



# AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

23 JULY 2018

AT 7.00pm

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# AGENDA

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**ACKNOWLEDGEMENT OF COUNTRY**

**APOLOGIES**

**PRESENT**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 25 JUNE 2018**

**DECLARATION OF INTEREST**

**COMMEMORATIONS AND ANNOUNCEMENTS**

**PUBLIC FORUM**

**MAYORAL MINUTES**

Public Library Funding

**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**

Lithgow Local Heritage Advisory Committee Meeting Minutes - 21 June 2018

Audit Committee Meeting Minutes 22 June 2018

Economic Development Committee Minutes of 4 July 2018

Finance Committee Meeting Minutes 9 July 2018

Community Development Committee Meeting of 10 July 2018

Sports Advisory Committee Meeting Minutes 11 July 2018

**NOTICES OF MOTION**

Marjorie Jackson Statue – Councillor Statham

**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- 23/07/18 - PUBLIC LIBRARY FUNDING**

**REPORT BY: MAYOR – COUNCILLOR STEPHEN LESSLIE**

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## **REFERENCE**

LGNSW Annual Conference 2017 Record of Decisions – Minute No. 36

## **SUMMARY**

At the 2017 LGNSW Conference, councils unanimously agreed to the joint advocacy between Local Government NSW (LGNSW) and the NSW Public Libraries Association (NSWPLA) for increased NSW Government funding to:

1. Enable public libraries to meet the growing needs of local communities
2. Raise public awareness of the multiple roles that public libraries play in supporting the educational, social, cultural and economic outcomes in NSW communities.

In the week commencing 30 July, LGNSW & NSWPLA will be launching Renew Our Libraries. This exciting advocacy initiative brings together councils, public libraries and their supporters into a grassroots effort to demand action and funding commitments from all political parties in the lead up to the 2019 NSW State Election.

## **COMMENTARY**

I am calling on Councillors to support the NSW Public Libraries Association and Local Government NSW in their advocacy to State Government for additional funds for Public Libraries.

Lithgow City Council has invested significantly in library services over the past five years, spending \$283,000 in capital expenditure (mainly books and equipment) and an average of \$1.63 million annually on recurrent operational costs for 96,342 visits per annum, as well as providing electronic resources and a range of programs.

Whilst Council receives funds from State Government, these have gradually declined. In 2015/16, State funding for Public Libraries covered only 7.5% of the total costs of operating the 368 libraries across NSW. The level of State Government funding for NSW public libraries has reached crisis point. This is an historic issue that has been ignored by successive NSW governments. The key issues are that:

- NSW public libraries receive the lowest per-capita funding from their State Government compared to all other states in Australia
- NSW councils are currently paying 92.5% of the costs to operate public libraries, up from 77% in 1980
- In 2015-16, NSW State Government funding for public libraries was only \$26.5M compared to a contribution of \$341.1M from Local Government. NSW councils are paying 12 times more than the State Government to provide library services to their communities.
- The total funding available through the NSW Public Library Funding Strategy is not indexed to population growth or consumer price index (CPI), thereby contributing to the ongoing attrition of State Government funding.

- The 2018-2019 State Budget delivered a 5% cut to current funding and cut access to all infrastructure funding for metropolitan areas
- Physical and virtual visitation, library borrowing and participation in library programs continue to increase year on year.
- Libraries play a major part in supporting the achievement of government literacy targets.
- Libraries provide collections, programs and spaces for marginalised groups including older people, refugee and multicultural communities, and people who are digitally disadvantaged.

In 2011, the NSW State Government made a pre-election commitment to comprehensively review the level and allocation of funding for NSW public libraries. The Library Council of NSW worked with the NSW Public Libraries Association and the State Library of NSW to develop an evidence-based submission.

The resulting submission *Reforming Public Library Funding*, recommending a fairer, simpler and more transparent method for the distribution of funds, was presented to the State Government in October 2012. Despite the undertaking of the State Government to comprehensively review funding for its public libraries, the recommendations of *Reforming Public Library Funding* were ignored and the funding model was neither reviewed nor improved.

In 2016, the then Minister for the Arts, the Hon. Troy Grant, undertook to review the matter of State Government funding for NSW libraries at the conclusion of the Fit For the Future program. It can be reasonably assumed that Fit For the Future has concluded, yet there has been no review of library funding nor any mention of libraries in the Government's pre-election undertakings. At the 2016 LGNSW Conference, the Premier Mike Baird committed to reviewing library funding.

The NSW Public Libraries Association has joined forces with Local Government NSW to establish a library funding advocacy initiative in the lead up to the 2019 NSW State election. The *Renew Our Libraries* strategy will be rolled out over the next 8 months to persuade the Government that its network of 368 public libraries has reached a funding flashpoint that, without significantly increased and sustainable funding, is at risk of imminent service reduction. The success of this approach relies heavily on the support of NSW councils, their libraries and their communities.

It should be noted that the following motion (submitted by the Blue Mountains City Council) was unanimously endorsed at the Local Government NSW 2017 Conference:

- THAT Local Government NSW works with the NSW Public Libraries Association (NSWPLA) to develop a strategic partnership to:
- a) increase public awareness of the multiple roles that Local Government Public Libraries play in supporting the educational, social, cultural and economic outcomes in local communities
  - b) advocate, in the lead up to the March 2019 State election, for improved State Government funding for Local Government Public Libraries in NSW to enable public libraries to meet the growing needs of our local communities.

As previously noted, this is not a party-political issue as every government since 1980 shares the blame for the current funding situation. Nevertheless, it is worth noting that the NSW Opposition released its Library Funding Policy on 26 March 2018 with an undertaking to increase overall funding to all suburban and regional NSW public libraries by \$50 million in the first term of government. This is a very significant pledge insofar as it is the first policy from any political party in recent history that undertakes to provide a significant and specified increase in state funding for public libraries.

NSW public libraries are governed by the Library Act 1939, a legislative instrument that was initially introduced to ensure the provision and ongoing sustainability of libraries through State Government and Local Government collaboration, and providing up to 50% of the funding required to establish and operate libraries. Since then local government has increasingly carried the funding burden with the situation deteriorating significantly since the 1980s. As a result, there are examples of attrition in library staffing, opening hours, collections, services and programs in a number of councils across the state.

Disappointingly, the 2018-19 NSW state budget delivered a 5% cut to current library funding and cut access to all infrastructure funding for metropolitan areas. The State Government has completely ignored the recommendation of its own expert panel, the Library Council of NSW which, in consultation with the State Library of NSW and the NSW Public Libraries Consultative Committee, recommended an increase in public library funding to \$30M in 2018-19. The public library grant funding component, which has been a budget inclusion for many years, has been scrapped entirely. This component financed a competitive grant project which has part-funded countless library infrastructure and service projects over many years.

The NSW public library network is at serious risk. Neither this Council nor the broader NSW Local Government sector can continue with the high degree of uncertainty about the level of ongoing State Government funding for public libraries.

I am recommending that we support urgent action from the NSW local government sector and NSW Public Libraries Association / Local Government NSW, to reverse the ongoing deterioration of state funding for public libraries to ensure that local councils will not be forced to continue meeting the funding shortfall.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Make representation to the Local State Member, Paul Toole, in relation to the need for additional funding from the NSW State Government for the provision of public library services.
3. Write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
4. Take a leading role in activating the campaign locally.
5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

## **GENERAL MANAGERS REPORTS**

### **ITEM-2            GM - 23/07/18 - GOVERNANCE POLICY REVIEW**

**REPORT BY:    GENERAL MANAGER**

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## **SUMMARY**

To provide a number of policies to Council for approval as part of the comprehensive review of Governance Policies.

## **COMMENTARY**

Council will recall the comprehensive review of policies administered on behalf of Council. Due to the number of policies involved they have been coming to Council in batches. Several Governance Policies have been reviewed by the General Manager and are now available for Council consideration and they include the following:

- Policy 9.1 Apologies by Council
- Policy 9.2 Business Ethics

Copies of the policies are attached to the Business paper with the proposed changes shown as “track changes” within Policy 9.1 Apologies by Council. Most changes within the policy are relatively minor.

It should be noted that Policy 9.2 Business Ethics will be deleted as all requirements are contained in the Code of Conduct and ICAC Legislation, and are binding.

As the alterations proposed in these policies are relatively minor, it is suggested that there is no need to publicly exhibit the revised policies prior to their final adoption.

## **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 in decision making and provide further guidance with regard to statutory obligations.

## **ATTACHMENTS**

1. Policy 9.1 Apologies by Council
2. Policy 9.2 Business Ethics



## RECOMMENDATION

**THAT** alterations to the following Policies as outlined in the attached versions be adopted and implemented immediately:

- Policy 9.1 Apologies by Council
- Policy 9.2 Business Ethics - be deleted as all requirements are contained in the Code of Conduct and ICAC Legislation, and are binding.

## ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS

### ITEM-3            ECDEV - 23/07/18 - LEASE TO DEPARTMENT OF HUMAN SERVICES

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

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## REFERENCE

Minute 15-138:        Ordinary meeting of Council held on 1 June 2015  
Minute 15-203:        Ordinary meeting of Council held on 17 August 2015

## SUMMARY

This report seeks Council approval to provide the Department of Human Services with an additional 2 year option term under the current Lease for 176 Mort Street, Lithgow

## COMMENTARY

In 2015 Council entered into a lease to the Department of Human Services for an initial term of 3 years plus 2 x 2 year option terms. The lease terms are as follows:

|                             |  |
|-----------------------------|--|
| Initial term                | 1 October 2015 to 30 September 2018        |
| First option term           | 1 October 2018 to 30 September 2020        |
| Second option term          | 1 October 2020 to 30 September 2022        |
| <b>Proposed option term</b> | <b>1 October 2022 to 30 September 2024</b> |

The Department has exercised the first option term, and will have one option term of 2 years remaining. The Department has requested an additional 2 year option term in order that it has two option terms remaining. If Council agrees to the additional option term and applies a 3.5% increase per annum (consistent with current increases under the Lease) the yearly rent for the additional term will be as highlighted below in bold.

|                   |                        |
|-------------------|------------------------|
| 1 Oct 2018        | \$337,435 + GST        |
| 1 Oct 2019        | \$349,245 + GST        |
| 1 Oct 2020        | \$361,469 + GST        |
| 1 Oct 2021        | \$374,120 + GST        |
| 1 Oct 2022        | \$387,214 + GST        |
| <b>1 Oct 2023</b> | <b>\$400,766 + GST</b> |
| <b>1 Oct 2024</b> | <b>\$414,793 + GST</b> |

The additional option term will potentially provide significant revenue for Council and the 3.5% increase per annum should ensure that the rental will at least keep pace with CPI.

## POLICY IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

- Financial Implications will be positive
- Budget approved – N/A
- Cost centre – N/A

- Expended to date – N/A
- Future potential impact – N/A

**LEGAL IMPLICATIONS**

The additional 2 year option term will be documented in the renewal lease and will be legally binding on Council.

**RECOMMENDATION**

**THAT** Council provide an additional 2 year option term under the Lease to the Department of Human Services from 1 October 2022 to 30 September 2024.

**ITEM-4                      ECDEV- 23/07/18- PLANNING PROPOSAL- 88 PIPERS FLAT ROAD  
WALLERAWANG**

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

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## **SUMMARY**

A Draft Planning Proposal has been received for Lot Y DP 407106, being 88 Pipers Flat Road Wallerawang. The draft proposal seeks the following changes to the Lithgow Local Environmental Plan, 2014:

- to amend the land zone of the site from R5 Large Lot Residential to R2 Low Density Residential
- to amend the lot size from 2ha to 800m<sup>2</sup>

to enable the subdivision of the land for residential purposes.

The Draft Planning Proposal has been prepared by Anthony Daintith Town Planning on behalf of the landowners being Mr R and Mrs McLaughlan and Mr A and Mrs J Cinat.

This report recommends that Council support the preparation of a Planning Proposal under Section 3.33 of the Environmental Planning and Assessment Act, and refer such proposal to the Western Region office of NSW Department of Planning for Gateway Determination under Section 3.34 of the Act.

## **COMMENTARY**

### **DISCLOSURE OF POLITICAL DONATIONS AND GIFTS**

Under Section 10.4(4) of the Environmental Planning and Assessment Act a person who makes a relevant planning application including a planning proposal to a Council, is required to disclose the following reportable donations and gifts (if any) made by any person with a financial interest in the application within the period commencing two (2) years before the application is made and ending when the application is determined:

1. all reportable political donations made to any local councillor of that Council;
2. all gifts made to any local councillor employee of that Council.

No disclosure has been made in relation to this proposal.

### **LOCAL ENVIRONMENTAL PLAN MAKING PROCESS**

- The plan making process normally involves the following key components:
- The preparation of a Planning Proposal. (A Planning Proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan.)
- The issuing of a Gateway determination. (A Gateway Determination is assessed by the Regional office of the Department of Planning and Environment in the first instance and it specifies whether or not planning proposal is to proceed and if so, in what circumstances. The Gateway is a checkpoint for planning proposals before resources are committed to carrying out investigative research, preparatory work and consultation with agencies and the community.)

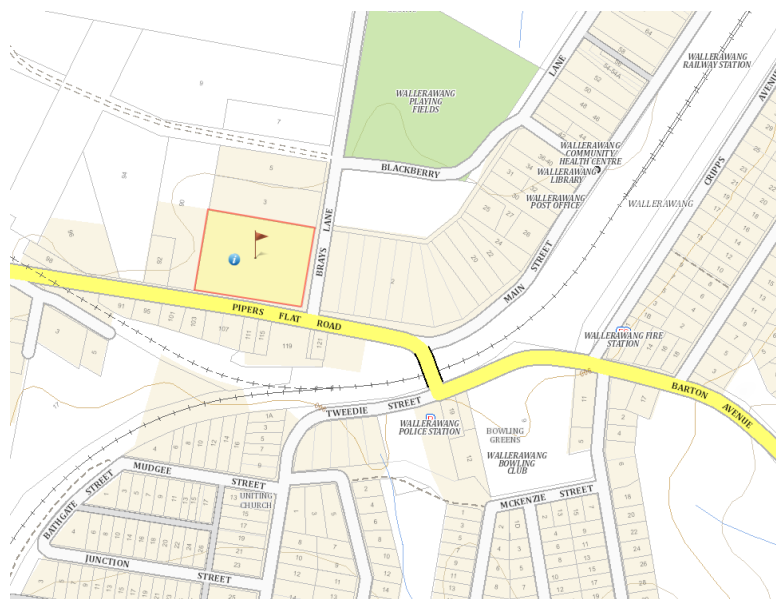
- Community and other consultation on the planning proposal (as required; exhibition periods are either 14 days for low impact proposals or 28 days for all other proposals)
- Finalising the planning proposal
- Drafting of the LEP legal instrument
- Making the plan
- Notifying the LEP on the NSW Government Legislation Website.

