used more often. This was an issue when the application was first proposed and this has not changed, so the restriction should not change.
- Coal combustion releases nitrogen oxides, sulphur, mercury and dozens of other substances known to be hazardous to human health and the coal would settle on the surrounding homes. This would cause eye, nose and throat irritation and will be unbearable for those in the area with asthma.
- No study has been provided to advise the emissions of the coal fired steam train.

### Traffic

- It is hard to get out of the driveways in Atkinson Street when trains are running in the area and increase of trains will make this worse.
- The road into the State Mine Museum is very narrow which causes issues for passing cars.
- The roadside of Atkinson Street has eroded in areas due to the increased use.
- The road is degraded currently and should be looked at to be improved as there has only been minor potholing fixes done over 13 years.
- The maintenance of the rail crossing, given the increase rail movements, needs to have a planned rail crossing maintenance schedule.

- The long grass in the area of the rail is an ongoing issue for visibility and car movements and should be looked at more regularly.
- The road is a hazard with speeding traffic from employees and tourists of the State Mine Museum and will create more issues with increased traffic.

#### Other

- Privacy to residents with trains going past the area. There should be more screening along Wetlands Lane as the original planting has not been maintained and are dying off.
- Frequency of trips for 14 in one weekend a month would mean for the residential area, between 8:30am and 6:00pm, there would be one train passing every 20 minutes.
- The unfenced areas to the public are of a concern.
- Concerned that the parcel of land where a siding is located is actually privately owned. There is a concern in relation to potential litigation measures for these owners if it is used. It is unclear how the water tower and rail siding on private land was undertaken with no owners consent.

#### **Applicant Comments:**

The applicant was provided the opportunity to respond to submissions for Council's consideration with the following response:

*With the exhibition period over, a number of concerns have been raised as a result of the proposed alterations to the existing operating conditions. We have to understand that the changes we seek are based around the need to provide an efficient and economical operation. This in turn will impact on our ability to provide Lithgow with a sustainable tourist attraction which is based in the valley that will attract people on a regular basis from near and far. This is not to say that the operation will be at the expense of aggravating our neighbours or destroying our amenity or surrounding's. Unfortunately some of the comments appear to have no relevance to the case at hand. I will however endeavour to address each of the concerns as they are listed in your letter.*

- *There is obviously a perceived privacy issue in relation to the rail corridor adjacent to the Lake Pillans Station in Wetlands Lane. There are indeed a number of houses that back up against the lane and subsequently the rail corridor which is separated by a road / lane which is a Council road. I understand that there may have been trees planted beside the road at some stage but have subsequently died due to poor soil and a lack of water. Given the elevation of the railway in relation to the houses there is always going to be an issue with sight lines from the train however I believe the track is at such an angle and distance from the fence line people's eyes are more drawn over the houses than in their back yards.*
- *Screening the fence line may be an option but it would be a very long term one as the trees would need to be very high to achieve the desired effect.*
- *Interestingly enough there was only one reference to the increase in the amount of trips per day. Unfortunately Council in its letter to the residents never explained the 14 trips were a worst case scenario and that 7 trips a day,*

*one weekend a month would be the standard. We consider this not to be an issue.*

- *The frequency of trains on the line being generated by the Lithgow Railway Workshop has no bearing or linkage with this Consent Modification. However I have attached the logs that are kept that tracks all locomotive movements on the line and investigation will show that there are no early or late movements and what movements there are fall within the stipulated numbers.*
- *We are not aware of any problems with people getting out of their drive ways irrespective of whether trains are operating or not.*
- *The bulk of the emissions emanating from an operating steam locomotive generally goes straight up and is made up of both steam and smoke from burning coal. Emissions are blasted skywards by the operation of the pistons which dissipates into the atmosphere quite rapidly. Rarely does smoke hang about for any more than a few minutes. Equally unless it is caught in a downdraft caused by wind will it ever come to ground? Planned operations on the line call for very small tonnages to be hauled which actually minimises the amount of smoke produced*
- *Cannot comment on what a weekend means however movement and times has been explained previously.*
- *Not able to comment as the road is not under our jurisdiction or the providence of this Modification Consent.*
- *The whistle or horn is blown as per regulation to warn at the level crossings. Train movements on the line are restricted to 10klm an hour so there is little likely hood of houses shaking.*
- *The actual operational hours or train service times have not been timetabled as yet. A nominal time of 8.30am to 6pm was mentioned in the Modification merely as a start and end point.*
- *Cannot comment on peace and quiet. The Railway Workshop has nothing to do with Modification Consent.*
- *Traffic and train movements at the railway crossings will follow the standard railway crossing procedures in as far as traffic will stop at railway crossings. Trains have the right of way.*
- *The LSMR 26 class steam locomotive is only fitted with a low volume suburban "Pee" whistle, being approx. one third the volume of standard 5 chime steam whistles used on the mainline locomotives and at Zig Zag. The Pee whistle was specifically designed for operation in built up suburban areas to avoid noise complaints. The LSMR heritage diesel railcars are also fitted with a low volume suburban whistle.*

- *The line has been fenced where it needed to be previously. Existing fences are still in place.*
- *Not able to comment as the eroded roadside is not under our jurisdiction or the providence of this Modification Consent*
- *LSMR reserves the right to operate either steam or diesel locomotives for tourism purposes on its line for the benefit of the whole community in its bit to promote the town outside its borders. There is no evidence that using a steam engine in the application we intend to will cause any health risks.*
- *LSMR has had the State Mine Line under licence from RailCorp since 1994. The parcel of land in question is beside the line at Lake Pillans. We were always under the impression the land in question was part of our licenced area. As part of funding that was received for the Centenary of Federation a DA was lodged with Council in 1999/2000 for the erection of the platform and installation of the water tank. Nothing at the time came up to indicate that there were any problems with the ownership of the land. It wasn't until last year after a search of properties in the area did we find out that our facilities are partially on private property. However COC Limited (the land managers for our organisations) are more than happy to discuss options with the current land owners to avoid any potential issues.*
- *The steam locomotive has not actually operated on the branch. It should be treated like any other form of motive power to be used on the line if its operated correctly there should not be an issue. As mentioned elsewhere it will be only hauling light tonnage there should not be an issue with emissions.*
- *I think before we start to pick on the operation of a steam locomotive one weekend a month we should look at the number of coal and wood fired appliances that are in the vicinity of the State Mine line which are used daily during winter before we discuss hazards to human health through coal combustion.*
- *The coal smoke emissions from the steam locomotive is miniscule compared to other domestic coal fires in Lithgow, particularly some residences along State Mine Gully Road every night during the winter months. Unlike our mainline counterparts, our 26 class steam locomotive will only be operating at 10 km/hr hauling two carriages with a trailing mass of 76 tonnes, which will require minimal coal consumption, compared to hauling a full load of 160 tonnes at 65 km/hr on the mainline. Operating faster heavier trains on the mainline requires a considerable amount of coal and heat.*
- *To maximise heat transfer in the boiler during mainline operations the fire hole door (where you shovel the coal in) needs to remain shut as much as possible so as to reduce cold air being sucked into the combustion heating area, which reduces heat transfer and boiler pressure. However, whilst the fire hole door is shut under maximum draught (load) conditions with a large charge of coal on the fire grate, incomplete combustion often results, which results in black smoke. However, because the State Mine Railway operation is slow speed*

