



AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

28 MAY 2018

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 23 APRIL 2018

CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 8 MAY 2018

DECLARATION OF INTEREST

COMMEMORATIONS AND ANNOUNCEMENTS

PUBLIC FORUM

MAYORAL MINUTES

STAFF REPORTS

General Managers Reports
Economic Development and Environment Reports
Operation Reports
Water and Wastewater Reports
Finance and Assets Reports
People and Services Reports

COUNCIL COMMITTEE MINUTES

Strategic Land Use Planning Projects Steering Committee Meeting Minutes
Community Development Committee Minutes 8 May 2018
Environmental Advisory Committee Meeting Minutes
Sports Advisory Committee Meeting Minutes - 9 May 2018
Finance Committee Meeting 14 May 2018

NOTICES OF MOTION

Renaming Of Rotary Park Portland - Councillor M Statham
Speed Limit Forty Bends - Councillor M Statham
NSW Drought Coordinator – Councillor C Coleman
Fodder Transport Rebate for Drought Affected Farmers - Councillor M Statham

BUSINESS OF GREAT URGENCY

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

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GENERAL MANAGERS REPORTS

ITEM-1 GM -28/05/18- LOCAL GOVERNMENT NSW CONFERENCE 2018 DELEGATES

REPORT FROM: **GENERAL MANAGER**

SUMMARY

The Local Government NSW's conference will be held in Albury from Sunday 21 October to Tuesday 23 October 2018.

COMMENTARY

The Local Government NSW Conference is the main policy making event for the local government sector where issues are debated and motions put forward for consideration by delegates.

As a member of Local Government NSW, Lithgow City Council is able to nominate 3 voting delegates to the conference.

Motions can be put forward to be considered during the conference in mid-July and close 26 August 2018. Council will require any motion submissions to be submitted to the General Manager no later than 31 July 2018 to be collated.

At the Local Government NSW Conference of 2017 Council was successful with the FAGS motion put forward.

The Local Government NSW Conference for 2018 coincides with the scheduled date of the Lithgow City Council Ordinary Meeting of Council on 22 October 2018. With three Councillors being able to be nominated as voting delegates to attend there is a possibility that a quorum may not be achieved at this meeting. Administration proposes that the October meeting be moved to the following week, being Monday 29 October 2018.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Conference registrations

- Budget approved - \$82,600
- Cost Centre – 10 1059 1000 63206
- Expended to date - \$38,892
- Future potential impact – Nil

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Appoint the Mayor, Deputy Mayor and another councillor as voting delegates to the Conference
2. Authorise the General Manager or his delegate to attend the Conference as an observer
3. Authorise the Mayor to appoint alternate delegates or additional observers if required
4. Move the 22 October Meeting of Council to Monday 29 October to ensure there is quorum at the Ordinary Meeting of Council in October.

ITEM-2 GM - 28/05/18 - LIDSDALE FOOTPATH

REPORT BY: GENERAL MANAGER

REFERENCE

Min 18-63: Ordinary Meeting of Council 26 March 2018

SUMMARY

There is an identified need to construct a footpath on the Wolgan Road at Lidsdale. A footpath would formalise pedestrian access from the Castlereagh Highway to Skelly Road to provide all residents with a safe and accessible thoroughfare to the bus shelters on Wolgan Road and the services offered by the United Service Station.

COMMENTARY

Council's recent consideration of the need for the Lidsdale footpath at the 26 March 2018 Ordinary Council Meeting resulted in the following decision-

18 – 63 RESOLVED

THAT Council consider the construction of a footpath on Wolgan Road, Lidsdale subject to an assessment of current project priorities within the draft 2018/19 Operational Plan.

***MOVED:** Councillor J Smith **SECONDED:** Councillor M Statham.*

***CARRIED** - Unanimously*

The estimated cost to complete the Lidsdale footpath project is \$192,000.

2018/19 project priorities have been reassessed and it has been determined that half of the scope of the Magpie Hollow Road, Rydal resealing project can be deferred for consideration in the 2019/20 Operational Plan.

Deferral of part of the Magpie Hollow Road project will enable the high priority Lidsdale footpath project to be completed in 2018/19.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - \$192,000 (pending approval)
- Cost centre – PJ100417
- Expended to date - Nil
- Future potential impact - Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council

1. Consider the inclusion of the Lidsdale footpath project in the 2018/19 draft Operational Plan at an estimated cost of \$192,000 when it considers its final report on the adoption of the Draft 2018/19 Operational Plan in June 2018.
2. Consider the deferral of half of the Magpie Hollow Road, Rydal resealing project for consideration in the 2019/20 Operational Plan to enable funds to be allocated in 2018/19 to the Lidsdale footpath project when it considers its final report on the adoption of the Draft 2018/19 Operational Plan in June 2018.

ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM-3 ECDEV - 28/05/18 - AUSTEN QUARRY EXTENSION PROJECT- MODIFICATION 1 (SSD 6084 MOD 1)-RESPONSE TO SUBMISSION

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Min No 14-480 - Ordinary Meeting of Council held on 15 December 2014- Austen Quarry Stage 2 Extension Project (SSD 6084)

Min No 18-87 – Ordinary Meeting of Council held on 23 April 2018- Austen Quarry Stage 2 Extension Project (SSD 6084) Modification 1

SUMMARY

To advise and update Council on a State Significant Development that has been submitted to the Department of Planning and Environment (the Department) for the Austen Quarry 'Extension Project' -Modification 1 (SSD 6084 MOD 1), Jenolan Caves Road, Little Hartley.

Prior to the Department making a determination of the application, the applicant has been advised to consult with Council by providing a draft response to Council's submission on the matter. Council's previous submission related specifically to noise, traffic movements and hours of operation for vehicle movements. This was reported to Council on 23 April 2018.

Council resolved to support the staff submission on the modification.

COMMENTARY

The applicant has submitted the following response to Council's concerns:

Council Officer's Concerns

1. Vehicles arriving at the site an hour before opening and queuing at the quarry entrance

Applicant's Response

Hy-Tec's Driver's Code of Conduct restricts all drivers from queuing at the Quarry entrance gate (on Jenolan Caves Road). Failure to comply with the Driver's Code of Conduct can result in disciplinary actions and if the issue is not resolved may result in a driver being banned from the Quarry.

To further limit the possibility of queuing on Jenolan Caves Road, a Hy-Tec employee opens the gates to the Quarry approximately half an hour prior to the commencement of operations. Hy-Tec has made an area available for trucks to park and wait within the Quarry before the weighbridge is open. The SAP software used by Hy-Tec to manage product despatch does not permit drivers to receive a ticket for product loading until the designated time for commencement and will not permit trucks to leave after closing.

Council Officer's Concerns

1. Noise would be required to be managed by all drivers and the quarry operators. There is no certainty of noise avoidance or implications for any breaches of any traffic management plans.

Applicant's Response

Hy-Tec considers that the proposed modification to operating hours for product loading and despatch are acceptable, with justification of the modification as follows:

- The road noise impact assessment for the proposed modifications concluded that the change in road traffic noise resulting from the change to operating hours and traffic levels would be negligible (<0.1dB(A)) between the Quarry entrance and the Great Western Highway.
- Jenolan Caves Road is a State road approved for 24-hour heavy vehicle use. Hy-Tec's operations are consistent with this classification and Hy-Tec vehicles are not the only vehicles using the road and crossing the Glenroy Bridge. Based on the results of traffic surveys undertaken in February/March 2017, Hy-Tec trucks are approximately 17.5% of all midweek traffic on Jenolan Caves Road.
- The RMS has recently resurfaced the Glenroy Bridge (February 2018) as a component of ongoing maintenance of Jenolan Caves Road. This has improved noise impacts at the Glenroy Property from vehicles travelling across the Glenroy Bridge.
- Hy-Tec has directed all drivers to implement a 40km/hr speed limit for all Quarry-related trucks at the approach to and on Glenroy Bridge to reduce the short-term noise levels that result from vehicles crossing the bridge.
- The recommended speed limit for Quarry-related trucks at the approach to and on Glenroy Bridge is implemented through the Quarry site-specific driver induction that all contracted drivers are required to sign and abide by. If drivers fail to meet the requirements they face disciplinary action and may be banned from the site.
- Hy-Tec funded an upgrade to approaches to the northern and southern sides of the Glenroy Bridge in late 2012 to remove general depressions between the bridge deck and its approaches that were contributing to impact noise as vehicles entered onto and departed from the bridge.
- Hy-Tec has worked in conjunction with the owners of the Glenroy Property to plant 50 trees that, once grown, would act as a tree screen and reduce noise levels experienced at the Glenroy Property.
- Hy-Tec is also currently discussing installation of noise shutters at the family residence which would further mitigate noise impacts from all vehicles on Jenolan Caves Road, not just the Quarry-related vehicles.
- Noise monitoring at the Glenroy Property would continue for the life of the Quarry operation in accordance with the approved Noise Management Plan.