A flow chart detailing the LEP plan making process is provided in Attachment 1.

This report is concerned with the first stage of this process.

## SITE DESCRIPTION

The subject site is Lot Y DP 407106 and has an area of 1.366ha. It is located on the western corner of Brays Lane and Pipers Flat Road Wallerawang to the west of the Wallerawang town centre as highlighted in Figure 1 below:



**Figure 1 Locality Plan**

The site is a regular shaped allotment that slopes gently to the northwest and is generally cleared of vegetation with the exception of some scattered trees towards the northern boundary.

The site contains a number of existing buildings as shown in Figure 2 below that are used by a group home for respite day activities.

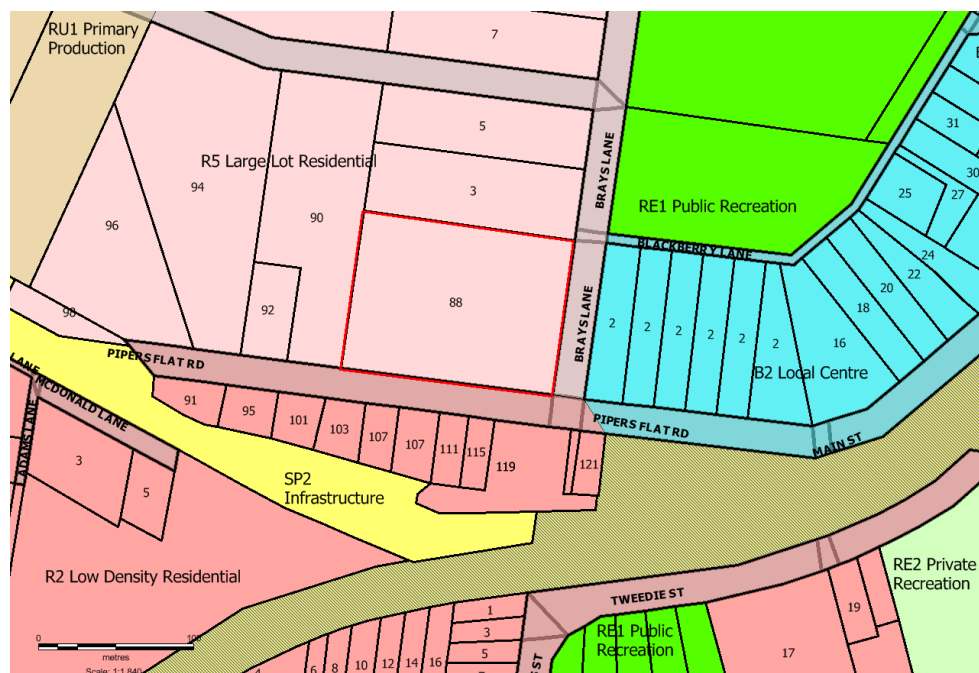


## DRAFT PLANNING PROPOSAL INTENDED OUTCOMES AND EXPLANATION OF PROVISIONS

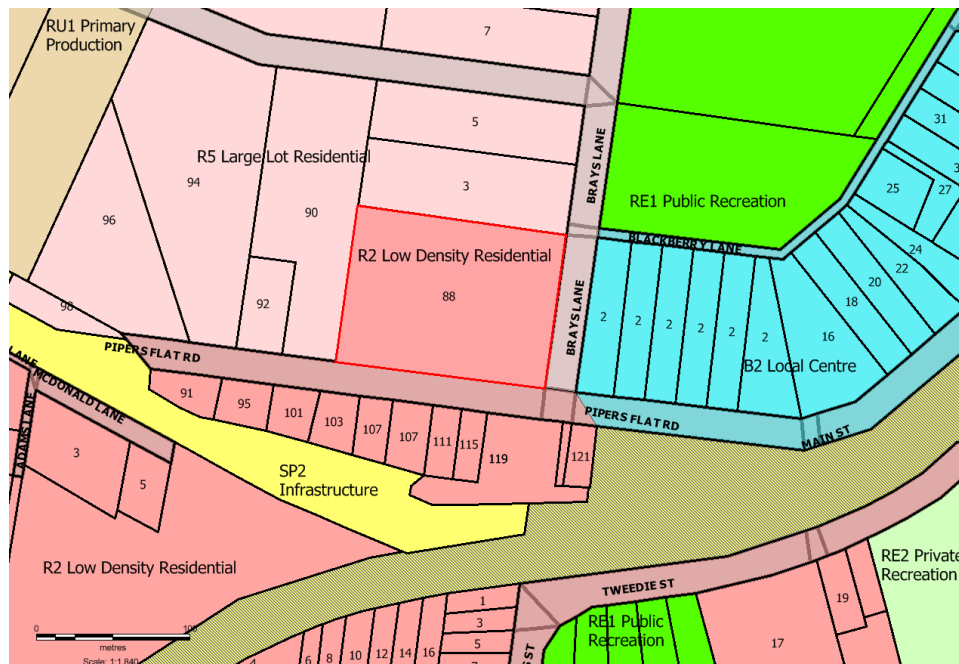
The objective of the Draft Planning Proposal is to amend Lithgow Local Environmental Plan to enable Lot Y DP 407106 to be further subdivided into residential allotments.

The Draft Planning Proposal seeks to amend the Lithgow Local Environmental Plan to rezone the land from R5 Large Lot Residential to R2 Low Density Residential and change the applicable lot size from 2ha to 800m<sup>2</sup>. Figure 3 below shows the existing and proposed land use zones and development controls.

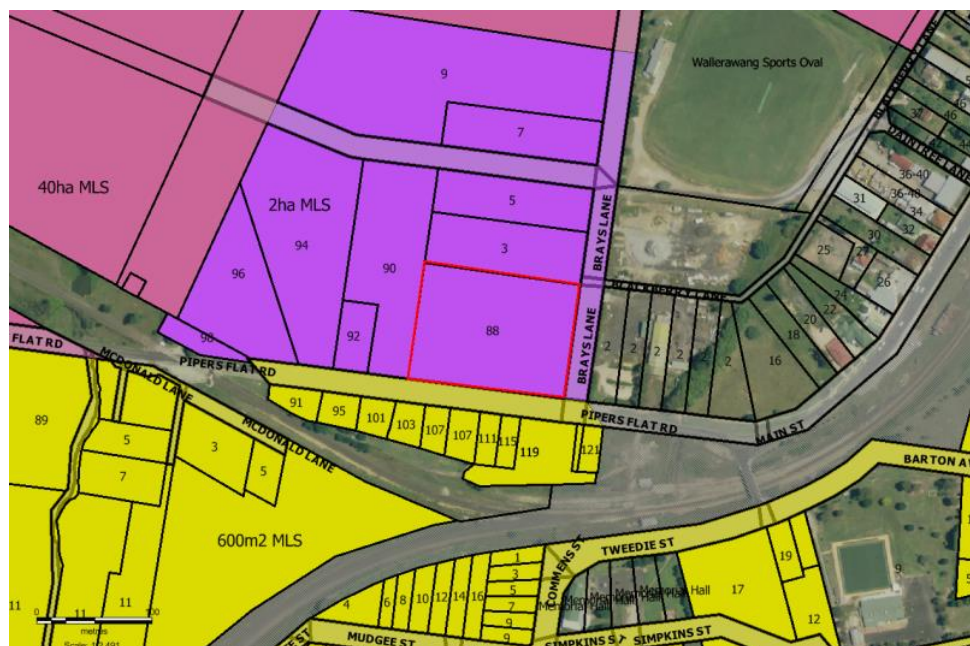
If supported as proposed, the proposal has the potential to enable approximately 12 new lots to be created at this location predominantly of a size to cater for single dwellings.



### Current Zone

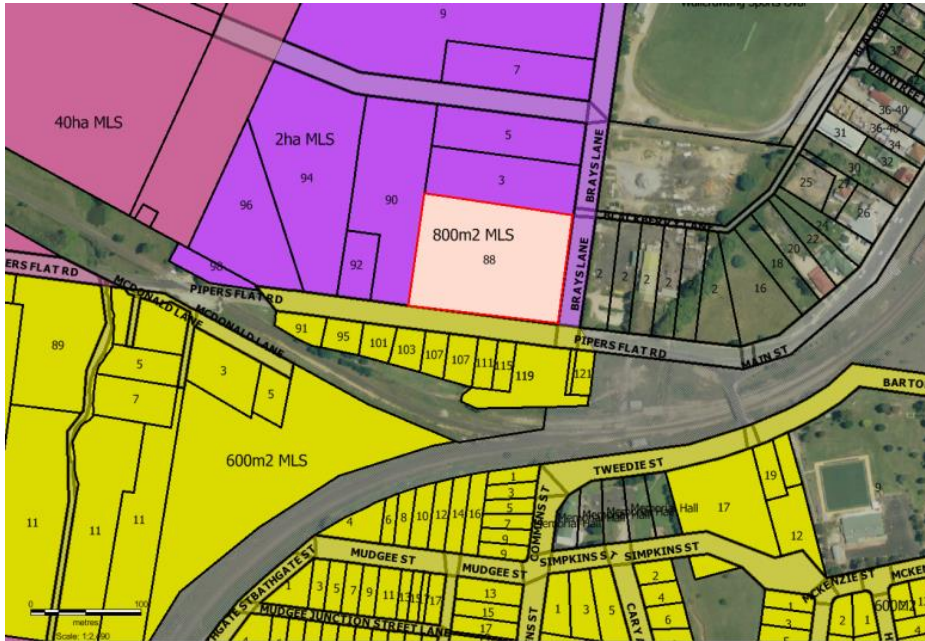


**Proposed Zone**



**Current Lot Size (2ha)**





### Proposed Lot Size (800m<sup>2</sup>)

**Figures 3 (above four maps) Existing and Proposed Zone and Lot Size**

## SITE SPECIFIC SUITABILITY/MERIT

## Site Locality Context

The land is an infill site on the western fringe of the Wallerawang town centre and is surrounded by residential land use to the north and west, business/light industrial and public recreation land use to the east separated by Brays Lane. The proposed development of the site should not create nor increase land use conflict within the area.

The site is separated from the older residential areas of Wallerawang to the south by the Main Road and Main Western Rail Line. A new residential estate, “Mountain View Estate” is located to the south west of the site that has seen ongoing development activity since being released to the market.

## Past Land use and Contamination

State Environmental Planning Policy 55 Remediation of Land requires consideration of contamination issues when rezoning land. If a rezoning allows a change of use that may increase the risk to health or the environment from contamination, then Council or the Planning Authority must be satisfied that the land is suitable for the all the proposed uses or can be remediated to make it suitable.

A preliminary contamination investigation in accordance with the Managing Land Contamination Planning Guidelines SEPP 55 Remediation of Land has been undertaken by Envirowest Consulting Pty Ltd to determine the contamination status of the land and its suitability for residential land use.

The investigation report has revealed that site has in the past been used as an electricity commission storage depot and contained possibly two underground storage tanks (UST) that have since been removed.



The report identified that the site is not listed on the EPA register of Contaminated Sites.

Ground penetrating radar was undertaken to determine the approximate location of the historic USTs. The location was identified south of the south eastern function room and was identified as being removed.

The contamination status of the site was assessed from a soil sampling and laboratory analysis program. Twenty five locations were sampled within the general site. The site was sampled for potential contaminants based on site inspections and historical land use.

The soil sampling program identified one sample containing levels of carcinogenic PAH slightly above the adopted threshold for human health. The carcinogenic PAH is expected to be contained within the gravel with coal/chitter layer. One sample contained levels of nickel slightly above the adopted threshold for human health. The 95% confidence interval of samples within each area was below the threshold for residential land use for carcinogenic PAH and nickel.

All other analytes were recorded less than the adopted thresholds for residential land use.

The report recommended no further investigation is necessary and the site is suitable for residential activities.

Council officers have reviewed this report and are satisfied that it meets the relevant sampling, analysis and reporting requirements. There is still potential that unidentified contamination can be found during excavation or as part of building demolition on the site. Should that occur, further investigation or validation may be required during the development phase.

### **Traffic Management**

The site can be developed without creating further ribbon development along Main Road 531, Pipers Flat Road by constructing a new public road within the site intersecting with Brays Lane.

The new road design and intersection treatment with both Brays Lane and Pipers Flat Road will be a matter for the development assessment phase.

A pedestrian footpath runs parallel to Pipers Flat Road adjacent to the site linking it to the Wallerawang Town Centre.

### **Site Hazards and Constraints**

The subject site has not been identified within the environmentally sensitive areas mapping for biodiversity or sensitive lands. It is, however, identified as having moderately high groundwater vulnerability. As the site will be fully serviced with water and sewer and stormwater it is not expected that the proposed use will negatively impact groundwater.

The site is also located to the south of the existing Wallerawang Wastewater Treatment Plant buffer zone and should not negatively impact upon the ordinary operations of the plant.

The site is not identified as being bush fire prone, flood liable or within a declared mine subsidence district.

The site is located within the Sydney Water Drinking Catchment and any future development must be able to demonstrate a neutral or beneficial effect on water quality in accordance with Sydney Drinking Water Catchment 2011 State Environmental Planning Policy. This matter will be addressed at the development assessment phase.

## Essential Services/Infrastructure

Essential services of water, sewer, electricity, stormwater and telecommunications are all available in the vicinity of the site. Augmentation of reticulation or connection to these services will be addressed in the development assessment phase.

There will be minimal impact upon capacity of the head infrastructure systems increasing demand by approximately thirty (30) equivalent persons at full build out of lots created.

