



AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

26 FEBRUARY 2018

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 27 NOVEMBER 2017

CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 22 JANUARY 2018

DECLARATION OF INTEREST

COMMEMORATIONS AND ANNOUNCEMENTS

PUBLIC FORUM

PRESENTATIONS – Nil

MAYORAL MINUTES

40 km per Hour Speed Limit At Emergency Incidents

STAFF REPORTS

General Managers Reports

Economic Development and Environment Reports

Operation Reports

Finance and Assets Reports

Organisational Development and Community Reports

COUNCIL COMMITTEE MINUTES

Environmental Advisory Committee Meeting – 8 November 2017 and 7 February 2018

Crime Prevention Committee Meeting - 20 November 2017

Operations Committee Meeting - 11 December 2017

Lithgow Local Heritage Advisory Committee Meeting - 12 December 2017

Community Development Committee Meeting - 23 January 2018

Operations Committee Meeting - 5 February 2018

Sports Advisory Committee Meeting - 14 February 2018

NOTICES OF MOTION

Anzac Plaque – Councillor Ring

Kremer Park Grandstand – Councillor Coleman

BUSINESS OF GREAT URGENCY

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

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MAYORAL MINUTE

ITEM-1 MAYORAL MINUTE - 26/02/18 - 40KM PER HOUR SPEED LIMIT AT EMERGENCY INCIDENTS

REPORT BY: MAYOR – COUNCILLOR STEPHEN LESSLIE

SUMMARY

Correspondence was received from NSW Rural Fire Service Association Incorporated (RFSA) in support of lowering the speed limit whilst passing an emergency incident to 40 kilometres per hour.

COMMENTARY

The President of the RFSA Mr Ken Middleton wrote to me late in 2017 appealing to Lithgow City Council to assist in advocating change for the safety of the everyday men and women who volunteer their time to work together in keeping NSW safe and allowing them to continue to provide the excellent emergency response in a safe environment.

To have to deal with speeding cars passing an emergency incident whilst also trying to deal with the incident in hand can make this voluntary job quite hazardous. As Mr Middleton states in his letter the most concerning safety factors of the RFSA members and other responders are those vehicles that do not slow down when approaching an emergency incident with due care and attention.

There is no current legislated requirements on the road user to slow down as they approach an incident and implementing a speed limit of 40 kilometres per hour will make the work situations much safer for all volunteers and career personnel as they provide lifesaving skills.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date - N/A
- Future potential impact - N/A

LEGAL IMPLICATIONS

N/A

ATTACHMENTS

1. Letter received from RFSA President Ken Middleton

RECOMMENDATION

THAT Lithgow City Council support the request to assist in advocating change to lower the speed limit around emergency incidents to 40 kilometres per hour by writing to the following ministers indicating Council's support in the matter:

1. The Member for Bathurst Mr Paul Toole MP
2. The Minister for Emergency Services Mr Grant Troy MP

GENERAL MANAGERS REPORTS

ITEM-2 GM - 26/02/18 - COMPLETION OF CODE OF CONDUCT MATTER

REPORT BY: GENERAL MANAGER

REFERENCE

Min 17-373: Ordinary Meeting of Council 27 November 2018

SUMMARY

This paper advises Council that the Code of Conduct Matter considered at Council's meeting on the 27th November 2017 is now substantially complete and that resolution no 17-373 has been complied with and arrangements made for training to occur on the 5th March 2018.

COMMENTARY

Council Resolution 17-373 made at its meeting of the 27 November 2017 was subject to appeal to the Office of Local Government in December 2017. Proper appeal processes were followed and the Office of Local Government after considering the information provided, supported the Independent Investigators findings and the decision of Council.

In the General Managers view, the Councillor concerned has complied with Council's resolution with arrangements made for training to occur on the 5th March 2018.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact –N/A

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council note the report.

**ITEM-3 GM - 26/02/18 - WORKING PARTY - DECLINE IN RETAIL -
INTERNATIONAL, NATIONAL AND REGIONAL**

REPORT BY: GENERAL MANAGER

SUMMARY

Lithgow LGA retail businesses have for some time experienced a decline in business activity and are seeking ways to improve their profitability with the assistance of representative bodies such as their local Chambers of Commerce. In order to implement strategies to assist retail businesses, LCC needs to comprehensively understand why the retail sector at International, National and Regional levels has been subject to change over the last few years. A working party can assist Council in identifying the relevant causes through desktop research and report in the context of a large amount of commentary already existing on this subject.

COMMENTARY

There is a significant amount of commentary in the last 5 years concerning the continuing decline of the Retail Sector, not just in regional NSW, but at a National and International level. This decline is noticeably affecting Main St businesses, (in Great Britain known as the “High Street”), Shopping Malls in Australia and the United States and the Western World generally.

Lithgow City Council is spending significant amounts on revitalising its main street to make them more customer friendly, however, it is suggested that an analysis of the forces impacting retailing be undertaken with a view to determining what strategies might be effective in sustaining retail businesses in the LGA.

Key points made in Australian and International newspapers and literature on the decline in retailing focus on the following-

- In Britain, multiple retailers are continuing to close stores on high streets in favour of retail parks and shopping centres.
- In Britain, analysis of the figures showed the changing face of the high street with betting shops, coffee outlets, banks, pound shops, charity shops and convenience stores on the rise, together with American-style eateries including diners and upmarket burger bars.
- But video libraries were wiped out while fashion retailers, building societies, pawnbrokers and mobile phone shops all suffered.
- There appears to have been a shift away from main street shopping to ‘Multi-Channel’ (internet, mobile phone for purchases and banking – sms marketing, pop up kiosks etc where services can be provided through Communications technology in lieu of face to face .exactly what Service NSW is doing for NSW customers currently)
- Customer behaviour is changing as a result of the digital revolution with less and less customers making less and less trips to the store.

The following quote from the “Atlantic Daily (US)” in April 2017 evidences their concern regarding retail-

From rural strip-malls to Manhattan’s avenues, it has been a disastrous two years for retail.

There have been nine retail bankruptcies in 2017—as many as all of 2016. J.C. Penney, RadioShack, Macy’s, and Sears have each announced more than 100 store closures. Sports

Authority has liquidated, and Payless has filed for bankruptcy. Last week, several apparel companies' stocks hit new multi-year lows, including Lululemon, Urban Outfitters, and American Eagle, and Ralph Lauren announced that it is closing its flagship Polo store on Fifth Avenue, one of several brands to abandon that iconic thoroughfare.

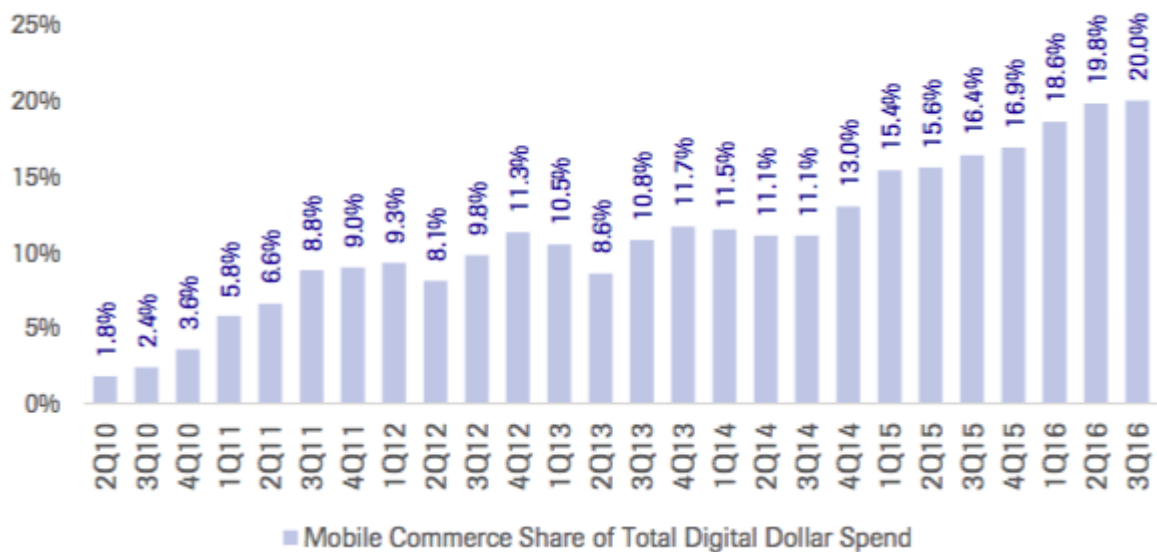
A deep recession might explain an extinction-level event for large retailers. But GDP has been growing for eight straight years, gas prices are low, unemployment is under 5 percent, and the last 18 months have been quietly excellent years for wage growth, particularly for middle- and lower-income Americans.

So, what the heck is going on? The reality is that overall retail spending continues to grow steadily, if a little meagerly. But several trends—including the rise of e-commerce, the over-supply of malls, and the surprising effects of a restaurant renaissance—have conspired to change the face of American shopping.

The simplest explanation for the demise of brick-and-mortar shops is that Amazon is eating retail. Between 2010 and last year, Amazon's sales in North America quintupled from \$16 billion to \$80 billion. Sears' revenue last year was about \$22 billion, so you could say Amazon has grown by three Sears in six years. Even more remarkable, according to several reports, half of all U.S. households are now Amazon Prime subscribers.

But the full story is bigger than Amazon. Online shopping has done well for a long time in media and entertainment categories, like books and music. But easy return policies have made online shopping cheap, easy, and risk-free for consumers in apparel, which is now the largest e-commerce category. The success of start-ups like Casper, Bonobos, and Warby Parker (in beds, clothes, and glasses, respectively) has forced physical-store retailers to offer similar deals and convenience online.

What's more, mobile shopping, once an agonizing experience of typing private credit-card digits in between pop-up ads, is getting easier thanks to apps and mobile wallets. Since 2010, mobile commerce has grown from 2 percent of digital spending to 20 percent.



Cowen and Company

People used to make several trips to a store before buying an expensive item like a couch. They would go once to browse options, again to narrow down their favorites, and again to finally pull the trigger on a blue velvet love seat. On each trip, they were likely to make lots of other small purchases as they wandered around. But today many consumers can do all their prep online, which means less ambling through shopping centers and less making incidental purchases at adjacent stores (“I’m tired, let’s go home ... oh wait, there’s a DSW right there, I need new sneakers”).

There will always be a place for stores. People like surveying glitzy showrooms and running their fingers over soft fabrics. But the rise of e-commerce not only moves individual sales online, but also builds new shopping habits, so that consumers gradually see the living room couch as a good-enough replacement for their local mall.

From the Australian perspective, NEWS.com.au, in December 2016 made the following observations-

IT’S BEEN a nightmare year for Australian retail, with a parade of the nation’s best-known brands decimated one after another.

And experts say things will only get worse if business leaders and governments do not pick up their game.

First it was Dick Smith Electronics, then the Woolworths-owned Masters home improvement chain that went under. Now, thousands more workers will be jobless at Christmas after a fresh slew of corporate collapses rounded out 2016.

Payless Shoes this week announced plans to close its doors by the end of February, hot on the heels of Howards Storage World’s demise, and that of children’s fashion label Pumpkin Patch.

While Treasurer Scott Morrison seized on the latest bad news to bolster the Coalition’s tax reform agenda, market watchers say there is far more that needs to be done.

Retail analyst Barry Urquhart of Marketing Focus said neither corporate leaders nor government had acknowledged what he called “an attitudinal recession” that was restraining businesses.

While the nation was yet to tip into an official recession — despite having just marked its worst quarterly performance since the global financial crisis — Australians remained apprehensive about their futures, he said.

And any business that failed to respond to this by recapturing the public imagination with a compelling, value-driven offering would simply fall by the wayside

THE MAGIC FORMULA

Too expensive, too cheap; it’s easy for retailers to get it wrong in today’s market.

The key lay not just in price, but the combination of value, point of difference and innovation, Mr Urquhart said, with brands like Apple and Aldi were winning because they understood this magic formula.

“It is not necessarily about being the cheapest; Apple is not the cheapest, but people stand in line to get their products because they know it’s new, it’s upgraded all the time, it’s got the simplicity of design. They don’t need to be cheaper than Android, they’re just there as a desirable situation.”

And Aldi was shaking up the grocery sector with its discount offering based on a slimmed-down product range and smaller profit margins, gobbling up 12.5 per cent of the \$92 billion industry in the past 15 years.

Australians businesses should take their cue from these global innovators, Mr Urquhart advised.

“Consumers are saying, ‘tell me what’s, new, innovative creative and exciting’, and they can’t see it on the business landscape,” he said. “So people are saying ‘well, we’ll just reign in and have a little more of the same.