Comments

As per Council's previous submission, Council's main concerns relate to the increase in operating hours, heavy vehicle haulage, and the impact on the acoustic amenity of the area, particularly the nearby residents.

The extended vehicle operating hours proposed are still of concern, although some mitigation measures have been and will be undertaken to and around the Glenroy Bridge. There is still the nearby camping ground and other properties within the vicinity that would be potentially affected. The long term mitigation measures and up-keep of the bridge is also of concern although it is noted that RMS is a major stakeholder and the bridge is used by other traffic. Council Officers

still have concerns with the extended transport hours. Whilst each proposal must be considered on its merit, a commencement time for trucking of 4.00am is not the normal time for other quarries in the area.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – The potential for the ongoing maintenance to the Glenroy Bridge in regard to noise and traffic impacts

LEGAL IMPLICATIONS

As the proposal falls within Part 4, Division 4.2 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Environment will be the consent authority.

ATTACHMENTS

1. Response to Council's concerns from Hy-Tec.

RECOMMENDATION

THAT:

1. The information in the report on the Austen Quarry 'Extension Project' - Modification 1 (SSD 6084 MOD) be noted.
2. Council indicate to the proponent and the Department of Planning and Environment that it still has concerns in relation to the extended transport hours, traffic movements and acoustic amenity of the surrounding area but does not object to the Department of Planning and Environment determining the modification proposal.

**ITEM-4 ECDEV - 28/05/18 - DA067/18 DEVELOPMENT APPLICATION
 INSTALLATION OF TOILET BLOCK - DAINTREE LANE WANG**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

SUMMARY

To advise Council of the submission of Development Application 067/18 for Lithgow City Council for the installation of a new toilet block on Lot 101 DP773811 No.36/40 Main Street (off Daintree Lane) Wallerawang. The application is recommended for approval subject to conditions.

COMMENTARY

The proposal involves the installation of an Exeloo Jupiter toilet block that includes one single unisex ambulant toilet and one fully accessible toilet with baby change table. It will be located off Daintree Lane behind Wallerawang Library adjoining the existing staff carpark. This location was selected due to improved visibility, ease of accessibility and availability of an existing power supply through the Wallerawang Depot. A suitable power supply was not available on the site of the existing toilet block on the other side of Daintree Lane.

One staff car parking space will become an accessible parking space for access by the disabled to the facility. It will be necessary to provide another staff space to offset this.

This project will provide essential compliant accessible amenities for residents and visitors to Wallerawang. There are currently no accessible toilet facilities available to service Wallerawang CBD.

POLICY IMPLICATIONS

Council's Policy 7.6 – Development Applications on Council Owned Land are required to be referred to Council for consideration and determination and that no aspect of the development be dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

All matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979 have been taken into consideration.

ATTACHMENTS

1. A Section 4.15 report pursuant to the Environmental Planning and Assessment Act 1979.
2. Site Plan of the proposal.

RECOMMENDATION

THAT

1. Development Application 067/18 be approved subject to conditions specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-5 ECDEV - 28/05/18 - DA216/17- PROPOSED MULTI DWELLING HOUSING,
11 COALBROOK STREET LITHGOW**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

SUMMARY

To inform Council of the ‘call in’ of a development application, pursuant to Council policy.

COMMENTARY

Council is in receipt of a Development Application (DA216/17) for multi dwelling housing on land known as Lot 11 DP 736829 and Lot A DP 341360, 11 Coalbrook Street, Lithgow.

The application has been called in by Clr Darryl Goodwin.

The application has been notified to surrounding landowners and is placed on public exhibition.

OTHER ISSUES

No.

POLICY IMPLICATIONS

Policy 7.5 Notification Of Development Applications

This policy applies to all applications as below:

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

5.3 Certain types of development will be notified to adjoining landowners as well as the wider neighbourhood, and in some circumstances for 21 days, as indicated in the following table:

Type of Development Proposed	Minimum Notification Required (Surrounding Landowners)	Period
Subdivisions, for more than 10 lots, on land zoned land zoned R1, R2, R5 and RU5	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days
Bed & Breakfast, Home industries, restaurant or café, Self-Storage Units	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days
Multi-dwelling Housing , hostels, boarding houses, child care centres, Hotels, Motels, Tourist Facilities, residential flat buildings, residential care facility, seniors housing, serviced apartments, places of public worship, recreation facility, amusement centres, professional consulting rooms	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days

The proposal was notified to surrounding landowners and placed on display for two notification periods, the first being undertaken on the 18 August 2017. The plans have since been amended with the reduction of 1 unit (8 to 7) and minor allotment layout. The notification period is currently being undertaken for a period of 21 days as per the above Policy.

Policy 7.7 Calling In Of Development Applications By Councillors

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

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

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

FINANCIAL IMPLICATIONS

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A
- Other - Council’s Section 94A Contribution Plan 2015 applies to the development with payment to be received by Council prior to the issue of the Construction Certificate.

LEGAL IMPLICATIONS

No specific implications at this point of the process.

RECOMMENDATION

THAT the calling in of Development Application DA216/17 be noted.

**ITEM-6 ECDEV - 28/05/18 - FARMERS CREEK PRECINCT MASTER PLAN HIGH
COMMENDATION-PARKS AND LEISURE AUSTRALIA NSW-ACT AWARDS
OF EXCELLENCE**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

REFERENCE

Minute No 17-94 (Farmers Creek Precinct Master Plan); Ordinary Council Meeting 10th April 2017

SUMMARY

This report advises Council that the Farmers Creek Precinct Masterplan was fortunate enough to be recognised at Parks and Leisure Australia's NSW/ACT "Awards for Excellence", recently announced in Tamworth.

COMMENTARY

Gondwana Consulting, the consultant engaged to develop the Farmers Creek Masterplan (FCMP), prepared a joint organisation submission for the Parks and Leisure Australia's NSW/ACT "Awards for Excellence".

The Farmers Creek Precinct Masterplan was awarded a High Commendation in the "Strategic Planning" category.

In this category (Strategic Planning) there was an "unprecedented result", as the Parks and Leisure Australia (PLA) described it on the night, with the two top entries being scored as equal by the judging panel; the Farmers Creek Precinct Masterplan and the Royal Botanic Gardens and Centennial Parklands entry ("Moore Park Master Plan 2040"). The PLA called on an independent assessor to split the result, and unfortunately the FCMP was pipped at the post. Considering the FCMP was up against a sizeable government agency and a very high profile project, overall this was An excellent result.

In recognition of the initial tied result, the Farmers Creek Precinct Masterplan received a "High Commendation", the only one handed out across all eight categories on the night.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Strategic Planning Award - High Commendation – Farmers Creek Precinct Master Plan

RECOMMENDATION

THAT Council note the High Commendation in the Parks and Leisure Australia's NSW/ACT "Awards for Excellence" Strategic Planning category for the Farmers Creek Precinct Masterplan.

**ITEM-7 ECDEV - 28/05/18 - SOIL EROSION ISSUE ADJACENT TO 2 BELLS ROAD
LITHGOW**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

SUMMARY

To advise Council of an issue relating to soil erosion impacting upon a private property owner at 2 Bells Road Lithgow and advise of efforts to assist the property owner.

COMMENTARY

For some considerable time, at least since 2016, Council Officers have endeavoured to assist the owner at 2 Bells Road Lithgow which has experienced soil erosion of the driveway on the property which has been attributed to the property directly adjacent. Photographs are attached which indicate the problem.

Surveys have been conducted which have established the property in the ownership of a wholly owned subsidiary of Shell Australia. At first it was thought that this subsidiary was a Company known as Viva Energy, however upon a more comprehensive search and the discovery by Council's Surveyors that there had been an error in the registration of a Deposited Plan, it has now been ascertained that the owner of the property is Austen and Butta Pty Ltd, its sole shareholder being Shell Australia Services company whose sole shareholder is Shell Energy Holdings Australia. The ultimate holding company for those entities is Royal Dutch Shell PLC whose registered office is in Perth. Austen and Butta is of course a well-known name in the coal industry in Lithgow but it is understood that the company was purchased some years ago by Shell. After a number of unsuccessful attempts at gaining any reasonable response from Viva Energy and subsequently ascertaining that the ownership actually lay with Austen and Butta Pty Ltd, correspondence was forwarded to Austen and Butta Pty Ltd in October 2017 explaining the situation and requesting that rectification works be carried out to assist the owner of the property. Since that time there have been a number of interactions between the company, Council's Solicitor, Council's Surveyor and Council Officers but as yet the matter remains unresolved.