*and light loads, maximum performance of the boiler is not required, thus the coal consumption will be minimal and the fire hole door can be left open which will allow excess oxygen into the combustion area, thus resulting in complete combustion and minimal smoke emissions. If the local residents are not complaining of medical conditions with the current level of domestic coal fire emissions along State Mine Gully Road, then a clean burning 26 class steam locomotive will certainly not make any difference.*

- *The low speed LSMR branch line steam and diesel railcar operation is extremely quiet in comparison to mainline freight trains roaring past at 100 km/hr with 12,000 horsepower of diesel engines. The LSMR State Mine branch line operation falls way within the railway noise guidelines. Sound measurements of LSMRs' noisiest diesel locomotive still falls within the railway noise guidelines.*
- *The condition of the road has no relationship with this Application.*
- *The Atkinson Street railway crossing is sign posted as per regulation and is checked regularly as it is a Council responsibility. The two Private crossings are also sign posted correctly and maintained by LSMR and Sydney Trains.*
- *Grass and other sight line issues at the level crossings will be attended to as train operations get closer.*
- *Speeding traffic whether on State Mine Gully Road has no relation to this Application and would be a Police matter.*

### **Planning Comments:**

#### Noise/ vibration:

- A noise assessment has not been undertaken by the applicant to support the proposed increased in train movements and how this may or may not impact adjoining residents. However, the noise will be restricted to daylight hours of 8:30am to 6:00pm if the determination of the application is for approval.
- Conditions of consent are proposed to require compliance with the relevant noise criteria and also require the submission of a noise report in the event that a number of validated complaints are received.
- The railway workshop consents are not subject to this application and cannot be assessed or changed as a result of this proposed modification.

#### Air pollution:

- No air emissions assessments have been undertaken by the applicant to support the proposed increased in train movements and potential air pollution impact by the development.
- Conditions of consent are proposed to require compliance with emissions criteria and also require the submission of an air emissions report in the event that a number of validated complaints are received.

#### Traffic:

- As advised by the applicant, the trains have a right of way along the track and there are minimal level crossings. However, running times should be advised to the landowners who have a level crossing to access their property and this will be conditioned as part of the modification if approved.
- The road into the State Mine Museum has been assessed by Council Engineers and found to be sufficient for the proposed development. The road is part of ongoing maintenance and upgrades programs as part of the Lithgow Local Government Area and will be subject to upgrades in the future. The timing of these upgrades is unknown.
- The condition as below will remain (with updates) for the compliance and upgrade requirements of the level crossing:

*The applicant complying with the Roads and Traffic Authority and State Rail requirements for level crossings and submit a copy of all results to TALC for further comment and approval.*

- A condition of consent will be implemented to ensure that the long grass/vegetation within the corridor are to be maintained as per below to ensure that concerns about vehicle and train interaction are minimised:

*That the operator/ applicant undertake maintenance on long grasses and overgrown vegetation within the corridor to ensure that sight lines can be maintained for safety of rail crossings vehicles near the rail corridor.*

- The road has an existing speed limit that should be upheld by all road users as required by NSW road rules. Council is not the authority to control speed limits on roads and this is a matter to be raised with local police or the Roads and Maritime Services.

Other:

- For the privacy issues raised and vegetation planting concerns a modification to condition 14 will be undertaken to ensure that vegetation is upgraded and maintained in perpetuity as per below:

*Screen planting to maintain privacy for residents is to be carried out **and replanted if previous landscaping was unsuccessful**. Species and location of planting are to be shown on **an amended landscaping plan**, to be approved by Council. Endemic species are to be used in regeneration of bushland areas. **The landscaping is to be maintained in perpetuity.***

- Although the frequency of trips proposed is for a maximum of 14 in one day, the impact of this proposal will be controlled through proposed conditions of consent and limiting operating hours of the trains.
- The railway workshop consents are not subject to this application and cannot be assessed or changed as a result of this proposed modification.
- Fencing on Council's property will be considered as a landowner as part of risk assessment for Blast Furnace Park. Fencing exists along most of the development and is a matter for the operator to consider as per existing condition of consent as below:

*The railway tracks be suitably fenced off to the public, with details of fencing to be approved by Council.*

- The applicant has advised that they will be in contact with the private land owner(s) of Lot 101 DP1061482 in relation to potential use of the land while the trains are in operation. Therefore, the following condition of consent will be imposed on the development:

*That the applicant is to retain during operation the public liability cover that covers Lot 101 DP1061482 in relation to the train operations of a minimum \$20,000,000.*

## **POLICY IMPLICATIONS**

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

The above policy states the following:

#### **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.*

The application was originally notified in 1995; Therefore, given the time lapse between approval and the modification (21 years) and minimal information on what properties were originally notified on file, it was considered by Group Manager Environment & Development that all properties immediately adjoining the proposal will be notified for a period of 21 days. This was undertaken and complies with the policy requirements for notification.

### **Policy 7.7 Calling In Of Development Applications By Councillors**

This policy states:

*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.*

The original application was approved at Council meeting in 1995; the reason behind the application being determined by a Council meeting is unclear in Council's records. It is considered that in this instance, given the increase of the proposal is significant, the application will be reported to a Council meeting for determination.

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

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

## **ATTACHMENTS**

1. Complete 79C Planning Report under separate cover.

## **RECOMMENDATION**

### **THAT**

1. Modification of Consent S96006/16 of 066/95DA for tourist train operations be approved, subject to the conditions outlined in the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**OPERATION REPORTS**

**ITEM-10 OPER - 18/07/16 - WATER REPORT**

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

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**REFERENCE**

Min No 16-152: Ordinary Meeting of Council held on 27<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 Thursday, 30<sup>th</sup> June 2016 was 100%. Oberon Dam capacity on Thursday, 30<sup>th</sup> June 2016 was 56%.

