



AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

27 AUGUST 2018

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

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

DECLARATION OF INTEREST

COMMEMORATIONS AND ANNOUNCEMENTS

PUBLIC FORUM

MAYORAL MINUTES

Lithgow Farming Community Drought Assistance

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

Traffic Advisory Local Committee Meeting Minutes - 19 July 2018
Operations Committee Meeting Minutes - 6 August 2018
Sports Advisory Committee Meeting Minutes - 8 August 2018
Finance Committee Meeting Minutes - 13 August 2018

NOTICES OF MOTION

Cullen Bullen Progress Association – Cr Statham
Full Rebate On Council Parking Rates For All Businesses Effected By The Main Street Revitalisation – Cr Statham
Improvement to Pedestrian Crossings – Cr Coleman
Blue Mountains Ultrasound – Cr Coleman
Canberra Visit June 2018 – Cr McAndrew
Parking Zones in Main Street Lithgow – Cr McAndrew
Dementia Awareness Month – Cr Coleman
Waiver of fees for Civic Ballroom for 'Rain Again Supper Dance'

BUSINESS OF GREAT URGENCY

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

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MAYORAL MINUTES

ITEM-1 MAYORAL MINUTE - 27/08/18 - LITHGOW FARMING COMMUNITY DROUGHT ASSISTANCE

REPORT BY: COUNCILLOR STEPHEN LESSLIE

REFERENCE

Min 18-145: Ordinary Meeting of Council held 28 May 2018.

SUMMARY

Council, at its meeting of 28 May 2018 resolved a range of measures to assist Lithgow based farmers experiencing difficulty in the current drought conditions, including the provision of water supplies for domestic and stock purposes when possible. Currently, some farmers are accessing water for domestic purposes. Council also sought a meeting with the NSW Drought Coordinator to gain insight into relief provisions and explore other possible avenues for assistance.

The Deputy Mayor Wayne McAndrew, the General Manager, the A/Director of People and Services and myself met with the NSW Drought Coordinator Pip Job, representatives' of the NSW Farmers Association Hartley Branch and drought affected farmers at a conference convened by the NSW Farmers Association in Lithgow on the 16th August 2018.

The purpose of the meeting was to gain a better understanding and information on how Federal, State and Local Government agencies can facilitate the efficient, targeted and relevant assistance to our farming communities during the current and unprecedented drought conditions in NSW.

COMMENTARY

The discussion and feedback at the conference chaired by NSW Farmers Association's (Hartley Branch) Rachel Nicoll was sobering and appropriate for all in attendance. NSW Drought Coordinator Pip Job, who has responsibility for all of NSW, was able to give insight into challenges she faced in assisting the NSW farming community and was receptive to solutions offered in discussion by those in attendance. Amongst the issues discussed were-

- The need for assistance to be relevant and targeted for the farming community. We need to be aware that sometimes, whilst assistance programs developed in the community are well intentioned, on some occasions they do not result in the assistance needed, and in a very few cases have caused embarrassment to those needing assistance. There is a need for proper coordination and a preference for financial donations to avoid wastage, cartage costs and delays.
- The administrative processes that the farming community is required to undertake to access assistance (eg Centrelink) are highly time intensive and on occasions humiliating, deterring applicants from seeking help.
- There is a need to have one central point of contact for all assistance information from all spheres of Government so that farming applicants can access relevant information with ease. To this end I have requested the General Manager to acquire as much relevant information as possible and to educate as many staff resources as possible with a view to assisting the farming community. The information needed has now in large part been provided by Ms Rachel Nicoll from the NSW Farmers Association.

- Money is the most appropriate and versatile instrument for donation purposes as it is easily transferable and capable of being targeted to appropriate goods and services in differing areas of need.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Min 18-145 from Ordinary Meeting of Council held 28 May 2018.

RECOMMENDATION

THAT Council:

1. Ask the State and Federal Governments provide grant funds to affected farmers in lieu of no interest and low interest loans, both of which have the effect of increasing the indebtedness of farmers in a climate where they have no capacity to service the loans, and consequently increase the likelihood of farm loss in the medium term to lenders.
2. Note the advice of local farmers that the shortage of water is impacting the quality of fruit and vegetables grown such that they are not competitive with imported produce. Should this trend continue food security for NSW will be affected as consumers and retailers increase their dependency on imported foods and there needs to be a willingness by Australian consumers to purchase Australian grown produce for the industry to survive.
3. Canvass support from regional and rural Councils to develop a NSW and Australian food security strategy and education campaign to raise the profile of these issues with Australian consumers and retailers.
4. Call on both Federal and NSW State Governments to refine the assistance distribution networks to farmers so that relevant financial and other assistance is properly administered, targeted and distributed as efficiently as possible, avoiding wastage and best intentioned assistance that is of limited relevance for farming families and communities.
5. Publicise the information available to farmers on our web site.

GENERAL MANAGERS REPORTS

ITEM-2 GM - 27/08/18 - TENDER DELEGATIONS REPORT

REPORT BY: GENERAL MANAGER

REFERENCE

Min 18-195: Ordinary Meeting of Council held 23 July 2018.