The main issue appears to be for Shell to come to grips with the fact that land is actually owned by its subsidiary, Austen and Butta which they had previously thought had no land holdings in existence. The actual ownership was discovered by Council's Surveyor who determined that there had been an error in registration of a Deposited Plan. It should also be noted that there is an area of lesser erosion adjacent to the Council road reserve which Council will have to attend to in due course.

Whilst it is assumed that Austen and Butta is carrying out its own searches to verify the information it has been provided through Council's Solicitors and Surveyors, this is little comfort to the landowner who can no longer use the driveway within her property. Whilst it must be stressed that this is strictly a matter between two private landowners it has been pursued to try and assist the landowner in her endeavours against a large corporation. Council could, if it chose to, take no further action however assisting the landowner in this situation is considered to be the right thing to do. It should be noted that the company has canvassed Council's interest in acquiring the land which is a strip that adjoins a number of private properties. However, there would be no benefit in Council acquiring the land which would otherwise be a liability.

With this in mind it is suggested that final correspondence be provided to Austen and Butta Pty Ltd urging them to provide an undertaking that rectification will be carried out. If no such

undertaking is provided within 21 days of the letter being issued then Austen and Butta be advised that Council will be making representations to CENTROC and WESROC asking those entities to urge their populations within the areas covered by these organisations not to conduct any business with Shell until such time as the matter has been satisfactorily resolved.

Furthermore it would be intended to conduct a media campaign indicating how a private citizen has not been able to achieve a satisfactory result from damage caused from land owned by a large corporate entity.

Whilst these actions may seem beyond the normal scope of a Local Government organisation it is considered that the issue is such that any reasonable support Council can provide and garner assistance from others would be appropriate.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

Council has incurred some minor survey and legal costs associated with this matter.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Photographs of erosion at 2 Bells Road Lithgow

RECOMMENDATION

THAT

1. Correspondence be forwarded to Austen and Butta Pty Ltd requesting a satisfactory undertaking to Council within 21 days of the correspondence that the soil erosion impacting on the property at 2 Bells Road Lithgow will be rectified within a reasonable period.
2. In the event that a satisfactory undertaking has not been provided in the 21 day period as outlined in No.1 above, Council write to CENTROC and WSROC asking them to urge their respective populations not to have any dealings with Shell Corporation Australia Services, Shell Energy Holdings or Royal Dutch Shell PLC until the matter is resolved. Furthermore, Council then conduct a media campaign on behalf of the owner of 2 Bells Road Lithgow.

ITEM-8 ECDEV - 28/05/18 - TEN TUNNELS DEVIATION

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

SUMMARY

To advise Council of the determination/approval of the ten tunnels deviation.

COMMENTARY

Advice has been received from Transport for NSW advising that the proposed ten tunnels deviation has been approved.

The project which involves the minor modification of the lining of eight (8) tunnels in the ten tunnels deviation and minor modification to an ancillary infrastructure to accommodate the proposed new inner city fleet has received approval from Transport for NSW subject to conditions. Councils submission on the proposal indicated that the Environmental and the Amenity impacts were acceptable and the works proposed as part of the project were supported as they were being carried out in accordance with plan possessions of the rail line.

A copy of the determination report is attached to the business paper for the information of Councillors.

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. New Intercity Fleet Ten Tunnels Deviations Modification – Determination Report.
2. New Intercity Fleet Ten Tunnels Deviations Modification – Summary

RECOMMENDATION

THAT the information on the approval of the Ten Tunnels Deviation Modifications be noted.

**ITEM-9 ECDEV - 28/05/18 - WALLERAWANG ASH REPOSITORY - MODIFICATION
1 - WALLERAWANG POWER STATION**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

REFERENCE

Min No. 18-77 – Ordinary Meeting of Council held on 26 March 2018 – Business of Great Urgency

Min No. 18-90 – Ordinary Meeting of Council held on 23 April 2018

Min No. 18-105 – Ordinary Meeting of Council held on 23 April 2018 – Notice of Motion – Energy Australia

SUMMARY

To advise Council of a submission by Energy Australia in relation to its capping proposals to ash emplacement areas at Kerosene Vale and Sawyers Swamp.

COMMENTARY

Council has received, by way of a briefing note, further information and advice of a revision on maximum trucking numbers in relation to this project.

Council would recall its concerns expressed by submissions primarily in relation to:

- Excess trucking movements – up to 300 per day (150 in each direction).
- Quality Assurance of materials received.
- Investigation of other transport options, i.e rail.

In relation to these matters the briefing note provided by Energy Australia indicates the following:

Truck Transportation

Energy Australia has amended its proposal from a maximum of 150 movements in either direction per day to a maximum of 100 per day. It has been indicated that on average it is likely that 70 loads per day would be achieved over an extended period.

Officers Comment – Whilst this is still potentially a significant number of truck movements it is acknowledged that a concession has been made in an endeavour to try and reduce the impact of the truck movements. It is suggested that in a final submission back to the Department of Planning and Environment that Council request a cap of 100 trucks per day be placed on any consent and this be time limited to not exceeding two years.

Rail Transport - The briefing note provides information on the rail transportation option.

Officers Comment – It is acknowledged that the rail transportation option particularly for a limited period does not appear to be feasible.

Quality of Material - The briefing note indicates the extensive process in relation to material classification, vehicle monitoring and security to ensure the material is confirmed as ENM/VENM from its point of dispatch to point of delivery.

Officers Comment – Council Officers have no concern in relation to this matter. The process involved and the necessary requirements will ensure that the material brought to site is confirmed as either ENM or VENM.

General Comments

It is understood where the matter stands at the moment is that Councils submission would be considered by the Department of Planning and Environment as constituting an objection and consequently the modification application would need to proceed to an Independent Planning Commission (formally Planning & Assessment Commission) unless a favourable motion of support was received from Council. Whilst it is difficult to express a motion of support, it is suggested that providing there are limits placed on the number of truck movements and any consent is time limited to a maximum of 2 years, Council could be comfortable in expressing that it does not have an objection to the proposal.

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. Wallerawang Power Station Coal and Progressive Capping Strategy Briefing Note

RECOMMENDATION

THAT Council indicate to the Department of Planning and Environment in relation to Wallerawang Ash Repository Modification No. 1 that it has no objection to the Modification proposal proceeding providing that any consent is limited to a maximum of 100 truck movements per day and that the time limit of 2 years is placed on the consent.

**ITEM-10 ECDEV - 28/05/18 – PLANNING AGREEMENT FOR SUBDIVISION,
DA269/17, 1 LOT INTO 11, 7 BOWEN CHASE SOUTH BOWENFELS**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

REFERENCE

Min No 18-58: Ordinary Meeting of Council held on 26 March 2018 - Draft Planning Agreement

SUMMARY

To advise and seek endorsement of a Voluntary Planning Agreement with Lemdean Pty Limited for an approved subdivision of 1 Lot into 11 residential Lots at Lot 14 DP1202238, 7 Bowen Chase South Bowenfels NSW 2790.

COMMENTARY

At Council's ordinary meeting of 26 March 2018 it was resolved to endorse a draft Planning Agreement for DA269/17, 11 residential lots, 2 new public roads and a public open space area.

The applicant proposed an offer for a Voluntary planning Agreement on the 23 November 2017 for the following:

- \$66,000 in total being \$6,000 (per residential lot) to go toward community facilities and open space;

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact – The endorsement of a Voluntary Planning Agreement will assist Council to provide facilities which will be of benefit towards a public purpose.

LEGAL IMPLICATIONS

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 7.4 – 7.10) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H). The Voluntary Planning Agreement has been exhibited for a period of at least 28 days pursuant to Section 7.5 of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. Voluntary Planning Agreement with Lemdean Pty Ltd

RECOMMENDATION

THAT

1. Council endorse the Voluntary Planning Agreement proposed by Lemdean Pty Ltd for DA269/17 for \$66,000 in total being \$6,000 (per residential lot) to go toward community facilities and infrastructure.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning and Environment.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-11 ECDEV – 28/05/18 – DA217/17 - PROPOSED RESTAURANT AND KITCHEN
WITH OUTDOOR SEATING & AMENITIES, LOT 56 DP 791926, MAGPIE
HOLLOW ROAD SOUTH BOWENFELS**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

SUMMARY

To assess and recommend determination of DA217/17 with a recommendation for approval subject to conditions.