## JUSTIFICATION OF PLANNING PROPOSAL AND RELATIONSHIP TO STRATEGIC FRAMEWORK

### Need for Planning Proposal

The Planning Proposal is not the result of any strategic study or report. It has arisen as a private proposal for the development of the site.

A change in zoning and the applicable minimum lot size is the only means of achieving the objectives of this proposal.

### Central West Orana Regional Plan

The proposal is not inconsistent with the Directions and Actions of the Central West and Orana Regional Plan.

It is consistent with the relevant *Direction 25 – Increase housing diversity and choice* in particular Action 25.4 to *locate higher density development close to town centres to capitalise on existing infrastructure and increase housing choice*.

### Planning Directions

Preliminary assessment of the Planning Proposal indicates that it is consistent with the applicable Section 9.1 Planning Directions issued by the Minister for Planning in particular the following most relevant directions:

| Relevant Planning Direction     | Comment   |
|---------------------------------|---|
| Direction 3.1 Residential Zones | <p>The Planning Proposal is consistent with this direction.</p> <p>The proposal will:</p> <ul style="list-style-type: none"><li>• broaden the choice of new housing locations in the housing market of Wallerawang and in particular provide housing within close proximity to the town centre and sporting areas;</li><li>• be capable of being serviced with existing infrastructure and services;</li><li>• enable an infill site on the fringe of established urban development to be used to a higher capacity thereby reducing the consumption of land for housing;</li><li>• provide opportunity for the site to be developed using good design principles;</li><li>• be subject to Clause 7.10 of Lithgow Local Environmental Plan 2014 requiring essential services to be provided; and</li><li>• increase the permissible housing density of the site which currently only allows for a</li></ul> |

|   |   |
|---|---|
|   | maximum of two dwellings, one of which would be required to be dual occupancy.  |
| Direction 3.4 Integrating Land Use Transport  | <p>The Planning Proposal through providing housing choice in close proximity and connectivity to the Wallerawang Town Centre and established sporting areas and public transport nodes will reduce car dependency for the residents and enable cycling or walking or public transport to be transport of choice.</p> <p>The access to Brays Lane provides opportunity for planned vehicular access to the development without negatively impacting upon the Main Road traffic route on Pipers Flat Road or the nearby major rail overhead bridge (Black Bridge).</p>  |
| Direction 5.2 Sydney Drinking Water Catchment | <p>The site is located within the Sydney Water Drinking Catchment. The site is capable of being fully serviced. The proposed subdivision and development will be required to achieve a neutral or beneficial effect on water quality as part of the development assessment process.</p> <p>The Lithgow Strategic Land and Water Capability Assessment 2009 has identified that the land has high capability for the land use category 4A Residential Sewered.</p> <p>Council will be required to consult with Water NSW (formerly Sydney Catchment Authority) and include a copy of any information received prior to a final Gateway Determination being made.</p> |

### State Environmental Planning Policies

Preliminary assessment of the Planning Proposal indicates that it is generally consistent with all applicable and relevant State Environmental Planning Policies (SEPP's).

The key relevant SEPP's are SEPP 55 Remediation of land and Sydney Drinking Water Catchment SEPP 2011.

The preliminary investigation report accompanying the Planning Proposal has indicated that the subject land is suitable for residential land use without further investigation consistent with SEPP 55 Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land.

The site is within the Sydney Drinking Water Catchment and therefore any development resulting from the Planning Proposal will need to achieve a neutral or beneficial effect on water quality. Consultation with the Water NSW (Sydney Catchment Authority) prior to the issuing of the final Gateway Determination will determine the extent and timing of investigations such as MUSIC modelling that will be required.

### Lithgow Land Use Strategy 2010-2030 (LUS)

#### Supply and Demand for Land Wallerawang

In 2010, Mountain View Estate located to the south-west off Rydal Road Wallerawang was considered a sufficient standard residential supply over the life of the LUS to meet the demand for housing that was estimated at approximately six 6 houses per year.

Since 2010, the take-up of housing lots within Wallerawang has taken place at a greater than predicted rate. Mountain View Estate has already sold out with re-selling only active in small numbers according to a local real estate agent. According to a local real estate agent the demand for housing lots within the area is not being met by current supply.

The LUS predicted that supply of residential land in the Mountain View Estate and other infill sites would take approximately 30 years to be exhausted. With significant take –up in 2013/14 and more recently 2016/17 the supply years have been substantially reduced.

The potential development yield of this site may provide a further two years of residential land supply before consideration may need to be given to other greenfield sites in the identified future urban areas beyond 2030 in the periodic review of the LUS and LEP scheduled for 19/20.

### **LUS Growth Management and Sustainability Principles**

The Lithgow Land Use Strategy 2010-2030 recommended that the subject site be zoned R5 Large Lot Residential to reflect the development pattern of land to the immediate west and north of the site and to prevent further land use conflict and ribbon growth development along Main Road 531. The R5 zoning also supported the strategy to consolidate standard urban residential lands to the south of Pipers Flat Road and the Main Western Rail Line.

The Planning Proposal represents a shift in this localised strategy; however it is not materially inconsistent with the planning framework of the LUS as set out in the growth management and sustainability principles.

The Planning Proposal is consistent with the growth management and sustainability and residential land use planning principles of the endorsed local Lithgow Land Use Strategy 2010-2030. The site is already zoned residential and the proposed change to zoning and minimum lots size to increase the development yield of the site is in response to changing land supply and development demand drivers in the localised centre of Wallerawang experienced since the development of the LUS in 2010.

The proposed R2 Low Density Residential zone and minimum lot of 800m<sup>2</sup> whilst providing increased density above that of the R5 zone, still reflects that the site is on the periphery, and is physically separated from, the established standard residential areas of Wallerawang that enjoy a 600m<sup>2</sup> minimum lot size. It is considered that this density will enable the development to be designed so as to not add to land use conflict with the developed adjoining R5 lands by limiting development to single and secondary dwellings.

The Planning Proposal is demonstratively consistent with the following key principles:

| LUS Growth Management Principle | Guiding Principle   | Comment  |
|---------------------------------|---|--|
| GM1 Thresholds to Growth        | Future development should strengthen the desired settlement hierarchy, support and maintain strong commercial centres, minimise urban sprawl and environmental footprints and maximise infrastructure and service efficiencies. | <p><b>Consistent</b></p> <p>The development site reinforces the established settlement hierarchy by providing further housing opportunity in established town centres.</p> <p>The development site is an infill site located within the identified urban core of Wallerawang and has direct road and pedestrian links to the local commercial centre. The site can be serviced by existing infrastructure.</p> |

|   |   |   |
|---|---|---|
| GM2 Land Use Suitability and Capability | <p>Future development should be located on land that is suitable for the development and capable of supporting the proposed uses.</p> <p>Future development should avoid areas of environmental significance, significant natural and/or economic resource, potential hazard, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change.</p>   | <p><b>Consistent</b></p> <p>The development site is suitable for residential development.</p> <p>It is not affected by environmental or natural hazards or constraints.</p>   |
| GM3 Infrastructure Provision            | <p>Future development should only be permitted where it can be provided with adequate, cost effective physical and social infrastructure to match the expected population of each settlement area.</p> <p>Future development should not create the demand for the uneconomic provision of infrastructure.</p> <p>Future development should be designed and located to have well connected and accessible urban areas increasing the opportunity for public transport, cycling and walking for residents and visitors.</p> | <p><b>Consistent</b></p> <p>The development site can be fully serviced by existing head infrastructure and will not create the demand for uneconomic provision of infrastructure.</p> <p>The location of the site in close proximity to the commercial centre and local sporting areas promotes and encourages cycling and walking and less car dependency.</p> |

## COMMUNITY AND GOVERNMENT AUTHORITY CONSULTATION

The Gateway Determination will confirm community consultation requirements. It is likely that if this Planning Proposal is supported it would be a “low impact” proposal in accordance with Section 5.5.2 of *“A Guide to Preparing LEPs”* that would require exhibition for a period of not less than 14 days. Should public exhibition fall over a holiday period the exhibition period would be extended to take into account public holidays accordingly.

A “low impact” proposal is defined as “a planning proposal that, in the opinion of the person making the Gateway Determination is:

- Consistent with the pattern of surrounding land use zones/and or land uses;
- Consistent with the strategic planning framework;
- Presents no issues with regard to infrastructure servicing;
- Not a principal LEP;
- Does not re-classify public land.”

It is proposed that the Planning Proposal will be publicly notified by:

- A notice in the Village Voice in each week of the exhibition

- Adjoining landowners
- Notification on Councils website
- Display at Councils customer service centre and libraries

Council will also notify the government agencies concurrently with the public exhibition period unless directed otherwise through the Gateway Determination. In particular Council will consult with Water NSW and Roads and Maritime Services.

### **TIMELINE TO COMPLETE PLAN MAKING PROCESS**

An indicative timeline to complete the plan making process is outlined below:

| <b>Key Stages of Consultation and Approval</b>                                     | <b>Estimated Timeframe</b> |
|--|----------------------------|
| <b>Stage 1</b> Submission of Draft Planning Proposal to Department Regional Office | July 2018                  |
| <b>Stage 2</b> Gateway Determination   | August/September 2018      |
| <b>Stage 3</b> Public Exhibition and Government Agency Consultation                | October 2018               |
| <b>Stage 4</b> Review/consideration of submissions                                 | November 2018              |
| <b>Stage 5</b> Council Report  | November 2018              |
| <b>Stage 6</b> Plan Making and Legal Drafting – (Council delegated functions)      | December/January 2018      |
| <b>Stage 7</b> Notification of the LEP   | February 2019              |

### **USE OF DELEGATED POWERS TO MAKE LOCAL ENVIRONMENTAL PLAN**

Following a Gateway Determination some plan making powers (S. 3.36(2)-(4) statutory steps of the process) may be delegated back to Council to finalise should Council request it or where the matters are determined to be of local planning significance as determined by the Gateway. This would increase Councils involvement and decision making in the process and streamline the administrative processing and making of the plan.

As this Planning Proposal is a spot rezoning of local significance and is not materially inconsistent with the endorsed local strategy being Lithgow Land Use Strategy 2010-2030, it is recommended that Council indicate that it will be seeking to use its delegated plan making powers to finalise the plan following Gateway Determination.

### **RECORDING OF VOTING ON PLANNING MATTERS**

Under Section 375A of the Local Government Act, 1993 a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

A Planning Proposal is a planning decision for the purposes of this provision.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – The staff costs of administering the Planning Proposal will be met by the applicable fee/charge of \$15,000.00 paid by the proponent.

## LEGAL IMPLICATIONS

Nil

The Planning Proposal is required to be undertaken in accordance with Part 3 of the Environmental Planning and Assessment Act, 1979.

## ATTACHMENTS

1. Local Environmental Plan Making Process Flowchart – Please note the chart references the Pre-March 2018 EP & A Act, 1979 numbering.

## RECOMMENDATION

### THAT

1. Council supports the preparation of a Planning Proposal for Lot Y DP 407106, being 88 Pipers Flat Road Wallerawang to amend Lithgow Local Environment Plan 2014 as follows:
  - a. amend the land zone of the site from R5 Large Lot Residential to R2 Low Density Residential;
  - b. amend the lot size from 2ha to 800m<sup>2</sup>;to enable the subdivision of the land for residential purposes.
2. The Planning Proposal documentation once prepared be forwarded to the Western Region office of NSW Department of Planning and Environment for a Gateway Determination.
3. Council advise NSW Department of Planning and Environment that it proposes to seek approval to use its delegated functions under S. 3.36(2)-(4) of the Act to make the plan following compliance with a Gateway Determination.
4. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-5                    ECDEV - 23/07/18 - ENERGY AUSTRALIA COMBINED WESTERN  
COMMUNITY REFERENCE GROUP & PINEDALE COMMUNITY  
CONSULTATIVE**

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

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**REFERENCE**

Min No. 17-336:            Ordinary Meeting of Council held 27 November 2017- Councillor appointments made to the s355 Committees of Council and External Committees and Organisations.

**SUMMARY**

To advise Council of the combined Energy Australia Western Community Reference Group and Pinedale Community Consultative Committee (to be known as Energy Australia Lithgow Region Community Consultative Committee) and the request for a councillor representative

**COMMENTARY**

Energy Australia has gained permission from the Department of Planning & Environment (DPE) to merge its existing Western Community Reference Group and Pinedale Coal Mine Community Consultative Committee into one Community Consultative Committee (CCC).

Membership of the CCC is made up of an independent chairperson; up to seven (7) community representatives; a Council representative and up to three representatives from Energy Australia. DPE has selected the Independent Chairperson and committee members. A Council representative is now sought.

Councillor Thompson is currently the Councillor representative for the Pinedale Community Consultative Committee and it may be appropriate for him to simply transfer onto the new committee.

**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**

Local Government Act 1993

Local Government (General) Regulations 2005



## RECOMMENDATION

### THAT

1. Council note the formation of combined Energy Australia Western Community Reference Group and Pinedale Community Consultative Committee into one Community Consultative Committee (CCC) to be known as the Energy Australia Lithgow Region Community Consultative Committee.
2. Councillor Thompson be appointed as the Council representative for the combined Committee.

**ITEM-6                    ECDEV - 23/07/18 - CROWN LAND REFORMS UPDATE**

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

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**REFERENCE**

Minute 17-50:                    Ordinary meeting of Council held on 27 February 2017.

**SUMMARY**

This report provides an update to Council regarding the reforms to Crown Land legislation that impact Council.

**COMMENTARY**

The *Crown Lands Act 1989* was repealed on 1 July 2018 and the *Crown Land Management Act 2016* (“**CLM Act**”) commenced in its place. Crown Lands fall within the portfolio of the Minister for Lands and Forestry and the new legislation governs the way in which the Department of Industry – Crown Lands and Water oversee Crown Land in New South Wales.

A comparison table listing the key changes (that impact Council) is attached to this report. The reforms impact Council from governance, financial and resourcing perspectives, with the main impacts being in the area of native title responsibilities and plans of management. These two aspects are addressed below.

As Crown Land Managers (previously called ‘Reserve Trust Managers’), Councils have always been responsible for complying with the requirements of the *Native Title Act 1993*; however, it is apparent that many councils have not recognised this role or had adequate resources to accommodate it, and consequently have not considered native title rights and interests when dealing with Crown Land.