SUMMARY

To advise Council of any tenders which the General Manager has used his delegation authority to accept with a contract value of up to \$500,000.

COMMENTARY

At the Ordinary meeting of Council held 23 July 2018 Council resolved:

18 – 195 RESOLVED

THAT:

1. Council delegate the General Manager authority to accept Council tenders with a Contract value of up to \$500,000 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. If required, the relevant amendments to Policy 1.4 – Tendering be adopted and implemented immediately.
4. The General Manager report to each Council meeting on the tenders that he has authorised and that the Mayor be advised of each tender determined by the General Manager. This be carried out for a trial period of 6 months.

For the month from 24 July 2018 to 22 August 2018 there were Nil tenders approved under delegated authority by the General Manager.

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 the Council note that there were no exercised delegations to approve tenders between 24 July and 22 August 2018.

**ITEM-3 GM - 27/08/18 - RETURNS UNDER SEC 449 - LG ACT 1993
DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED**

REPORT BY: GENERAL MANAGER

SUMMARY

To advise Council of the returns required to be lodged with the General Manager under Section 449 of the Local Government Act 1993 for Councillors & Designated Person for the period 1 July 2017 to 30 June 2018.

COMMENTARY

Section 449 of the Local Government Act requires Councillors and designated persons to lodge returns under Section 449 for the period 1 July 2017 to 30 June 2018.

Section 449 Provides:

449 Returns disclosing interests of councillors and designated persons

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

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

Section 441 defines designated persons as:

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

committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

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

- Acting Executive Director Economic Development and Environment
- Acting Director Infrastructure and Services
- Acting Director People and Services
- Chief Financial and Information Officer
- Finance Manager
- Development Manager
- Water & Waste Manager
- Information Technology Manager
- Community & Culture Manager
- Tourism Manager
- Senior Economic Development and Destination Manager
- Team Leader Building
- Team Leader Planning
- Team Leader Environment
- Strategic Land Use Planner(s)
- Property Officer
- Building & Development Officers (4)

The Returns have now been issued to all persons (councillors and designated persons) and are due to be returned by no later than 30 September 2018.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council Note the:

1. Report on Disclosure of Interests under Section 449 of the Local Government Act 1993 for the period 1 July 2017 to 30 June 2018
2. Relevant forms have been issued to all councillors and designated staff
3. Returns are to be provided to the General Manager by no later than 30 September 2018.

ITEM-4 GM - 27/08/18 -FINALISATION OF CODE OF CONDUCT COMPLAINT

REPORT BY: GENERAL MANAGER

REFERENCE

Min 17-373: Ordinary Meeting of Council held 27 November 2017.

SUMMARY

A code of Conduct complaint made by the former General Manager against Councillor Maree Statham has been finalised.

COMMENTARY

1. There was a COC complaint made against Councillor Statham for a posting on Social media.
2. The matter has been assessed by a conduct reviewer.
3. The conduct reviewer made recommendations pursuant to s6.10 of the relevant procedures.
4. Councillor Statham has made the required Apology.
5. The matter is finalised pursuant to s 6.16 of the procedures.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – nil (2017/18)
- Cost centre – 10-1009-1000-63242
- Expended to date - \$6,900 (2017/18 - legal advice and report)
- Future potential impact - Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council note the investigation into the complaint lodged by the former General Manager on the 5th June 2018 has been finalised.

ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM-5 ECDEV - 27/08/18 - CROWN LAND REFORMS - FUNDING AND TRAINING ASSISTANCE TO PRODUCE PLANS OF MANAGEMENT

REPORT BY: ACTING DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Minute 18-189: Ordinary Meeting of Council 23 July 2018

SUMMARY

The purpose of this report is to advise of a funding allocation to Council along with free training workshops to assist in the implementation of the new *Crown Land Management Act 2016 (CLM Act)* which came into force on 1 July 2018.

COMMENTARY

Funding Allocation

Council has received correspondence from the Office of Local Government (OLG) advising that a funding allocation of \$39,597 will be made to Lithgow City Council. The funding is intended to be a contribution to the cost of developing compliant plans of management.

The funding allocation is based on:

- the number of reserves each council will manage; and
- the resourcing capacity of each Council based on the Local Government Grants Commission's 2017-2018 distribution methodology for NSW Council Financial Assistance Grants. This methodology indicates the relative disadvantage each council faces based on factors such as council size, land area, remoteness, demographic challenges, etc.

Council must ensure that there is a compliant plan of management for all Crown reserves they manage as community land by 30 June 2021, being three years from the commencement of the *Crown Land Management Act, 2016*.

Next Step

The Office of Local Government will shortly distribute a draft funding agreement that will specify the terms and conditions of the allocation. The funding agreement, whilst providing a large degree of flexibility in how the funds are expended, will also set out basic reporting requirements for councils to ensure that the funding is appropriately acquitted to demonstrate its use towards meeting the requirements of the CLM Act.