COMMENTARY

Council is in receipt of a Development Application DA217/17 for a restaurant and kitchen, deck, outdoor seating, beer garden and amenities on land known as Lot 56 DP 791926, Lake Lyell Recreation Park, Magpie Hollow Road, South Bowenfels.

Council recently approved a sheltered area and retaining walls as per DA190/16. The current development proposes to change the use of the sheltered area that was used as a seating area, to be a restaurant and kitchen. The development proposes to enclose the sheltered area to include windows and doors and to also construct a deck and beer garden.

The development is proposed to be adjacent to the existing office building. The restaurant is proposed to have a capacity of approximately 90 people with a beer garden to the side of the restaurant. The beer garden would be ancillary to the restaurant and would comprise an unroofed area of 120m².

The development is proposed to be undertaken in 2 stages. The first stage consists of the restaurant and the second stage consisting of the deck on the northern elevation.

The proposed hours of operation are 7 days per week; between 11am to 10pm Sundays to Thursdays, and 11am to midnight on Fridays and Saturdays. There will be approximately 6 staff members required on site.

The property currently contains; a kiosk, office, boat ramp, amenities block with showers and toilets, accessible toilets, covered picnic area, powered and unpowered camping sites and three cabins offering 10 beds (subject to a separate development application - DA054/18).

POLICY IMPLICATIONS

PERMISSIBILITY: The development being a 'restaurant or café', is permissible under Lithgow Local Environmental Plan 2014, subject to development consent.

Policy 7.5 Notification of Development Applications

Given the isolated nature of the development in respect to residential properties (approximately 700 metres), relatively minor scale of the development and the existing established outdoor recreation use, the development was not notified to adjoining land owners as the development is considered to not have much potential to create a negative impact on the amenity of the neighbourhood.

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

This policy states that:

Development Applications to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority.

Given that the property is owned by Council, the proposal is reported to Council for determination.

ASSESSMENT

The development is proposed to be ancillary to the recreation and camping area on the property. The development will not impact the current use or the natural environment as it will utilise a small area on the large allotment and has a reasonable setback from the Lake.

The application is required to be assessed by WaterNSW given the development is for a restaurant relying on existing onsite effluent management systems. The proposal was forwarded to WaterNSW for assessment with no objections provided, subject to conditions of consent being imposed. This will require the applicant to carry out an upgrade to the existing effluent disposal arrangements in order to make the existing system functional again pending the ultimate provision of a package treatment plant which Council is investigating. It is considered that the development will meet the requirements of a neutral or beneficial effect on water quality subject to conditions of consent, if approved.

Hardstand parking for 63 cars is currently available on site adjacent to the proposed restaurant. The existing car parking is used by casual day visitors to the site. There are 120 parking spaces across the entire site. The restaurant will generate the need for 19 spaces. It is considered however that due to the use of the restaurant by campers and mainly at night sufficient parking is currently provided. Ample site area exists to expand the carpark should this ever prove necessary in the future.

The surrounding area is generally for recreational and camping purposes around Lake Lyell. Rural residential uses are located adjacent to Magpie Hollow Road and adjacent to the Lake. As the development is on a lower elevation and surrounded by existing infrastructure such as the boat shed, cabins and existing office building, it is considered that the development will have minimal impact to surrounding landowners. The proposal will not cause any land use conflicts and the development is permissible within the zone.

FINANCIAL IMPLICATIONS

Whilst not specifically relevant for the assessment of this DA, Council is working on a project to upgrade the sewerage management for the site.

- Budget approved – For financial year 17/18 - \$50,000. For 18/19 - \$800,000.
- Cost centre – 100263
- Expended to date – \$10,396.00
- Future potential impact – At this stage the full cost to upgrade the onsite sewerage management (OSSM) system or a package treatment plant is unknown as studies are required. As Council is the owner of this land, the tenant may approach Council for assistance which would need to be negotiated, possibly via the lease.

LEGAL IMPLICATIONS

When 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*. A full assessment under Section 79C is attached.

ATTACHMENTS

1. Complete Section 79C Report.

RECOMMENDATION

THAT

1. Development Application DA217/17 be APPROVED subject to the conditions in the attached Section 79C Report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

OPERATION REPORTS

ITEM-12 OPER - 28/05/18 - WALLERAWANG OVERBRIDGE PEDESTRIAN AND VEHICULAR TRAFFIC ISSUES

REPORT BY: EXECUTIVE MANAGER OPERATIONS

SUMMARY

To provide solution options and their approximate budget requirements for sight distance and pedestrian access issues on the Wallerawang Rail Overbridge, Wallerawang.

COMMENTARY

Through the Wallerawang Progress Association, the community of Wallerawang have expressed concerns with regard to sight distance and pedestrian access in the immediate vicinity of the Wallerawang Overbridge, Wallerawang. Council officers have considered the issues raised and after thorough investigation, have proposed the following solutions.

Sight Distance

The sight distance concern relates to the northern intersection and is a result of the bridge superstructure, particularly the concrete traffic barriers and the height of the concrete deck in comparison to the bridge approaches.

It is believed that a redesign of the bridge line marking would solve this issue, predominantly through the relocation of the right-hand turn to a point approximately 8.6 metres to the north (see Attachments 1 and 2 for existing and proposed layout diagrams). This modification would achieve the following benefits:

- Improved sight distance to the left when manoeuvring from Pipers Flat Road to Main Street, Wallerawang in the northerly direction;
- Ability to add dedicated left and right-turn lanes for westbound traffic on Main Street, Wallerawang which will further aid in reducing motorist confusion; and
- Ability to strategically locate painted and concrete islands to better passively direct and control the flow of traffic.

It should be noted that removal or modification of the concrete traffic barriers is impossible. These barriers are reinforced to a standard which will withstand a b-double heavy vehicle impact at a rounded 95-percentile speed of 80km/hr to prevent them entering the rail corridor. The attached abutment reinforcement plan (Attachment 3) indicates this. This is a requirement of Transport for NSW and John Holland Country Rail Network.

It is expected that this line marking solution will incur the following cost.

- Concrete Island (including associated spotting, design, kerbing, materials and labour) = \$28,000.00
- Line Marking (including setting out, establishment, materials and labour) = \$12,000.00
 - Total = \$40,000.00 (excl. GST)

Pedestrian Access

Extending pedestrian access to the east through both Tweedie Street and Pipers Flat Road encounters 3 significant issues which must be overcome. These three issues are:

- Access around and through the existing w-beam traffic barriers;
 - The current w-beam traffic barriers have been manufactured to the minimum possible radius for effective crash performance. Barrier redesign to specification will be required to allow pedestrian access. Where required, barriers may require custom design and treatment to allow radii less than 48 metres to improve pedestrian accessibility. Contractors and suppliers have been contacted with the purpose of attending the site to discuss options and obtain accurate pricing. Quotes received have detailed the following costs:
 - Replacement and disposal of all existing curved rails, realignment and reuse of all existing straight guardrail, replacement and disposal of existing curved bridge connector, realignment and reuse of existing trailing terminal, realignment and reuse of existing ET2000 and installation to meet AS/NZS 3845 and RMS R132.
 - \$25,975.23
 - Supply and install of 54 lineal metres of 1800mm high replacement galvanised chainwire fence
 - \$3,537.54
 - Total cost excluding GST is \$29,512.77
- Obtaining adequate access through land currently owned by John Holland Country Rail Network; and
 - Whilst a John Holland Country Rail Network spokesperson (Stan Kight-Smith) has advised of their willingness to transfer land to Council, no action has been taken to formalise this process. Provided that Council will serve to benefit from the land transfer, it seems unlikely that John Holland CRN will be willing to bear any associated costs. As such, the following costs would likely need to be borne by Council assuming minimal transfer area.
 - Surveying fees;
 - Land purchase costs (and potential associated valuation reports); and
 - Conveyancing or solicitors fees.
 - Total cost is approximately \$13,636.00 excluding GST
- Access through a pinch-point between the road carriageway and a stormwater culvert entrance.
 - Approximately 30 metres west along Pipers Flat Road, a pinch-point exists between a stormwater culvert entrance and the road carriageway (see attached). The distance between the two is approximately 2 metres. This 2 metre width is not sufficient to allow for a wire mesh fence, a w-beam traffic barrier (including required deflection) and a standard 1.2 metre footpath. As such, the following costs will be incurred to rectify:
 - relocation of both the fence and the w-beam including allowances for plant, labour, curvature modification, purchase costs for the fence and barrier.
 - \$7,273.00
 - construction of a small pedestrian bridge over the existing stormwater infrastructure including footings and associated preparation re-using an existing bridge deck to reduce cost
 - \$22,727.00
 - Total cost is \$30,000.00 excluding GST

Once the above three issues have been rectified, the footpath can be constructed. Approximately 200 metres of footpath is required at the minimum 1.2 metre width, 125mm depth and included F62 mesh reinforcement. This would attract the following costs.