“There has been a lack of imagination, a decided lack or absence of new product. That is one of the reasons why this Christmas is going to be a very flat, uninteresting situation. It is relatively dull, boring, repetitive — and that is not the sort of thing that will capture the imagination or stimulate the emotion.”

Certainly the digital revolution has brought with it a need for quick adaptation and innovation which are particularly hard to respond to from a regional business perspective particularly in NSW. The regional Institute of NSW has since the year 2000 been monitoring the decline in Regional Australia with Researcher Paul Collits from that entity providing insight into the decline in Regional Australia including NSW which are exacerbating the impact on retail shopping ie

“A number of regional problems have surfaced over recent decades that have demanded the attention of policy makers and generated calls by regional interests for ameliorative action by governments. These problems include the sudden economic shocks caused by downturns in “one industry towns” as a result of economic restructuring; the continued emptying of the inland; the ongoing (and increasing) domination of State economies by their capital cities as a result of the processes of globalisation; increasing disparities within and between regions across a wide range of social and economic indicators; and environmental pressures and high unemployment in rapidly growing coastal regions.

Hence the plight of small towns is but one regional problem among many.

The situation in small towns cannot be considered in isolation from broader regional trends and indicators. Indicators of regional disparities (both differences between regions and differences within regions) and of regional decline can include a broad range of measures, both economic and social. They include the following:

- *population growth;*
- *economic activity, employment opportunities and unemployment levels;*
- *wealth, income and skill levels;*
- *access to services;*
- *the degree of dependence on social security and other transfer payments;*
- *the health of residents;*
- *the distribution of the costs and benefits of structural and policy-induced change; and*
- *access to new technologies.”...Paul Collits. The Regional Institute.*

Quote from Paul Collits. The Regional Institute

Summarily, while Lithgow City Council endeavours to assist retailing through capital works, there is a need to fully research the challenges facing retailing to day with a view to assisting retail representative bodies as they react to the pressures facing their members who need to transition from “bricks and mortar” to “Multi Channel” engagement.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved –Nil- Working Party Assistance on Strategy Development
- Cost centre -Nil
- Expended to date -Nil
- Future potential impact -Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Daily Mail, NEWS.com .au, The Guardian Australia Edition
2. Terms of Reference for Working Party

RECOMMENDATION

THAT Council authorise the convening of working party with members independent of the Lithgow Retail Sector to research the factors underlying the continuing decline in retail and to suggest strategies in response, with the report to be lodged with Council's Economic Development Committee.

ITEM-4 GM - 26/02/18 - CENTROC DELEGATES REPORT - 23 NOVEMBER 2017

REPORT BY: GENERAL MANAGER

SUMMARY

The Centroc Board meeting of the 23 November 2017 was held at Young. This report provides a summary of that meeting.

COMMENTARY

Following the Board the AGM was held. Cr John Medcalf was elected as Chair unopposed, and Cr Scott Ferguson was elected as Deputy Chair unopposed.

The Executive members are Cr S Lesslie, Cr K Keith, Cr R Kidd, Cr G Miller, Cr G Hanger and Cr B West being the Mayors from Lithgow City Council, Parkes Shire Council, Orange City Council, Forbes Shire Council, Bathurst Regional Council and Cowra Shire Council. Their respective General Managers form the GMAC Executive with Mr David Sherley the Secretary for Centroc and Ms Stephen Loane as Treasurer.

Centroc external delegates were elected as follows;

- Cr S Ferguson will represent Centroc on the Western Region Academy of Sport
- Sally Hall and Charmaine Bennett will represent Centroc on the, NSW Council Safe Advisory Network
- Cr B West, Cr K Keith, Cr S Lesslie, Cr G Miller are the representatives for the Regional Strategic Roads Group
- Cr J Medcalf and Cr S Ferguson are the representatives for The Western Mining Taskforce
- Cr J Medcalf and Cr S Ferguson are the representatives for The Outer Sydney Orbital and Castlereagh Connection Corridor Steering Committee

Portfolio Mayors will be Transport, Cr Ken Keith, Water, Cr David Somerville, Health, Cr John Medcalf, Regional Development, Cr Bill West and Planning, Cr Reg Kidd.

The Board heard presentations form Statewide Mutual and the Western Region Academy of Sport.

The following report is provided for Council's information, along with the meeting minutes.

Transport Infrastructure – The Centroc Board are advocating their disappointment with the NSW Government Future Transport 2056 suite of strategies, and are seeking an urgent meeting with the Premier, Deputy Premier and appropriate Ministers during the LGNSW conference week.

A subcommittee will be formed to progress improvements to transport constraints in the region. This will include developing a funding proposal to resource further activity, the Board will also continue advocacy which will include reference to existing State commitments.

Member Councils were encouraged to support all advocacy including the current social media campaign on Facebook at Central NSW Connex.

Water Security – The Board were updated on the Current status of the Lachlan Valley Water Security Investigations-Phase Two.

Safe and Secure Funding -potential application for review of the Centroc Water Security Study. Advice has been sought from DPI Water on the potential for funding to review the Centroc Water Security Study. Verbal advice is that high level discussions are underway on the funding calculation where the proponent is a regional organisation.

A submission to the Productivity Commission lodged on the Draft Report on National Water Reform made under the hand of the Executive this quarter.

The Board agreed to support measures proposed by Lachlan Valley Water to improve reliability of water in the Lachlan system through the review of the Water Sharing Plan. This is to be addressed through the Executive with further advice to be provided at a later stage.

The Board also agreed to support Central Tablelands Water in progressing feasibility of the duplication of the Regis Mines pipeline Lithgow to Carcoar and a regional approach. The benefit cost analysis for a potential storage on the Belubula River at Cranky Rock was found to be not feasible due to engineering costs associated with the geology of the area including the Cliefden Caves network.

Health – In September Cr Medcalf, Cr Bill West, Cr G Hanger and the Executive Officer met with Member for Calare Andrew Gee as further follow up from the previous Board meeting when the region voted to continue with its support for the Murray Darling Medical School (MDMS). Mr Gee provided feedback that it is very challenging getting traction for the MDMS. Correspondence has been sent to the Minister for Health and Sport, the Hon Greg Hunt seeking advice on what the alternative model to MDMS is.

Regional Development – Submission lodged in this quarter include the Inquiry into Regional Development and Decentralisation and the Inquiry into Regional Development a Global Sydney.

An update from Regional Development Australia (RDA) Central West was given to the Board. The two organisations continue to work closely with member Councils to identify and progress key economic development projects and priorities for the region. The Board were informed that the Chair of RDA Central West Mr Alan McCormack, a great friend and fellow colleague to all, is leaving all roles in this region as he moves to the South Coast.

Planning – Released on 3 November was a Joint Organisation Update from the Deputy Premier and Minister for Local Government.

The Board noted further advice provided on Joint Organisations, including the first and second readings of the JO amendment of the Local Government Act. The Legislation was given in principle support by the Board and a presentation from the Office of Local Government to the region in December was sought. A subcommittee of the Executive and interested Board members will form to progress advice to members.

A Regional Strategic Plan based on the aggregation of community strategic plans was adopted, it will be used for strategic, policy and intergovernmental collaborative purposes.

Tourism – An update was provided on the official wind up of Central NSW Tourism (CNSWT). \$31,038 was transferred to Centroc. Other materials such as the Destination Management Plan and website are being rebadged and reviewed.

A revised budget and management plan were approved.

As members would be aware the EOIs for Building Better Regions are out and there is scope to build on the marketing plans of the Centroc Regional Tourism Group via an application to the program.

Management Plan, Constitution and Policy Report

There were minor changes made and adopted to both the Policy and Procedure Manual and the Centroc Constitution to allow for greater flexibility in the organisation. Given the Joint Organisation Reforms a strategic session will be held early in the new year while an incremental approach will be taken to existing programming during the transition period.

Operational – There was advice regarding the Operational Activities of Centroc as identified in the Management Plan. This report recommended to

1. Develop policy on Electric Vehicles for Council readiness;
2. Commend to Councils they have business cases ready to go for carpark solar and Electric Vehicles readiness to pre-empt the funding framework;
3. Centroc monitor the State funding opportunity on Energy Savings Certificates and provide feedback to members as required;
4. Centroc ramp up advocacy on Bulk Lamp Replacement ;
5. Note that a buildings revaluation program is being rolled out across the region should members wish to opt in; and
6. Note that the In-House Councillor Training Package has been purchased from REROC and is available for interested Councils upon request.

Financial – The Board anticipates a profit of \$3,711 at 30 June 2018 against a budgeted profit of \$842.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved -
- Cost centre -
- Expended to date -
- Future potential impact -

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Centroc Minutes of Board meeting 23 November 2017.

RECOMMENDATION

THAT report from the Centroc Board Meeting 23 November 2017 be noted.

ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM-5 ECDEV - 26/02/18 - WALLERAWANG POULTRY UPDATE

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Min No 17-33: Ordinary Meeting of Council held on 6 February 2017
 Min No 17-156: Ordinary Meeting of Council held on 29 May 2017
 Min No 17-347: Ordinary Meeting of Council held on 27 November 2017

SUMMARY

This report is provided in accordance with the following Council resolution of 11 May 2015:

15-101 RESOLVED

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

COMMENTARY

Odour Complaints

Council has recently received a number of complaints from members of the public in regard to odour emissions from the Wallerawang Poultry Farm, as outlined below:

Date	Time	Location	Complaint
Monday 1 January 2018	11:27am	South-west of Lot 2 DP 874368.	Odour coming from chicken farm.
Monday 8 January 2018	10:00am	South-west of Lot 2 DP 874368.	Very bad odour is coming from the Chicken Farm.
Thursday 18 January 2018	9:16pm	North-west of Lot 2 DP 874368.	Very bad smell coming from the chicken farm which is about 1km away from their house.
Sunday 21 January 2017	7:00pm to	South-west of Lot 2 DP 874368.	Since yesterday 7:00pm the smell is atrocious from the Chicken Farm. This morning at around 7:00am there was still a smell lingering around.
Monday 22 January 2018	1:06pm		
Monday 22 January 2018	9:38am	South-west of Lot 2 DP 874368.	The chicken farm has been very smelly lately, especially on the 8 th January and today the smell is very bad and can't have windows open.
Tuesday 23 January 2018	5:00pm to 6:30pm	South-west of Lot 2 DP 874368.	Bad smell from chicken farm.
Wednesday 24 January 2018	9:03am	South-west of Lot 2 DP 874368.	Chicken farm smells.
Thursday 25 January 2018	6:00pm to 7:30pm	South-west of Lot 2 DP 874368.	A burnt smell and odour, coming in waves.
Friday 26 January 2018	8:30am to 9:00am	South-west of Lot 2 DP 874368.	Odour was hanging in the air.
Friday 9 February 2018	9:08am	North-west of Lot 2 DP 874368.	Strong smell from the chook farm this morning.

Odour Survey Results

As part of ongoing routine odour monitoring, a maximum odour intensity level of 2 was detected by a Council Ranger on Monday 22 January 2018, at approximately 10:40am at Location 3 (see Attachment 1). No odour was detected at the remaining locations. It should be noted that due to staff changes, the Ranger is yet to be “calibrated” in odour assessment.

An odour intensity level of 2 is described as below:

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

Routine odour monitoring was also undertaken on the following occasions, from which no odour was detected:

- Wednesday 3 January 2018 – approx. 8am.
- Monday 8 January 2018 – approx. 2pm.
- Monday 15 January 2018 – approx. 11pm.
- Wednesday 24 January 2018 – approx. 1pm.
- Wednesday 31 January 2018 – approx. 12pm.
- Tuesday 6 February 2018 – approx. 2pm.
- Friday 9 February 2018 – approx. 12pm.