Other Support to Council

Working in partnership with Department of Industry - Land and Water (DoI), Office of Local Government will be providing guidance materials and training programs to assist Council transition to the new requirements. Guidelines for councils on preparing Crown land plans of management, including a number of templates to streamline the process will be provided in the coming months.

Additionally OLG and DoI will be running a number of training workshops for Council staff. Council's Land Use and Property Officer will be attending the 5 September, workshop to be held in Bathurst.

In May 2018 an interim schedule of reserves was distributed to Council providing indicative community land categories. Council staff have reviewed this schedule and responded to DoI.

POLICY IMPLICATIONS

Nil arising from this report.

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – The grant funds will provide \$39,597 revenue contribution. Council's contribution to developing plans of management has not been determined but will have a negative impact on future year operating budgets. Implementation of the new *Crown Land Management Act 2016* effectively shifts costs, responsibilities and resource demands onto local government without commensurate funding.

LEGAL IMPLICATIONS

Nil arising from this report

RECOMMENDATION

THAT Council notes the funding allocation of \$39,597 from Office of Local Government to assist with developing compliant Crown land plans of management and the update on training and information.

ITEM-6 ECDEV - 27/08/18 - DA17118 - PROPOSED 12 APARTMENTS AND 3 TOWNHOUSES, 1A HIGH STREET LITHGOW

REPORT BY: ACTING DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To inform Council of the 'call in' of a development application, pursuant to Council's policy 7.7.

COMMENTARY

Council is in receipt of a Development Application (DA171/18) for the construction of twelve (12) apartments and three (3) townhouses on land known as Lot 2 DP 701624, 1A High Street, Lithgow.

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

POLICY IMPLICATIONS

Policy 7.7 Calling In Of Development Applications By Councillors

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

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

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

The application has been called in by Clr Ray Thompson.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

No specific implications at this point of the process.

RECOMMENDATION

THAT the calling in of Development Application DA171/18 be noted

ITEM-7 ECDEV - 27/08/18 - LAND ACQUISITION AND DISPOSAL POLICY

REPORT BY: ACTING DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

The purpose of this report is to provide Council with new Policy 1.6 'Land Acquisition and Disposal Policy' and seek endorsement to place the draft policy on public exhibition for 28 days.

COMMENTARY

Draft Policy 1.6 is a new policy providing that Council acquires or disposes of public land, in a manner that is consistent with statutory obligations and the Guiding Principles for Local Government.

The Policy incorporates a land acquisition procedure and a land disposal procedure, setting out the various matters to be considered when Council identifies land to be acquired or disposed of. Each procedure requires that a probity plan must be prepared to support the credibility of the proposed acquisition or disposal. The probity plan must form part of the report to Council seeking approval of the acquisition or disposal of the particular land.

Policy 1.6 and the annexed procedures were devised from the following sources:

- Local Government Act 1993, Local Government (General) Regulation 2005, Interpretation Act 1987, Land Acquisition (Just Terms Compensation) Act 1991, Roads Act 1993
- Tendering Guidelines for NSW Local Government, October 2009
- Guidelines for the Compulsory Acquisition of Land by Councils, June 2006
- Direct negotiations, Guidelines for managing risks in direct negotiations, May 2006
- Probity and probity advising, Guidelines for managing public sector projects, November 2005
- Total Asset Management Guideline, Asset Disposal Strategic Planning, June 2004

POLICY IMPLICATIONS

All draft policies are placed on public exhibition for a minimum of 28 days and, following exhibition, returned to Council, with details of any submissions made during the exhibition period and any recommendations or amendments that may come from the submissions.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Draft Policy 1.6 aligns with statutory obligations and best practice.

ATTACHMENTS

1. Draft Policy 1.6 'Land Acquisition and Disposal Policy'.

RECOMMENDATION

THAT

1. Council place Draft Policy 1.6 'Land Acquisition and Disposal Policy' on public exhibition for a period of 28 days.
2. Following the exhibition period, draft Policy 1.6 is returned to Council for adoption, with details of any submissions made during the exhibition period and any recommendations or amendments that may come from the submissions.

**ITEM-8 ECDEV - 27/08/18 - PROPOSED SOLID FUEL HEATER - S68105/18 -
 LOT 16 DP 1103064, 11 SURVEYORS WAY SOUTH B**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To advise of the lodgement of Section 68 Application under Local Government Act 1993 for solid fuel heater and to recommend refusal subject to public health and amenity reasons.

COMMENTARY

A Section 68 Application has been lodged for the installation of a solid fuel heater within the dwelling situated on Lot 16 DP 1103064, No. 11 Surveyors Way South Bowenfels.

The proposal was notified to surrounding adjoining landowners for a period of 14 days. One submission was received by Council. The following objections were raised to the proposal:

1. Due to the positioning of the proposed heater the smoke would likely affect the bedrooms in our house.
2. Daughter and granddaughter both suffer from asthma and we feel that the smoke from a solid fuel heater would adversely affect their health.
3. There are no other solid fuel heaters in this estate.
4. A restriction in the Section 88B instrument states that 'No coal, coke or the like combustion material shall be used in any heating apparatus' and a solid fuel heater would be in breach of this restriction.