- Concrete = \$7,273.00
- Mesh reinforcement = \$1,818.00
- Labour (including equipment) = \$9,091.00
 - Total cost is \$18,182.00 excluding GST

In summary, a rough estimate of costs to improve pedestrian access assuming no further issues arise will be as follows.

Works Required	Cost
Concrete island	\$28,000.00
Line marking	\$12,000.00
W-beam traffic barrier modification	\$29,512.77
Required purchase of land	\$13,636.00
Pinch-point infrastructure relocation	\$7,273.00
Construction of pedestrian overbridge	\$22,727.00
Footpath construction	\$18,182.00
Total	\$131,330.77 (excl. GST)
Contingency (20%)	\$26,266.15
GRAND TOTAL	\$157,596.92 (excl. GST)

Please note that the following is an estimate of cost based on recent experience and professional quotation. Latent site conditions, John Holland requirements and site constraints may cause fluctuations in price.

Budget Priorities

Possible funding options for the proposed works will require a reallocation and redetermination of priorities within the Draft Operational Plan for 2018/19. Projects identified for potential reallocation are as follows.

Option	Draft Item	Budget	Draft Budget Allocation	Revised Budget Allocation	Impact
1	Enfield Avenue, Lithgow		\$280,000.00	\$110,000.00	Current scope is for 7000 square metres of reseal. This will reduce to 2750 square metres.
2	Hughes Lane, Marrangaroo		\$200,000.00	\$0.00	Reallocation of entire project.
3	McKanes Falls Road, Hartley		\$397,148.36	\$228,591.00	Current scope is for 12,373 square metres of reseal. This will reduce to 7,121 square metres.

At this stage, Hughes Lane remains a Crown Road. The community have made formal requests of the Department of Lands for its transfer and Council has maintained its view that the maintenance of this asset would be an unreasonable expectation of Council. This allocation was put into the budget as a precaution, in the case that Hughes Lane was transferred to Council, Council would be obligated to reconstruct and ensure adequate levels of service. As the fact remains that Hughes Lane is currently not a Council asset, it is recommended that the budget for this project be reallocated to the Wallerawang Overbridge Footpath, if required.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved - NIL
- Cost centre - NIL
- Expended to date - NIL
- Future potential impact - \$157,596.92 (excluding GST)

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Existing Traffic Layout
2. Proposed Traffic Layout Improvements
3. Abutments Reinforcement Plan
4. Pedestrian Access Images

RECOMMENDATION

THAT Council:

1. Note the report regarding projected costs for the installation of a pedestrian footpath on the western side of the Wallerawang Rail Overbridge; and
2. Consider reallocation of \$200,000.00 from the Hughes Lane, Marrangaroo project in the Draft 2018/19 Operational Plan to fund construction costs for the Wallerawang Rail Overbridge when it considers its final report on the adoption of the Draft 2018/19 Operational Plan in June 2018.

**ITEM-13 OPER - 28/05/18 - ACCESS TO PROPOSED MCPHILLAMY PIPELINE
CORRIDOR TO CONDUCT ENVIRONMENTAL STUDIES**

REPORT BY: EXECUTIVE MANAGER OPERATIONS

SUMMARY

This report seeks acknowledgement and acceptance by way of resolution from Council with regard to requests from Regis Resources Ltd to access sections of the proposed McPhillamy pipeline corridor to conduct required and necessary environmental studies.

COMMENTARY

In November 2012, Regis Resources Limited acquired the McPhillamys Gold Project, which is located approximately 27 kilometres south-west of Bathurst and approximately 8 kilometres north-east of Blayney in the Central Tablelands of NSW.

Regis Resources are in the process of undertaking an Environmental Impact Statement and Definitive Feasibility Study for the new open-cut gold mine, which will require a 70 kilometre pipeline from Springvale Mine and Mt Piper Power Station. Construction of the proposed pipeline would be at the cost of Regis. This underground pipeline will assist with providing the 9 megalitres of water required by the mine every day.

In order to define a viable and definitive pipeline route, Regis must conduct environmental studies throughout the broader potential pipeline corridor. This broader pipeline corridor currently overlaps sections of land owned or controlled by Lithgow City Council and as such, Regis is requesting permission and assistance in obtaining access to the broader corridor for investigation. Access will be for the purpose of conducting the aforementioned environmental studies, where necessary and for the identification of appropriate easements, where required.

If required, Regis have confirmed they are amenable to conducting a presentation on the proposed project and any preliminary works required within the Lithgow area. A Centennial Coal representative can also be available for this presentation.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Original correspondence from Regis Resources
2. Basic map of proposed pipeline corridor

RECOMMENDATION

THAT Council:

1. Note the report;
2. Allow access to the broader pipeline corridor for the purpose of undertaking an Environmental Impact Statement and Definitive Feasibility Study for the McPhillamys Gold Project; and
3. Request a meeting with representatives of Regis Resources to discuss the McPhillamys Gold Project and broader local impacts.

ITEM-14 OPER – 28/05/18 – RECREATION BUDGET REALLOCATION

REPORT BY: EXECUTIVE MANAGER OPERATIONS

SUMMARY

This report seeks approval from Council to reallocate funds within the Recreation capital budget for 2017/18 to facilitate the replacement of flood lights at the Tony Luchetti Showground.

COMMENTARY

As it stands, the 2017/18 financial year has seen the requirement for significant replacement and upgrade of sports field lighting to ensure they are fit for use and meet the standards expected by the community. To date, Marjorie Jackson Oval, Glanmire Oval and Kremer Park have had improvement works effected. Council administration are in the process of seeking quotes for the replacement of bulbs at the Wallerawang Oval. Lastly, Tony Luchetti Showground has been identified as requiring the replacement of 23 globes in the existing flood lights.

While Marjorie Jackson Oval, Kremer Park and Wallerawang Oval have capital project budgets, Glanmire Oval did not. Unfortunately, the work required at the Glanmire Oval was charged to the Tony Luchetti Showground project fund, depleting the funds available.

For this reason, to fund the lighting replacement required at Tony Luchetti Showground, a budget reallocation must occur to make available the required funds. Quotes have been sought and received for \$23,600.00 excluding GST to complete the replacement of the 23 faulty bulbs. To fund this work, it is recommended that the following reallocations occur. All projects listed below have been completed and have funds remaining.

Project Code	Project Name	Budget Approved	Scope
100132	Queen Elizabeth Park Shade Structure	\$15,000 (\$9,698 remaining)	Scope complete. Installation of shade structures at Queen Elizabeth Park. Works already completed under 100155 – Shade Structures – Passive Parks & Gardens.
100120	Shaded Seating – Queen Elizabeth Park	\$12,000 (\$10,103 remaining)	Scope complete. One shaded seat installed. Remaining works completed under 100155 – Shade Structures – Passive Parks & Gardens.
100154	Softfall Replacement – Passive Parks	\$10,000 (\$3,700 remaining)	Scope complete. Replacement of softfall across all Lithgow Parks. Inch Street Park and Vale Park completed.
100155	Shade Structures – Passive Parks & Gardens	\$18,000 (\$1,636 remaining)	Scope completed. Installation of shade structures and seating within identified parks across the Lithgow area.
Total Available for Reallocation		\$25,137	

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – NIL
- Cost centre – NIL
- Expended to date - NIL
- Future potential impact – \$23,600 excl. GST

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Note the report;
2. Approve the reallocation of \$9,698 from PJ100132, \$10,103 from PJ100120, \$3,700 from PJ100154 and \$1,636 from PJ100155 to fund the replacement of 23 globes in the spotlights at Tony Luchetti Showground to a value of \$23,600 excluding GST.

WATER AND WASTEWATER REPORTS

ITEM-15 WWW - 28/05/18 - WATER REPORT

REPORT BY: DIRECTOR WATER & WASTEWATER

REFERENCE

Min No 18-92: Ordinary Meeting of Council 23/04/18

SUMMARY

This report provides an update on various water management issues.