Landowner Consultation

In response to the complaints received and the maximum odour level of 2 detected by Councils Ranger on Monday 22 January 2018, Council requested that the operators provide Council with the details of any activity that may have attributed to these events. The following response was received:

Complaint		Landowners Comment
Date & Time	Location	
Monday 1 January 2018, 11:27am.	South-west of Lot 2 DP 874368.	On-site records show a wind blowing from the south east at the time of the complaint. This wind direction could not contribute to any odour being detected to the south west of the farm.
Monday 8 January 2018, 10:00am.	South-west of Lot 2 DP 874368.	On-site records show a wind blowing from the north east at the time of the complaint. Whilst this wind direction could contribute to odour detection to the south west of the farm, the farm's boundary odour assessment did not record any significant odour detection.
Thursday 18 January 2018, 9:16pm.	North-west of Lot 2 DP 874368.	On-site records show a wind blowing from the north east at the time of the complaint. This wind direction could not contribute to any odour being detected to the North west of the farm.
Sunday 21 January 2017, 7:00pm to	South-west of Lot 2 DP 874368.	On-site records show a wind blowing from the west at the time of the complaint. This wind direction could not contribute to any odour being detected to the south west of the farm.
Monday 22 January 2018, 1:06pm.	South-west of Lot 2 DP 874368.	On-site records show a wind blowing from the north west at the time of the complaint. This wind direction could not contribute to any odour being detected to the south west of the farm.
Monday 22 January 2018, 9:38am.		
Monday 22 January 2018 (Council detection), 10:39am.	East of Lot 2 DP 874368.	As documented by LCC officer's a Level 2 odour was identified. This record is in direct opposition to the complaint at the same time to the south west.
Tuesday 23 January 2018, 5:00pm to 6:30pm.	South-west of Lot 2 DP 874368.	On-site records show a wind blowing from the north west at the time of complaint. This wind direction could not contribute to any odour being detected to the south west of the farm.
Thursday 25 January 2018, 6:00pm to 7:30pm.	South-west of Lot 2 DP 874368.	On-site records show a wind blowing from the north west at the time of the complaint. This wind direction could not contribute to any odour being detected to the south west of the farm. Furthermore, it is likely that the burning smell was as a result of the nearby bushfire at Cullen Bullen which was burning at the time.
Friday 26 January 2018, 8:30am to 9:00am.	South-west of Lot 2 DP 874368.	On-site records show a wind blowing from the west at the time of the complaint. This wind direction could not contribute to any odour being detected to the south west of the farm. Furthermore, as a wind direction was being recorded, it is unlikely that any form of alleged odour would be 'hanging in the air'.

The landowner claims that no extraordinary farm activities were undertaken on the days of each event and that many of the on-site weather observations were contradictory to the location of complaints received.

Weather Data

The following daily weather observations and monthly statistics were recorded by the Australian Bureau of Meteorology (BOM) for the area of Wallerawang on each day (and month) that an odour reading was detected or a complaint was received.

Date	Observations for Day			Observations at 9am				
	Min Temp (°C)	Max Temp (°C)	Rainfall (mm)	Temp (°C)	Relative Humidity (%)	Cloud Amount (Oktas)	Wind Direction	Wind Speed (km/h)
Monday 1 January 2018	13.9	28.6	0	21.2	69	1	SSW	11
Monday 8 January 2018	19.4	32.9	0	24.2	70	7	NNW	4
Thursday 18 January 2018	5.9	31.6	0	19.4	36	3	NNW	7
Sunday 21 January 2018	7.9	34.6	0	24	27	1		Calm
Monday 22 January 2018	12.3	35.2	0	27	31	3	NNW	15
Tuesday 23 January 2018	17	29.6	0	22.4	62	8		Calm
Wednesday 24 January 2018	14.5	32.6	0	21.4	60	5	N	4
Thursday 25 January 2018	15.7	27.9	1.8	19.7	74	8	NNE	4
Friday 9 February 2018	13.3	35	0	19.2	66	6		Calm
Statistics for January 2018								
Mean	12.9	28.6	--	19.7	65	3	--	8
Lowest	5.9	16.4	0	10.9	22	0	--	Calm
Highest	20.0	36.9	34.6	28.4	92	8	--	19
Statistics for February 2018 (as of 13/02/18)								
Mean	11.4	26.3		15.8	75	4	--	8
Lowest	7.7	16.8	0	11.7	59	0	--	Calm
Highest	17.8	35.0	2.4	21.1	85	7	NNW	19

Minimal rainfall, high temperatures and calm to moderate 9am winds during January and early February may have contributed to some occasions of “lingering odour”. Many of the 9am wind observations recorded by the BOM were contradictory to the on-site observations provided by the landowner, however, no afternoon observations are recorded by the Lithgow BOM weather station (the closest station located to the site) and therefore, the complaints cannot be verified. Accordingly, given that no extraordinary farm activities were undertaken on-site and the weather data is inconclusive, it is recommended that Council continue to undertake regular odour monitoring of the site.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact – The continued odour monitoring is a minimal cost activity. However, additional training/calibration of Staff and or purchase of specialist equipment is being investigated.

LEGAL IMPLICATIONS

To ensure that the development complies with the *Environmental Planning and Assessment Act 1979*, in relation to compliance with Condition 8 of Development Consent (93/98DA, BA173/98), which states:

8. No offensive odours due to the development shall be emitted beyond the boundaries of the property.

ATTACHMENTS

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

RECOMMENDATION

THAT:

1. The information regarding odour issues at the Wallerawang Poultry Farm be noted.
2. Council continue to undertake routine odour monitoring of the area.

ITEM-6 ECDEV - 26/02/18 - BIODIVERSITY REFORM - NEW LEGISLATION REQUIREMENTS

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To advise Council of recent Biodiversity reform legislation and its implications.

COMMENTARY

New legislation commenced on 25 August 2017 being the *Biodiversity Conservation Act 2016*, *Local Land Services Act 2013* and *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*. The Office of Environment and Heritage, Local Land Services, the Biodiversity Conservation Trust and the Department of Planning and Environment each administer components of the new legislation. As a result, the following legislation was repealed:

- Native Vegetation Act 2003
- Threatened Species & Conservation Act 1995
- Nature Conservation Trust Act 2001
- Parts 7 to 9 of National Parks & Wildlife Act 1974

The new legislation aims to establish a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme. The Biodiversity Offsets Scheme attempts to create a transparent, consistent and scientifically based approach to biodiversity assessment and offsetting for all types of development that are likely to have a significant impact on biodiversity. It also establishes biodiversity stewardship agreements, which are voluntary in-perpetuity agreements entered into by landholders, to secure offset sites.

The legislation has been implemented with a savings and transitional clause which means that the legislation is not required to be used for assessment of native vegetation clearing until the 25 February 2018. Below is a reference to what authorities would be responsible for certain assessments under the legislation changes:

TYPE OF CLEARING	LAND ZONING	AUTHORITY	LEGISLATION
Requires Development Application or in conjunction with Development Application	Anywhere	Council	Biodiversity Conservation Act 2016
Clearing not requiring Development Application	RU1 or RU2	Local Land Services	Local Land Services Act 2013
	RU5, Residential, Business, Industrial, SP2, Recreational, E3 & E4 zones	Council	SEPP (Vegetation in Non-Rural Areas) 2017
Illegal Clearing	Anywhere	Office of Environment & Heritage (OEH)	Biodiversity Conservation Act 2016

How this may impact upon Council

- The Biodiversity Offset Scheme will require all Development Applications that require any 'Native Vegetation' clearing or the potential to impact on adjoining flora and fauna, to be assessed by Council officers in a way that will 'offset' impacts. Any proposed clearing must ensure that it is not captured by the Biodiversity Offset Scheme Thresholds (see Attachment 1) or additional assessment and reports will need to be undertaken for a development.
- The system at this stage seems convoluted and confusing and Council Officers will be at the forefront to explain this process and the implications to potential developers (including

subdivisions, single dwellings, industrial, rural, sheds, etc) and customers for general native vegetation clearing enquiries.

- This assessment is additional to current assessment requirements and could delay application times and will require additional/ ongoing training of staff.
- Although this legislation may be environmentally beneficial, this is another process implemented by State government requiring Local Councils, with minimal resources, to implement and undertake assessment as part of developments.
- Any non-rural clearing that is not captured by the Biodiversity Offset Scheme will require assessment by Council under the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Veg SEPP). The Veg SEPP states:

Part 3 Council permits for clearing of vegetation in non-rural areas

9 Vegetation to which Part applies

(1) This Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.

As Lithgow City Council does not currently have any Development Control Plan that declares any vegetation, a permit is not required from Council for removal of native vegetation that is under the Biodiversity Offset Scheme Thresholds.

Note: Council may declare under a DCP that some non-native vegetation is to be protected including heritage gardens or other significant vegetation to Lithgow.

How this may affect developers

- If a developer proposes native vegetation clearing that is considered to meet the Biodiversity Offset Scheme thresholds (see Attachment 1), they will require a Biodiversity Development Assessment Report to be submitted with a development application. This report will be an additional cost and require specialists to be engaged.
- If this report provides details that the developer will be required to obtain ‘credit’ for the proposal, it means they will need to either:”
 - purchase credits (i.e. kolas species and koala habitats) from the market which will rely on supply (which there is none at this stage),
 - provide an offset site (could be costly) or
 - pay the Biodiversity Conservation Fund an agreed amount
- Given the extensive native vegetation in our LGA, this process could impact more developments than expected.

Potential benefits of legislation

- Minimise impacts on existing Native Vegetation
- Reducing poorly planned developments in relation to location and design (i.e. by reducing footprint, locating away from native vegetation)
- Promotion of Stewardship Sites that could provide additional revenue to Council and landowners.

POLICY IMPLICATIONS

1. A Development Control Plan (DCP) could be developed and implemented for the protection and removal of native vegetation that does not require approval under the *Biodiversity Conservation Act 2016*. The removal of native vegetation not covered by the *Biodiversity Conservation Act 2016* or *Local Land Services Act 2013* (non-rural) would be assessed by Council under Part 3 Clause 9 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*. Consideration by Council to commence this process should be undertaken which may involve employing a consultant and providing a budget for works. At this stage this is not proposed.

If no DCP is created, native vegetation up to 10,000m squared that may need further protection would be able to be cleared without consent from any authority if it is not captured by the Biodiversity Offset Scheme Thresholds.

For example: In land zoned E3 Environmental Management and a minimum lot size of 40ha, clearing of up to 1ha (10,000m²) of bushland can be undertaken. This may be on existing escarpments, close to a national park, or within the mapped terrestrial biodiversity overlay of Lithgow Local Environmental Plan 2014. There is a potential for environmental risks, if Council does not implement an appropriate DCP. However, implementation and administration of a DCP will require financial and staff resources. It is strongly asserted that State Government should have considered this issue before seeking to devolve its responsibilities onto local government.

2. A Policy or Standard Working Procedure may need to be developed in relation to the potential use of Council owned or Crown Owned and Council maintained lands becoming Stewardship Offset Sites. This in itself is not a bad thing as there may be future potential revenue sources.

FINANCIAL IMPLICATIONS

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact – Assessment of clearing applications and additional assessment of Development Applications has the potential to impact on resources. Additional ongoing training for staff will need to be undertaken in which Council may incur some costs.

LEGAL IMPLICATIONS

Council is obliged to adhere to and implement the provisions of the *Biodiversity Conservation Act 2016* and associated planning instruments as part of the biodiversity reform.

ATTACHMENTS

1. Biodiversity Offset Scheme Thresholds.

RECOMMENDATION

THAT Council note the Biodiversity Reforms and new legislative requirements under *Biodiversity Conservation Act 2016, Local Land Services Act 2013 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

ITEM-7 ECDEV - 26/02/18 - DA243/17 PROPOSED DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF A NEW GARAGE AT 25 WARATAH STREET LITHGOW

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

SUMMARY

To allow Council to consider Development Application (DA243/17) lodged for the demolition of an existing garage and construction of a new garage on land known as Lot 2 DP 583871, 25 Waratah Street Lithgow NSW 2790.

COMMENTARY

Original Proposal

The proposal originally provided for the demolition of an existing garage and construction of a two storey colorbond garage having external dimensions of 12m (L) x 5m (W) x 6.11m (H) (see Attachment 1). This proposal was notified to landowners within the area with one (1) submission being received against the proposal. The original proposal was not supported by Council assessment officers due to impacts of bulk, scale and overshadowing on adjoining properties.

As a result of the submission received and concerns raised by Council against the original proposal, the applicant revised the application for Council consideration.

Current Proposal

The current proposal provides for the demolition of the existing garage and construction of a single storey colorbond garage having a floor area of 60m² located on the eastern side of the existing dwelling. The proposed garage has external dimensions of 12m (L) x 5m (W) x 4.11m (H) (see Attachment 2). The garage will be used for storage of motor vehicles, tools and private equipment. The revised proposal was re-notified to landowners within the area with one (1) submission being received against the proposal.

Permissibility

The development, being ancillary development to the existing dwelling, is permissible under Lithgow Local Environmental Plan 2014 zone R1 General Residential, subject to development consent.

Submissions

The current proposal for the demolition of the existing garage and construction of a single storey colorbond garage was notified to adjoining landowners and placed on exhibition, with one (1) submission received. The concerns raised within this submission are summarised below with an accompanying planning assessment:

- Lack of access to facilitate future construction on adjoining land.
- The proposal will necessitate the removal of the existing fence to facilitate construction.
- The proposal not complying with minimum boundary setbacks.
- The bulk of the building having adverse impact on the adjoining property.