**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**

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
December	162	63	55
January	120	0	74
February	111	0	77

March	132	0	88
April	119	12	61
May	131	0	43
June	95	0	53
<b>TOTAL</b>	<b>1,452</b>	<b>75</b>	<b>719</b>

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

	2013/2014			2014/2015		
Month	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 18/6/2016 to 8/7/2016.

### **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. All results complied with Council's EPA Licence requirements to operate each plant. 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 is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 18/6/2016 to 8/7/2016.

### **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 no applications for household appliance rebates and one (1) application for water tank rebates for the period 18/6/2016 to 8/7/2016.

### **Water Reticulation Complaints**

One complaint was received during the period 18/6/2016 to 8/7/2016 concerning water quality issues in the following areas. Testing of the water was undertaken at this location.

<b>Locality</b>	<b>Concern</b>	<b>Notes</b>
Hutchinson Street, Lithgow	Reported dirty water.	Water was tested and complied with all ADWG health limits. Water was discoloured following burst main in this locality.

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 - 18/07/16 - 2016 COMMUNITY SATISFACTION SURVEY**

**REPORT BY: D MCGRATH – CORPORATE STRATEGY & COMMUNICATIONS OFFICER**

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## **REFERENCE**

Min No 15-121:      Ordinary Meeting of Council held on 1 June 2015

## **SUMMARY**

In April 2016, Council engaged Micromex Consulting to undertake a random telephone sample of residents of the Lithgow local government area to examine community attitudes and perceptions towards current and future services and facilities provided by Council.

## **COMMENTARY**

From 15 – 28 April a total of 407 resident interviews were undertaken across the Lithgow local government area. 390 of the 407 respondents were selected by means of a computer based random selection process using the electronic white pages. The remaining 17 respondents were ‘number harvested’ via face-to-face intercept at Cook Street Plaza to capture mobile telephone numbers and ensure a representative demographic sampling of the community was undertaken. The sample was weighted by age and gender to reflect the 2011 ABS census data and was constructed to allow the development of future planning within the LGA Planning Precincts (Lithgow, Wallerawang, Portland, Rural North and Rural South) as well as by the total local government area.

The key objectives of the research included:

- Identifying current community priority issues
- Satisfaction with Council’s performance overall
- Drivers of community satisfaction
- Importance and satisfaction with Council provided services and facilities
- Relative importance of Council provided services and facilities
- Satisfaction with customer service levels from Council staff.

Overall, 83% of residents were at least ‘somewhat satisfied’ with Council’s performance. This is in line with the NSW category benchmark (in 2012, Micromex conducted a branding research study in which residents from all 152 LGA’s were interviewed in order to establish a normative score).

Females were significantly more satisfied with the overall performance of Council.

Residents aged 50-64 were significantly less satisfied with the overall performance of Council, while residents aged 65+ were significantly more satisfied.

Residents living in the 'Rural North' region were significantly less satisfied with the overall performance of Council.

Lithgow City Council's overall performance was above the regional benchmark and comparable to the benchmark for all of NSW.

### **Key Challenges**

Respondents were asked "*Thinking of the area as a whole, what would you say is the key challenge for Lithgow LGA in the next 5 to 10 years*"

Key challenges mentioned were:

- Generating local employment opportunities (30%)
- Encouraging new business to the area (28%)
- Improving/maintaining local infrastructure, i.e. roads, public transport (15%)

### **Survey Recommendations**

Based on the results of the research undertaken, the consultants have recommended that Council:

1. Explore and address the community's concerns regarding the future viability of the area with regard to employment.
2. Understand the community expectation with Council's role in attracting new business, what levers can Council provide that will be acceptable to locals and appealing to businesses.
3. Continue to consult and engage the community particularly across the areas of lower relative satisfaction.

At the completion of each survey, respondents were invited to participate in further consultation, such as focus groups about specific issues and to be included on a register of interest. 60% of respondents have agreed to be included on this register which will be used by Council to enhance future consultation processes.

In 2016/17, Council will be working with the community to review and update the current Community Strategic Plan as part of the requirements under the Local Government Amendment (Planning and Reporting) Act 2009. Focus Groups will be undertaken during this process to further explore community expectations around the key challenges and drivers of satisfaction along with infrastructure service levels and community needs.

A webpage has been set up to provide the community with information about the Community Satisfaction Survey. It is proposed that the survey will be conducted biannually in April, with this first survey being the benchmark for future surveys.

A weekly electronic bulletin, Council Connections has commenced, and is being forwarded to those currently receiving the newsletter electronically and members of the Community Feedback Register. This e-bulletin includes items in the Council Column printed in the Mercury, information on upcoming events and links to media

releases sent out during the week. This bulletin has been developed to target members of the community, predominantly in rural areas who do not have access to local news and media.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

Total cost to Council \$29,590 which was budgeted in Financial Year 2015/16.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Community Satisfaction Research 2016.

**RECOMMENDATION**

**THAT** Council notes the findings in the Community Satisfaction Research 2016 and the following:

1. Development of the Community Survey webpage.
2. Development of the weekly electronic bulletin – Council Connections.
3. Introduction of the Resident Feedback Register for consultation with the community.

**ITEM-12      CORP - 18/07/16 - COUNCIL INVESTMENTS HELD TO  
30 June 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  
Min No 16-153:     Ordinary meeting of Council held on 27 June 2016

**SUMMARY**

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

**COMMENTARY**

Council's total investment portfolio, as at 30 June 2016 when compared to 31 May 2016, has increased by \$2,966,358.16 from \$21,637,279.23 to \$24,603,637.39. While cash in Council's bank account decreased by \$4,238,126.07 from \$4,415,356.62 to \$177,230.55.

There is an overall decrease in cash and investments of \$1,271,767.91 since 31 May 2016. This is primarily due to finalising EOY payments and operational costs.