COMMENTARY

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

Farmers Creek No. 2 Dam capacity on Monday 14th May 2018 was 82.37%. Oberon Dam capacity on Monday 14th May 2018 was 61.5%.

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)
July	119.4	0	79.3
August	141.5	0	59.3
September	143.5	0	58.4
October	110.5	102.4	73.4
November	59.0	76.0	63.6
December	88.3	12.2	45.5
January	130.7	55.9	116.2
February	112.0	78.3	73.3
March	122.2	133.7	55.9
April	137.9	79.3	70.8
TOTAL	1165	537.80	695.70

Clarence Water Transfer Scheme

The Clarence Water Transfer Scheme has been operating since 5th October 2017 and since commencing operation has pumped 537.8 megalitres of water into Farmers Creek No. 2 dam up to 30th April 2018.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow and was supplying water to the villages for the period. No health-based ADWG values were exceeded for the period 13/04/18 to 14/05/18. One Aesthetic based target was exceeded for Iron, Resampling was undertaken and test returned a result below the aesthetic value.

Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 17/04/18 and forwarded to Sydney Water for testing. There were no non-compliances recorded at Council's treatment plants for the month of April 2018. All test results are published on the Lithgow City Council website as required by the Protection of the Environment Operations Act 1997.

Fish River Water Scheme Water Quality Summary

Fish River Water Supply supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 13/04/18 to 14/05/18.

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 approving two (2) applications for household appliance rebates and receiving no applications for a water tank rebate for the period 13/04/18 to 14/05/18.

Water Reticulation Complaints

Council received 19 complaints during the period 14/04/18 to 18/05/18 concerning water quality issues. The unseasonal warm and dry weather conditions have contributed to many of these complaints with samples taken at each location recording relatively high temperatures which is causing scouring of the mains. The water mains were flushed in all instances of water quality complaints and the water was tested at the location of each complaint with 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 note the water report.

ITEM-16 WWW - 28/5/18 - DEVELOPER SERVICING PLAN FOR WATER AND WASTEWATER

REPORT BY: DIRECTOR WATER AND WASTEWATER

SUMMARY

The Developer Servicing Plan for Water and Wastewater is a plan created under NSW Department of Primary Industries Office of Water Best Practice Management guidelines to provide a realistic way to assist in the recovery of costs associated with providing infrastructure to service developments.

COMMENTARY

Council has recently completed a draft revision of the DSP charges for the provision of various water and wastewater projects to service developments throughout the LGA. These charges are based on the cost recovery per lot required to fund the capital works in these service areas and the assets that have been previously constructed to service these areas.

The charges have been allocated for areas under the guidelines set out by Department of Primary Industries Water and capital costs for Council to provide infrastructure in order to service development in each area. These charges are split for each service area and to show the cost of servicing the development with both Water & sewer infrastructure.

The charges can be found below.

DSP Area	Calculated Developer Charge	Adopted Developer Charge	Cross-subsidy: Resulting Increase in TRB
	(\$/ET) 2018/19		
Water Supply			
Lithgow	2,921	2,921	N/A
Portland	nil	nil	
Wallerawang			
Sewerage			
Lithgow	2,730	2,730	\$2
Portland	8,077	8,077	
South Bowenfels	14,213	14,213	
Wallerawang	14,622	9,622	

Under the guidelines council is able to offer a subsidy amount for any reason they see fit. Currently it is proposed to subsidise development within the Wallerawang Sewer DSP service area to an amount of \$5000.00 per lot. This results in an adjustment to all typical residential bills of an additional \$2 per annum. Council proposes to remove obstacles for the development in Wallerawang, where the calculated developer charge is high in relation to the cost of land.

Council officers therefore propose to provide a cross-subsidy to the development in Wallerawang in order to avoid wasted development potential in the town. This does not apply to South Bowenfels, Therefore it is not proposed to agglomerate these two areas as per the DSP guidelines.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – (200,000)
- Cost centre – 300013
- Expended to date – (97,415)
- Future potential impact – this will now levy developer charges on all areas to be serviced with Water & Sewer and increase revenue in line with capital expenditure to service developments.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Developer Servicing Plan for Water and Wastewater Revision 5

RECOMMENDATION

THAT Council place the Developer Servicing Plans for Water and Waste Water on public exhibition for a period of 30 working days at Customer Service, Administration Centre, Lithgow Library and on the Council's website. Written submissions should be addressed to the General Manager, by mail or emailed to council@lithgow.nsw.gov.au

FINANCE AND ASSETS REPORTS

ITEM-17 FIN - 28/05/18 - REQUEST FOR CONSIDERATION - EXCESSIVE WATER ACCOUNT - PROPERTY 91890

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

SUMMARY

To provide a report on a request from the owners of the property 91890 seeking financial consideration for an excessive water account.

COMMENTARY

Council is in receipt of a request from the property owner seeking relief for water accounts totalling \$16,111.24 with daily interest accruing. This is due to a concealed leak which was not detectable under concrete at the rear of the property.

The meter for the property was read by Council staff on 5 September 2017 and as a result shows the below information breakdown;

DATE	METER READING	QUARTERLY CONSUMPTION	AMOUNT	READING DAYS	DAILY AVERAGE
05/09/2017	1,733	743 kls	\$4,227.38	120	6.192
28/11/2017	3,166	1,433 kls	\$9,106.72	84	17.060
06/03/2018	3,603	437 kls	\$2,777.14	98	4.459
		TOTAL	\$16,111.24		

The four water accounts issued on the property prior to the leak were for;

DATE	METER READING	QUARTERLY CONSUMPTION	AMOUNT	READING DAYS	DAILY AVERAGE
08/05/2017	990	178 kls	\$835.98	97	1.835
31/01/2017	812	57 kls	\$265.53	88	0.648
04/11/2016	755	50 kls	\$232.93	99	0.505
28/07/2016	705	38 kls	\$177.02	91	0.418
		TOTAL	\$1,511.46		

When averaged using the previous four readings prior to when the leaks occurred, an estimate of what the account for the property would have been as shown in the table following;

DATE	METER READING	CONSUMPTION CHARGED	AMOUNT	ESTIMATE CONSUMPTION	ESTIMATE AMOUNT
05/09/2017	1,733	743 kls	\$4,227.38	80 kls	\$382.00
28/11/2017	3,166	1,433 kls	\$9,106.72	91 kls	\$434.53
06/03/2018	3,603	437 kls	\$2,777.14	101 kls	\$482.28
		TOTAL	\$16,111.24		\$1,298.81

This is a difference of \$14,812.43. A maximum allowance of \$2,500.00 was provided on 28 February 2018 as per Policy 8.1 'Excessive Water Usage Allowance for Breakages (version 4)', making the difference in charges \$12,312.43.

The breakage occurred on a private property and in this instance Council is not at fault and has been asked to consider removing or reducing the account.

Council officers have investigated this request and denied reducing the account as the policy has already been applied.

POLICY IMPLICATIONS

Policy 8.1 'Excessive Water Usage Allowance for Breakages' and Policy 8.3 'Hardship Policy'.

FINANCIAL IMPLICATIONS

The impact on the water revenue will be a reduction of \$12,312.43. This will reduce the Water Fund's cash reserves at the end of financial year.

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

RECOMMENDATION

THAT Council

1. Offer no further consideration additional to the \$2,500.00 rebate previously applied to the water consumption charges on the property.
2. Advise the property owner in writing of Council's resolution and confirm the availability of a negotiated repayment arrangement under Council policy.

PEOPLE AND SERVICES

ITEM-18 P&S - 28/05/18 - REVIEW OF POLICY 4.2 FINANCIAL ASSISTANCE

REPORT BY: EXECUTIVE MANAGER PEOPLE AND SERVICES

REFERENCE

Min 18-98: Ordinary Meeting of Council 23 April 2018

SUMMARY

This report advises Council of the implementation of Council resolution 18-98 from the Ordinary Meeting of Council held 23 April 2018 to review Policy 4.2 Financial Assistance.

COMMENTARY

At the Ordinary Meeting of Council held 23 April 2018 Council resolved (Min 18-98)

THAT Council:

1. Amend Policy 4.2 Financial Assistance by removing the Recurrent Financial Assistance category and requiring current Recurrent Financial Assistance recipients to apply for Non-Recurrent Financial Assistance each year.

2. Note that a review of Policy 4.2 Financial Assistance has commenced and that the draft revised policy will be presented to the May Council meeting to be endorsed for public exhibition and comment for 28 days.