Planning Comments

Lack of Access and Removal of Boundary Fencing

The current proposal does not include the removal of any boundary fencing. Notwithstanding, the removal of boundary fencing to facilitate construction and the lack of access to facilitate future construction on the adjoining allotment, is a matter that is not administered by Council.

Boundary Setbacks

The garage satisfies all statutory setback requirements with respect to fire separation. In addition, there are no minimum boundary setbacks prescribed by Council in any relevant planning instrument applicable to this proposal. Therefore the current proposal satisfies recognised planning benchmarks.

Bulk, Scale and Overshadowing

The wall height of the garage represents only a 400mm (12.9%) increase over that of a standard 2.7m high garage. The height of the garage will result in a worst case shadow cast to the south west over the adjoining allotment of approximately 9.3 m in length at 3pm on 21 June. The length of this shadow will reduce to 4.8m at 12pm and rotate toward the south east over the adjoining allotment.

Element 5.4, Clause A8.4 of the *Australian Model Code for Residential Development -AMCORD- A National Resource Document for Residential Development by Commonwealth of Australia - Housing & Regional Development*, states that in temperate and cool-temperate climate zones, sunlight to at least 50% (or 35m² with minimum dimension 2.5m, whichever is the lesser area) of the principle area of ground level private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on 21 June.

At least 35m² of private open space on the adjoining allotment will remain unshaded for at least 2 hours between 9am and 3pm on 21 June. Therefore the development proposal is considered to satisfy recognised planning benchmarks.

In respect to bulk, the proposed garage occupies only 8.1% of the overall site area. The existing dwelling occupies approximately 71.3% of the site area. The remaining private open space of on the subject allotment is 20.6% (approximately 176.7m²).

Element 5.7, Clause A1.1A of the *Australian Model Code for Residential Development - AMCORD- A National Resource Document for Residential Development by Commonwealth of Australia - Housing & Regional Development*, states that a total minimum area of 20% of the site area with a minimum dimension of 3m should remain as private open space.

As the subject allotment contains 20.6% of private open space, the development proposal satisfies recognised planning benchmarks.

In addition, the proposed garage is of a similar bulk and scale to that of existing development on adjoining properties to the north.

Therefore, the development proposal is considered to satisfy recognised planning benchmarks and not have an adverse impact on surrounding allotments and/or the streetscape/amenity of the area.

Conclusion

The development proposal is considered to satisfy recognised planning benchmarks and is permissible under current legislation and the planning scheme and meets the requirements of the R1 General residential zoning.

POLICY IMPLICATIONS

Policy 7.5 Notification Of Development Applications

This policy applies to the development. The original proposal was notified to adjoining and adjacent property owners for a period of fourteen (14) days. One (1) public submission was received against this proposal.

Following a re-design of the proposed garage, the current application was re-notified to adjoining and adjacent property owners for a period of fourteen (14) days. One (1) public submission was received against this proposal.

The proposal is considered to satisfy the provisions of this policy.

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

This policy applies to the development as the applicant/owner is a member of Council staff. Whilst the proposal could have been exempted from the need for determination by the elected Council as an ancillary structure the provisions of this policy, it has been determined that due to the nature of public submissions received the application should be referred to the elected Council for determination.

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. The full report is provided as per Attachment 3.

ATTACHMENTS

1. Original elevation plans
2. Current elevation plans.
3. 79C Assessment Report

RECOMMENDATION

THAT

1. That Development Application DA243/17 for demolition and construction of a new garage at 25 Waratah Street, Lithgow be approved by Council in accordance with 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-8 ECDEV - 26/02/18 - HY-TEC QUARRY PLANNING CONTRIBUTION 2016-2017

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Min No 14-480 - Ordinary Meeting of Council held on 15 December 2014
Min No 15-325 - Ordinary Meeting of Council held on 14 December 2015
Min No 16-52 – Ordinary Meeting of Council held on 21 March 2016

SUMMARY

To advise Council of the expressions of interest and to endorse payment for the Hy-Tec Quarry Voluntary Planning Agreement to go towards community projects.

COMMENTARY

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

Pursuant to a condition of consent and Council's resolution at its Ordinary Meeting of 21 March 2016, for the first year, \$10,000 was paid to the Hartley Progress Association on 19 October 2016 towards the Hartley Historical School and annex hall. The major projects at the school related to painting the interior and maintenance of the schoolhouse.

Council's Resolution states that 25% of the contribution in subsequent years be allocated to the Hartley Progress Association to go towards facilities and infrastructure in the Hartley area which may at its discretion be spent on maintenance, upkeep or improvements to the Hartley School, Hartley Annex Hall or surrounds. From 1 July 2016 to 31 March 2017, an additional amount of \$4,991.37 was paid to the Hartley Progress Association.

The remaining contribution balance is to be determined via an Expression of Interest process and distributed on an annual basis. For the 2016 and 2017 periods the expression of interest was carried out by Austen/Hy-Tec Quarry with the following submissions received:

The Hartley Progress Association seeks a contribution of \$2,800.00 for the installation of 10 more signs under the Hartley Date Signing Project. The signs project commenced in 2013 with 10 signs being erected. Due to lack of funding the additional 10 signs on other properties have not been undertaken. The signs would promote the sites that are heritage sign posted within the Hartley area.

Hartley Advisory Committee seeks a contribution of \$4,500.00 for the 'Back to Hartley' community event. The Back to Hartley event raises awareness of the heritage of Hartley and involves different community organisations such as The Hartley Progress Association, The National Parks and Wildlife Services, Hartley Rural Fire Service, Lithgow Council and other groups. The event includes market stores, entertainment, food and beverages as well as children activities. Funds raised from the event goes towards a nominated charity.

Hartley Advisory Committee seeks a contribution of \$10,000.00 for Christmas in Hartley community event. Christmas in Hartley is a community event associated with The Hartley Progress Association and The National Parks and Wildlife Service. The event includes converting the former Corney's Garage into a Winter Wonderland, Santa photos, twilight markets and entertainment.

Wallerawang Memorial Men's Shed Incorporation seeks a contribution for an amount of \$5,000 for the establishment of a Wallerawang Men's Shed. The proposal involves the lease of the Wallerawang Memorial Hall from Council with minor upgrade works, insurance, establishment of an incorporated Association, tools and equipment. It will provide a place for men to be involved in constructive projects for the community.

Galloping Gumnut Mobile Children's Service Van Incorporation seeks a contribution for an amount of \$7,743.00 for the establishment of a playgroup to be held on Saturday mornings and is specifically aimed at male carers. It will provide a service for fathers and male carers to encourage quality time and building relationships with their kids. The service is proposed to be held at the Hoskins Uniting Church. The fees involve project preparation/organisation, staff and consumables.

The aim of the Planning Agreement is to allow for the provision of community facilities for public use within the Local Government Area. From the submissions received, only one application can be supported that meets the criteria for community facilities and infrastructure, that being the Hartley Progress Association for the erection of heritage signs. Whilst the other activities where funding has been sought may be very admirable, they do not fit the criteria.

It is recommended that the 2016/2017 community contribution is re-advertised and it be highlighted that the submissions are to be for community facilities and infrastructure.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – No specific Council budget is allocated.
- Cost centre – N/A
- Expended to date – Nil from Council budget allocations.
- Future potential impact – N/A
- Other- The financial implications for Council are the receipt by Council of a development contribution being a monetary contribution to go towards public facilities and infrastructure within the Lithgow Local Government area. The Hy-Tec Quarry operates at a capacity of 1.1 million tonnes per annum of quarried product transported from the site, this equates to \$32,474.10 being received by Council for the 2016-2017 period.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Submission from the Hartley Progress Association for the Hartley Date Signing Project.
2. Submission from Hartley Advisory Committee for 'Back to Hartley' community event.
3. Submission from Hartley Advisory Committee for Christmas in Hartley community event.
4. Submission from Wallerawang Memorial Men's Shed Incorporation for the establishment of a Wallerawang Men's Shed.

5. Submission from Galloping Gumnut Mobile Children's Service Van Incorporation for the establishment of a male oriented playgroup.

RECOMMENDATION

THAT:

1. Council endorse \$2,800.00 of the Hy-Tec Quarry 2016-2017 contribution to be allocated and distributed to the Hartley Progress Association for funds to be allocated for the additional heritage signs.
2. The Hy-Tec Quarry 2016-2017 community contribution be re-advertised and reported back to Council when submissions have been received.

ITEM-9 ECDEV - 26/02/18 - LITHGLOW REBRANDING 2018

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To advise Council of the proposed rebranding of **Lithglo** to **Lithglow**.

COMMENTARY

Following liaison with a graphic designer and in light of the repositioning of Lithglo as an Industrial Heritage festival it would be sensible to rebrand the spelling of the event from **Lithglo** to **Lithglow**. The altered spelling would serve a number of purposes:

- To differentiate between the new event and the old
- To eradicate perceptions of misspelling
- To include the full spelling of the words Lithgow and Glow in the event title

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – \$35,000
- Cost centre - 600086
- Expended to date – Nil
- Future potential impact – Nil

New branding artwork needs to be completed regardless of the spelling so there is no financial implication with rebranding to Lithglow.

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council approve the rebranding of **Lithglo** to **Lithglow**.

ITEM-10 ECDEV - 26/02/18 - UPDATED BUSHFIRE MAPPING REQUIREMENTS

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To provide Council with information on the implementation of an updated bush fire map for Lithgow.

COMMENTARY

Council has had a Bush Fire Prone Land Map (BFPL (or bushfire map) in place since 2004. Section 146 of the Environmental Planning and Assessment Act requires that this map be replaced every five (5) years.

Council officers have recently worked closely with the NSW Rural Fire Service (RFS) to develop a new map in preparation for the Commissioner to certify.

The updated bushfire map incorporates a number of changes. Currently the map only includes Category 1 Vegetation. This is considered to be the highest risk for bushfire. It consists of areas of forest, woodlands, heaths and timber plantations. The amended mapping for Category 1 Vegetation does not change to any great extent. Around the perimeter of towns such as Lithgow, slight change occurs where the edge of the mapped areas move slightly away or towards housing areas. These changes are considered to be negligible. This is a different situation in the former Evans Shire area where no mapping has previously existed, and in the former Rylstone Council area where essentially the entire area is currently mapped as Category 1. Excerpts of the mapping for these areas is attached. The changes are considered necessary and logical. It is also considered that the changes will not create any particular impost upon developers that does not currently generally occur.

The new map is required to introduce Vegetation Category 3; considered to be medium bush fire risk vegetation. This category consists primarily of grasslands. Grasslands were included as bush fire prone vegetation in the 2009 revision of AS3959 which NSW adopted in 2010. Version 5b of the Guide for Bush Fire Prone Land Mapping (Attachment 1) was released in December 2015 which requires all BFPL maps to be mapped in accordance with the Guide (which includes Category 3 Vegetation) by December 2018.

Most of the Local Government Area will be mapped as grasslands. This may on occasions increase the need for bushfire assessments, bushfire reports, and referrals to the NSW RFS for certain types of development. In the main however, this assessment is already occurring. It is possible, that on occasion, the Bushfire Attack Level (BAL) Rating may increase as a result. This generally requires additional protective measures from ember attack to be installed typically to a new dwelling. This can add to the cost of construction. This is unlikely to occur in rural areas where asset protection zones are easily achieved but may occur on the edges of towns where suburban lots back directly onto neighbouring paddocks. Despite this, Council is bound by the legislation and so it is considered that the new map needs to be certified without delay.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - \$50,000.00
- Cost centre - 400086
- Expended to date - \$0.00
- Future potential impact – Some minor implementation cost.

A budget allocation of \$50,000 was approved to update this map. The project included obtaining new satellite imagery for the LGA and then the work involved to convert this into a new vegetation map, which then in turn converts into a new bushfire map. Upon commencement of the project it was discovered that the NSW RFS already held the Vegetation Category 3 data, and in fact, updated Category 1 data as well. Council no longer needs to spend this allocation in order to update this map.

LEGAL IMPLICATIONS

Zoning certificates (Section 149 of the EP&A Act certificates) are required to identify Bush Fire Prone Land.

Council must be satisfied that development of bush fire prone land complies with *Planning for Bush Fire Protection 2006* or has consulted with the Commissioner.

Complying development is governed by *Planning for Bush Fire Protection 2006*.

A Bush Fire Safety Authority is required for all residential subdivision or 'special fire protection purpose developments' on Bush Fire Prone Land.

ATTACHMENTS

1. NSW RFS Guide for Bush Fire Prone Land Mapping
2. Excerpts of mapping for former Evans and Rylstone Shire areas.

RECOMMENDATION

THAT the information on the updated Bush Fire Prone Land Map be noted.