The NSW government has now mandated the requirement for Councils to engage or employ a native title manager to ensure compliance with native title obligations under the *Native Title Act 1993*. Additionally, the NSW government has legislated to make Councils liable for compensation in relation to conduct that infringes on native title rights or interests.

**Crown Land Manager’s native title responsibilities**

The *Native Title Act 1993* (“**NT Act**”) requires certain procedures to be followed before carrying out a future act on Crown Land where native title exists or may exist. If it cannot be established with certainty that native title is wholly extinguished, the State’s policy is to assume that native title exists.

The nature of procedures required depend upon the activity and may include negotiating an Indigenous Land Use Agreement with relevant Indigenous groups, providing indigenous groups with an opportunity to comment, or seeking a protection order from the Federal Court.

### Future Acts

A future act can be any act undertaken by Council in relation to Crown Land, but it must have the following three essential characteristics:

1. must occur on or after 1 January 1994 for non-legislative future acts OR must occur on or after 1 July 1993 for legislative future acts;
2. must occur in an area where native title exists or may exist;
3. must affect (extinguish, impair, or in some way limit) the continued existence or enjoyment of native title.

### Validation of Future Acts

Future acts must be validated in accordance with the procedures set out in the *NT Act*. This is because such acts can impact upon native title rights and interests or diminish their enjoyment.

Under the *NT Act*, native title holders and registered native title claimants are entitled to certain procedural rights. They have a right to be notified of the proposed future act, or a right to object to the act, or any other right that is available. Such rights include:

- the opportunity to comment; or
- the right to be consulted; or
- the right to negotiate; or
- the same rights as an ordinary title holder (freeholder).

Division 3 of the *NT Act* sets out the procedures required to validate future acts in relation to the following:

Subdivision G – primary production and related activities

Subdivision H – management of water and airspace

Subdivision I – renewals, re-grants, and extensions of existing interests (eg, lease, licence, permit or authority)

Subdivision JA – public housing

Subdivision J – activities pursuant to reservations

Subdivision K – facilities for the benefit of the general public (eg, road, railway, bridge, jetty, wharf, etc – list is extensive, see s. 24KA(2))

Subdivision L – low impact future acts

Subdivision M – acts satisfying the freehold test

The procedures must be undertaken before the act can be done. Otherwise the act is at risk of being invalid.

The following list includes examples of future acts typically undertaken by Councils, which may require validation:

1. Grant of an interest consistent with the reserve purpose – issue of a licence for the construction and operation of a bushfire shed
2. Grant of an interest inconsistent with the reserve purpose – issue of a licence for the construction and operation of a men's shed
3. Grant of a lease inconsistent with the reserve purpose – child care centre where the purpose was for public recreation
4. Grant of a licence for the purpose of a florist in a cemetery (including selling flowers from a cart that will not be fixed to the ground)
5. Grant of an easement for pipeline and/or pump site
6. Grant of an easement for an encroachment

7. Issue of a licence to remove materials
8. Issuing of a licence from grazing or agriculture
9. Renewal of a licence from grazing or agriculture
10. Granting of a lease for agricultural purposes
11. Land management – vegetation clearing for asset protection zones
12. Vegetation clearing and track development to create or make good a fire trail

#### Invalid future acts

Future acts performed by Councils on Crown Land, that require validation, but have not been validated in accordance with the *NT Act* are deemed invalid and under the *CLM Act* Council will be liable for compensation.

#### Compensation

The new *Crown Lands Management Act 2016* provides that Councils may be liable to pay compensation for acts that impact on native title rights and interests, and further that the Council indemnifies the State for the impact of Councils conduct on native title rights and interests.

Currently there are no guidelines as to how compensation will be assessed for invalid acts that infringe native title rights and interests. However, it is expected that a case, currently before the High Court of Australia, will be instrumental in providing guidance in relation to quantifying damage.

#### Plans of Management

The new *CLM Act* provides a mandatory requirement for Councils to prepare and adopt plans of management for the Crown Lands they manage within three (3) years. The plans of management must accord with any guidelines made by the Minister, facilitate the use of land by Aboriginal people (which must be taken into account when drafting the plans of management) and be consistent with the *NT Act*.

The *CLM Act* allows councils to manage Crown land under the provisions of the Local Government Act 1993 (“**LG Act**”) for public land. Council will be able to manage Crown reserves in the same way that council-owned land is managed.

This will require that all crown lands, that Council manages, are classified and categorised under the *LG Act*.

Upon commencement of the *CLM Act* councils must, as soon as practicable, assign an ‘initial category’ to all Crown land they manage (unless the Minister has given approval for the land to be classified as operational land). The initial category must be the category that council considers is most closely related to the reserve purpose.

At the time of preparing the Lithgow Generic Community Lands Plan of Management 2013, Council anticipated this Crown land management reform and categorised each crown land reserve which it controlled under Section 36(4) of the Local Government Act, 1993. Council will now need to notify the Department of Primary Industries – Crown Lands of these categorisations and seek its concurrence.

Following assignment to a category, council must proceed to prepare a plan of management under the *LG Act* that reflects the assigned category.

Council will need to review the Generic Community Lands Plan of Management, 2013 to ascertain if this plan can be amended to be made compliant under the *CLM Act* and Local

Government Act, thereby eliminating the need to prepare new plans of management or at least reduce the number of site specific plans of management required such as for those lands that are categorised as areas of “cultural significance”.

Council may be able to access financial assistance to prepare compliant plans of management and it is expected that Crown lands will develop and release guidance material on the requirements for plans of management.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

- Budget approved – Nil
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – To be determined. However, ongoing costs are likely.

#### **LEGAL IMPLICATIONS**

The responsibilities of Crown Land Managers are embedded in legislation and Council must comply. The key legislation governing the management of Crown Land is the *Crown Land Management Act 2016*, which links in with the *Local Government Act 1993* and the *Native Title Act 1993*.

#### **ATTACHMENTS**

1. Comparison table listing key changes
2. Briefing pack for Councillors, published by the NSW Government

#### **RECOMMENDATION**

**THAT** the report on Crown Land legislation reforms including responsibilities as Crown Land Managers and potential impacts, in particular Native Title responsibilities, be noted.

**ITEM-7                      ECDEV - 23/07/18 - DA12418 - PROPOSED DWELLING HOUSE &  
VARIATION TO DEVELOPMENT STANDARD - LOT 1 DP 330666, 208 INCH  
STREET LITHGOW NSW 2790**

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

## SUMMARY

To advise Council of a Development Application (DA124/18) lodged for a dwelling house on land known as Lot 1 DP 330666, 208 Inch Street Lithgow NSW 2790. The proposed development does not comply with the requirements of Clause 4.2A of *Lithgow Local Environmental Plan (LEP) 2014* (Minimum Lot Size (MLS)) and a variation to the development standard has been requested under Clause 4.6 of LEP 2014.

## COMMENTARY

### Details of Proposal

Council is in receipt of a Development Application (DA124/18) for a dwelling house on land known as Lot 1 DP 330666, 208 Inch Street LITHGOW NSW 2790.

Lot 1 DP 330666 (approximately 537.5m<sup>2</sup>) currently contains two metal sheds and a fibro garage. The land is relatively level, contains four large trees and the northern boundary lies adjacent to Farmers Creek.

The proposed dwelling will have a total floor area of approximately 200.21m<sup>2</sup> and includes: 3 bedrooms (1 including an ensuite and walk-in-wardrobe), kitchen, rumpus room, family room, dining room, study, water closet, bathroom, laundry, garage, alfresco and porch. The existing metal sheds and fibro garage are proposed to be removed/demolished.



Figure 1 – Development Site – Facing Inch Street (South) – Existing Metal Sheds and Fibro Garage to be Removed

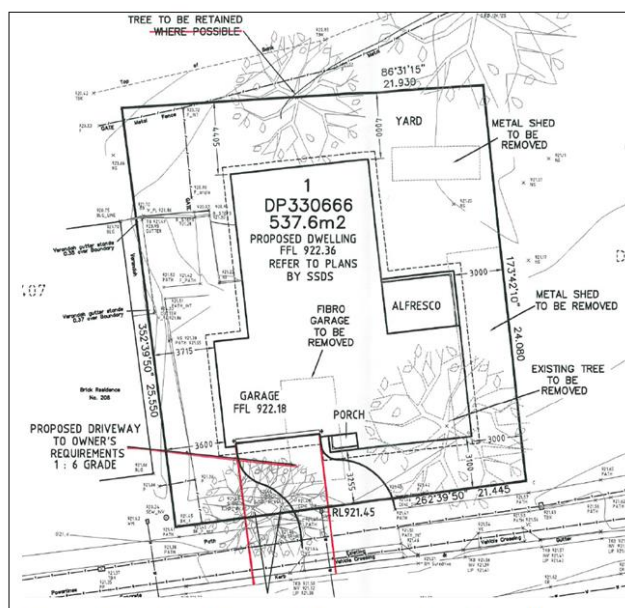


Figure 2 – Site Plan of Proposed Dwelling House – Lot 1 DP 330666 – 208 Inch Street LITHGOW NSW 2790

## **Permissibility**

The land is zoned E3 Environmental Management under LEP 2014, in which the development of a dwelling house is permitted with consent, provided that it complies with the requirements of Clause 4.2A.

The Minimum Lot Size (MLS) applicable to the land is 600m<sup>2</sup> and Lot 1 DP 330666 currently retains an area of 537.5m<sup>2</sup>. Therefore, the land does not comply with the requirements of Clause 4.2A(3)(a) of LEP 2014.

Further, the lot was not created by a subdivision under an environmental planning instrument before the commencement of LEP 2014 and on which the erection of a dwelling house was permissible immediately before that commencement. Therefore, the land does not comply with the requirements of Clause 4.2A(3)(b) or (c) of LEP 2014.

Lastly, the land is not an existing holding under Clause 4.2A(3)(d) of LEP 2014. Therefore, the development of a dwelling house on Lot 1 DP 330666 is not permitted under Clause 4.2A of LEP 2014.

## **Variation to Development Standard**

As the land does not comply with the requirements of Clause 4.2A of LEP 2014, a variation to development standard has been proposed in accordance with Clause 4.6 of LEP 2014, as below:

### **4.6 Exceptions to development standards**

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with Clause 4.6(3) of LEP 2014, a written request has been submitted by the applicant that seeks to justify the proposed contravention of the development standard. The request (as provided below) sufficiently demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

#### **Written Request from Applicant under Clause 4.6(3) of LEP 2014**

The development standard is considered unreasonable in the circumstances due to the following reasons:

- The development remains consistent with the objectives of the zone.
- There are no other non-compliances being sought.
- The surrounding land is residential in nature (not environmental management).
- There are dwellings on even smaller allotments adjoining to the west in Inch Street.
- The variation sought is relatively minor (10.4%).
- The development standard unreasonably restricts a positive development outcome by inhibiting a variety of housing types and densities to be established in the area.
- The standard will unreasonably prevent additional housing supply to be provided into the local market close to the Lithgow CBD.
- The standard unreasonably restricts effective utilisation of the land – the land is situated to residential development rather than environmental.
- The standard unreasonably restricts the maximisation of infill development and utilisation of existing infrastructure resources.
- The standard will unnecessarily restrict the achievement of highest and best use of land resource.

Given the low-medium residential density of the immediate locality, the design proposes an appropriate development form that is reflective of the desired future character of the area and responds to the constraints and opportunities of the site.

The development in its current form results in a better urban planning outcome for the following reasons:

- The dwelling is comparable to adjoining development to the west and south along Inch Street.
- The dwelling is provided with an appropriate level of amenity.

On the basis of the discussion in this report and the points above, there are sufficient environmental planning grounds to justify the contravention of the development standard.

The proposed development includes a variation to the development standard of 10.4%. However, the majority of lots located to the west of Lot 1 DP 330666 on the northern side of Inch Street, retain dwellings on land with an area less than the 600m<sup>2</sup> MLS (as described below). Therefore, the development will be in keeping with the context and density of the surrounding residential area and accordingly, compliance with the development standard is deemed unreasonable or unnecessary in the circumstances of the case. As discussed further throughout the attached Section 4.15 (79C) report, the proposed development will have minimal impact on the surrounding landuses and environment subject to conditions of consent. Accordingly, there are also sufficient planning grounds to justify contravening the development standard. The proposal therefore complies with the requirements of Clause 4.6(3) and 4.6(4)(a)(i).

| Lot & DP           | Address         | Area                | Dwelling Constructed | Lot Area <600m <sup>2</sup> MLS |
|--------------------|-----------------|---------------------|----------------------|---------------------------------|
| Lot 6 DP 316096    | 192 Inch Street | 366.7m <sup>2</sup> | Yes                  | Yes                             |
| Lot 1 DP 952407    | 208 Inch Street | 306.6m <sup>2</sup> | Yes                  | Yes                             |
| Lot 1 DP 10121     | 180 Inch Street | 543.8m <sup>2</sup> | Yes                  | Yes                             |
| Lot 5 DP 316096    | 190 Inch Street | 383.0m <sup>2</sup> | Yes                  | Yes                             |
| Lot 2 DP 10121     | 178 Inch Street | 436.3m <sup>2</sup> | Yes                  | Yes                             |
| Lot 1 DP 2857      | 182 Inch Street | 379.4m <sup>2</sup> | Yes                  | Yes                             |
| Lot 4 DP 2857      | 188 Inch Street | 360.4m <sup>2</sup> | Yes                  | Yes                             |
| Lot 11 DP 2857     | 202 Inch Street | 328.8m <sup>2</sup> | Yes                  | Yes                             |
| Lot 7 DP 2857      | 194 Inch Street | 328.8m <sup>2</sup> | Yes                  | Yes                             |
| Lot 3 DP 2857      | 186 Inch Street | 384.5m <sup>2</sup> | Yes                  | Yes                             |
| Lot B DP 349086    | 200 Inch Street | 442.6m <sup>2</sup> | Yes                  | Yes                             |
| Lot 2 DP 2857      | 184 Inch Street | 404.7m <sup>2</sup> | Yes                  | Yes                             |
| Lot A DP 349086    | 198 Inch Street | 493.2m <sup>2</sup> | Yes                  | Yes                             |
| Lot 1 DP 974635    | 206 Inch Street | 278.2m <sup>2</sup> | Yes                  | Yes                             |
| Lot 1 DP 942002    | 204 Inch Street | 404.7m <sup>2</sup> | Yes                  | Yes                             |
| Lot 100 DP 1183097 | 174 Inch Street | 862.0m <sup>2</sup> | Yes                  | No                              |





Figure 3 – Dwellings Located on Lots with an Area <600m<sup>2</sup> MLS – Lots Located to West of Lot 1 DP 330666 on the Northern Side of Inch Street

Further, the proposed development will be in the public interest in accordance with Clause 4.6(4)(a)(ii) of LEP 2014 as it is consistent with the objectives of Clause 4.2A and the E3 Environmental Management zone under LEP 2014.