INVESTMENT REGISTER 2015/16								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.05.16	VALUE 30.06.16	% OF TOTAL
AMP	On Call	26.08.14			2.55	1,036,274.36	1,036,274.36	
AMP	02.06.16	02.06.16	30.11.16	181	3.00	0.00	1,000,000.00	
								8.28%
CBA	On Call	18.05.16			1.70	2,000,000.00	1,000,000.00	
								8.13%
NAB	TD	16.03.16	15.06.16	91	3.03	1,000,000.00	0.00	
	TD	16.03.16	14.06.16	90	3.06	1,000,000.00	0.00	
	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	
	TD	14.06.16	14.09.16	90	2.93	0.00	1,000,000.00	
								12.19%
WESTPAC	TD	13.04.16	13.08.16	122	2.90	1,025,636.84	1,025,636.84	4.17%
ST GEORGE	TD	19.05.16	19.08.16	90	2.9	994,049.98	994,049.98	
	TD	26.02.16	26.06.16	121	2.4	1,025,696.63	0.00	
	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	500,000.00	500,000.00	
	TD	12.05.16	12.08.16	90	2.90	1,000,000.00	1,000,000.00	
	TD	26.06.16	26.10.16	120	2.9	0.00	1,000,000.00	
								18.27%
ME BANK	TD	06.04.16	05.07.16	90	2.85	1,000,000.00	1,000,000.00	

	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	1,000,000.00	1,000,000.00	
	TD	29.06.16	20.09.16	83	2.88	0.00	1,000,000.00	
								20.32%
FAMILY FIRST CREDIT UNION	TD	01.05.16	30.07.16	90	2.55	1,047,676.21	1,047,676.21	4.26%
BANK OF QLD	TD	25.02.16	22.06.16	118	2.95	1,000,000.00	0.00	
MY STATE BANK	TD	09.03.16	09.06.16	92	2.90	1,007,945.21	0.00	
	TD	09.06.16	23.11.16	167	3.00	0.00	1,000,000.00	
								4.06%
BEYOND BANK	TD	01.03.16	01.06.16	92	3.00	1,000,000.00	0.00	
	TD	01.03.16	08.06.16	99	3.00	1,000,000.00	0.00	
	TD	25.05.16	25.08.16	92	2.95	1,000,000.00	1,000,000.00	
	TD	01.06.16	30.08.16	90	3.00	0.00	2,000,000.00	
	TD	01.06.16	28.09.16	119	3.00	0.00	1,000,000.00	
	TD	08.06.16	07.12.16	182	3.00	0.00	1,000,000.00	
								20.32%
<b>TOTAL</b>						<b>21,637,279.23</b>	<b>24,603,637.39</b>	<b>100.00%</b>

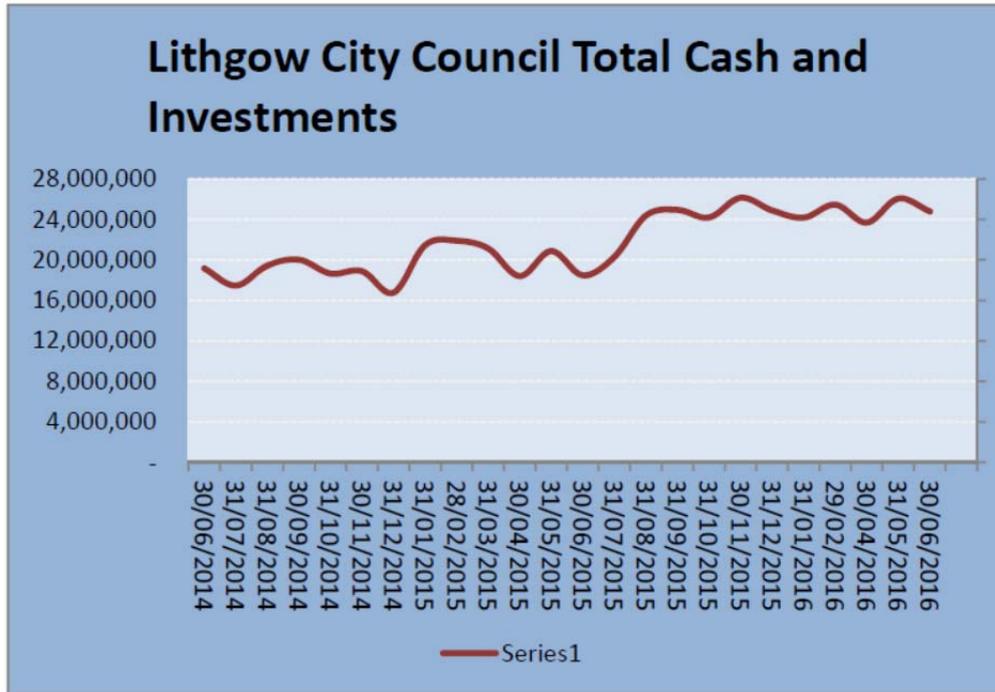
I, Juli-Ann Brozek, Lithgow City Council's Group Manager Corporate & Community certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

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

Opening Balance of cash and investments as 01 June 2016	\$26,052,635.85
<u>Plus</u> New Investments – June 2016	\$10,000,000.00
<u>Less</u> Investments redeemed – June 2016	\$11,271,767.91
Closing Balance of cash and investments as at 30 June 2016	\$24,780,867.94

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 June 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 June 2016 was \$56,441.58. 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 \$24,603,637.39 and cash of \$177,230.55 for the period ending 30 June 2016 be noted.

## COUNCIL COMMITTEE MINUTES

### ITEM-13      CORP - 18/07/16 - COMMUNITY DEVELOPMENT COMMITTEE MINUTES OF 14 JUNE 2016 INCLUDING FINANCIAL ASSISTANCE RECOMMENDATIONS

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

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## REFERENCE

Min-15-258: Ordinary Meeting of Council 28 September 2015  
Min-15-330: Ordinary Meeting of Council 14 December 2015  
Min-16-129: Ordinary Meeting of Council 6 June 2016  
Min-16-140: Ordinary Meeting of Council 6 June 2016

## SUMMARY

This report details the minutes of the Community Development Committee meeting held on 14 June 2016 including Round 1 of 2016/17 Non-recurrent Financial Assistance recommendations.

## COMMENTARY

At the Community Development Committee meeting held 14 June 2016 various items were discussed by the committee, including:

- Item 4: 2016/17 Non-Recurrent Financial Assistance recommendations
- Item 5: Community Contribution from Centennial Coal
- Item 6: Flying of the Aboriginal Flag at Council
- Item 7: Review of Financial Assistance Policy 4.2

### 1. Financial Assistance

Council has allocated a total of \$156,844 Financial Assistance in the 2016/17 Delivery Program for distribution to community organisations, comprised of \$69,844 for Recurrent Financial Assistance and \$87,000 for Non-Recurrent Financial Assistance.