**ITEM-11 ECDEV - 26/02/18 - WALLERAWANG POWER STATION ASBESTOS
DISPOSAL**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To provide information on a proposal from Aurecon Australasia Pty Ltd on behalf of Energy Australia for a new asbestos disposal location associated with the Wallerawang Power Station demolition.

COMMENTARY

History

Wallerawang Power Station was commissioned in the late 1950's and all of the units from the A, B and C Stations (Units 1-8) had asbestos insulation throughout the boilers, plant, buildings and equipment. A and B Stations were demolished in the late 1990's, and there have been programs to remove asbestos from the remaining Units 7 and 8. In the past asbestos containing materials were placed within the old asbestos disposal site or the active/new asbestos disposal site located within the vicinity of the Kerosene Vale Ash Repository (See Attachment1).

Energy Australia holds an Environment Protection Licence (EPL) No. 766 over the Wallerawang Power Station and Kerosene Vale ash repository site, covering 'electricity generation' as an activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*. The licence also applies to the following ancillary activities: chemical storage facilities; coal works; crushing, grinding or separating works; energy recovery; and, waste storage.

In approximately 2000 the EPL was varied to include conditions for the disposal of onsite generated asbestos waste which states:

"The wastes listed in condition L4.2 must only be disposed of to the Kerosene Vale Ash Repository and Sawyers Swamp Creek Ash Dam at Wallerawang Power Station except asbestos which may only be disposed of at the approved asbestos burial site".

The remaining capacity of the active asbestos repository has been estimated to be about 1,200 cubic metres (m³), however the actual volume available will depend on the nature of the asbestos containing materials (i.e. size, whether it is bagged or friable material), operational requirements relating to maintaining a daily cover and the final profile adopted. The last known asbestos to be dumped into this area was from the Wallerawang cooling tower.

Demolition

Asbestos waste and insulation will be generated from the decommissioning and demolition of Units 7 and 8, associated infrastructure and from the removal of the ash and water pipelines located between Sawyers Swamp Creek Ash Dam and Wallerawang Power Station. The demolition of the Wallerawang Power Station is anticipated to generate about 7,000m³ of asbestos containing materials and insulation. This volume exceeds the estimated capacity of the active asbestos disposal site and as such a location for the disposal for this material is required.

Proposal

Following an assessment of a number of options located both onsite and offsite; it has been proposed that Energy Australia NSW establish a further asbestos repository within the vicinity of the Kerosene Vale ash repository, capable of managing the disposal of about 10,000 m³ of asbestos containing materials and insulation. There is sufficient space available to accommodate

a repository of this size on Energy Australia NSW owned land and the EPL currently permits the disposal of onsite generated asbestos waste.

Five options were assessed by Energy Australia in terms of their engineering feasibility, cost, environmental and social impacts. For the additional repository, it was concluded that Option 5 is the preferred disposal method due the minimal social and ecological impacts and low cost. The location is easily accessible and also has sufficient space to accommodate up to 10,000m³ of asbestos containing materials. See attachment 1 for the proposed location of Option 5.

Some additional imported material would be required for the final capping, although the trench-and-fill design can provide the capping material for management of the site during operation.

The construction and operation of the proposed repository is considered to be designated development and would require assessment under Part 4 of the *Environmental Planning & Assessment Act 1979* through submission of an Environmental Impact Statement. The Secretary's Environmental Assessment Requirements (SEAR) has been issued by the Department of Planning & Environment for the proposal on the 18 January 2018.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact - NA

LEGAL IMPLICATIONS

A Development Application is required to be submitted to Council for the proposal with the Environmental Impact Statement for assessment in accordance with the *Environmental Planning & Assessment Act 1979* (EP&A Act).

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* defines the project as 'designated development' as per below:

"Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste (iv) that comprises more than 200 tonnes per year of other waste material".

The application will also require determination by the Western Joint Regional Planning Panel as per Section 8 of Schedule 4A under the EP&A Act, as it is a designated development for a 'waste management facility'.

In addition, the Environment Protection Licence may need to be varied under the *Protection of the Environment Operations (POEO) Act 1997* to permit the disposal of asbestos containing materials at the proposed repository as well as to allow for the importation of suitable capping material.

ATTACHMENTS

1. Map indicating the existing (new and old) asbestos repositories.

RECOMMENDATION

THAT the information on the Wallerawang Power Station proposed asbestos disposal be noted.

OPERATION REPORTS

ITEM-12 OPER - 26/02/18 - WATER REPORT

REPORT BY: DIRECTOR OPERATIONS

REFERENCE

Min No 17-276: Ordinary Meeting of Council 25/09/17

SUMMARY

This report provides an update on various water management issues.

COMMENTARY

Current Dam Levels for both Lithgow No. 2 Dam and Oberon Dam

Lithgow No. 2 Dam capacity on Monday 12 February 2018 was 64.4%. Oberon Dam capacity on Monday 12 February 2018 was 71.7%.

Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Water NSW (Fish River Scheme) for 2017/2018.

Table 1 – Oakey Park Monthly Output and Clarence Transfer 2017/2018

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
December	88	12.2	45.5
January	141.5	32	116.2
February	50.6	36.5	0
TOTAL	280.1	80.7	161.7

Clarence Water Transfer Scheme

The Clarence Water Transfer Scheme has been operating since 5th October 2017 during this time there have been interruptions to pumping due to maintenance works required to be undertaken.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow and was supplying water to the villages for periods since November 2017 on an as needs basis. No health-based ADWG values were exceeded for the period 27/11/17 to 12/02/18.

Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 30/01/18 and forwarded to Sydney Water for testing. There was one non-compliance recorded at Council's treatment plants for the month of January. There was one (1) non-compliance at Portland STP as detailed in Table 2. All test results are published on the

Lithgow City Council website as required by the Protection of the Environment Operations Act 1997.

Table 2 – Treatment Plants Monitoring Results

Plant	Non Compliance	Licence Limit	Date Sampled	Cause of Non Compliance	Action Taken to Mitigate Adverse Effects of the Non Compliance	Action Taken to Prevent Future Reoccurrence Of Non Compliance
Portland STP	Faecal Coliforms 100,000 units/ 100mL	600 units/ 100mL	30/01/18	Removal of Tricking Filter During Plant Upgrade	Increase Cleaning to Reduce load On Remaining Filter	Augmentation of Sewerage Treatment Plant.

Fish River Water Scheme Water Quality Summary

Fish River Water Supply supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis, Rydal and west Lithgow supply zones. No health-based ADWG values were exceeded for the period 27/11/17 to 12/02/18.

Current Water Restrictions Update

Level 3 restrictions are effective from Tuesday, 26th September 2017.

Water Saving Schemes or Processes Update

Council’s Rainwater Tank and Domestic Appliance Rebate Program continued with Council receiving no applications for a water tank rebate for the period 27/11/17 to 12/02/18.

Water Reticulation Complaints

Council received 26 complaints during the period 27/11/17 to 12/02/18 concerning water quality issues. The majority of these complaints were for dirty water following on from Fire & Rescue NSW undertaking testing of hydrants in various areas throughout the Lithgow LGA, there were also water quality complaints received due to burst mains. The Water Mains were flushed in all instances of water quality complaints and all complaints were tested and there being no exceedances of ADWG values.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council notes the water report.

ITEM-13 OPER - 26/02/18 - LEASE AGREEMENT - 2018 IRONFEST EVENT

REPORT BY: DIRECTOR OPERATIONS

SUMMARY

The purpose of this report is to advise Council on the request received from Ironfest for additional parking to accommodate the large number of expected patrons attending the 2018 Ironfest event at Tony Luchetti Sportsground.

COMMENTARY

Following a meeting with representatives from Ironfest, a request was received for the use of Conran Oval, Lithgow for parking purposes for the 2018 Ironfest event. It will be noted that Council rejected the proposed use of Conran Oval for parking in 2017, due to the fact that the oval was being developed as the number 1 natural turf wicket field. This matter was referred to the recent Sports Advisory Committee Meeting held 14th February, who again rejected the application due to the resources spent on the oval and the quality that has been maintained by Council and sporting users to date.

However, Ironfest have requested reconsideration of this decision based on the undertaking that they will repair any damages incurred to the surface from the parking of light vehicles during the event and that the turf wicket will be fenced off and protected from any potential damages from vehicles.

It is considered that this would be an appropriate trial for the use of Conran Oval for the use of light vehicle parking and will assist with the traffic management in and around the Tony Luchetti Sportsground when Ironfest is being conducted.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Draft Lease Agreement

RECOMMENDATION

THAT

1. Council grant permission to Ironfest for the use of light vehicle parking on Conran Oval during 2018 Ironfest event only; and
2. That a review of any potential damages be conducted succeeding to the event to determine future access issues.

ITEM-14 OPER - 26/02/18 - UPDATE ON WALLERAWANG INFRASTRUCTURE PROJECTS

REPORT BY: DIRECTOR OPERATIONS

REFERENCE

Min No 17-226: Ordinary Meeting of Council held on 17 July 2017

SUMMARY

To provide an update on progress with the preliminary feasibility and design works associated with the Wallerawang pedestrian refuge construction.

COMMENTARY

At the Operations Committee meeting of the 03 July 2017, a report was presented to the Committee requesting the reallocation of funds from the Barton Avenue, Wallerawang footpath to the construction of a pedestrian refuge on Barton Avenue, in front of the Wallerawang Bowling Club. To date, the following progress has been made.

- The existing lighting situation has been assessed by Council engineers and was found to be grossly inadequate for a pedestrian refuge under current Australian Standards.
- Council engineers have completed the process of a requesting tenders for design of the lighting upgrade in this area.
- Once the lighting design process has been completed, Council engineers will fast-track the Endeavour Energy approvals process, lighting construction and refuge construction.

Timeline:

Progress to Date

Project Stage	Description	Date
Feasibility		
	Operations Committee approval sought	03 July 2017
	Council endorsement of Operations Committee Minutes	17 July 2017
	Capital budget reallocation	28 July 2017
	Completion and receipt of final CAD design drawings indicating exact location and design compliant with Australian Standards and Austroads guidelines	08 September 2017
	Measurement of night-time light levels to determine compliance with AS1158.4 and consultation with the RMS regarding the requirement of additional lighting on a Main Road.	09 October 2017
Design and Approval		
	Commencement of creation of Request for Quotation (RFQ) documentation for lighting design works	27 November 2017
	Lighting design RFQ released to the public	11 December 2017
	Lighting design RFQ closed	04 January 2018
	Assessment of lighting design RFQ submissions completed and successful contractor notified	11 January 2018

	Road and lighting infrastructure survey quotations sought	15 January 2018
	Survey quotations received and successful contractor engaged	12 February 2018

Projected Timeline

	Level 3 certified lighting design completion expected and submission to Endeavour Energy for construction (4 weeks allowed)	12 March 2018
	Receipt of Endeavour Energy approval for design works (2 weeks minimum, 4 weeks allowed)	09 April 2018
Construction		
	Completion of RFQ process for lighting construction	30 April 2018
	Completion of lighting construction	18 May 2018
	Commencement of refuge construction	21 May 2018
	Practical completion	01 June 2018

Please note that the delay which occurred from the end of July to the start of September 2017 is attributed to staff commitment to the Main Street Revitalisation project. This included working with external consultants to lobby for additional funding to reduce the financial burden on Council while working with the stage one construction contractors to vary the scope with the purpose of reducing cost while meeting community and funding body expectations. While delays to the Wallerawang pedestrian refuge project are unfortunate, it was considered necessary to ensure the continuation of the \$2.899 million Main Street Revitalisation project.

While Council engineers understand the importance of these works to the Wallerawang community, determining the best-fit solution and obtaining required approval from relevant authorities can be a lengthy process. These projects will remain a priority until such a time they are presented to Council for consideration. In addition, the above timeline is based on previous lighting design, approval and reallocation as part of the Wallerawang Overbridge Construction. Some variations to the above may occur.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved - \$50,000.00
- Cost centre – PJ 100326
- Expended to date - \$14,080.00 committed for lighting design
- Future potential impact – Wallerawang Pedestrian Refuge - \$50,000.00 (excl. GST)

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the report on progress regarding the feasibility and design works associated with the Wallerawang pedestrian refuge construction.

FINANCE AND ASSETS REPORTS

ITEM-15 FIN - 26/02/18 - TENDERING POLICY

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

SUMMARY

To provide Council with a revised policy for Tendering and to seek endorsement to place the policy on exhibition for 28 days for public comment.

COMMENTARY

Council's Tendering Policy 1.4 has been reviewed to ensure that the information is relevant and complies with tendering legislation. A copy of the Policy is attached to the Business Paper. The policy refers in particular to Section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government (General) Regulation 2005*.