Discussion

Currently no solid fuel heaters have been approved or installed in any newly constructed dwelling on the 73 lots within the Kirkley Estate subdivision (the existing dwelling constructed in 1984 (now located on lot 12) prior to the approval and development of the estate has an existing solid fuel heater) and it is considered that concerns raised regarding the impact of smoke and particulates from the proposed appliance on health and on asthmatic family members are legitimate. The proposed solid fuel heater complies with Australian Standard 4012 and 4013 and meets the current air emission standards of 2.5 grams of particulate emissions per kilo of wood burnt and an efficiency requirement of 55%. However, health problems and implications from smoke from solid fuel appliances have been reported by the Environment Protection Authority and NSW Health. They advise that exposure to fine particles in wood smoke and other toxins is a significant health concern as they can pass through the throat and nose and enter deep into the lungs causing irritations and respiratory and circulation problems, particularly in elderly people, children and those with existing health conditions such as asthma. NSW Health also advises that 'Australian studies have demonstrated that particulate levels in homes with wood heating are much higher than in homes without wood heating and that the use of wood fire home heaters in many regional towns is associated with elevated indoor levels of particulate matter, even in homes that do not use wood heaters.'

The submission outlined concerns regarding the positioning of the proposed heater and the likelihood that smoke would likely affect the bedrooms in the house. Part 4.9 of Australian Standard 2918 – ‘*Domestic solid fuel burning appliances*’, requires that Council consider the positioning of solid fuel heaters, prevention of draught and penetration of smoke through windows. It is considered that draught and penetration of smoke through nearby windows could occur due to the location of the flue within 15 metres of neighbouring property, prevailing westerly winds, the location of the neighbouring dwellings (one upslope to the west and one downslope to the east) with the downslope dwelling being located in one of the low points of the street/estate and obstruction from adjoining upslope neighbouring house. The applicant has advised that the flue will be positioned one (1) metre higher than the ridge of any other building within a 15 metre radius to assist dissipation of smoke and minimise the effect of smoke on the neighbour.

Council in its assessment of S68 applications for solid fuel heaters refers to the Australian Standard 2918 for the installation of solid fuel heaters and NSW Environment Protection Authority ‘*Environmental Guidelines for Selecting, installing and operating domestic solid fuel heaters*’ to reduce air pollution. The guidelines outline that the topography of the site, environmental or structural factors in the immediate vicinity, weather patterns and configuration of nearby dwellings have the potential to cause smoke nuisance. Because the proposed solid fuel heater/flue will be located in the low point of the estate a smoke nuisance may occur. The guidelines outline that cold air flowing from high ground push smoke into valleys and low lying areas. Also the pooling of cold air in valleys can cause smoke to be trapped near the ground (this is often experienced in Lithgow during the winter months). This scenario may occur in the Kirkley estate. Council has recently approved solid fuel heaters within the Hillcrest Estate which has steeper topography and distinct low lying areas. In addition there are solid fuel heaters located along Magpie Hollow Road and back onto the Kirkley Estate. Many solid fuel heaters installed within older urban areas located on smaller lots, within a 15 metre radius of neighbouring properties and dwellings.

The submission also outlined that Restriction 10(o) of DP1103064 imposed by the developer prohibits the use of the installation of the solid fuel heater. Restriction 10 (o) states:

No coal, coke or like combustion material shall be used in any heating apparatus installed in any building or out building erected upon the subject lot.

Council has always interpreted the covenant as restricting the use of coal, coke and like products (products that are carbonised) only but permitting timber (which is not carbonised) as fuel for solid fuel heaters.

Conclusion

This is a difficult issue. Solid fuel heaters that are compliant with Australian standards are, on face value, a legitimate form of heating. However, objections based on potential health impacts and location are also legitimate. If approved, this would be the first such heating appliance approved in a dwelling in the subdivision (other than an existing dwelling).

Council in determination of the applications is required under Section 89, Local Government Act 1993 to take into consideration issues such as the protection of the environment, public health and amenity. In addition compliance of the installation with Part 4.9 of Australian Standard 2918 – ‘*Domestic solid fuel burning appliances*’ must also be ascertained and the likelihood of any draught and penetration of smoke through nearby windows considered. Given the location of the dwelling in the low point of the estate, proposed

location of the flue, weather conditions and the fact that no solid fuel heaters have been approved or installed in any new house since the establishment of this subdivision it is considered that the installation has the potential to affect the health and amenity of the neighbours and public and it is recommended that the installation not be approved.

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

The application must be assessed in accordance with the following required legislation and Australian Standards:

- Local Government Act 1993
- Local Government Regulation (General 2005)
- Building Code of Australia, Volume 2, 2006
- Australian Standard 2918:2001 'Domestic solid fuel burning appliances – Installation'
- Australian Standard 4012:2014 'Domestic solid fuel burning appliances – Method for determination of power output and efficiency'
- Australian Standard 4013:2014 'Domestic solid fuel burning appliances – Method for determination of flue gas emission'

Council in its assessment of S68 applications for solid fuel heaters also refers to guidelines from NSW Environment Protection Authority '*Environmental Guidelines for Selecting, installing and operating domestic solid fuel heaters*'.