Financial Assistance is provided under the following categories with the 2016/17 amounts shown:

#### Recurrent Financial Assistance

Lithgow Tidy Towns	\$2,050
Portland Tidy Towns	\$1,025
Cullen Bullen Tidy Towns	\$1,025
Wallerawang Tidy Towns	\$1,025
Ironfest	\$12,300
Lithgow Chamber of Commerce	\$12,300
Arts OutWest	\$12,749

Lithgow Show	\$12,300
White Ribbon Day	\$500
LINC Rental Assistance	\$11,000
Western Region Academy of Sport	\$1,780
Portland Golf Club Sponsorship	\$860
School Presentations	\$930
<b>Total Recurrent</b>	<b>\$69,844</b>

**Non-Recurrent Financial Assistance**

Council has allocated \$87,000 for Non-Recurrent Financial Assistance. It is recommended that this be allocated as follows:

**Fee Waivers**

\$1,000 for the waiver by the General Manager of fees for the use of Council facilities throughout the year.

\$10,000 for four Civic Ballroom and Tony Luchetti Showground fee waiver packages each up to the value of \$2,500. These are provided once only to each applicant; are not to be provided to organisations already receiving Financial Assistance for major events at these venues, and; applications are to be received at least 3 months prior to the event for consideration by a meeting of Council. Four applications to the value of \$8,429 were approved by Council under this category in 2015/16.

**Sporting Related Financial Assistance**

\$2,500 for sporting-related sponsorships/financial assistance including the waiving of sportsground hire fees and charges and financial assistance for junior representatives. These applications are considered by Council's Sports Advisory Committee and reported separately to Council for approval.

**Rounds 1 and 2 Non-Recurrent Financial Assistance**

The remaining \$73,500 is for distribution in two funding rounds, with applications called for in April and October 2016.

Council called for applications from the community for Round 1 from 1 – 30 April 2016 with thirty (31) applications to the value of \$70,207 received. The Community Development Committee considered these applications on 14 June 2016 and recommends that Council provide Round 1 financial assistance to twenty-nine 29 projects to the value of \$36,922. A further report will be presented to Council in December 2016 detailing requests under Round 2 of 2016/17 Non-Recurrent Financial Assistance.

**Round 1 2016/17 Financial Assistance Requests and Recommendations**

Organisation	Project	Amount requested	Amount Recommended
Lithgow Greyhound Racing Club	Assistance/reduction in water rates	\$3,000	\$1,500
Lithgow Legacy	Running costs	\$3,000	\$1,000

Organisation	Project	Amount requested	Amount Recommended
Lithgow Croquet Club	Automatic Watering System for Croquet Lawn	\$1,140	\$1,000
PCYC Lithgow	Establishment of a community garden	\$3,000	\$1,500
Lithgow Pony Club	Upgrade Dressage Area	\$3,538	\$1,750
Parkrun Lithgow - Parkrun Australia	Parkrun Lithgow	\$3,000	\$1,500
Blast Furnace Theatre Company	January Kids Show	\$2,500	\$1,250
The City of Greater Lithgow Mining Museum Inc.	Upgrading and expanding State Mine Heritage Park Museum interpretations.	\$500	\$500
Lithgow Army Cadets - 220 Army Cadet Unit	Connection of piping to their new building	\$1,500	\$1,500 in total
Lithgow Army Cadets - 220 Army Cadet Unit	Connection of electricity to their new building	\$1,500	
Lithgow City Band	Running costs	\$2,500	\$1,250
National Trust NSW - Lithgow Branch	Evans Memorial Sign	\$3,900	\$1,950
Zig Zag Public School	125 year Celebrations	\$1,500	\$750
Mitchell Conservatorium Lithgow	2017 Scholarships	\$2,500	\$1,250
Lithgow Information & Neighbourhood Centre (LINC)	Circle of Security Parenting Program	\$4,716	\$2,500
Lithgow High School	Web based rewards program for students to promote positive behaviour inside and outside the classroom.	\$3,000	\$1,500
Mountain Cruizers Car Club	Charity Car Show	\$2,500	Recommended for a Showground/Civic Ballroom fee waiver package

<b>Organisation</b>	<b>Project</b>	<b>Amount requested</b>	<b>Amount Recommended</b>
Lithgow City WWI Commemorative Plaque Project	Erect a commemorative plaque in Queen Elizabeth Park to honour several hundred Lithgow Township people who served overseas in World War One.	\$2,000	\$1,000
Wires Central West	Wires Food Van Renovation  Wires Central West are seeking funding to buy materials to rebuild a food caravan to help raise money to pay the ongoing expenses incurred in the rescue and care of injured and orphaned wildlife.	\$2,000	\$1,000
Wallerawang Kids Club	Rent waiver	\$800	\$800
Pied Piper Preschool Wallerawang	Pied Piper Preschool Aboriginal Murals Project  Install 4 mural panels at the entrance of the Preschool.	\$1,000	\$500
Portland Tidy Towns	Produce an accompanying book to the Memorial Wall commemorating those lost in the Portland Cement Works and associated quarries and mine, that outlines the history of Portland and the Cement Works and a complete history of each man's death and inquest.	\$3,000	\$1,500
Fusion Australia Ltd. Gindaay Youth Centre	Gindaay Youth Centre Portland - Ongoing running costs	\$2,500	\$1,250
Rydal Village Association	Daffodils at Rydal 2016	\$2,000	\$1,000
Rydal A, H & P Society	Prize money for the Heavy Horse Section for the 2017 Rydal Show	\$1,000	\$1,000

Organisation	Project	Amount requested	Amount Recommended
Tarana Tanker Trailers Inc.	Tanker Trailer Registration	\$1,150	\$1,150
Kanimbla Valley Sports and Recreation Club Inc.	2015-2016 Rate Reimbursement	\$572	\$572
Cullen Bullen Progress Association	Repairs to hall supper room	\$3,000	\$1,500
Hartley District Progress Association	Install gas heating at Hartley Historic School Hall	\$1,291	\$650
Hartley District Progress Association	Hartley Date Signing Project  Installation of 10 more signs and the development of a tourist promotion brochure for use in the 2016 National trust Heritage Festival.	\$5,600	\$2,800
Portland Development Association	Portland Spring Fair	\$3,000	\$1,500
<b>TOTAL</b>		<b>\$70,207</b>	<b>\$36,922</b>

### Conclusion

A total of \$87,000 approved by Council for Non-Recurrent Financial Assistance in 2016/17 is recommended for allocation as follows:

- \$1,000 for the waiver by the General Manager of fees for the use of Council facilities throughout the year.
- \$2,500 for Sporting related Financial Assistance.
- \$10,000 for four financial assistance packages of up to \$2,500 each towards the cost of hiring the Civic Ballroom and/or Tony Luchetti Showground.
- \$73,500 for Rounds 1 and 2 Non-Recurrent Financial Assistance:

Thirty (31) applications to the value of \$70,207 have been received for Round 1 Non-Recurrent Financial Assistance and twenty-nine 29 projects to the value of \$36,922 are recommended for Round 1 allocation leaving a further \$36,578 for allocation in Round 2 later in 2016/17.