The revised policy includes information on where tenders should be advertised, the methods of tendering available and the stages at which Council resolution is required.

POLICY IMPLICATIONS

Following the 28 day exhibition period, the results of the public exhibition will be reported to Council and the Tendering Policy will be returned to Council for adoption.

FINANCIAL IMPLICATIONS

- Budget approved - Nil
- Cost centre - Nil
- Expended to date - Nil
- Future potential impact - Nil

LEGAL IMPLICATIONS

By observing this policy, Council will ensure that its legal obligations under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* are met.

ATTACHMENTS

1. Draft Policy 1.4 Tendering (Version 5)

RECOMMENDATION

THAT Council:

1. Endorse Policy 1.4 – Tendering for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 1.4 – Tendering be returned to Council for adoption.

ITEM-16 FIN - 26/02/18 - QUARTERLY BUDGET REVIEW

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

REFERENCE

Min 17-357: Ordinary Meeting of Council held 27 November 2017

SUMMARY

This report provides the Quarterly Performance Report on the 2017-2018 Operational Plan for the period of 1 October to 31 December 2017 with a recommendation that variations to income and expenditure estimates are voted and the revised financial result of (\$701,000) operating deficit (before capital grants) be noted.

COMMENTARY

The October to December Quarterly Report on the 2017-2018 Operational Plan has been prepared and details are provided in the attachment to the Business Paper.

2017/18 Quarterly Budget Comparison			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
Original	45,864	41,856	4,008
September Quarter	48,907	43,329	5,578
December Quarter	48,931	43,003	5,928

2017/18 Quarterly Budget Comparison Fund – Proposed December Review			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
General	31,170	29,245	1,925
Water	6,616	7,342	(726)
Wastewater	11,144	6,413	4,731

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

- Budget approved - nil
- Cost centre - nil

- Expended to date - nil
- Future potential impact - nil

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

ATTACHMENTS

1. Quarterly Report October to December 2017.

RECOMMENDATION

THAT

1. The operating deficit (before capital grants) of (\$701,000) for the revised 2017/18 Operational Plan as detailed in the Quarterly Report for the period October to December 2017 be adopted.
2. Council adopts the variations to the Council budget as outlined in the attached report.
3. Council notes that the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2017/18 Operational Plan has been reviewed and that the financial position of Council is unsatisfactory.

ITEM-17 FIN - 26/02/18 - CHANGE IN RATING CATEGORY POLICY

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

SUMMARY

To provide Council with a revised and updated Policy 8.2 Change in Category for Rating Purposes, and seek endorsement to place on exhibition for 28 days for public comment

COMMENTARY

The objective of the Change in Category for Rating Purposes Policy is to provide guidelines to determine the date applicable for applications for a change in category for rating purposes. The policy relates to S524 of the Local Government Act 1993, which states: *a rateable person (or the person's agent) must notify the council within 30 days after the person's rateable land changes from one category to another.*

As there is no change to the objective of the policy, the only alterations made were to reword the document so that it clearly and concisely states the policy guidelines in a range of circumstances in which a ratepayer may apply for a change in category for rating purposes.

POLICY IMPLICATIONS

Following the exhibition period for Policy 8.2 Change in Category for Rating Purposes, the policy will be returned to Council for adoption.

FINANCIAL IMPLICATIONS

- Budget approved - nil
- Cost centre - nil
- Expended to date - nil
- Future potential impact - nil

LEGAL IMPLICATIONS

The policy reflects S524 of the Local Government Act 1993.

ATTACHMENTS

1. Draft Policy 8.2 Change in Category for Rating Purposes

RECOMMENDATION

THAT Council

1. Endorse Policy 8.2 Change in Category for Rating Purposes for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 8.2 Change in Category for Rating Purposes be returned to Council for adoption.

ITEM-18 FIN - 26/02/18 - COMPLIANCE POLICY

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

SUMMARY

To provide Council with new Policy 9.16 Compliance Policy and seek endorsement to place on exhibition for 28 days for public comment.

COMMENTARY

An issue identified during the Audit Office of NSW's external audit for 2016/17 was the need to strengthen the Council's legislative compliance framework. The management response included a commitment to develop a Compliance Policy.

The Compliance Policy provides a compliance framework that will assist Council in managing its compliance risks and meeting its legal obligations. It states Council's commitment to a compliance framework and the development of a compliance culture throughout the Council. The policy defines the roles of Council and Council officers. It also includes compliance monitoring and reporting mechanisms.

Work is ongoing to develop a systemised Compliance Register, with compliance tasks allocated to responsible officers and workflow escalation to ensure accountability for compliance actions.

POLICY IMPLICATIONS

Following the exhibition period for Policy 9.16 Compliance Policy, the policy will be returned to Council for adoption.

FINANCIAL IMPLICATIONS

- Budget approved - nil
- Cost centre - nil
- Expended to date - nil
- Future potential impact - nil

LEGAL IMPLICATIONS

The policy will assist the Council to meet its legislative compliance requirements in a timely manner.

ATTACHMENTS

1. Draft Policy 9.16 Compliance Policy

RECOMMENDATION

THAT Council:

1. Endorse Policy 9.16 Compliance Policy for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 9.16 Compliance Policy be returned to Council for adoption.

ITEM-19 FIN - 26/02/18 - COUNCIL INVESTMENTS REPORT DECEMBER 2017

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

REFERENCE

Min No 18-04: Ordinary meeting of Council held on 22 January 2018

SUMMARY

To advise Council of investments held as at 31 December 2017 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy.

COMMENTARY

Council's total investment portfolio, as at 31 December 2017 when compared to 30 November 2017, has decreased by \$2,200,000 from \$31,700,000 to \$29,500,000. While cash in Council's bank account decreased by \$593,647.80 from \$1,106,123.17 to \$512,475.37.

There is an overall decrease in cash and investments of \$2,793,647.80 since 30 November 2017, mainly due to cash outflows for normal operations and significant payments for capital projects.

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.

The movement in Investments for the month of December 2017 were as follows:

Opening Balance of cash and investments as 01 December 2017	\$32,806,123.17
Plus New Investments – December 2017	\$4,000,000.00
Less Investments redeemed – December 2017	-\$6,793,647.80
Closing Balance of cash and investments as at 31 December 2017	\$30,012,475.37

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 14 August 2017, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011

FINANCIAL IMPLICATIONS

- YTD Budget approved – \$326,835
- Cost centre - 3259
- YTD Income to date - \$342,721
- Future potential impact – Nil

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.

The Council's interest income is currently over budget due to a combination of reserve balances being greater than forecast and improved investment returns.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 14 August 2017 Council adopted a revised Investment Policy and investments comply with this Policy.

CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investments Policy.

Ross Gurney
Chief Financial and Information Officer (Responsible Accounting Officer)

ATTACHMENTS

1. Investment Register 2017/18

RECOMMENDATION

THAT

1. Investments of \$29,500,000.00 and cash of \$512,475.37 for the period ending 31 December 2017 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

ITEM-20 FIN - 26/02/18 - COUNCIL INVESTMENTS REPORT JANUARY 2018

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

REFERENCE

Min No 18-04: Ordinary meeting of Council held on 22 January 2018

SUMMARY

To advise Council of investments held as at 31 January 2018 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy.

COMMENTARY

Council's total investment portfolio, as at 31 January 2018 when compared to 31 December 2017, has decreased by \$1,050,000 from \$29,500,000 to \$28,450,000. While cash in Council's bank account decreased by \$48,218.78 from \$512,475.37 to \$464,256.59.

There is an overall decrease in cash and investments of \$1,098,218.78 since 31 December 2017, mainly due to cash outflows for normal operations and payments for capital projects.

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.

The movement in Investments for the month of January 2018 were as follows:

Opening Balance of cash and investments as 01 January 2018	\$30,012,475.37
Plus New Investments – January 2018	\$3,450,000.00
Less Investments redeemed – January 2018	-\$4,548,218.78
Closing Balance of cash and investments as at 31 January 2018	\$28,914,256.59

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 14 August 2017, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011

FINANCIAL IMPLICATIONS

- YTD Budget approved – \$326,835
- Cost centre - 3259
- YTD Income to date - \$412,765
- Future potential impact – Nil

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.

The Council's interest income is currently over budget due to a combination of reserve balances being greater than forecast and improved investment returns.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 14 August 2017 Council adopted a revised Investment Policy and investments comply with this Policy.

CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investments Policy.

Ross Gurney
Chief Financial and Information Officer (Responsible Accounting Officer)

ATTACHMENTS

1. Investment Register 2017/18

RECOMMENDATION

THAT

1. Investments of \$28,450,000.00 and cash of \$464,256.59 for the period ending 31 January 2018 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

ITEM-21 FIN - 26/02/18 - EXCESSIVE WATER ACCOUNT - PROP104701

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

SUMMARY

To report on a request from the owners of the property 104701 seeking financial consideration for an excessive water account.

COMMENTARY

Council has received a request from the property owner seeking relief for water accounts totalling \$25,384.48 with daily interest accruing. The request was raised with Council after the owners received the water account in April 2017.

After receiving complaints of a high water bill from the property, Council commenced an investigation which discovered that a fire service connection fed by a Fish River supply main was also connected to the Lithgow Council main. Water supply was being recorded through the meter each time the Fish River alternate supply arrangement was used to either feed the Lithgow Villages or the Lithgow Township. When there was a change in standard operation for each system, the resulting pressure drop would allow water to short circuit through this property to the other supply main and through property 104701's water meter.

The account has been in question since April 2017 and has taken a number of investigations from Council and external plumbers to determine the issue. The issue has now been rectified by an external plumber which has resolved the short circuiting issue and water consumption since July 2017 has been correct.

It is unclear on how long this short circuiting was occurring as over the past 7 years the meter at the property has been replaced 5 times and therefore there is not a true indication of the property's previous consumption history. The owner has been paying the account regularly until the account received in April 2017 raised questions as to the accuracy of the meter reading.

The property owner started taking reads of the meter in the morning and night and discrepancies were found, e.g. when there was recorded water use over night when the premises were closed.

Below is a breakdown of the accounts which were affected;

Reading Date	Reading	Quarterly Consumption	Amount	Daily Average	Reading Days
13/02/2017	2553	2553	\$11,990.16	24.314	105
16/05/2017	3491	938	\$4,405.32	10.196	92
24/08/2017	4026	535	\$2,926.03	5.350	100
24/11/2017	4980	954	\$6,062.97	10.370	92

All the accounts total \$25,384.48 (interest has also been charged and will need to be taken into consideration)

Council officers have investigated the request and recommend that part of this account be written off due to it being beyond the property owner's control.

It is recommended that a write off of 60% be granted as it is unknown how long the issue has impacted the property. This would mean a total of \$15,230.69 and interest be written off, leaving the property with an outstanding balance of \$10,153.79.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Write off of \$15,230.69 and interest. Write-offs have not been included in the current budget.

- Budget approved - nil
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact - nil

RECOMMENDATION

THAT

1. 60% be written off for 4 combined accounts and accrued interest (amount of \$15,230.69 plus interest).
2. Advise the property owner in writing of Council's resolution.

ITEM-22 FIN - 26/02/18 - VALUER GENERAL 2017 LAND VALUES IN THE LITHGOW LGA

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

SUMMARY

To inform Council of a 2017 revaluation of all land in the Lithgow Local Government Area (LGA) on behalf of the Valuer General.

COMMENTARY

A revaluation of land in the Lithgow LGAs was completed on behalf of the Valuer General on 1 July 2017.

There was a moderate increase in land values in the Lithgow (LGA) between 2016 and 2017. All four zones (residential, commercial, industrial and rural) across the Lithgow LGA experienced an upward trend in land values ranging from a slight increase in the commercial zone, driven by good sales activity within Main Street and fringe commercial properties; to a very strong increase in the industrial zoned areas, predominately driven by vacant land sales having a broad market appeal.

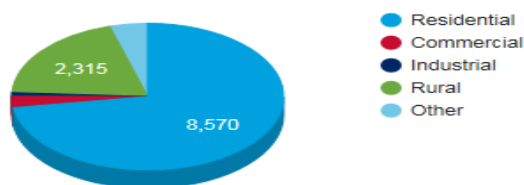
Residential land values increased moderately, mainly driven by increased investor activity in the continuing low interest rate environment. The rural zoned areas showed a strong increase, being driven principally by the Sydney market, with many rural residential allotments within commuting distance, within an affordable price range and offering recreational style accommodation.