Lastly, given that the requested variation to the development standard is greater than 10%, the concurrence of the Secretary of the Department of Planning and Environment is required in accordance with the NSW Department of Planning and Environment's Planning Circular, PS 18-003, issued on 21 February 2018, as below:

**Assumed concurrence conditions**

**Lot size standards for dwellings in rural areas**

The Secretary's concurrence may not be assumed for a development standard relating to the minimum lot size required for erection of a dwelling on land in one of the following land use zones, if the lot is less than 90% of the required minimum lot size:

- Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition.
- Zone R5 Large Lot Residential.
- Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living a land use zone that is equivalent to one of the above land use zones.

This condition will only apply to local and regionally significant development.

Subject to conditions of consent, the proposed development satisfies the requirements of Clause 4.6 (3) and (4) of LEP 2014. Accordingly, the application is required to be referred to a Council Meeting for resolution, followed by the NSW Department of Planning and Environment (DPE) for concurrence in accordance with Clause 4.6(5) of LEP 2014.

## POLICY IMPLICATIONS

### Policy 7.5 Notification of Development Applications

Council Policy 7.5 is applicable to all land within the Lithgow Local Government Area (LGA) and prescribes the following types of development as exempt from requiring notification to surrounding landowners:

#### 2. APPLICATIONS FOR WHICH NOTIFICATION WILL NOT BE GIVEN UNDER THIS POLICY

Development applications for the following types of development will not be notified. (NB: Any structure must conform to applicable setback requirements):

- Single storey dwellings (providing this does not involve demolition of an existing dwelling).
- Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.

The proposed development of a single storey dwelling is not required to be notified to surrounding landowners or placed on public display under Clause 2 of Council Policy 7.5. However, as the proposal includes a variation to development standard 4.2A of LEP 2014, it was considered prudent to do so. Therefore, the development was notified to surrounding landowners and placed on public display for a period of 14 days in accordance with Clause 2.1 of Council Policy 7.5. No public objections or submissions were received by Council during the notification period.

## FINANCIAL IMPLICATIONS

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

### Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A Development Contributions Plan 2015 is applicable to all land within the Lithgow LGA and the following levies are used to calculate the contribution:

| Estimated cost of development | Levy applicable |
|-------------------------------|-----------------|
| \$0 to \$100,000              | 0%              |
| \$100,001 to \$200,000        | 0.5%            |
| \$200,001 and over            | 1%              |

The estimated cost of the proposed development is \$294,546.11. Therefore, a condition of consent will be implemented requiring that the applicant pay to Council a Section 94A (Section 7.12) contribution of \$2945.46, prior to the issue of a Construction Certificate.

## LEGAL IMPLICATIONS

### *Water Management Act 2000*

A controlled activity approval is required for development located within 40 metres of a watercourse, in accordance with Section 91(2) of the Act.

Accordingly, the application was referred to NSW Department of Primary Industries (DPI) Water for assessment from which it was advised that the development is exempt from requiring a controlled activity approval under Schedule 5, Part 2, Clause 27 of the *Water Management (General) Regulation 2011*.

Therefore, there are no further implications of this Act on the proposed development.

***Environmental Planning and Assessment Act 1979***

All matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979* have been taken into consideration, as addressed in Attachment 1.

## **ATTACHMENTS**

1. Section 4.15 (79C) Assessment Report as required by the *Environmental Planning and Assessment Act 1979*.

## **RECOMMENDATION**

### **THAT**

1. Development Consent be granted to Development Application (DA124/18), subject to:
  - a) The conditions specified in the attached Section 4.15 (79C) Assessment Report, following point (b) below.
  - b) Concurrence being granted from the NSW Department of Planning and Environment (DPE) for the proposed variation to development standard 4.2A under Clause 4.6 of *Lithgow Local Environmental Plan 2014*, in accordance with Planning Circular, PS 18-003, issued on 21 February 2018.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

**ITEM-8                    ECDEV - 230718 - WALLERAWANG ASH REPOSITORY MODIFICATION 1 -  
                                 WALLERAWANG POWER STATION.docx**

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

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## **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 – Wallerawang Ash Repository-Modification 1- Wallerawang Power Station
- Min No.18-105:    Ordinary Meeting of Council held on 23 April 2018 – Notice of Motion – Energy Australia
- Min No.18-126:    Ordinary Meeting of Council held on 28 May 2018 – Wallerawang Ash Repository-Modification 1- Wallerawang Power Station

## **SUMMARY**

To advise Council of the consolidated conditions and draft notice of modification issued by the Department of Planning and Environment in relation to the Wallerawang Ash Repository MOD 1 (SSD 07\_0005 MOD 1) at Kerosene Vale and Sawyers Swamp.

## **COMMENTARY**

Council has received, the consolidated conditions and draft notice of modification by the Department of Planning and Environment.

It was resolved at Council's Ordinary Meeting held on 28 May 2018 that Council 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.

The Department of Planning and Environment has taken Council's concerns into consideration and has issued the following draft condition:

Capping Material Transport Impacts

2.36A The Proponent must:

- a) not import more than 100 heavy vehicle loads of capping material to the site a day;
- b) cover all heavy vehicle loads of capping material;
- c) not transport capping material on local roads in the Lithgow Local Government Area; and
- d) not import capping material to the site following 2 years from the date of commencement.

## **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 Notice of Modification for the Wallerawang Ash Repository MOD 1
2. Wallerawang Ash Repository MOD 1 - Consolidated Conditions

## **RECOMMENDATION**

**THAT** The information in the report on the Wallerawang Ash Repository Mod 1 Draft Conditions be NOTED.

**ITEM-9                    ECDEV- 23/07/18- PIGEON CONTROL LITHGOW CBD**

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

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**SUMMARY**

This report outlines pigeon problems in the Lithgow CBD area and options for managing bird populations.

**COMMENTARY**

In recent years it has become evident that the pigeon population in the Lithgow CBD area has increased to nuisance levels particularly evident in warmer months.

The issue of pest birds raises a variety of concerns including human health, damage to buildings, reduction in aesthetic value of buildings, and competition with native species. Whilst the responsibilities for pigeon control will mostly fall to private property owners, the management of Feral Pigeons in the central business district (CBD) is an issue that needs to be explored.

Officers have conducted investigations into options including programs in other local government areas and obtained cost estimates for control measures.

Bathurst Regional Council has a Pest Bird Management Strategy. The Strategy makes it clear, that similar to other pests (e.g. rats, mice, cockroaches), the responsibility of controlling pigeons falls on individual property owners but co-operative campaigns have also been carried out. Initially Bathurst Council subsidised a trapping program, paying approximately half of the \$660 per site cost, with about 15 business involved. As the success of the trapping program drops off they are now primarily using a quarterly shooting programs at night with the shooter using an air rifle. There are roughly about 10-12 buildings in the Bathurst CBD that pigeons frequent and permission has been obtained from landowners to remove the birds from the facade if they are found with any birds at the rear the responsibility of the property owners. Trapping birds and euthanizing has also been used but apparently the success is dropping off with lower densities of birds and individual birds becoming trap shy. It is estimated that the Bathurst Strategy cost the council \$10,000 - \$12,000 to set up with ongoing costs of approximately \$10,000 per annum.

In investigating a program for Lithgow, quotations have been sought for a trapping program. The cheapest quote equates to \$1,000 per property for a 5 week program based on the assumption that there would be 10 properties participating. This quote does not include a shooting program which would be approximately \$6000 for two, 4 hour sessions 4 times per year.

Both participation and financial contribution by private property owners would be central to any program succeeding. However, in current economic circumstances gaining that 'buy in' may be a challenge. Council participation in preparing a strategy and conducting programs would also be a challenge based on limited financial and staff resources. The table below outlines the basic range of options available in pigeon control.

| Action                    | Description  |
|---------------------------|--|
| <b>Habitat Management</b> |  |
| Bins                      | Ensure all bins in the CBD have lids to prevent pigeons from accessing scraps  |
| Exclusion                 | Install netting, bird spikes, gutter guards and other recommended exclusion techniques on buildings with pest bird issues  |
| Nest destruction          | Destruction of nests where feasible, preferably during peak breeding times (July to February).   |
| <b>Lethal Control</b>     |  |
| Shooting                  | Primarily a scaring technique in areas with high numbers of birds. To be carried out by experienced and licensed personnel. Not suitable in the long term as a preventative action and should be used in conjunction with other management techniques. |
| Trapping                  | Trapping program to be instigated by Council. Businesses and property owners invited to participate in a collaborative effort. Costs to be shared by participants. Should only be used in conjunction with other management techniques.                |
| <b>Monitoring Program</b> |  |
| CBD                       | Members of Council to conduct pest bird surveys.   |
| <b>Education</b>          |  |
| Distribute Information    | Distribute fact sheets and make available online.  |

Due to the current economic climate and limited Council resources it is recommended that Council conduct a limited program based on education and information. It is recommended that an education and information campaign occur to advise property owners on techniques such as Exclusion (netting, bird spikes, gutter guards); Nest Destruction; Covering Bins; and refraining from feeding pigeons.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

- Budget approved – Nil
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Minimal providing any campaign is limited to education and information.

## LEGAL IMPLICATIONS

Nil

## RECOMMENDATION

**THAT** an education and information campaign be carried out by writing to property owners in the Lithgow CBD precinct advising of Pigeon control techniques such as Exclusion (netting, bird spikes, gutter guards); Nest Destruction; Covering Bins; and refraining from feeding pigeons.

## OPERATION REPORTS

### ITEM-10            OPER – 23/07/18 – OPERATIONS CAPITAL BUDGET REALLOCATION

**REPORT BY:    EXECUTIVE MANAGER OPERATIONS**

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## REFERENCE

Min 17-159:    Ordinary Meeting of Council held 29 May 2017

## SUMMARY

This report seeks approval from Council to reallocate funds within the Operations capital budget for 2017/18 to facilitate the construction of improved stormwater infrastructure in the vicinity of 12 Kirkley Street, Lithgow in 2018/19.

## COMMENTARY

At the Ordinary Meeting of Council held 29/05/2017, Council resolved to execute a deed of agreement for the transfer of an easement involving Lot 3 DP881717 Kirkley Street, South Bowenfels. Within this agreement, there is provision for the extension of the “stormwater drainage within the natural watercourse, along the whole of the eastern boundary of the Land to the effect that all stormwater discharged onto the Land from Council’s roads shall be contained within such stormwater pipe”. The deed also notes that the work is to be performed “at its own cost and in a proper, workmanlike and timely manner”.

Unfortunately, this work has not been scheduled within the Operational Plan for 2017/18 or 2018/19.

However, with the 2017/18 financial year at a close, it has been identified that some completed projects have funds remaining. These remaining funds exist as a result of efficiencies found in economies of scale resulting from the linking of large scale capital work projects and improved tendering procedures implemented by the administration in recent years.

Quotes have been sought and received for \$26,775.00 excluding GST to supply the pipes required to complete the stormwater extension. 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  |
|---|-----------------------------|--|--|
| 100294                                  | ILP – Valley Drive, Lithgow | \$50,000.00<br>(\$37,881.00 remaining) | Scope complete. Hotmix asphalt laid from the intersection of Kirkland Link to Shopping Centre access road. |
| <b>Total Available for Reallocation</b> |                             | <b>\$37,881.00</b>                     |  |

It is expected that, including labour, materials and machinery, \$37,881.00 will cover the cost of works in their entirety.



**POLICY IMPLICATIONS**  
NIL

**FINANCIAL IMPLICATIONS**

- Budget approved – NIL
- Cost centre – NIL
- Expended to date - NIL
- Future potential impact – \$37,881.00 excl. GST

**LEGAL IMPLICATIONS**  
NIL

**RECOMMENDATION**

**THAT** Council:

1. Note the report; and
2. Approve the reallocation of \$37,881 from PJ100294 to fund the construction of improved stormwater infrastructure in the vicinity of 12 Kirkley Street, Lithgow in 2018/19 at an expected cost of \$37,000.00.

## WATER AND WASTEWATER REPORTS

### ITEM-11 WWW - 23/07/18 - WATER REPORT

REPORT BY: EXECUTIVE MANAGER WATER & WASTEWATER

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## REFERENCE

Min No 18-164 Ordinary Meeting of Council 25/06/18

## 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 9th July 2018 was 100%.

Oberon Dam capacity on Monday 9th July 2018 was 57.6%. Total volume banked is currently approx. 6%, so storage adjusted for bank is 51.6%.

### 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                   |
| May          | 117.6               | 132.7                  | 59.6                   |
| June         | 105.5               | 89.7                   | 55.1                   |
| <b>TOTAL</b> | <b>1,388.1</b>      | <b>760.2</b>           | <b>810.4</b>           |

### **Clarence Water Transfer Scheme**

The Clarence Water Transfer Scheme has been operating since 5th October 2017 and since commencing operation has pumped 760.20 megalitres of water into Farmers Creek No. 2 dam up to 30th June 2018.

### **Oakey Park Water Quality Summary**

Oakey Park Water Treatment Plant is currently only supplying water to Lithgow with WaterNSW supplying water to the villages for the period. No health-based ADWG values were exceeded for the period 16/06/18 to 13/07/18.