### 2. Community Contribution from Centennial Coal

As part of its consent for Springvale Mine operations, Centennial Coal will be making a financial contribution to Lithgow City Council based on \$0.03 per tonne of saleable coal produced at the Springvale, Angus Place and Airly mines capped at \$200,000 per year. Centennial Coal has indicated its interest in these funds supporting the following projects:

- Lithgow library Homework Centre
- Scholarships for young people and school children.
- Adventure playground – both design and construction costs.

The Community Development Committee was asked to consider and provide advice to Council on this matter. While the total amount of funds to be provided by Centennial Coal under this agreement is capped at \$200,000 per year, the actual amount to be provided will vary according to coal production levels. The Committee was advised therefore to restrict its recommended allocation to \$140,000 per year.

The Committee considered this matter and recommends:

**THAT** Council:

1. Approve an annual allocation from the Centennial Coal Community Contribution as follows:

- Adventure Playground \$120,000
- Scholarships for Young People and Children \$10,000
- Lithgow library Homework Zone \$10,000

With 100% of any funds received in excess of \$140,000 to be allocated to the Adventure Playground and 100% of any shortfall below \$140,000 to be deducted from the Adventure Playground allocation.

### **3. Request to Permanently fly the Aboriginal Flag at Council**

Mingaan Wiradjuri Aboriginal Corporation has written to Council expressing appreciation that Council raised the Aboriginal flag as part of 2016 Sorry Day and Reconciliation Week and requesting that the Aboriginal Flag be flown on a permanent basis next to the Australian Flag outside Council's Administration Centre.

Mingaan states that many Aboriginal people felt recognised and respected by Council's action and asks that the flag be flown on a permanent basis next to the Australian Flag outside Council's Administration Centre. This request is supported by various Aboriginal organisations including Mingaan, the Aboriginal Consultative Group and the Department of Health Leaving Healthy Footprints Steering committee.

The Community Development Committee considered this matter and recommends:

**THAT** Council:

Subject to obtaining advice on protocol, fly the Aboriginal Flag on a permanent basis next to the Australian Flag outside Council's Administration Centre.

The Australian Aboriginal flag was proclaimed in July 1995 as a Flag of Australia under Section 5 of the Flags Act 1953. It is open to Council to fly the flag alongside the Australian flag. Flags are to be of the same size. If the Australian flag is flown at half-mast eg on Remembrance Day or Anzac Day, the Aboriginal flag, and any other flags on display are also to be flown at half-mast.

There may be occasions eg at the request of the local aboriginal community on the death of a community elder, when the Aboriginal flag, at the General Manager's discretion, will be flown at half-mast.

#### **4. Revised Policy 4.2 Financial Assistance**

The Committee has reviewed Policy 4.2 Financial Assistance to incorporate more explicit benchmarks for assessing applications. This is intended to assist the Community Development Committee in assessing the relative merits of applications from the community and in framing its recommendations.

Using the new benchmarks, projects that best meet the following will be viewed more favourably:

- Include a clear demonstration of community need
- Show evidence/explanation of how the selected approach addresses community need
- Target Lithgow LGA residents/community members
- Have a clear plan for project development, implementation and project management
- Demonstrate community development and participation
- Connect people
- Increase opportunity
- Build community capacity
- Have a clear project budget
- Demonstrate organisational capacity to develop and run the program
- Provide supporting documentary evidence

The Committee recommends:

#### **THAT Council:**

Adopt revised Policy 4.2 Financial Assistance with new benchmarks to assist in the assessment of applications received from the community.

Policy 4.2 has also been revised to remove the allocation of recurrent funding to Portland Art Show and Lithgow Golf Club in accordance with earlier decisions of Council.

#### **POLICY IMPLICATIONS**

Financial Assistance is provided under Policy 4.4 Financial Assistance – Section 356 of the Local Government Act.

The flying of flags is subject to the Flags Act 1951 as amended.

#### **FINANCIAL IMPLICATIONS**

##### **Financial Assistance**

The Council provides Financial Assistance to not-for-profit community groups and has allocated a total of \$162,487 in the 2016/17 Delivery Program as follows:

- \$69,844 for Recurrent Financial Assistance.

- \$1,000 for waivers by the General Manager of fees for the use of Council facilities throughout the year.
- \$2,500 for Sporting Related Financial Assistance including the waiving of sportsground hire fees and charges and Financial Assistance for junior representatives.
- \$10,000 for four packages of up to \$2,500 each to nonprofit community groups towards the cost of hiring the Civic Ballroom and/or Tony Luchetti Showground for major events that demonstrate an economic and social benefit to Lithgow.
- \$73,000 in Rounds 1 and 2 Non-Recurrent Financial Assistance of which \$36,922 is recommended for allocation in Round 1 leaving a further \$36,578 for allocation in Round 2.

### **Centennial Coal Community Contribution**

As part of its consent for Springvale Mine operations, Centennial Coal will be making a financial contribution to Lithgow City Council based on \$0.03 per tonne of saleable coal produced at the Springvale, Angus Place and Airly mines capped at \$200,000 per year.