Policy 4.2 Financial Assistance has been reviewed in consultation with Council's Community Development Committee.

A review has also been undertaken by Council officers of:

Policy 4.3 Financial Assistance to Community Groups and organisations - Interest Free loans; and

Policy 4.4 Requests for Financial Assistance by Waiving of Fees for Council Facilities.

Policy 4.2 Financial Assistance already provides for the provision of Financial Assistance for fee waivers, therefore, it is recommended that Policy 4.4 Fee Waivers be deleted.

Furthermore, it is recommend that Policy 4.3 Interest Free Loans be deleted as this program is no longer offered by Council.

The major changes as marked on the attached policy 4.2 are:

- Removal of the Recurrent Financial Assistance category;
- A requirement that financial assistance will only be provided for specific projects and not rent or running costs;
- A simplification of the acquittal process;
- Incorporation of some features of Policy 4.4 Fee Waivers into Policy 4.2 Financial Assistance; and
- Strengthening of the requirements for applicants and Council to "acknowledge the good public image and reputation of each other".

All Recurrent Financial Assistance recipient organisations have been asked to submit a Non-Recurrent Financial Assistance application by 25 May 2018 so that their requests can be considered for allocation early in 2018/19.

POLICY IMPLICATIONS

This report recommends a number of changes to Policy 4.2 Financial Assistance and the deletion of Policy 4.3 Financial Assistance to Community Groups and Organisations -Interest Free Loans and 4.4 Requests for Financial Assistance by Waiving of Fees for Council Facilities.

FINANCIAL IMPLICATIONS

- Budget approved - \$149,000 in draft 2018/19 Operational Plan
- Cost centre - 600059 1000 63150
- Expended to date - NIL
- Future potential impact – Nil

LEGAL IMPLICATIONS

Council provides financial assistance under Section 356 of the Local Government Act, 1993.

ATTACHMENTS

1. Policy 4.2 Financial Assistance with tracked changes.
2. Policy 4.3 Financial Assistance to Community Groups and Organisations - Interest Free Loans
3. Policy 4.4 Request for Financial Assistance by Waiving of Fees for Council Facilities.

RECOMMENDATION

THAT Amended Policy 4.2 Financial Assistance and Council's intention to delete Policies 4.3 and 4.4 be endorsed for public exhibition and comment for 28 days after which it will be reported back to Council for final adoption.

ITEM-19 P&S - 28/05/18 -WORK HEALTH & SAFETY POLICY 9.13

REPORT BY: EXECUTIVE MANAGER PEOPLE AND SERVICES

REFERENCE

Minute 17-314: Ordinary Council Meeting of 23 October 2017

SUMMARY

To provide a Work Health and Safety Policy to Council for approval as part of Council's policy review process.

COMMENTARY

As Council will recall, the Work Health and Safety Policy was submitted to Council in October 2017 and subsequently exhibited to the public for comment. The policy is now available for Council consideration:

- Policy 9.13 Work Health & Safety Policy

POLICY IMPLICATIONS

Primarily the subject of this report.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Policies are prepared to assist and assist in decision making and may provide further guidance with regard to statutory obligations.

ATTACHMENTS

1. Policy 9.13 Work Health and Safety

RECOMMENDATION

THAT Policy 9.13 Work Health and Safety Policy, be adopted and implemented immediately.

COUNCIL COMMITTEE MINUTES

ITEM-20 ECDEV - 28/05/18 - STRATEGIC LAND USE PLANNING PROJECTS STEERING COMMITTEE MEETING MINUTES

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

REFERENCE

Minute 16-261: Ordinary Meeting of Council 10 October 2016
Minute 17-196: Ordinary Meeting of Council 26 June 2017
Minute 17-315: Ordinary Meeting of Council 23 October 2017

SUMMARY

This report details the minutes of the Strategic Land Use Planning Projects Steering Committee held on 11 April 2018.

COMMENTARY

At the Strategic Land Use Planning Projects Steering Committee meeting of 11 April 2018, there was one key item on the agenda being an update and presentation on the Marrangaroo Masterplan/DCP Project public exhibition phase as summarised in the attached minutes.

There are four recommendations arising from the meeting that require a Council resolution.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved –\$150,000 Revised \$220,000
- Cost centre – PJ 400053
- Expended to date – N/A\$ 203,373
- Future potential impact – Further project funds (subject to quotations) will be required for the Traffic Study in the 18/19 budget. A further report to Council once quotations are received is recommended.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Strategic Land Use Planning Projects Steering Committee – 11 April 2018

RECOMMENDATION

THAT

1. Council notes the minutes of the Strategic Land Use Planning Projects Steering Committee of 11 April 2018.
2. Quotations for the completion of the Traffic Study be obtained and a further report provided to Council to consider the source of funds for this study.
3. The implementation of the Marrangaroo Masterplan be reflected in the Lithgow Regional Economic Development Strategy as high priority.
4. Council support an application under the appropriate Regional Growth Fund (Growing Local Economies) program for the provision of essential Stage 1 water and sewer infrastructure to service the Marrangaroo employment lands.
5. Council place the required Marrangaroo water and wastewater infrastructure spend of \$ 11.746M (including 15% project management costs) into Council's forward capital works program and long term financial plan commencing with Stage 1(\$5.368M incl 15% project management costs) in the 2019/2023 Delivery program.

ITEM-21 P&S - 28/05/18 - COMMUNITY DEVELOPMENT COMMITTEE MINUTES 8
MAY 2018

REPORT BY: EXECUTIVE MANAGER PEOPLE AND SERVICES

REFERENCE

Min No 18-41: Ordinary Meeting of Council held on 26 February 2018
Min No 18-72: Ordinary Meeting of Council held on 26 March 2018

SUMMARY

This report details the Minutes of the Community Development Committee Meeting held on 8 May 2018.

COMMENTARY

At the Community Development Committee held on 8 May 2018 there were numerous items discussed by the Committee including;

Discussion on transport to the rural villages.

Accessibility features for children with disabilities in the adventure playground design.

The review of Policy 4.2 Financial Assistance. The Committee supports the direction of the review of Policy 4.2 including deletion of the Recurrent Financial Assistance category.

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 Community Development Committee meeting of 8 May 2018.

RECOMMENDATION

THAT Council notes the Minutes from the Community Development Committee meeting of 8 May 2018.

**ITEM-22 ECDEV - 28/05/18 - 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 9 May 2018.

COMMENTARY

At the Environmental Advisory Committee meeting held on 9 May 2018 there were 10 items on the agenda which are outlined in the attached minutes.

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 9 May 2018.

RECOMMENDATION

THAT Council note the minutes of the Environmental Advisory Committee held on 9 May 2018.

**ITEM-23 OPER - 28/05/18 - SPORTS ADVISORY COMMITTEE MEETING MINUTES -
9 MAY 2018**

REPORT BY: EXECUTIVE MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held 9 May 2018.

COMMENTARY

At the Sports Advisory Committee Meeting held 9th May 2018, the following items were discussed:

- 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 – Angus Clues

RECOMMENDATION

THAT Council provide Angus Clues with \$300.00 toward the cost of participating in the Pacific School Games.

- Financial Assistance Request – Adam Doonan

RECOMMENDATION

THAT Council provide Adam Doonan with \$500.00 toward the cost of participating in the Finke Desert Race.

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 9 May 2018.

RECOMMENDATION

THAT Council note the Minutes of the Sports Advisory Committee Meeting held 9 May 2018.

ITEM-24 FIN - 28/05/18 - FINANCE COMMITTEE MEETING 14 MAY 2018

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

SUMMARY

This report provides details of the Minutes of the Finance Committee Meeting held on 14 May 2018.

COMMENTARY

At the meeting of the Finance Committee held on 14 May 2018, the following items were resolved:

- Confirmation of the minutes of the meeting held on 10 May 2018.

The following items were noted by the Committee:

- Special Rate Variation application update.
- April monthly performance report to the OLG.
- LED street lighting replacement proposal.
- The Updated Audit Action List.

The following business paper recommendations were endorsed by the Committee:

January to March Quarterly Budget Review

THAT Council

1. Adopt the revised 2017/18 Operational Plan as detailed in the Quarterly Report for the period January to March 2018. The revised budget operating deficit (before capital grants and profit on sale of assets) is (\$581,170.44).
2. Adopt the variations to the Council budget as outlined in the attached report.
3. Note that the Chief Financial and Information Officer, as 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 the financial position of Council is unsatisfactory.
4. Note that the operating efficiencies and cost savings program has improved the projected end-of-year financial position by \$230,000 since 30 September 2017.
5. Approve the late budget variation request to transfer \$50,000 of operational funds from the Bushfire Mapping project to the Lake Wallace Plan of Management.