The applications must be assessed pursuant to Section 68 of The Local Government Act, 1993 and section 89 of the Local Government Act 1993 which states that the following matters need to be taken into consideration when determining applications under part 3:

89 Matters for consideration

- (1) In determining an application, the council:
 - (a) must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation (Local Government Act), and
 - (b) must take into consideration any criteria in a local policy adopted under Part 3 (Local Government Act) by the council which are relevant to the subject-matter of the application, and
 - (c) must take into consideration the principles of ecologically sustainable development.
- (2) If no requirements are prescribed for the purposes of subsection (1) (a), and no criteria are adopted for the purposes of subsection (1) (b), the council in determining an application:
 - (a) is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and
 - (b) is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.

- (3) Without limiting subsection (2), in considering the public interest the matters the council is to consider include:
- (a) protection of the environment, and
 - (b) protection of public health, safety and convenience, and
 - (c) any items of cultural and heritage significance which might be affected.

Council must consider Clauses 67-69, Local Government (General) Regulation 2005 which states that all matters relating to the installation of the solid fuel heating appliance are governed by the applicable provisions of the Building Code of Australia and compliance with the Clean Air (Domestic Solid Fuel Heaters) Regulation.

ATTACHMENTS

1. Site map of Kirkley Estate Subdivision
2. Photos
3. Checklist of compliance and non-compliance with Legislation and Guidelines

RECOMMENDATION

THAT

1. S68105/18 be refused for the following reasons:
 - a) Given the location of the dwelling in the low point of the estate, proposed location of the flue, weather conditions and the fact that no solid fuel heaters have been approved or installed in any new house since the establishment of this subdivision it is considered that the installation has the potential to affect the health and amenity of the neighbours and public and it is recommended that the installation not be approved.
 - b) The appliance has the potential to cause a smoke nuisance due to the topography of the site, likely weather patterns and configuration of nearby dwellings.

WATER AND WASTEWATER REPORTS

ITEM-9 WWW - 27/08/18 - DEVELOPMENT SERVICING PLANS FOR WATER SUPPLY AND SEWERAGE

REPORT BY: EXECUTIVE MANAGER WATER AND WASTEWATER

REFERENCE

Min 18-133 Ordinary Meeting of Council held on 28 May 2018

SUMMARY

The Development Servicing Plans for Water Supply and Sewerage have been prepared in accordance with the 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands and Water, pursuant to section 64 of the *Local Government Act 1993*, exercising its function under section 306 (3) of the *Water Management Act, 2000*.

COMMENTARY

Council has recently completed an exhibition period of 30 days for the Development Servicing Plan for Water Supply and Sewerage. During the exhibition period Council received no comment.

Developer charges apply to all building and development activities where Council determines that such activities increase the demand for water supply and/or sewerage services, whether or not such activities require development consent.

When assessing the developer charges applicable to a development or redevelopment, Council will assess the additional demand that the proposed development will place on the relevant water supply and/or sewerage systems in terms of ETs and will levy developer charges proportional to the number of ETs.

The charges per 1 ET can be found below.

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

A cross-subsidy amount of \$2 has been calculated and will be added to the annual sewer charges across the LGA. This cross subsidy as shown above is due to removing \$5000 from the Wallerawang sewerage charges so as to not restrict possible development in the area.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – This DSP document supersedes any other requirements related to water supply and sewerage developer charges for the area covered by this DSP. This DSP document takes precedence over any of Council's codes or policies where there are any inconsistencies relating to water supply and sewerage developer charges

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Developer Servicing Plan for Water and Wastewater Revision 7

RECOMMENDATION

THAT Council adopt the Development Servicing Plan for Water Supply and Sewerage and replace the current developer contributions in the 2018/19 fees and charges with the charges found in the attached plan.

ITEM-10 WWW - 27/08/18 - WATER AND WASTEWATER POLICY REVIEW

REPORT BY: EXECUTIVE MANAGER WATER AND WASTEWATER

SUMMARY

A review of all the Water and Wastewater Policies is currently being undertaken. The 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.

The report seeks the approval of the following revised Policies;

- Policy 3.2. Non Compliance with Water Restrictions
- Policy 3.3. Drinking Water Quality

A copy of the Policy 3.2. Non Compliance with Water Restrictions is attached with the proposed minor changes shown in “track changes”.

There are no proposed changes to Policy 3.3. Drinking Water Quality.

As the alterations proposed in the above two (2) policies are relatively minor or have no change, it is suggested that there is no need to publicly exhibit the revised policies prior to their final adoption.

This report also seeks approval of the following new Policies:

- New Policy. Sewer Connection
- New Policy. Fire Service Installation

These policies have been created to ensure Council meets its statutory obligations and clearly defines Council’s acceptable standards and responsibilities concerning fire service installation (including metering and meter selection) and the connection to Council’s sewer system.