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

### **ATTACHMENTS**

1. Minutes of the Community Development Committee meeting held 14 June 2016.
2. Revised Policy 4.2 Financial Assistance.

### **RECOMMENDATION**

**THAT** Council:

1. Notes the minutes of the Community Development Committee meeting held 14 June 2016.
2. Provides \$36,922 Round 1 2016/17 Non-Recurrent Financial Assistance to the following organisations:

<b>Organisation</b>	<b>Project</b>	<b>Amount Recommended</b>
Lithgow Greyhound Racing Club	Assistance/reduction in water rates	\$1,500
Lithgow Legacy	Running costs	\$1,000

<b>Organisation</b>	<b>Project</b>	<b>Amount Recommended</b>
Lithgow Croquet Club	Automatic Watering System for Croquet Lawn	\$1,000
PCYC Lithgow	Establishment of a community garden	\$1,500
Lithgow Pony Club	Upgrade Dressage Area	\$1,750
Parkrun Lithgow - Parkrun Australia	Parkrun Lithgow	\$1,500
Blast Furnace Theatre Company	January Kids Show	\$1,250
The City of Greater Lithgow Mining Museum Inc.	Upgrading and expanding State Mine Heritage Park Museum interpretations.	\$500
Lithgow Army Cadets - 220 Army Cadet Unit	Connection of piping to their new building	\$1,500 in total
Lithgow Army Cadets - 220 Army Cadet Unit	Connection of electricity to their new building	
Lithgow City Band	Running costs	\$1,250
National Trust NSW - Lithgow Branch	Evans Memorial Sign	\$1,950
Zig Zag Public School	125 year Celebrations	\$750
Mitchell Conservatorium Lithgow	2017 Scholarships	\$1,250
Lithgow Information & Neighbourhood Centre (LINC)	Circle of Security Parenting Program	\$2,500
Lithgow High School	Web based rewards program for students to promote positive behaviour inside and outside the classroom.	\$1,500

Organisation	Project	Amount Recommended
Lithgow City WWI Commemorative Plaque Project	Erect a commemorative plaque in Queen Elizabeth Park to honour several hundred Lithgow Township people who served overseas in World War One.	\$1,000
Wires Central West	Wires Food Van Renovation  Wires Central West are seeking funding to buy materials to rebuild a food caravan to help raise money to pay the ongoing expenses incurred in the rescue and care of injured and orphaned wildlife.	\$1,000
Wallerawang Kids Club	Rent waiver	\$800
Pied Piper Preschool Wallerawang	Pied Piper Preschool Aboriginal Murals Project  Install 4 mural panels at the entrance of the Preschool.	\$500
Portland Tidy Towns	Produce an accompanying book to the Memorial Wall commemorating those lost in the Portland Cement Works and associated quarries and mine, that outlines the history of Portland and the Cement Works and a complete history of each man's death and inquest.	\$1,500
Fusion Australia Ltd. Gindaay Youth Centre	Gindaay Youth Centre Portland - Ongoing running costs	\$1,250
Rydal Village Association	Daffodils at Rydal 2016	\$1,000
Rydal A, H & P Society	Prize money for the Heavy Horse Section for the 2017 Rydal Show	\$1,000
Tarana Tanker Trailers Inc.	Tanker Trailer Registration	\$1,150

Organisation	Project	Amount Recommended
Kanimbla Valley Sports and Recreation Club Inc.	2015-2016 Rate Reimbursement	\$572
Cullen Bullen Progress Association	Repairs to hall supper room	\$1,500
Hartley District Progress Association	Install gas heating at Hartley Historic School Hall	\$650
Hartley District Progress Association	Hartley Date Signing Project  Installation of 10 more signs and the development of a tourist promotion brochure for use in the 2016 National trust Heritage Festival.	\$2,800
Portland Development Association	Portland Spring Fair	\$1,500
<b>TOTAL</b>		<b>\$36,922</b>

3. Provides a Showground/Civic Ballroom fee waiver package to the value of \$2,500 to the Mountain Cruizers Car Club for its October 2016 Charity Car Show.
4. Allocates \$1,000 from the Non-recurrent Financial Assistance allocation for waivers by the General Manager of fees for the use of Council facilities throughout the year.
5. Allocates \$10,000 from the Non-recurrent Financial Assistance allocation for four (4) fee waiver packages of up to \$2,500 each to nonprofit community groups towards the cost of hiring the Civic Ballroom and/or Tony Luchetti Showground.
6. Allocates \$2,500 from the Non-recurrent Financial Assistance allocation for Sporting Related Financial Assistance.
7. Approve an annual allocation from the Centennial Coal Community Contribution as follows:
  - a) Adventure Playground \$120,000
  - b) Scholarships for Young People and Children \$10,000
  - c) Lithgow library Homework Zone \$10,000
  - d) With 100% of any funds received in excess of \$140,000 to be allocated to the Adventure Playground and 100% of any shortfall below \$140,000 to be deducted from the Adventure Playground allocation.
8. Adopt revised Policy 4.2 Financial Assistance as presented with tracked changes.
9. Fly the Aboriginal Flag at the Council Administration Centre on a permanent basis.

**ITEM-14      CORP - 18/07/16 - CRIME PREVENTION COMMITTEE  
MINUTES - 20 JUNE 2016**

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

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**REFERENCE**

Minute No 14-498    Ordinary Meeting of Council held on 15 December 2014  
Minute No 15-283    Ordinary Meeting of Council held on 26 October 2015  
Minute No 16-60     Ordinary Meeting of Council held on 21 March 2016  
Minute No 16- 87    Ordinary Meeting of Council held on 18 April 2016

**SUMMARY**

This report details the Minutes of the Crime Prevention Committee Meeting held on 20 June 2016.

**COMMENTARY**

At the Crime Prevention Committee meeting held on 20 June 2016, a number of items were discussed by the Committee including;

Item 4 – Discussion of the most recent Bureau of Crime Statistics and Research (BOCSAR) Quarterly Crime Statistics report.

Item 6 – Police Report

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Crime Prevention Committee meeting of 20 June 2016

**RECOMMENDATION**

**THAT** Council notes the minutes of the Crime Prevention Committee held 20 June 2016.

**ITEM-15 EXEC - 18/07/16 – BUSINESS AND INDUSTRY  
INVESTMENT COMMITTEE MINUTES 21 JUNE 2016**

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

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**SUMMARY**

This report details the Minutes of the Business and Industry Investment Committee meeting held on 21 June 2016

**COMMENTARY**

At the Business and Industry Investment Committee Meeting held on 21 June 2016, there were a number of items discussed by the Committee including:

- Locations of existing commercial and Industrial lands in the Lithgow LGA
- Wallerawang Industrial Park Feasibility Study (Minerals and Industry Park/Minerals Processing Park)
- Wallerawang Power Station Site
- Preparation of plan of direction for the Committee

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

- Committee Terms of Reference

**THAT** the Committee recommends the adoption by Council of the Draft Terms of Reference for the Business and Industry Investment Committee.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Business and Industry Investment Committee meeting of 21 June 2016

## RECOMMENDATION

**THAT** Council:

1. Note the Minutes of the Business and Investment Committee held on 21 June 2016
2. Adopts the Draft Terms of Reference for the Business and Industry Investment Committee.