The table below summarises the land value trends in the Lithgow LGA:

Property Zone	1/7/16 (\$)	1/7/17 (\$)	% Change
Residential	893,500,060	958,011,440	↑ 7.2%
Commercial	40,501,130	42,404,510	↑ 4.7%
Industrial	18,247,600	23,993,100	↑ 31.5%
Rural	610,570,510	694,081,290	↑ 13.7%
Other	87,608,120	185,180,350	↑ 111.4%
Totals	1,650,427,420	1,903,670,690	↑ 15.3%

The substantial increase in the “other” category is due to the inclusion of mines from 1 July 2017.

Number of properties by zone



Total number of properties: **11,808**

The attached detailed report contains further insights to the 2017 valuations. The report includes:

- Market overview and sales of particular interest;
- Significant developments; and
- Significant value changes.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The valuation base date for 2017/2018 rates is 01/07/16. The valuation base date for rates is updated each three years.

- Budget approved - nil
- Cost centre - nil
- Expended to date - nil
- Future potential impact - nil

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Lithgow LGA Valuation Report 2017118

RECOMMENDATION

THAT Council note the Valuer-General's revaluation of all land in the Lithgow LGA at 1 July 2017.

ORGANISATION DEVELOPMENT AND COMMUNITY

ITEM-23 ORG - 26/02/18 - JULY - DECEMBER PROGRESS REPORT

REPORT BY: MANAGER ORGANISATIONAL DEVELOPMENT

REFERENCE

Min No.16-326: Ordinary Meeting of Council held on 21 November 2016

SUMMARY

This report provides copies of the July to December Progress Report against the combined 2017-21 Delivery Program and 2017/18 Operational Plan.

COMMENTARY

The Local Government Act 1993 S404(5) states:

“The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months”.

The July to December Progress Report against the combined 2017-21 Delivery Program and 2017/18 Operational Plan has been compiled in accordance with the requirements under the Local Government (General) Amendment (Planning and Reporting) Regulation 2009. A copy of this report has been provided to Councillors within their Business Papers Packages.

The document will be placed on Council's website and made available for viewing.

POLICY IMPLICATIONS

There are no policy implications as a result of the July to December Progress Report.

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

The Annual Report documents were prepared in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009.

ATTACHMENTS

1. July – December Progress Report

RECOMMENDATION

THAT Council note the July – December Progress Report against the combined 2017-21 Delivery Program and 2017/18 Operational Plan.

ITEM-24 ORG - 26/02/18 - SIGNS AS REMOTE SUPERVISION

REPORT BY: MANAGER ORGANISATIONAL DEVELOPMENT & COMMUNITY

SUMMARY

To provide Council with new Policy 9.## “Signs as Remote Supervision” and seek endorsement to place on exhibition for 28 days for public comment.

COMMENTARY

The Draft Policy 9.## Signs as Remote Supervision (Attachment 1) is a new policy to provide users of Council owned, operated or controlled land who can be exposed to varying degrees of risk associated with the use of the land.

The law says that if it is “reasonably foreseeable” that a person might suffer some sort of loss or harm because of something someone else does, that than person is owed a Duty of Care. To ensure Council exercises its duty of care, it will provide a warning to users of the land about the nature of any hazards.

Using Signs as Remote Supervision helps Council achieve the community objective for ensuring that recreation and sporting facilities and opportunities cater for the changing needs of the local government area’s residents and visitors.

The Policy was formulated to be consistent with Council’s legislative obligations and within the scope of Council’s powers. The Policy must be read in conjunction with relevant legislation, guidelines and best practice. In the case of any discrepancies, the most recent legislation is applicable.

POLICY IMPLICATIONS

Following exhibition, ‘Policy 9.## Signs as Remote Supervision will be returned to Council for adoption.

FINANCIAL IMPLICATIONS

- **Budget Approve** - Budget to be identified for implementation of the Policy and procedure.
- **Cost Centre** - Costed to individual operational as required.
- **Expended to Date** - Nil.
- **Future Potential Impact** – Signs as Remote Supervision procedures are already in place. The Policy reinforces the required legal obligations and procedures and will have limited future potential impact.

LEGAL IMPLICATIONS

The Policy is consistent to guide Council to meet its legislative obligations for the management of owned, operated or controlled land with varying degrees of risks associated with its use.

ATTACHMENTS

1. Draft Policy 9.## Signs As Remote Supervision

RECOMMENDATION

THAT:

1. Council endorse Draft Policy 9.## Signs As Remote Supervision for Lithgow City Council for public exhibition and comment and display for 28 days.
2. Following the exhibition period the policy and Management Plan be returned to Council for adoption.

ITEM-25 COMM - 26/02/18 - FINANCIAL ASSISTANCE REQUESTS

REPORT BY: MANAGER ORGANISATIONAL DEVELOPMENT AND COMMUNITY

REFERENCE

Min 17-124 Ordinary Meeting of Council held 17 July 2017

SUMMARY

A number of Financial Assistance requests are presented for Council’s consideration.

COMMENTARY

1. Round 2 Non-Recurrent Financial Assistance Requests.

Council called for Round 2 Non-Recurrent Financial Assistance requests during October 2017 with eight (8) projects to the value of \$18,668 received. These projects were considered by the Community Development Committee on 23 January 2018 which recommends that Council provide \$16,168 funding to seven (7) projects as follows.

	Organisation	Project Outline	Amount requeste	Amount Recommended
1.	Gindaay Youth Centre "Journey to the Heart".	Take a group of young people on a pilgrimage to Uluru to connect to country, learn new skills and foster a sense of belonging upon return.	\$2,000	\$2,000
2.	Gindaay Youth Centre Running costs	To enable the operation of the Gindaay Youth Centre in Portland	\$2,500	\$0 This request is not recommended for approval as it is for general running costs and not for a specific project.
3.	YMCA NSW Skate Park Leagues Lithgow	Host a Skate Park League skateboarding, scootering and BMX competition in Lithgow for young people as part of a National project.	\$2,981	\$2,981

4.	Lithgow Theatre Group One Act Play Festivals	Perform at amateur play festivals in NSW.	\$3,000	\$3,000
5.	Lithgow & District Family History Society Inc. Faces behind the Facade	To educate the community about local history and place emphasis on the individuals that shaped Main Street and the region.	\$3,000	\$3,000
6	Mitchell Conservatorium Scholarship Program for 2018	To recognise talented students by providing a financial reward to offset tuition costs.	\$2,000	\$2,000
7	Capertee District Progress Association BBQ Area permanent roof covering	To provide a cover over the current BBQ area at Capertee Hall to enable all weather community events.	\$2,604	\$2,604
8	Kanimbla Valley sports Club	Rate Reimbursement	\$583	\$583
TOTAL			\$18,668	\$16,168

2. Tony Luchetti Sportsground and Civic Ballroom Fee Waiver Request

A request has been received for the waiver of Tony Luchetti Sportsground and Civic Ballroom hire fees for the planned Resilience 2018 event to be held on Saturday 13 October 2018. Resilience 2018 is a charity music festival which aims to raise awareness for mental health and suicide prevention.

Projected event hire costs, using 2017/18 hire charges are as follows:

Civic Ballroom Hire fees	\$523.75
Bump in/out for 2 days	\$524
Showground hire fee	\$511.50
Watsford Oval (parking)	\$246.50

Total Cost \$1,805.75

The applicant has requested Council consideration of their request now so that they may plan their budget for the event. If approved by Council, this request will have a budget implication in 2018/19 at which time it could be funded from the Civic Ballroom and Tony Luchetti Showground fee waiver packages allocation as follows.

Each year, Council allocates \$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. No applications have been received by Council under this category in 2017/18.

3. Delegation to General Manager to Approve Fee Waivers

Each year, Council delegates an amount of \$1,000 for the General Manager to approve fee waiver requests throughout the year (Min 17-124 of 17 July 2017 Council meeting). To date, the following requests have been approved by the General Manager leaving a remaining balance of \$99.25

St Joseph Primary school Portland	\$284
Stars of Lithgow Dance for Cancer event	\$393
Poultry Club	\$223.75
Balance Remaining	\$99.25

Council has recently received a request from Lithgow High School for a partial waiver of chair hire costs for their recent Year 10 Celebration event however there are insufficient funds remaining to consider this request. It is recommended therefore that Council allocates an additional \$1,000 for the General Manager's delegation to approve the Lithgow High School request and further requests as they are received during the remainder of the year.

The additional \$1,000 for fee waivers is not a new allocation, but will be funded from the remaining Non-Recurrent Financial Assistance allocation.

SUMMARY

Council has allocated \$84,500 in the current year for Non-Recurrent Financial Assistance as follows:

Program	Amount Allocated	Amount remaining
Rounds 1 and 2	\$73,500	\$27,856 for Round 2 and additional fee waivers
Civic Ballroom and Showground Fee Waiver packages	\$10,000	\$10,000
Delegation to General Manager to Approve Fee Waivers	\$1,000	\$99.25
TOTAL	\$84,500	\$37,955.25

The allocation of a further \$16,168 to Round 2 projects and a further \$1,000 for fee waivers will reduce the remaining Rounds 1 and 2 balance to \$10,688.

POLICY IMPLICATIONS

Local Government Act 1993

FINANCIAL IMPLICATIONS

Non-Recurrent Financial Assistance Rounds 1 and 2

- Budget approved - \$73,500
- Cost centre – 600059 1000 63150
- Expended to date - \$45,644
- Future potential impact –NIL

Delegation to General Manager to Approve Fee Waivers

- Budget approved - \$1,000
- Cost centre – 600059 1000 63150
- Expended to date - \$900.75
- Future potential impact –NIL

Civic Ballroom and Tony Luchetti Showground Fee Waiver Packages

- Budget approved - \$10,000
- Cost centre – 600059 1000 63150
- Expended to date - \$0
- Future potential impact –\$2,500 in 2018/19

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council:

1. Provides \$16,168 Round 2 Non-Recurrent Financial Assistance to seven (7) projects as follows.

	Organisation	Amount Recommended
1.	Gindaay Youth Centre "Journey to the Heart".	\$2,000
2.	YMCA NSW Skate Park Leagues Lithgow	\$2,981
3.	Lithgow Theatre Group One Act Play Festivals	\$3,000
4.	Lithgow & District Family History Society Inc. Faces behind the Facade	\$3,000
5.	Mitchell Conservatorium Scholarship Program for 2018	\$2,000
6.	Capertee District Progress Association BBQ Area permanent roof covering	\$2,604
7.	Kanimbla Valley Sports Club Rate Reimbursement	\$583
TOTAL		\$16,168

2. Approves a 2018/19 Financial Assistance allocation of up to \$2,500 for the waiver of Tony Luchetti Sportsground and Civic Ballroom hire fees for the planned Resilience 2018 event to be held on Saturday 13 October 2018.
3. Allocates an additional \$1,000 for the General Manager's delegation to approve further fee waiver requests as they are received during the remainder of the current year.

COUNCIL COMMITTEE MINUTES

ITEM-26 ECDEV - 26/02/18 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES

REPORT BY: **DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 8 November 2017 and 7 February 2018.

COMMENTARY

At the Environmental Advisory Committee meeting held on 8 November 2017 there were 5 items on the agenda and at the Environmental Advisory Committee meeting held on 7 February 2018 there were 9 items which are outlined in the attached minutes.

Item 3 of the minutes of 7 February 2018 recommends that Council include a sum of \$30,000 be included in the draft 2018/2019 budget for the preparation of a Roadside Vegetation Management Plan. If the Council supports this request it will be necessary to resolve accordingly.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes from the Environmental Advisory Committee meeting held on 8 November 2017 and 7 February 2018.

RECOMMENDATION

THAT Council note the minutes of the Environmental Advisory Committee held on 8 November 2017 and 7 February 2018.

**ITEM-27 COMM - 26/02/18 - CRIME PREVENTION COMMITTEE MEETING HELD 20
NOVEMBER 2017**

REPORT BY: MANAGER, ORGANISATIONAL DEVELOPMENT AND COMMUNITY

REFERENCE

Min-17-169 Ordinary Meeting of Council 29 May 2017
Min-17-283 Ordinary Meeting of Council 25 September 2017

SUMMARY

This report details the minutes of the Crime Prevention Committee meeting held on 20 November 2017.

COMMENTARY

At the Crime Prevention Committee meeting held 20 November 2017 various items were discussed by the committee, including:

Item 4 Bureau of Crime Statistics and Research Quarterly Report

This report provides crime data for Lithgow LGA for the 12 months to June 2017.

Item 5 Police Report

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – NIL
- Cost centre – N/A
- Expended to date - NIL
- Future potential impact - NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Crime Prevention Committee meeting held 20 November 2017.

RECOMMENDATION

THAT Council notes the minutes of the Crime Prevention Committee meeting held 20 November.