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 3.2. Non Compliance with Water Restrictions. (with track changes)
2. Policy 3.3. Drinking Water Quality
3. New Policy. Sewer Connection
4. New Policy. Fire Service Installation

RECOMMENDATION

THAT

1. The following policies as outlined in the attached versions be adopted and implemented immediately;
 - a. Policy 3.2. Non Compliance with Water Restrictions
 - b. Policy 3.3. Drinking Water Quality
2. That the following new policies be put on public exhibition for 28 days and upon closure of this period, the results of the public exhibition be reported to Council for consideration;
 - a. New Policy. Sewer Connection
 - b. New Policy. Fire Service Installation

ITEM-11 WWW - 27/08/18 - WATER REPORT

REPORT BY: EXECUTIVE MANAGER WATER & WASTEWATER

REFERENCE

Min No 18-:194 Ordinary Meeting of Council 23/07/18

SUMMARY

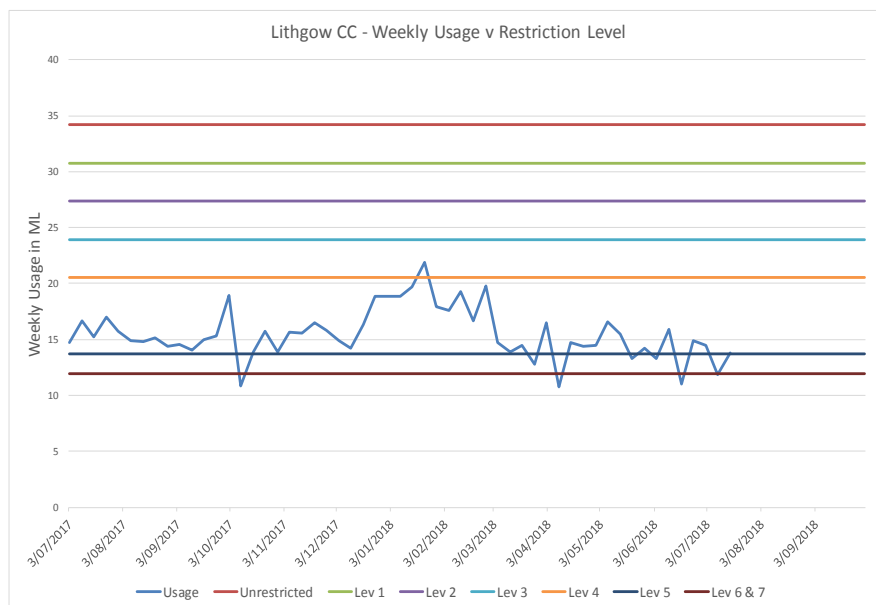
This report provides an update on various water management issues.

COMMENTARY

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

Farmers Creek No. 2 Dam capacity on Monday 17th August 2018 was 100%.

Oberon Dam capacity on Monday 13th August 2018 was 55.4%. Total volume banked is currently approx. 6%, so storage adjusted for bank is 49.4%. Level 1 restrictions on the FRWS are now in effect, At this point Council is currently unaffected as current demands are currently lower than level 4 restriction levels as per the below.



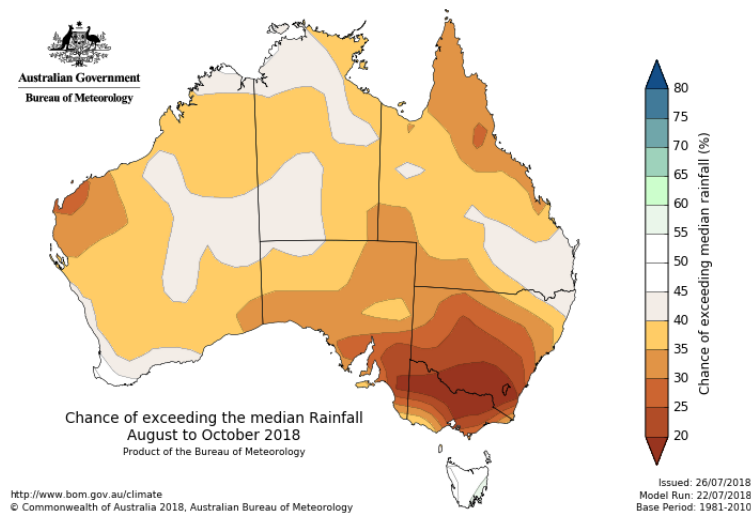
Climatic and Rainfall Outlook

The following climatic and rainfall outlook is taken from the Bureau of Meteorology website.

- August to October is likely to be drier than average for most of mainland Australia. Chances are highest in the southeast, where there is a greater than 80% chance of a drier season for northern Victoria and southern NSW.
- Tasmania has roughly equal chances of a wetter or drier than average three months—so no strong indication either way that it will be particularly wet or dry.
- Much of eastern and southern mainland Australia have experienced a very dry first half of the year, so an outlook with increased chances of drier conditions indicates

areas currently experiencing drought are less likely to see significant respite in the coming three months.