**ITEM-16      CORP -18/07/16 - TOURISM ADVISORY COMMITTEE  
MEETING - 22 JUNE 2016**

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

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**REFERENCE**

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  
Min No 16-156:          Ordinary Meeting of Council held on 27 June 2016  
Min No 16-158:          Ordinary Meeting of Council held on 27 June 2016

**SUMMARY**

This report details the Minutes of the Tourism Advisory Committee Meeting held on 22 June 2016

**COMMENTARY**

At the Tourism Advisory Committee held on 22 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
- Dates to book in
- Preliminary event timing
- Discussion about the cost of rides
- Winter Magic
- Markets
- Headline Publicity
- Road closure

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Tourism Advisory Committee meeting of 22 June 2016

## **RECOMMENDATION**

**THAT** Council note the minutes of the Tourism Advisory Committee held on the 22 June 2016.

**ITEM-17 OPER - 18/07/16 - TRAFFIC ADVISORY LOCAL COMMITTEE - 23 JUNE 2016**

**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 23 June 2016.

**COMMENTARY**

At the Traffic Advisory Local Committee meeting held on 23 2016, the following items were discussed by the Committee:

- Request permission for Southern Mountain Trail 1960
- Alpine Classic Car Rally
- Bathurst and Sunny Corner Rally
- Coerwull Road intersection
- Tarana Village Enhancement meeting
- Lithgow Halloween 2016

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes of the Traffic Advisory Local Committee meeting held on 23 June 2016.

**RECOMMENDATION**

**THAT** Council note the minutes of the Traffic Advisory Local Committee held on 23 June 2016.

**ITEM-18 OPER - 18/07/16 - OPERATIONS COMMITTEE  
MEETING - 23 JUNE 2016**

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

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**SUMMARY**

This report details the Minutes of the Operations Committee Meeting held on 23 June 2016.

**COMMENTARY**

At the Operations Committee held on 23 June 2016, there were numerous items discussed by the Committee, including:

- Update On Current Construction Programs
- CBD Revitalisation Program
- Oakey Park Water Treatment Plant Upgrade And Farmers Creek Dam No. 2 Trunnion Replacement
- Glen Alice Rehabilitation Plan

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

- Cemetery Operations Policy Review

**THAT** Council:

1. There be no provision made in the cemetery policy for a 'buy back scheme
2. Rights of Burial be implemented for the Glen Alice Cemetery along with the charging of a fee for a Right of Burial; and
3. The Cemetery Operations Policy, with these amendments, be adopted by Council.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Operations Committee Meeting of 23 June 2016.

## RECOMMENDATION

**THAT** Council:

1. Council notes the minutes of Operations Committee Meeting 23 June 2016
2. There be no provision made in the cemetery policy for a 'buy back scheme
3. Rights of Burial be implemented for the Glen Alice Cemetery along with the charging of a fee for a Right of Burial; and
4. The Cemetery Operations Policy, with the above amendments, be adopted by Council.

**ITEM-19 OPER - 18/07/16 - SPORTS ADVISORY COMMITTEE  
MEETING MINUTES -28 JUNE 2016**

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

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**SUMMARY**

This report details the Minutes of the Sports Advisory Committee Meeting held on 28 June 2016.

**COMMENTARY**

At the Sports Advisory Committee held on 28 June 2016, there were numerous items discussed by the Committee, including:

- Financial Assistance Requests
- 2016 LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking requests
- Powerbox at Lithgow Athletics Club shed
- Marjorie Jackson Oval petition
- Tony Luchetti Sportsground Westfund no. 1 field
- Tony Luchetti Sportsground Bunny Abbott scoreboard
- Internal locks at Tony Luchetti Sportsground storerooms
- Lithgow Athletics Club key

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

- Booking Requests

**THAT** Council allocate a Kremer Park fee waiver package to the value of \$238 to NSW Rural Fire Service for the waiver of Kremer Park hire fees for RFS Cadets Graduation Day & Tournament 2016 on 20<sup>th</sup> October 2016.

- Lithgow Storm Junior Rugby League – New Members

**THAT** Council accept Suzy Morris and Peter Morris as the Sports Advisory Committee representatives from the Lithgow Storm Junior Rugby League.

**ATTACHMENTS**

1. Minutes of the Sports Advisory Committee meeting held on 28 June 2016.

## RECOMMENDATION

**THAT** Council:

1. Note the minutes of the Sports Advisory Committee held on 28 June 2016; and
2. allocate a Kremer Park fee waiver package to the value of \$238 to NSW Rural Fire Service for the waiver of Kremer Park hire fees for RFS Cadets Graduation Day & Tournament 2016 on 20<sup>th</sup> October 2016.
3. accept Suzy Morris and Peter Morris as the Sports Advisory Committee representatives from the Lithgow Storm Junior Rugby League.

## QUESTIONS WITH NOTICE

### ITEM-20 QUESTION WITH NOTICE - 18/07/16 - GIPA - INCOME AND EXPENDITURE OF LITHGOW AQUATIC CENTRE

REPORT BY: COUNCILLOR M TICEHURST

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## REFERENCE

Lithgow City Council Government Information (Public Access) GIPA Access Application? Income and Expenditure of Lithgow Aquatic Centre? Reference: 1452326

## SUMMARY

Q. Could Lithgow City Councillors note the attached Lithgow City Council Government Information (Public Access) GIPA Access Application which provides:

“A full and detailed Financial Accounting Report of all the full amounts of both the Income received and all Expenditure incurred by the Lithgow City Council on the daily operations of the Council’s 25 Metre Indoor Heated Swimming Pool within the Lithgow Aquatic Centre (now known as the JM Robson Aquatic Centre) for each of the twelve individual months commencing from the 1 May 2015 and up until and including the month ending on 30 April 2016.”

## ATTACHMENTS

1. Lithgow City Council Government Information (Public Access) GIPA Access Application? Income and Expenditure of Lithgow Aquatic Centre? Reference: 1452326.
2. Lithgow Swimming Club Letter dated 21 March 2016.

## RECOMMENDATION

**THAT** Lithgow City Councillors note the attached Lithgow City Council Government Information (Public Access) GIPA Access Application which provides:

“A full and detailed Financial Accounting Report of all the full amounts of both the Income received and all Expenditure incurred by the Lithgow City Council on the daily operations of the Council’s 25 Metre Indoor Heated Swimming Pool within the Lithgow Aquatic Centre (now known as the JM Robson Aquatic Centre) for each of the twelve individual months commencing from the 1 May 2015 and up until and including the month ending on 30 April 2016.”

## **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.*