April 2018 Investment Report

THAT

1. Investments of \$27,190,000.00 and cash of \$404,490.44 for the period ending 30 April 2018 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

NSW Auditor-General's Report on Local Government 2017

THAT Council note the NSW Auditor-General's Report on Local Government 2017 and ongoing action to be taken by Council to improve processes for the preparation of the annual financial statements.

Policy Reviews

THAT Council adopt the following reviewed policies:

- Policy 9.3 Competitive Neutrality
- Policy 9.7 Tenders – Canvassing / Lobbying of Councillors and Staff.

Provisions & Debt Write Off Report

THAT Council write off:

1. \$30,169.24 of provisions as requested by Crowe Horwath at 30 June 2017 in accordance with AASB137 - Provisions, Contingent Liabilities and Contingent Assets and AASB1049 – Whole of Government and General Government Sector Financial Reporting.
2. \$252,403.04 of unrecoverable debts in accordance with AASB1049 – Whole of Government and General Government Sector Financial Reporting.
3. \$1,218.20 of unrecoverable debts in accordance with AASB1049 – Whole of Government and General Government Sector Financial Reporting.

The following business paper was referred by the Committee to the Council meeting:

- Request for Consideration - Excessive Water Account

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 Finance Committee Meeting held 14 May 2018.
2. January to March Quarterly Budget Review.
3. April 2018 Investments Report.
4. NSW Auditor-General's Report on Local Government 2017.
5. Policy Reviews Report.
6. Provisions & Debt Write Off Report.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Finance Committee held on 14 May 2018 and the items not requiring a resolution of Council;
2. Note the Committee's endorsement of recommendations proposed in the Finance and Assets business papers to be put to the May Council meeting.
3. Endorse the recommendations proposed in the January to March Quarterly Budget Review, April 2018 Investment Report, NSW Auditor-General's Report on Local Government 2017, Policy Reviews Report and Provisions & Debt Write Off Report.

NOTICE OF MOTION

ITEM-25 NOTICE OF MOTION - 28/05/18 - RENAMING OF ROTARY PARK PORTLAND

REPORT BY: COUNCILLOR MAREE STATHAM

COMMENTARY

The Rotary Park in Portland is a welcoming site on the main entrance from the east adjacent to the Portland Golf Club.

This park has been established with funds provided initially by the Portland Wallerawang Rotary Club.

Since the Rotary Club has ceased for approximately ten years Ron Bidwell OAM has had a very keen interest in future of this Park.

Under Ron's guidance, assisted by the Parole State Government Scheme of Community Workers the park has been constantly maintained with pruning and plantings taking place throughout the year.

It would be a fitting, suitable tribute to the rename the park in memory of the late Ron Bidwell OAM.

The Rotary sign should remain as the Rotary members at that time also worked tirelessly to plan and enhance the entrance to Portland and initiate the Rotary Park.

If this motion is successful and no objections from the public, I request Council allocate money for a sign to dedicate the park to Ron Bidwell OAM.

RECOMMENDATION

THAT Council:

1. Consult with the public, and if no objection rename the Rotary Park in Portland to Ron Bidwell OAM park.
2. Provide funding for a suitable plaque in memory of Ron Bidwell.

ITEM-26 NOTICE OF MOTION - 28/05/18 - SPEED LIMIT FORTY BENDS

REPORT BY: COUNCILLOR MAREE STATHAM

COMMENTARY

The State Government has provided an excellent new section of DIVIDED road along the Great Western highway, east of Forty Bends.

The public have welcomed this major upgrade with the new section of highway which allows east and west bound traffic to be divided, this creates less chance of accidents and is considered to provide the public with a safer form of travel.

I would recommend the speed limit of the Great Western Highway be increased to 90 kilometres per hour from 80 kilometres per hour ONLY in the section of road that has recently been completed and DIVIDED.

This is a section of the highway prior to major works did not allow for divided traffic.

Previously this section of the Great Western Highway east of Forty Bends Road, hence the name FORTY BENDS, was considered dangerous.

The major work now completed now allows for a divided traffic making for safer travel.

RECOMMENDATION

THAT Council pursue State Member, Minister Paul Toole to lobby Minister for Roads Melinda Pavey to consider increasing the speed limit of the Great Western Highway to 90 kilometres an hour in the new divided section east of Forty Bends Road.

ITEM-27 NOTICE OF MOTION - 28/05/18 - NSW DROUGHT COORDINATOR

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

More than a third of New South Wales is either in drought or approaching drought. Farmers say that even these figures do not accurately reflect the critical nature of the season. The state has not had any decent rainfall since December 2016.

I note the appointment by the NSW Government of a Drought Coordinator, as reported in The Australian on 14 May 2018.

Details on how the appointment will help farmers is very limited. We need to have a clear understanding of how this position will assist the farmers in our local government area who are currently struggling financially and socially.

RECOMMENDATION

THAT Lithgow City Council write to the state member for Bathurst, Mr Paul Toole, seeking details on how the appointment of a NSW Drought Coordinator will assist farmers in the Lithgow LGA.

ITEM-28 NOTICE OF MOTION – 28/05/18 - FODDER TRANSPORT REBATE FOR DROUGHT AFFECTED FARMERS

REPORT BY: COUNCILLOR MAREE STATHAM

COMMENTARY

Lithgow Local Government Area is experiencing the worst drought since the early eighties, this is common knowledge amongst the farming community locally as well as NSW in general.

Due to the severe drought and winter approaching fodder is extremely scarce in NSW, the fodder is being transported from Victoria, South Australia and other remote areas of the state.

This is having a severe strain on many farming families, some of which are experiencing mental health problems due to the level of stress involved.

Winter is fast approaching, hence the urgency as there will be no growth for stock until at least September.

Not only has the fodder tripled in price, the freight with the recent fuel price rise is making it an unviable situation with many farming families choosing to sell off their main breeding stock.

RECOMMENDATION

THAT Council request the General Manager of Lithgow City Council, Mr Graeme Faulkner write to the Federal Member, Mr Andrew Gee seeking Mr Gee to lobby Federal Agriculture Minister, Mr David Littleproud as a matter of urgency to consider a freight rebate for effected farming families as soon as possible.

BUSINESS OF GREAT URGENCY

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

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

CLOSED COUNCIL

ITEM-29 ECDEV - 28/05/18 - CONFIDENTIAL COUNCIL - STRATEGIC PROPERTY
MANAGEMENT -VARIOUS UNSOLICITED REQUESTS IN RELATION TO
COUNCIL LAND

REPORT BY: DIRECTOR ENVIRONMENT AND ECONOMIC DEVELOPMENT

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

SUMMARY

The purpose of this report is to advise Council of a number of private unsolicited requests to purchase various parcels of Council's land portfolio as well as one offer to Council to purchase a parcel of private land. The report will recommend a course of action for each proposal.

RECOMMENDATION

THAT Council consider the report in relation to various requests/offers to deal in Council's public land in closed Council in accordance with Section 10A (2) (c) & (d) of the Local Government Act, 1993.

ITEM-30 **CONFIDENTIAL - CLOSED COUNCIL - FIN - 28/05/18 - CENTROC TENDER
EVALUATION COLDMIX**

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 accept tender submissions for the provision of coldmix to Lithgow City Council for the period of 1st June 2018 through 31st May 2020.

RECOMMENDATION

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

**ITEM-31 CONFIDENTIAL - CLOSED COUNCIL - FIN - 28/05/18 - LED STREET
LIGHTING PROPOSAL**

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 accept an LED street lighting proposal from Endeavour Energy.

RECOMMENDATION

THAT Council consider the report in relation to the LED Street Lighting Proposal in Closed Council in accordance with Section 10A (2) (d) of the Local Government Act 1993.

**ITEM-32 CONFIDENTIAL - CLOSED COUNCIL - WWW - 28/05/18 - WATER MAINS
REPLACEMENT ACROSS RAIL CORRIDORS**

REPORT BY: DIRECTOR WATER AND WASTEWATER

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

Council officers have been investigating the replacement of the current water mains across the rail corridor at Sandford avenue rail overbridge and also Bridge Street rail overbridge.

RECOMMENDATION

THAT Council resolves to accept the quote from OCM fabrications & Welding Services for supply and installation of four water mains for the Bridge Street and Sandford Avenue rail overbridges for \$152,980.00 excl GST.