### **Treatment Plants Monitoring Results**

Samples are taken on a monthly basis at various locations within the STPs and WTP in accordance with Environment Protection Licences requirements. Samples were taken on 26/06/18 and taken to Sydney Water for testing. There were two non-compliances recorded at Council's Wallerawang STP for the month of June 2018. The Ammonia level recorded was 25.10 mg's/L and Council's EPA Licence Limit for the Wallerawang Plant is 2.0 mg's/L and the Total Nitrogen level was 26.6 with Council's EPA Licence Limit been 10.0 mg's/L. The rise in Ammonia and Total Nitrogen has been attributed to a mechanical fault with the decanter over the weekend proceeding the sampling date. The rise was identified during regular in-house testing, once the operators were aware that Ammonia and Total Nitrogen levels were high and exceeding licence limits treated effluent was diverted to a holding lagoon to mitigate environmental harm. All test results are published on the Lithgow City Council website as required by the Protection of the Environment Operations Act 1997.

Council as of 11/07/18 experienced a dramatic rise in Ammonia at the Portland STP with the cause not being able to be determined. Staff contact Department of Industry – Water for advise on how to overcome or provide a solution. Process changes were made and further measured implemented to stabilise and re-establish the biological process. During the period of exceedance of EPA Licence Limits most of the treated effluent was being used to undertake the filling of the newly constructed sludge holding tanks which has reduced the discharge to the environment.

### **Fish River Water Scheme Water Quality Summary**

Fish River Water Supply supplied water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal during the period. No health-based ADWG values were exceeded for the period 16/06/18 to 13/07/18.

### **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 three (3) applications for household appliance rebates and receiving no applications for a water tank rebate for the period 16/06/18 to 13/07/18.

### **Water Reticulation Complaints**

Council received 4 complaints during the period 16/06/18 to 13/07/18 concerning water quality issues, these were all isolated issues. 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-12                      WWW - 23/07/18 - DELEGATION TO THE GENERAL MANAGER FOR  
ACCEPTANCE OF TENDERS**

**REPORT BY: EXECUTIVE MANAGER WATER & WASTEWATER**

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## **SUMMARY**

With the introduction of the Local Government Amendment (Governance and Planning) Bill 2016, changes to Section 377 of the Local Government Act 1993 (the Act) regarding the general power of the council to delegate have resulted in the ability of Council to delegate acceptance of most types of tenders to the General Manager. As such, this report recommends delegating acceptance of tenders up to the value of \$1,000,000, where all other tender requirements of the Act and Local Government (General) Regulation 2005 (the Regulation) are met and that the tendered amount is within the approved budget.

## **COMMENTARY**

Section 55 of the Act and Part 7 of the Regulation sets out all of the statutory requirements for a Council to procure goods and services through Tendering. Previously, Section 377 of the Act expressly denied delegation of acceptance of tenders:

### **General power of the council to delegate**

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

...(i) the acceptance of tenders which are required under this Act to be invited by the council.

The changes to the Act that were introduced through the Local Government Amendment (Governance and Planning) Bill 2016 have resulted in the following replacement Section:

### **General power of the council to delegate**

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

...(i) the acceptance of tenders to provide services currently provided by members of staff of the council.

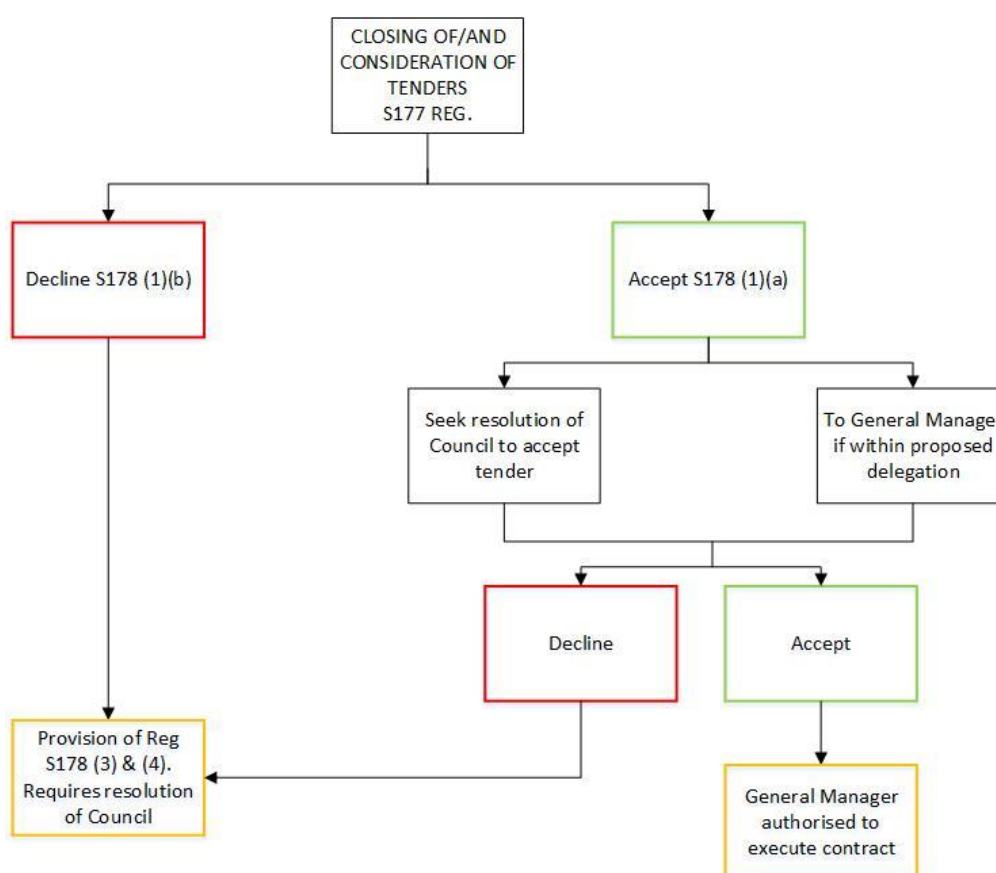
It should be noted by Council that this delegation excludes acceptance of tenders for services currently provided by members of staff of the council (which could therefore result in a reduction of staff positions, or increase operational resourcing).

Currently, a tender process takes about 3 months to complete. Should Council delegate authority to the General Manager to accept tenders under \$1,000,000, the time required, in most cases, to complete the tender process would be shorter by up to 5 weeks. This assists service providers and operational activities, by ensuring a more efficient process, where appropriate. This will also reduce the amount of tendering reports that would come to Council for resolution in the future.

It should also be noted that the Regulation still requires a council resolution where tenders for a proposed contract are not accepted and an alternate option is required, as per Section 178 of the Regulation. A resolution is required where there is a decision by Council to:

- (a) postpone or cancel the proposal for the contract,

- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- (f) carry out the requirements of the proposed contract itself.



### POLICY IMPLICATIONS

Amendments will be required to Council's Policy 1.4 – Tendering and the associated Standard Working Procedure. Minor amendments have been made to the Tendering Policy with the proposed changes shown as “track changes”.

As the amendments are considered minor, it is suggested that there is no need to publicly exhibit the policy prior to final adoption.

### FINANCIAL IMPLICATIONS

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

### **LEGAL IMPLICATIONS**

Changes to Section 377 of the Local Government Act 1993 (the Act) regarding the general power of the council to delegate have resulted in the ability of Council to delegate acceptance of most types of tenders to the General Manager. The proposed delegation is consistent with Council's statutory obligations under the Act.

### **ATTACHMENTS**

1. Policy 1.4 - Tendering

### **RECOMMENDATION**

#### **THAT:**

1. Council delegate the General Manager authority to accept Council tenders with a Contract value of up to \$1,000,000 where all other tender requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005 are met; and
2. The Council delegate the General Manager authority to execute the resulting contract and any associated documentation under this delegation; and
3. Amendments to Policy 1.4 – Tendering be adopted and implemented immediately.

**ITEM-13            WWW - 23/07/18 - WATER AND WASTEWATER POLICY REVIEW**

**REPORT BY: EXECUTIVE MANAGER WATER & WASTEWATER**

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**SUMMARY**

A review of all the Water and Wastewater Policies is currently being undertaken. This report seeks the approval of the first of the Policies reviewed by the Department.

**COMMENTARY**

The Water and Wastewater Department are undertaking a review of policies administered by the department which will also include the creation of new policies.

This report seeks approval of the revised Policy 3.1. Water Service and Meter Installation. The Policy has been substantially amended to extend upon the previous policy to ensure Council meets its statutory obligations and clearly define Council's acceptable standards concerning water service connections, meter selection and installation of water meters.

Due to the level of change the current version and the draft for adoption are attached to the Business Paper for reference.

Due to the level of change it is proposed to publicly exhibit the amended Policy for the period of 28 days

**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 in decision making and provide further guidance with regard to statutory obligations.

**ATTACHMENTS**

1. Draft Policy 3.1 Water Service and Meter Installation
2. Policy 3.1 Meter Installations



## RECOMMENDATION

### THAT

1. The Draft Policy 3.1 - Water Service and Meter Installation be put on public exhibition for 28 days; and
2. Upon closure of this period the results of the public exhibition be reported to Council for consideration.

## FINANCE AND ASSETS REPORTS

### ITEM-14            FIN - 23/07/18 - COUNCIL INVESTMENTS REPORT JUNE 2018

**REPORT BY:**    CHIEF FINANCIAL & INFORMATION OFFICER

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## REFERENCE

Min No 18-172:            Ordinary meeting of Council held on 25 June 2018.

## SUMMARY

To advise Council of investments held as at 30 June 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 30 June 2018 when compared to 31 May 2018, has increased by \$4,625,000 from \$28,925,000 to \$33,550,000. Cash in Council's bank account decreased by \$176,030.42 from \$783,899.82 to \$607,869.40.

There is an overall increase in cash and investments of \$4,448,969.58 since 31 May 2018, which is mainly due to the fourth rates instalment payments and receipt of \$3.8M in loan funds for the Portland STP project.

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 June 2018 were as follows:

|  |                 |
|--|-----------------|
| Opening Balance of cash and investments as 01 June 2018    | \$29,708,899.82 |
| Plus New Investments – June 2018                           | \$8,625,000.00  |
| Less Investments redeemed – June 2018                      | -\$4,176,030.42 |
| Closing Balance of cash and investments as at 30 June 2018 | \$34,157,869.40 |

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 – \$520,289
- Cost centre - 3259
- YTD Income to date - \$771,187
- Future potential impact – Nil

The Council's interest income for the 2017/18 year is over budget due to a combination of reserve balances being greater than forecast and improved investment returns. An accrual entry has been made for interest income earned at 30 June 2018.

Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

## **LEGAL IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 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 \$33,550,000.00 and cash of \$607,869.40 for the period ending 30 June 2018 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

## PEOPLE AND SERVICES REPORTS

### ITEM-15            P&S - 23/07/18 - INSPECTION & MAINTENANCE OF FOOTPATHS AND CYCLE WAYS

**REPORT BY:**    EXECUTIVE MANAGER PEOPLE & SERVICES

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## SUMMARY

To provide Council with new Policy 9.19 “Inspection, Evaluation and Maintenance of Footpaths and Cycle Ways” and seek endorsement to place on exhibition for 28 days for public comment.

## COMMENTARY

The Draft Policy 9.19 Inspection, Evaluation and Maintenance of Footpaths and Cycle way (Attachment) is a new policy to ensure that Council’s footpath and cycle way assets are maintained to an acceptable standard and safe for use by the public.

Council will, within its budgetary constraints, endeavour to provide a level of funding each year to meet the maintenance requirements documented in the procedures.

Council recognises that ‘slips, trips, and falls’ associated with footpath and cycleway networks form a significant percentage of public liability claims received by council’s within NSW.

The procedures developed for this purpose are derived from industry best practice as documented in the “Statewide Mutual Best Practice manual – Footpaths, Nature Strips and Medians”.

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 9.19 Inspection, Evaluation and Maintenance of Footpaths and Cycle ways 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 – Inspection, Evaluation and Maintenance of Footpaths and Cycle procedures are 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 assets with varying degrees of risks associated with its use.

## ATTACHMENTS

1. Draft Policy 9.19 Inspection, Evaluation and Maintenance of Footpaths and Cycle way.

## RECOMMENDATION

### THAT:

1. Council endorse Draft Policy 9.19 Inspection, Evaluations and Maintenance of Footpaths and Cycle ways for Lithgow City Council for public exhibition and comment and display for 28 days.
2. Following the exhibition period the policy be returned to Council for adoption.

**ITEM-16            P&S - 23/07/18 - FINANCIAL ASSISTANCE**

**REPORT BY:    EXECUTIVE MANAGER PEOPLE AND SERVICES**

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## **REFERENCE**

Min 18-98 - Ordinary Meeting of Council 23 April 2018  
Min 18-135 - Ordinary Meeting of Council 28 May 2018

## **SUMMARY**

This report advises Council of the implementation of Council resolution 18-135 from the Ordinary Meeting of Council held 28 May 2018 to publicly exhibit revised Policy 4.2 Financial Assistance and Council's intention to delete Policy 4.3 Financial Assistance to Community Groups and organisations - Low Interest loans and Policy 4.4 Requests for Financial assistance by Waiving of Fees for Council Facilities.

This report further includes recommendations from the Community Development Committee on projects to receive Round 1 Non-Recurrent Financial Assistance in accordance with revised Policy 4.2.

## **COMMENTARY**

### **1. POLICY REVIEW**

At the Ordinary Meeting of Council held 28 May 2018 Council resolved (Min 18-135) as follows:

#### **THAT:**

1. 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.
2. Remove dot point 2 and replace with "any request for financial assistance would need to be supported with a full explanation of the organisation's financial requirements".

Revised Policy 4.2 Financial Assistance and Council's intention to delete Policies 4.3 and 4.4 were placed on public exhibition for 28 days until 6 July 2018 with no submissions received.

As has previously been reported to Council, the major changes to Policies 4.2, 4.3 and 4.4 are:

#### **Policy 4.2 Financial Assistance**

- Removal of the Recurrent Financial Assistance category
- A requirement that all requests are to include an itemised budget detailing the funding requested.
- A simplification of the acquittal process
- Incorporation of some features of Policy 4.4 Fee Waivers into Policy 4.2.
- An allocation in each Operational Plan for equitable distribution to schools in the Lithgow Local Government Area for end of year academic prizes. This allocation was previously included in the Recurrent Financial Assistance allocation.

#### **Policy 4.3 Financial Assistance to Community Groups and organisations - Low Interest loans**

A proposal that this policy be deleted as it is not used by Council.