- Historical rainfall outlook accuracy for August to October is moderate over most of the country, except for interior WA, where accuracy is low to very low.
- The August to October outlook, issued 26 July 2018, shows most of mainland Australia is likely to be drier than average.
- Days and nights are likely to be warmer than average during August to October for most of Australia, with August days very likely to be warmer than average.
- These forecast warmer and drier conditions suggest that much of eastern and southern mainland Australia are less likely to see widespread respite in the coming season from current dry conditions.
- The El Niño–Southern Oscillation (ENSO) and Indian Ocean Dipole (IOD) are currently neutral. However, the Bureau's *ENSO Outlook* is at El Niño WATCH.



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 and a cumulative total by month for 2018/19.

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

Total for 2017/18	1,388.1	760.2	810.4
Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	114	176.7	69.8
TOTAL	114.9	176.7	69.8

Clarence Water Transfer Scheme

The Clarence Water Transfer Scheme has been operating since 5th October 2017 and since commencing operation has pumped 936.9 megalitres of water into Farmers Creek No. 2 dam up to 31st July 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 13/07/18 to 14/08/2018 from the 13 samples collected.

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 24/07/18 and taken to Sydney Water for testing. There were three non-compliances recorded at Council's Portland STP for the month of July 2018. The BOD level recorded was 20 mg/L and Council's EPA Licence Limit for the Portland Plant is 15 mg/L, Total Phosphorus level was 1.4mg/L with Council's EPA Licence Limit being 1.0 mg/L and the Total Suspended Solids level was 53mg/L with Council's EPA Licence Limit being 30mg/L. This is as a result of the loss of the biological process which was reported to the EPA on the 12th July 2018, the cause of the event has not been determined, in trying to address the failure Council staff sort advise from the Regulatory Agencies and other industry experts yet there is still no definitive cause. All test results are published on the Lithgow City Council website as required by the Protection of the Environment Operations Act 1997.

Fish River Water Scheme Water Quality Summary

Fish River Water Supply supplied water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal during the period. No health-based ADWG values were exceeded for the period 13/07/18 to 14/08/18.

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 one (1) application for household appliance rebates and receiving one (1) application for a water tank rebate for the period 13/07/18 to 17/08/2018.

Water Reticulation Complaints

Council received 28 complaints during the period 13/07/18 to 17/08/18 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 Health Based 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.

FINANCE AND ASSETS REPORTS

ITEM-12 FIN - 27/08/18 - CARRYOVER-REVOTE OF UNSPENT 2017-18 PROJECT FUNDS

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

SUMMARY

This report proposes the revoting of specified 2017/18 budgets into the 2018/2019 budget in accordance with clause 211 of the Local Government (General) Regulation 2005.

The report also provides details of works in progress or carryover budgets which will also be added to the 2018/2019 budget. The regulation does not require carryovers to be revoted, however, details of carryover requests are included in the attachment to the report for Council's consideration.

COMMENTARY

Review of 2017/18 Projects

A review of project budgets was conducted by management at the end of the 2017/18 financial year. The purpose of this review was to identify projects that were partly completed at that date or have been rescheduled to commence in the new financial year. A budget revote is required to include these projects in the 2018/19 budget. A budget revote is only recommended when there are insufficient funds or no budget provided in the following year budget.

The review also requires project managers to provide reasons for non-completion of projects and details of any project overspends. There were no significant overspends on projects in the 2017/18 year.

For works in progress where a Purchase Order has been issued, a carryover of budget is considered only when there are insufficient funds or no budget in the following year.

Capital Revotes and Carryovers

The total amount of recommended capital revotes and carryovers is \$9.96M. \$7.2M of this amount is for Water and Wastewater projects, including the multi-year reservoir upgrade project; Cullen Bullen sewer; and finalisation of the Portland STP project. The remaining \$2.7M includes \$1.4M for rescheduled Operations projects (such as the skateparks); the LED Streetlighting project which commenced in July 2018; and the Adventure Playground.

The addition of the capital revotes and carryovers to the original 2018/19 capital program results in a total capital program of \$42.2M of works. This is a much larger program than has been completed in recent years. Progress towards completing the capital program will be closely monitored. The Quarter Two 2018/19 budget review will determine whether Council is on track to complete all of the capital works scheduled for 2018/19 and whether any projects should be deferred, e.g. if any grant funding applications have not been successful

It is noted that, at the 23 July 2018 meeting, Council approved the reallocation of \$37,881 from the 2017/18 budget to fund the construction of improved stormwater infrastructure in the vicinity of 12 Kirkley Street, Lithgow in the 2018/19 year (Minute No. 18-193).

Full details of capital revotes and carryovers are included in the attachment.

Operational Revotes and Carryovers

At the 25 June 2018 meeting, Council endorsed the 2018/19 Delivery Program – Operational Plan (Minute No. 18-165) with a consolidated budget operating deficit (before capital) of (\$637K). Approved operational revotes and carryovers will add to Council’s planned deficit operating position for 2018/19.