ITEM-28 OPER - 26/02/18 - OPERATIONS COMMITTEE MEETING 11 DECEMBER
2017

REPORT BY: DIRECTOR OPERATIONS

SUMMARY

This report details the Minutes of the Operations Committee Meeting held 11 December 2017.

COMMENTARY

At the Operations Committee held on 11th December 2017, the following items were discussed:

- Water/Sewerage Account – Bells Road, Lithgow
- Proposal to Transfer Road Management
- Transfer of Crown Roads
- Point to Point Transport Act 2016
- Roads to Recovery Program
- SES Unit Building Grant Agreement
- Update on Wallerawang Infrastructure Projects

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Operations Committee Meeting held 11th December 2017

RECOMMENDATION

THAT Council note the Operations Committee Meeting Minutes and;

1. Council seek further information from Access Industries for the Disabled Pty Ltd regarding their financial ability to meet future water billing based on the volume of water consumed
2. Council apply to the NSW Department of Lands (Crown Lands) to transfer the ownership of the Crown Public Roads listed as per the attachment within the LGA to Lithgow City Council
3. Council liaise with Ms. Amanda Gleeson, Principle Manager Compliance in relation to the expiry in 2018 of the contracts that are held for the security service providers at secure taxi ranks within the LCC area.
4. Council note its role in providing the infrastructure for the Lithgow Unit NSW SES.

**ITEM-29 ECDEV - 26/02/18 - LITHGOW LOCAL HERITAGE ADVISORY COMMITTEE
MEETING MINUTES - 12 DECEMBER 2017**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Min 16-247 Ordinary Meeting of Council 10 October 2016
Min 16-248 Ordinary Meeting of Council 10 October 2016
Min 17-154 Ordinary Meeting of Council 29 May 2017
Min 17-241 Ordinary Meeting of Council 14 August 2017

SUMMARY

This report details the Minutes of the Lithgow Local Heritage Advisory Committee Meeting held on 12 December 2017.

COMMENTARY

At the Lithgow Local Heritage Advisory Committee meeting held on 12 December, 2017, there were twelve items on the agenda as summarised in the attached minutes. As this was the inaugural meeting of the newly formed Committee the items on the agenda were in relation to dissemination of information to the new Committee.

All items were discussed and no items are recommended to Council for further consideration. The actions of the Committee in relation to each item are identified in the attached minutes.

The attached minutes have been endorsed by at least two members of the Committee being:
Mr C Hunter and
Mr R Moodie.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes from the Lithgow Local Heritage Advisory Committee meeting of 12 December, 2017.

RECOMMENDATION

THAT Council receives and notes the minutes of the Lithgow Local Heritage Advisory Committee held on the 12 December, 2017.

ITEM-30 COMM - 26/02/18 - COMMUNITY DEVELOPMENT COMMITTEE MEETING

REPORT BY: MANAGER ORGANISATIONAL DEVELOPMENT AND COMMUNITY

REFERENCE

Min No 17-168: Ordinary Meeting of Council held on 29 May 2017
Min No 17-224: Ordinary Meeting of Council held on 17 July 2017
Min No 17-283: Ordinary Meeting of Council held on 25 September 2017
Min No 17-362: Ordinary Meeting of Council held on 27 November 2017

SUMMARY

This report details the Minutes of the Community Development Committee Meeting held on 23 January 2018.

COMMENTARY

At the Community Development Committee held on 23 January 2018, there were numerous items discussed by the Committee including;

1. Financial Assistance Recommendations – this matter is detailed in a separate report to Council.

2. John Wellings Award

The Committee considered a request by the Lithgow Branch of the National Trust that Council run the annual John Wellings award.

The Lithgow Branch of the National Trust has received Financial Assistance from Council for a number of years to run the annual John Wellings award, named in honour of former Rydal resident John Wellings who was a former President of the Lithgow Branch of the National Trust. The establishment of the Award program was first considered by Council a number of years ago at which time it was resolved that it be run by the National Trust with some financial assistance from Council.

The annual awards program is promoted to schools across the Lithgow region with students submitting their entries on historical themes. Small awards of between \$50 and \$200 are given.

The National Trust has requested that Council run the annual awards as the National Trust, a volunteer organisation, is finding the administration of the awards too time consuming. Furthermore Council has only funded 50% of the cost of the awards with the National trust having to fund the remaining 50%.

The Community Development Committee considered this request and resolved to recommend to Council that Council directly run the awards program in 2018 and beyond.

The National Trust advises that the cost of the awards is \$900 per year. If Council were to approve the recommendation, the awards program could be administered through the Lithgow Library and in partnership with local schools.

3. Australia Day Awards

Following a call for nominations, the Committee resolved (as delegated by Council) that the Australia Day awards be awarded as follows:

Young Volunteer – Emma Martin
Open Volunteer(s) – Donna White and Kerry Guerin
Young Citizen – Hayden Joshua Way
Open Citizen – Beverley Coombs
Organisation – LPS Special Education Unit
Outstanding Event – Walk N Talk

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

John Wellings Award

- Budget approved - \$0
- Cost centre – 600059 1000 63150
- Expended to date - \$400 in 2017/18
- Future potential impact –\$900 per year in 2018/19 and subsequent years.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Community Development Committee meeting of 23 January 2018.
2. Correspondence from Lithgow Branch of the National Trust concerning John Wellings Award

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Community Development Committee held on the 23 January 2018.
2. Run the John Wellings Award and allocate funding in each Operational Plan to meet the award costs.
3. Note the list of 2018 Australia Day Award recipients.

ITEM-31 OPER - 26/02/18 - OPERATIONS COMMITTEE MEETING 5 FEBRUARY
2018

REPORT BY: DIRECTOR OPERATIONS

SUMMARY

This report details the Minutes of the Operations Committee Meeting held 5th February 2018.

COMMENTARY

At the Operations Committee held on 5th February 2018, there were numerous item discussed including:

- Main Street Revitalisation – Temporary Traffic Modifications

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

- Report on Barton Avenue, Wallerawang – Pedestrian Access
THAT Council
 1. Note the request but determine that the benefit of the project in relation to the number of potential user/residents does not warrant expenditure identified for the project; and
 2. Council advise the proponent of the budget constraints.
- Report on Tourism Signage for Portland and Wallerawang
THAT Council
 1. Refer the matter to the Operations Committee to seek all avenues of funding such as State, Federal, private and Local; and
 2. Approval and funding be sought from the RMS to install tourist signs (brown & white) at the entry and exit points of the Castlereagh and Great Western Highway and the General Manager write to the Local and Federal Member to explore these opportunities.
- Report on Main Street Revitalisation Project Variations
THAT Council note the impact of variations to date on the Lithgow CBD Revitalisation Project Budget.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Operations Committee Meeting held 5th February 2018.

RECOMMENDATION

THAT Council

1. Note the minutes of the Operations Committee held 5 February 2018 and the actions not requiring a resolution of Council;
2. Note the request but determine that the benefit of the project in relation to the number of potential user/residents does not warrant expenditure identified for the project; and
 - Council advise the proponent of the budget constraints.
3. Refer the matter to the Operations Committee to seek all avenues of funding such as State, Federal, private and Local; and
 - Approval and funding be sought from the RMS to install tourist signs (brown & white) at the entry and exit points of the Castlereagh and Great Western Highway and the General Manager write to the Local and Federal Member to explore these opportunities.
4. Council note the forthcoming traffic modifications in Main Street, Lithgow.
5. Council note the variations to date on the Lithgow CBD Revitalisation Project Budget.

**ITEM-32 OPER - 26/02/18 - SPORTS ADVISORY COMMITTEE MEETING 14
FEBRUARY 2018**

REPORT BY: DIRECTOR OPERATIONS

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held 14th February 2018.

COMMENTARY

At the Sports Advisory Committee Meeting held 14th February 2018, the following items were discussed:

- 2017 LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking Requests

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

- Financial Assistance Request – Emily Watts

THAT Council provide Emily Watts with \$300.00 toward the cost of participating in the Australian National Track Cycling Championship.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved - Yes
- Cost centre - 600059
- Expended to date – N/A
- Future potential impact – N/A

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held 14 February 2018

RECOMMENDATION

THAT Council provide Emily Watts with \$300.00 toward the cost of participating in the Australian National Track Cycling Championship.

NOTICE OF MOTION

ITEM-33 NOM - 26/02/18 - ANZAC PLAQUE

REPORT BY: COUNCILLOR STEVE RING

REFERENCE

Min No 16 – 183: Ordinary Meeting of Council held on 18 July 2016
Min No 17– 59: Ordinary Meeting of Council held on 27 February 2017
Min No 17 – 90: Ordinary Meeting of Council held on 10 April 2018

COMMENTARY

The Lithgow WW1 Commemorative Plaque Project Incorporated was formally established on 29 August, 2016 to continue the project following the disbanding of the Lithgow City WW1 Commemorative Plaque Project.

The Objectives of the Incorporated Committee are:

1. To have a commemorative plaque erected in Queen Elizabeth Park Lithgow to honour people from the Lithgow township area who served overseas during World War One.
2. To assist local communities located within the Lithgow City Council boundaries with research relative to their World War One memorials.

Over three years of research has been undertaken using Helen Taylors 2014“ A Long March from Lithgow “and the online records of the National Archives of Australia. The NAA holds the extant enlistment and service records of individual serviceman and women for World War One. The existing World One Cenotaph in Queen Elizabeth Park contains the names of 131 men who died during active service and only 3 who returned. It was unveiled during October 1918 with 108 names with other names added at a later stage.

Four upright walls surround the Cenotaph constructed of brick and covered in a dark grey marble (double sided). On the WW2 plaque there are 53 names all killed in action, while the Korean plaque lists 43 names under the heading missing in action. The Vietnam plaque however lists 102 service personnel with only one listed as killed in action.

Over 700 serviceman and women have been identified as having been born in or lived in Lithgow at time of enlistment. The men and women who returned from duty were changed for life and not for the better. They carried the emotional and physical scars of wars for life and were never encouraged to talk about their experiences nor was there support for the post-traumatic stress (and survivors guilt that many would have suffered from)

During the Centenary of the War to end all Wars, The Great War, what better time is there to honour the men and women who served our community and young nation so valiantly. To this end the Committee submitted an application under the Armistice Centenary Grants Program to update the Lithgow Memorial i.e. to add the names of those who served to one of the new memorial walls.

The Committee has been advised that the Federal Member of Calare has nominally supported a grant of \$6,000 (approximately \$2,000 is also available from the committee). Finalisation of the grant requires that Lithgow City Council approve the upgrade of the War Memorial to allow inclusion of the 700 plus men and women from Lithgow who served overseas during the War to end all Wars.

A number of our communities have been provided with information identifying former residents who enlisted and served overseas. Portland RSL has submitted an application under the Armistice Centenary Grants Program to update their honour board and memorial and are awaiting the final outcome for a grant of approximately \$3,500.

In the final year of the Centenary of World War 1 I would all Councillors to reflect on the following words from Jim Low "A Broken Soldier":

Did he ever wonder
Why he didn't die
And become a hero
In his country's eyes.

ATTACHMENTS

1. National Archive of Australia Fact Sheet
2. War Memorials Department of Veteran Affairs

RECOMMENDATION

THAT Council approve the upgrade of the War Memorial to allow inclusion of the 700 plus men and women from Lithgow who served overseas during World War 1 and provide a letter of support to the Committee of the Lithgow WW1 Commemorative Plaque Project Incorporated to be submitted with their final application for funding due on the 28 February, 2018.

Management Comment:

Management supports the proposal in principle subject to:

1. Mr Burrett receiving prior approval from Lithgow RSL Sub Branch in support
2. Full cost estimates being provided and full funding sources identified.

ITEM-34 NOM - 26/02/18 - KREMER PARK GRANDSTAND

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

The Grandstand in Kremer Park Portland was built by the Blaxland Shire Council over 75 years ago. It is utilised by the Portland Spring Fair Committee and the Portland Colts Football Team.

It is in very bad repair, it is my understanding that the wood is quite rotten and the canteen and dressing rooms underneath also require much needed attention.

RECOMMENDATION

THAT the Lithgow City Council investigate the option of refurbishing the grandstand in Kremer Park Portland either by applying for State / Federal funding or consider incorporating it in the next Council budget.

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.*

CONFIDENTIAL COUNCIL

**ITEM-34 CONFIDENTIAL COUNCIL - FIN - 26/02/18 - READYMIX CONCRETE
TENDER**

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

Reason for Confidentiality

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

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

SUMMARY

This report seeks endorsement from Council to award Tender 03/17, the supply of readymix concrete to two Lithgow-based suppliers.

RECOMMENDATION

THAT Council consider the report in relation to the readymix concrete tender in Closed Council in accordance with Section 10A (2) (d) of the Local Government Act 1993.