#### 4.4 Requests for Financial assistance by Waiving of Fees for Council Facilities.

A proposal that this policy be deleted as Policy 4.2 Financial Assistance already provides for the provision of Financial Assistance for fee waivers.

## 2. ROUND 1 2018/19 NON-RECURRENT FINANCIAL ASSISTANCE

Council called for submissions during April 2018 from not-for-profit community organisations for Round 1 Non-Recurrent Financial Assistance. Council further contacted all previous recurrently funded financial assistance recipients, advising of Council's draft proposal to abolish the Recurrent Financial Assistance category and asking them to apply for Non-Recurrent Recurrent Financial Assistance. All did apply other than Lithgow Show Society and Ironfest.

Council has allocated a total of \$106,500 in Financial Assistance in the 2018/19 Operational Plan. \$10,000 of this allocation is set aside for four Tony Luchetti/Civic Ballroom fee waiver packages of up to \$2,500 each; \$1,000 for the approval by the General Manager of small fee waiver requests up to \$500 each, and; \$2,500 is set aside for Sporting Related Financial Assistance. This leaves \$93,000 for allocation in Rounds 1 and 2 Non-Recurrent Financial Assistance.

27 Round 1 applications to the value of \$94,860 have been received. These were considered by the Community Development Committee on 10 July 2018 which recommends that 20 projects to the value of \$48,242 as follows be approved.

### ROUND 1 2018/19 NON-RECURRENT FINANCIAL ASSISTANCE APPLICATIONS

|   | Organisation   | Project Outline  | Amount requested | Amount Recommended |
|---|--|--|------------------|--------------------|
| 1 | <b>Lithgow Community Projects</b><br><br>Music Group               | A program aimed at engaging vulnerable young people (who have experienced violence and abuse) with a therapeutic focus using Rhythm to Recovery.   | \$1,000          | \$1,000            |
| 2 | <b>LINC Local sewing group</b><br><br>Boomerang Bags<br>Lithgow    | Produces reusable bags from recycled fabric to help reduce the use of single-use plastic bags, reduce waste to land fill, and create a platform to discuss recycling, sustainability and caring for the environment. storage cupboard. | \$2,770          | \$1,500            |
| 3 | <b>Rydal AH &amp; P Society</b><br><br>Heavy Horse & Yard Dog 2018 | Sponsorship for the 2019 Rydal Show – Heavy Horse & Yard Dog sections. Sponsorship will go towards prize money for each section.   | \$1,000          | \$1,000            |

|   | Organisation   | Project Outline  | Amount requested | Amount Recommended  |
|---|--|--|------------------|---|
| 4 | <b>Lithgow District Car Club</b><br><br>Rate Reimbursement   | Rate Reimbursement - Yvonne Martyn Memorial Motor Sport Park   | \$1,136          | \$1,000   |
| 5 | <b>Lithgow City Band</b><br><br>1918 Back from the Brink   | Funding to host a 1918 Back from the Brink event, a theatrical production combining a play and various musical items to celebrate the centenary of the Armistice in 1918.  | \$3,000          | \$1,000   |
| 6 | <b>Thrive Services</b><br><br>Thriving at School program   | Assistance with school uniforms, stationery, excursions, bags and other supports to encourage school attendance and participation.   | \$3,000          | Nil<br>The Committee considered that there are alternative programs in Lithgow that provide this type of service. |
| 7 | <b>Mingaan Wiradjuri Aboriginal Corporation</b><br><br>NAIDOC Week 2018                                      | To celebrate and acknowledge the rich and diverse contribution of the local Aboriginal culture, and provide a platform for education and cultural exchange experiences for the broader community.  | \$3,000          | \$3,000   |
| 8 | <b>Cullen Bullen Progress Association</b><br><br>Water Usage Rebate  | Request to waive water usage fee for undetected leak.  | \$976.44         | NIL<br>The Committee considered that this request falls outside the Financial Assistance guidelines.              |
| 9 | <b>Lithgow Cares Coalition</b><br><br>Information sessions, Community Fun Days, and Professional Development | The Lithgow Cares Coalition organises community fun days across the LGA and provides professional development opportunities for people who work in the child care sector, education, health and domestic violence to ensure quality services are provided. | \$4,240          | \$3,000   |



|    | Organisation  | Project Outline  | Amount requested | Amount Recommended  |
|----|---|--|------------------|---|
| 10 | <b>LINC Communities and Kids</b><br><br>Circle of Security Parenting Program                | Funding to roll out an 8 week parenting program known as "Circle of Security" (COS)., a relationship-based early intervention program designed to enhance attachment security between parents and children.                                    | \$4,716          | \$3,000   |
| 11 | <b>Tarana Tanker Trailers Inc.</b><br><br>Tanker Trailer Registration                       | Funding to register 13 trailers, 12 for safe use in fighting fires, and one equipped with fast fill pump to take to source of water and used to fast fill fire trucks.   | \$1,350          | \$1,200   |
| 12 | <b>NSW Rural Doctors Network</b><br><br>Bush Bursary Scholarship Scheme                     | To sponsor a two-week medical student placement in Bourke as part of the Bush Bursary / CWA Scholarship Scheme. The Scholarship offers medical students the opportunity to experience lifestyle and medical practice in a rural NSW community. | \$3,000          | NIL<br>The Committee considered that this request falls outside the Financial Assistance guidelines as the benefits would go to communities outside of Lithgow. |
| 13 | <b>Clarence Dargan RFS</b><br><br>Clarence/ Dargan RFS Shed Awning                          | Clarence Dargan RFS is seeking funds to complete the installation of the awning on their site to enable members to train during inclement weather and at night.  | \$3,645          | NIL<br>The Committee considered that this request falls outside the Financial Assistance guidelines and that alternative sources of funding would be available. |
| 14 | <b>First Australian Muzzle Loading Gun Rifle Pistol Club Inc.</b><br><br>Rate Reimbursement | Rate reimbursement   | \$1,115.35       | \$1,000   |

|    | Organisation  | Project Outline  | Amount requested | Amount Recommended  |
|----|---|--|------------------|---|
| 15 | <b>Wallerawang Branch of the Central Acclimatization Society</b><br><br>Go Fish Australia Day | To host Go Fishing Australia event in 2019, a fun and educational event. Last year there were over 500 attendees.  | \$3,000          | \$1,500   |
| 16 | <b>The City of Greater Lithgow Mining Museum</b><br><br>Power to the Pavilion                 | Provide an electricity supply to the Pavilion to make it more useful for community groups and events. The project also intends to provide sufficient capacity to support planned museum developments, such as a 3D virtual underground mine. Quote attached.   | \$1,800          | \$1,800   |
| 17 | <b>Lithgow Living History</b><br><br>Events Transport   | Local communities (Portland, Rydal and Hartley) have approached LLH to bring its WW2 replica cannon gun to their events. This artefact is very popular, ensures a crowd, and enhances the experience of the event for the local community. LLH is requesting funding to transport the cannon gun to the Rydal Show, Daffodils, Portland Fair, Back to Hartley and other local cultural and social happenings in our community. | \$2,000          | NIL<br>The Committee considered that events that request the services of Lithgow Living History should meet the costs of transport. |

#### Former Recurrently Funded Projects

|    | Organisation  | Project Outline   | Amount Requested | Amount Recommended   |
|----|---|---|------------------|--|
| 18 | <b>Portland Golf Club</b><br><br>Rate Reimbursement | Reimbursement of rates for not-for-profit organisation run by volunteers          | \$6,132          | Nil<br>The applicant is to be asked for further information with a view to reconsidering their request in Round 2. |
| 19 | <b>Lithgow District Chamber of Commerce</b>         | To help promote retail events such as Mother's Day, Halloween, WILD, LithGlow, as | \$12,300         | NIL<br>The Committee considered that   |

|    | Organisation   | Project Outline   | Amount Requested | Amount Recommended   |
|----|--|---|------------------|--|
|    | Supporting growth of the small business sector in Lithgow                              | well as assistance with organizing guest speakers that support small business owners for marketing success and growth.  |                  | this request falls outside the Financial Assistance guidelines and is best considered as a business support request through Council's Economic Advisory Committee. |
| 20 | <b>Lithgow Community Projects</b><br><br>White Ribbon Trivia Night                     | To host a Trivia Night and White Ribbon Walk against violence. Both events are extremely positive in engaging community members in discussion and raising awareness of domestic and family violence and the message of the White Ribbon Campaign. | \$1,900          | \$1,000  |
| 21 | <b>LINC Rental Assistance</b>  | Partial offset of the annual rent that Council charges for the Padley st premises. The grant will assist LINC to provide essential support and social development services to disadvantaged members of the Lithgow community.                     | \$10,450         | \$10,450   |
| 22 | <b>Western Region Academy of Sport</b><br><br>Annual operation of the WRAS             | Funding to provide western region pre-elite junior athletes with pathways to higher rep levels in their chosen sport.   | \$1,192          | \$1,192  |
| 23 | <b>Lithgow Tidy Towns</b><br>Copper Winged Butterfly – installed in Kip McGrath Alcove | To cover the costs of manufacturing and installing a large butterfly sculpture by local artists Tim Johnman & Steve Cunningham in the Kip McGrath alcove.   | \$5,000          | \$2,500  |
| 24 | <b>Wallerawang Tidy Towns</b>  | Tidy towns projects   | \$1,025          | \$1,025  |

|    | Organisation   | Project Outline  | Amount Requested | Amount Recommended                  |
|----|--|--|------------------|-------------------------------------|
|    | Purchase seats for Lake Wallace and Lidsdale park.   |  |                  |                                     |
| 25 | <b>Cullen Bullen Tidy Towns</b><br><br>Weather cover for existing table and seat bench setting | Skip Line Memorial   | \$1050           | \$1,050                             |
| 26 | <b>Portland Tidy Towns</b><br>Funding to assist with ongoing expenses                          | Tidy Towns projects  | \$1,025          | \$1,025                             |
| 27 | <b>Arts out West</b>   | Contribution to regional arts organization that supports local artists and cultural groups | \$14,037         | \$10,000                            |
|    | <b>Lithgow Show Society</b><br>No application received   |  |                  | Nil<br>For consideration in Round 2 |
|    | <b>Ironfest</b><br>No application received   |  |                  | Nil<br>For consideration in Round 2 |
|    | <b>TOTAL</b>   |  | <b>\$94,860</b>  | <b>\$48,242</b>                     |

It is further recommended that Council allocate \$750 Non-Recurrent Financial Assistance to schools in the Lithgow Local Government Area for end of year academic prizes of \$50 per school. This allocation has previously been made from the Recurrent Financial Assistance allocation.

An additional late request has been received from Rydal Village Association seeking sponsorship of the 2018 Daffodils at Rydal event. Council has provided Non-Recurrent Financial Assistance for this event for a number of years including \$1,500 in 2017/18, \$1,000 in 2016/17 and \$1,200 in 2015/16. This request was not considered by the Community Development Committee.

## POLICY IMPLICATIONS

This report recommends that following a 28 day public exhibition period and with no submissions received, revised Policy 4.2 Financial Assistance be adopted and Policy 4.3 Financial Assistance to Community Groups and organisations - Low Interest loans and Policy 4.4 Requests for Financial assistance by Waiving of Fees for Council Facilities be deleted.

## FINANCIAL IMPLICATIONS

- Budget approved - \$106,500 in 2018/19 Operational Plan with \$10,000 set aside for four Tony Luchetti/Civic Ballroom fee waiver packages of up to \$2,500 each; \$1,000 for the

approval by the General Manager of small fee waiver requests up to \$500 each, and; \$2,500 for Sporting Related Financial Assistance leaving a balance of \$93,000 for Rounds 1 and 2 Non-Recurrent Financial Assistance and any other allocation throughout the year.

- Cost centre - 600059 1000 63150
- Expended to date – Expenditure of \$48,242 for Round 1 Non-Recurrent Financial Assistance and a further \$750 to schools for end of year academic prizes as recommended in this report will leave a balance of \$44,008 for Round 2 allocation and any other allocation throughout the year.
- 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 - Low Interest loans
3. Policy 4.4 Request for Financial assistance by Waiving of Fees for Council Facilities.
4. Request from Rydal Village Association for sponsorship of the 2018 Daffodils at Rydal event

## RECOMMENDATION

### THAT

1. Revised Policy 4.2 Financial Assistance be adopted
2. Policy 4.3 Financial Assistance to Community Groups and organisations - Low Interest loans be deleted.
3. Policy 4.4 Requests for Financial assistance by Waiving of Fees for Council Facilities be deleted.
4. Council allocate \$750 to schools in the Lithgow Local Government Area for end of year academic prizes of \$50 per school.
5. Council allocate \$48,242 Round 1 Non-Recurrent Financial Assistance to the following 20 projects.

|   | Organisation  | Project Outline  | Amount Recommended |
|---|---|--|--------------------|
| 1 | <b>Lithgow Community Projects</b><br><br>Music Group            | A program aimed at engaging vulnerable young people (who have experienced violence and abuse) with a therapeutic focus using Rhythm to Recovery.   | \$1,000            |
| 2 | <b>LINC Local sewing group</b><br><br>Boomerang Bags<br>Lithgow | Produces reusable bags from recycled fabric to help reduce the use of single-use plastic bags, reduce waste to land fill, and create a platform to discuss recycling, sustainability and caring for the environment. storage cupboard. | \$1,500            |

|   | Organisation   | Project Outline  | Amount Recommended |
|---|--|--|--------------------|
| 3 | <b>Rydal AH &amp; P Society</b><br><br>Heavy Horse & Yard Dog 2018   | Sponsorship for the 2019 Rydal Show – Heavy Horse & Yard Dog sections. Sponsorship will go towards prize money for each section.   | \$1,000            |
| 4 | <b>Lithgow District Car Club</b><br><br>Rate Reimbursement   | Rate Reimbursement - Yvonne Martyn Memorial Motor Sport Park   | \$1,000            |
| 5 | <b>Lithgow City Band</b><br><br>1918 Back from the Brink   | Funding to host a 1918 Back from the Brink event, a theatrical production combining a play and various musical items to celebrate the centenary of the Armistice in 1918.  | \$1,000            |
| 6 | <b>Mingaan Wiradjuri Aboriginal Corporation</b><br><br>NAIDOC Week 2018                                      | To celebrate and acknowledge the rich and diverse contribution of the local Aboriginal culture, and provide a platform for education and cultural exchange experiences for the broader community.  | \$3,000            |
| 7 | <b>Lithgow Cares Coalition</b><br><br>Information sessions, Community Fun Days, and Professional Development | The Lithgow Cares Coalition organises community fun days across the LGA and provides professional development opportunities for people who work in the child care sector, education, health and domestic violence to ensure quality services are provided. | \$3,000            |
| 8 | <b>LINC Communities and Kids</b><br><br>Circle of Security Parenting Program                                 | Funding to roll out an 8 week parenting program known as "Circle of Security" (COS). a relationship-based early intervention program designed to enhance attachment security between parents and children.   | \$3,000            |
| 9 | <b>Tarana Tanker Trailers Inc.</b><br><br>Tanker Trailer Registration  | Funding to register 13 trailers, 12 for safe use in fighting fires, and one equipped with fast fill pump to take to source of water and used to fast fill fire trucks.   | \$1,200            |

|    | Organisation  | Project Outline  | Amount Recommended |
|----|---|--|--------------------|
| 10 | <b>First Australian Muzzle Loading Gun Rifle Pistol Club Inc.</b>                             | Rate reimbursement   | \$1,000            |
| 11 | <b>Wallerawang Branch of the Central Acclimatization Society</b><br><br>Go Fish Australia Day | To host Go Fishing Australia event in 2019, a fun and educational event. Last year there were over 500 attendees.  | \$1,500            |
| 12 | <b>The City of Greater Lithgow Mining Museum</b><br><br>Power to the Pavilion                 | Provide an electricity supply to the Pavilion to make it more useful for community groups and events. The project also intends to provide sufficient capacity to support planned museum developments, such as a 3D virtual underground mine. Quote attached. | \$1,800            |
| 13 | <b>Lithgow Community Projects</b><br><br>White Ribbon Trivia Night                            | To host a Trivia Night and White Ribbon Walk against violence. Both events are extremely positive in engaging community members in discussion and raising awareness of domestic and family violence and the message of the White Ribbon Campaign.            | \$1,000            |
| 14 | <b>LINC Rental Assistance</b>   | Partial offset of the annual rent that Council charges for the Padley st premises. The grant will assist LINC to provide essential support and social development services to disadvantaged members of the Lithgow community.                                | \$10,450           |
| 15 | <b>Western Region Academy of Sport</b>  | Funding to provide western region pre-elite junior athletes with pathways to higher rep levels in their chosen sport.  | \$1,192            |
| 16 | <b>Lithgow Tidy Towns</b><br>Copper Winged Butterfly – installed in Kip McGrath Alcove        | To cover the costs of manufacturing and installing a large butterfly sculpture by local artists Tim Johnman & Steve Cunningham in the Kip McGrath alcove.  | \$2,500            |

|    | Organisation   | Project Outline  | Amount Recommended |
|----|--|--|--------------------|
| 17 | <b>Wallerawang Tidy Towns</b><br><br>Purchase seats for Lake Wallace and Lidsdale park.        | Tidy towns projects  | \$1,025            |
| 18 | <b>Cullen Bullen Tidy Towns</b><br><br>Weather cover for existing table and seat bench setting | Skip Line Memorial   | \$1,050            |
| 19 | <b>Portland Tidy Towns</b><br>Funding to assist with ongoing expenses                          | Tidy Towns projects  | \$1,025            |
| 20 | <b>Arts out West</b>   | Contribution to regional arts organization that supports local artists and cultural groups | \$10,000           |
|    | <b>TOTAL</b>   |  | <b>\$48,242</b>    |



**ITEM-17            P&S - 23/07/18 - SIGNS AS REMOTE SUPERVISION**

**REPORT BY:    EXECUTIVE MANAGER PEOPLE & SERVICES**

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**SUMMARY**

To provide Council with new Policy 9.18 “Signs as Remote Supervision” and seek endorsement to place on exhibition for 28 days for public comment.

**COMMENTARY**

A Report on the Draft Policy was presented at the Ordinary Meeting on 26 February 2018, however it was subsequently discovered that the Draft Policy was not included in the Attachments for the Council Meeting. This Report is submitted to Council in order to correct the administrative error.

The Draft Policy 9.18 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 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 9.18 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 9.18 Signs As Remote Supervision

## **RECOMMENDATION**

### **THAT:**

1. Council endorse Draft Policy 9.18 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.

## COUNCIL COMMITTEE MINUTES

**ITEM-18            ECDEV- 23/07/18- LITHGOW LOCAL HERITAGE ADVISORY COMMITTEE  
MEETING MINUTES - 21 JUNE 2018**

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

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## REFERENCE

Min 17-241:    Ordinary Meeting of Council 14 August 2017  
Min 18-40:     Ordinary Meeting of Council 26 February 2018  
Min 18-71:     Ordinary Meeting of Council 26 March 2018

## SUMMARY

This report details the Minutes of the Lithgow Local Heritage Advisory Committee Meeting held on 21 June 2018.

## COMMENTARY

At the Lithgow Local Heritage Advisory Committee held on 21 June 2018, there were nine items on the agenda as follows:

1. Welcome/present/ apologies/declaration of interests
2. Confirmation of minutes from previous meeting
3. Lithgow Heritage DCP Chapter – Preliminary Working Draft
4. Heritage Awards Proposal
5. Heritage Grants Program
6. McKanes Falls Bridge
7. Accessing Mt Blaxland Proposal
8. General Business
9. Next meeting

The actions of the Committee in relation to each item are identified in the attached minutes. No items require a Council resolution.

## 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 21 June 2018.

## RECOMMENDATION

**THAT** the minutes of the Lithgow Local Heritage Advisory Committee held on the 21 June, 2018 be noted.

**ITEM-19            FIN - 23/07/18 - AUDIT COMMITTEE MEETING MINUTES 22 JUNE 2018**

**REPORT BY:    CHIEF FINANCIAL AND INFORMATION OFFICER**

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## **REFERENCE**

Min No 17-301: Adoption of the Central Tablelands Alliance (CTA) Audit Committee Charter at the ordinary meeting of Council held on 23 October 2017.

## **SUMMARY**

This report details the Minutes of the CTA Audit Committee Meeting held on 22 June 2018. The report also recommends adoption of amendments to the CTA Audit Committee Charter.

## **COMMENTARY**

The meeting was the first meeting of the CTA Audit Committee, which was established in partnership with Oberon Council.

At the CTA Audit Committee Meeting held on 22 June 2018, the following items were discussed:

- Amendments to the CTA Audit Committee Charter to customise the Charter to meet the needs of both Councils
- Dealing with agenda items which are confidential for either Council.
- Discussion of options for the structure and funding of an internal audit function.

The Committee also endorsed a motion for each Council review its risk register and from this develop its own 2018-2019 internal audit plan, and provide a report back to the next committee meeting for endorsement of an 2018-2019 audit plan to address the priority issues affecting each council independently.

## **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 CTA Audit Committee Meeting held on 22 June 2018.
2. CTA Audit Committee Charter (amended July 2018).

## RECOMMENDATION

**THAT** Council:

1. Note the CTA Audit Committee June meeting minutes; and
2. Endorse the amended CTA Audit Committee Charter.

**ITEM-20            ECDEV - 23/07/18- ECONOMIC DEVELOPMENT COMMITTEE MINUTES OF  
4 July 2018**

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

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## **SUMMARY**

This report details the Minutes of the Economic Development Committee Meetings held on 4 July 2018

## **COMMENTARY**

At the Economic Development Committee Meeting held on 4 July 2018 the following key items discussed with recommendations to Council in the attached minutes.

- Retail Working Party
- Endorsement of Regional Economic Development Strategy
- Tourism and Marketing Initiatives
- WSROC
- Operations Review
- Strategic Direction

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – Outlined in the reports within the attached minutes if relevant.
- Future potential impact – Outlined in the reports within the attached minutes if relevant.

## **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. Minutes of the Economic Development Committee Meeting 4 Jul 2018.

## **RECOMMENDATION**

**THAT** the recommendations of the Economic Development Committee meetings of 4 July 2018 be adopted.

**ITEM-21            FIN - 23/07/18 - FINANCE COMMITTEE MEETING MINUTES 9 JULY 2018**

**REPORT BY:    CHIEF FINANCIAL AND INFORMATION OFFICER**

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## **SUMMARY**

This report provides details of the Minutes of the Finance Committee Meeting held on 9 July 2018.

## **COMMENTARY**

At the meeting of the Finance Committee held on 9 July 2018, the following items were resolved:

- Confirmation of the minutes of the meeting held on 13 June 2018.

The following items were noted by the Committee:

- Finance update – 2017/18 EOFY and Special Rate Variation.
- June monthly performance report to the Office of Local Government.
- Review of insurance arrangements.
- Matters discussed at the Central Tablelands Alliance Audit Committee Meeting of 22 June 2018.
- External Audit – Fraud Questionnaire – Governance Section.
- The 2017/18 Audit Action List.

The following business paper recommendations were endorsed by the Committee:

### **Audit Committee Meeting Minutes 22 June 2018**

#### **THAT** Council

1. Note the CTA Audit Committee June meeting minutes; and
2. Endorse the amended CTA Audit Committee Charter.

## **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 9 July 2018.
2. Audit Committee Meeting Minutes 22 June 2018 Report.



## RECOMMENDATION

**THAT** Council:

1. Note the minutes of the Finance Committee held on 9 July 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 July Council meeting.
3. Endorse the recommendations proposed in the Audit Committee Meeting Minutes 22 June 2018 Report.

**ITEM-22            P&S - 23/07/18 - MINUTES OF COMMUNITY DEVELOPMENT COMMITTEE MEETING OF 10 JULY 2018**

**REPORT BY:    EXECUTIVE MANAGER PEOPLE & SERVICES**

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## **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  
Min No 18-72:        Ordinary Meeting of Council held on 28 May 2018

## **SUMMARY**

This report details the Minutes of the Community Development Committee Meeting held on 10 July 2018.

## **COMMENTARY**

At the Community Development Committee held on 10 July 2018, numerous items were discussed by the Committee including;

Discussion on transport to the rural villages.

Round 1 Non-Recurrent Financial Assistance. The Committee makes recommendations to Council on projects to receive Round 1 Non-Recurrent Financial Assistance. These recommendations are included in a separate report to Council.

Discussion on construction of the Adventure Playground.

## **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 Community Development Committee Meeting held on 10 July 2018.

## **RECOMMENDATION**

**THAT** Council notes the Minutes of the Community Development Committee Meeting held on 10 July 2018.

**ITEM-23            OPER - 23/07/18 - SPORTS ADVISORY COMMITTEE MEETING MINUTES  
11 JULY 2018**

**REPORT BY: EXECUTIVE MANAGER OPERATIONS**

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## **SUMMARY**

This report details the Minutes of the Sports Advisory Committee Meeting held 11 July 2018.

## **COMMENTARY**

At the Sports Advisory Committee Meeting held 11<sup>th</sup> July 2018, the following items were discussed:

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

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

- Financial Assistance Request – Emily Thompson

### **RECOMMENDATION**

**THAT** Council provide Emily Thompson with \$300.00 toward the cost of participating in the 16yrs All School Girls Hockey Team.

- Financial Assistance Request – Maggie Thompson

### **RECOMMENDATION**

**THAT** Council provide Maggie Thompson with \$300.00 toward the cost of participating in the 12yrs NSW State Girls Hockey Team.

## **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 11 July 2018.

## RECOMMENDATION

### THAT

1. Council note the Minutes of the Sports Advisory Committee Meeting held 11 July 2018; and
2. Council provide Emily Thompson with \$300.00 toward the cost of participating in the 16yrs All School Girls Hockey Team; and
3. Council provide Maggie Thompson with \$300.00 toward the cost of participating in the 12yrs NSW State Girls Hockey Team.

## NOTICE OF MOTION

ITEM-24 NOTICE OF MOTION - 23/07/18 - MARJORIE JACKSON STATUE

REPORT BY: COUNCILLOR MAREE STATHAM

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## COMMENTARY

The position of Marjorie Jackson is an extremely contentious issue with the community. I propose that Council relocate it back to the original position and at a height that is more suitable for such an amazing athlete, one of the world's best!

I believe along with the community it has a right to be the feature in the plaza. It will be a fantastic goodwill gesture for this to occur from Lithgow City Council and the current councillors.

Not many towns or cities in Australia can boast that someone from their LGA has done what Marjorie Jackson has done for our LGA and in particular Lithgow.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

- Budget approved – no budget approved.
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

## LEGAL IMPLICATIONS

Nil

## RECOMMENDATION

**THAT** Council relocate the Marjorie Jackson statue in the Plaza, back to its original position and at a height that is more suitable.

## **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-25      **CONFIDENTIAL - CLOSED COUNCIL - ECDEV - 23/07/18 - VARIOUS UNSOLICITED REQUESTS IN RELATION TO COUNCIL LAND**

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

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## 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. 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-26                      CONFIDENTIAL - CLOSED COUNCIL - ECDEV - 23/07/18 - UNSOLICITED  
REQUEST TO PURCHASE PRIVATE LAND**

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

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### **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 the details of an unsolicited offer for Council to purchase a residential land parcel from a private landowner.

### **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-27            CONFIDENTIAL - CLOSED COUNCIL - WWW - 23/07/18 - WATER MAINS REPLACEMENT TENDER**

**REPORT BY:    EXECUTIVE MANAGER WATER & WASTEWATER**

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**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 summarises the tender process undertaken by Council, to seek suitably qualified construction companies to undertake the replacement of water mains in Bridge Street, Lithgow.

**RECOMMENDATION**

**THAT** Council consider the report for Water Mains Replacement Tender in Closed Council in accordance with Section 10A (2) (d) of the Local Government Act 1993.

**ITEM-28            CONFIDENTIAL - CLOSED COUNCIL - WWW - 23/07/18 - EXEMPTION  
FROM WATER CHARGES**

**REPORT BY:    EXECUTIVE MANAGER WATER & WASTEWATER**

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**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 reports is to advise Council of a request for consideration for the reduction of the water/sewerage account issued.

**RECOMMENDATION**

**THAT** Council consider the request for financial assistance in Closed Council in accordance with Section 10A (2) (d) of the Local Government Act 1993.