Excluding Water and Wastewater operational revotes and carryovers (which are managed within their separate funds), project managers submitted \$384K of operational revote and carryover requests. Management has thoroughly reviewed the revote and carryover requests in view of Council’s planned deficit operating position for 2018/19. Only \$253K of necessary operational revotes and carryovers (excluding Water and Wastewater) are recommended for approval. This is effectively a 2017/18 budget saving of \$131K (the difference between carryover / revote requests of \$384K and the recommended for approval amount of \$253K) for projects which were not able to be undertaken in the 2017/18 year. Some of these projects will be deferred for consideration in the 2019/20 year.

Including Water and Wastewater revotes and carryovers, the total amount of recommended operational revotes and carryovers is \$303K.

Full details of operational revotes and carryovers are included in the attachment.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

- Budget approved – revotes and carryovers are an addition to the approved 2018/19 budget.
- Cost centre – various.
- Expended to date – expenditure was incurred on some projects in the 2017/18 year. Details of 2017/18 expenditure on individual projects is included in the attachment
- Future potential impact – Nil.

LEGAL IMPLICATIONS

Council is required to approve expenditure and vote funds to cover expenditure under Clause 211 of the Local Government (General) Regulation 2005.

ATTACHMENTS

1. Listing of Operational Carryovers - Revotes 17-18 @ 7 Aug 2018 FINAL.
2. Listing of Capital Carryovers - Revotes 17-18 @ 7 Aug 2018 FINAL.

RECOMMENDATION

THAT Council:

1. Revote the amount of \$9,959,135 for 2017/18 capital revotes and carryovers (as detailed in the attachment).
2. Revote the amount of \$302,789 for 2017/18 operational revotes and carryovers (as detailed in the attachment).

PEOPLE AND SERVICES

ITEM-13 P&S - 27/08/18 - RECOGNITION OF RON BIDWELL OAM

REPORT BY: EXECUTIVE MANAGER PEOPLE AND SERVICES

REFERENCE

Min No 18-142: Ordinary Meeting of Council held on 28 May 2018

SUMMARY

This report recommends that following a public exhibition period and with no objections received, Council submit a proposal to the Geographical Names Board to rename Rotary Park Portland to the Ron Bidwell OAM Rotary Park and once endorsed by the Geographical Names Board, install appropriate signage.

COMMENTARY

At the Ordinary Meeting of Council held on 28 May 2018 (Min (18 – 142), Council resolved:

“THAT

1. Council engage with the whole Portland Community and invite submissions as to an appropriate way to acknowledge the Late Ron Bidwell OAM
2. A report be brought back to Council for final determination.”

Ron Bidwell OAM, who passed away on 31 March 2018, was shortly before named the Portland Citizen of the Year at the 2018 Portland Australia Day ceremony.

He was an important part of the Portland community for many years. In 2008 he was recognized with an Order of Australia Medal for service to business through the establishment of the Australian Sign and Graphics Association, and to the communities of Portland and Fairfield.

He was involved in projects to help Portland’s development and volunteered at many events. A sign writer by trade, he had a vision of using traditional signwriting to help revitalize Portland and was the founder and key driver behind the “Signs of Yesteryear” project which began in 2001.

He was the sole maintainer of the Rotary Park at the entrance to Portland. For this reason, Council has received a suggestion that Rotary Park be renamed the Ron Bidwell OAM Rotary Park.

This matter was placed on public exhibition until 27 July 2018 with no objections received. Prior to the public exhibition period, two submissions and a petition with a number of names in support of the proposal were received.

The Geographical Names Board has responsibility for assigning names to places and natural features. Renaming proposals submitted by Councils and others, if deemed suitable, will be publicly exhibited by the Geographical Names Board for one month.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- 2018/19 Signage Budget approved - \$10,000
- Cost centre - 600104
- Expended to date - \$2,624
- Future potential impact -

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Submissions and petition in support of the proposal.

RECOMMENDATION

THAT Council submit a proposal to the Geographical Names Board to rename Rotary Park Portland to the Ron Bidwell OAM Rotary Park and once endorsed by the Geographical Names Board of NSW install appropriate signage.

ITEM-14 P&S - 27/08/18 - ASSET MANAGEMENT STUDY SURVEY RESULTS

REPORT BY: EXECUTIVE MANAGEMENT PEOPLE & SERVICES

REFERENCE

Min No 18-165: Ordinary Meeting of Council held on 25 June 2018

SUMMARY

This report provides Councillors and the Community with an update on the results of the recent community survey undertaken to ascertain community satisfaction and priorities for expenditure on Council assets now and into the future.

COMMENTARY

During June/July Council contracted the services of Micromex Research to undertake a random telephone survey of residents from across the local government area to explore:

- Relative priority and satisfaction of key community assets.
- The level of investment residents believe should be dedicated to different community assets, both before and after receiving an information pack.
- Understanding support for Council's funding positions in regards to key asset areas.
- Identifying any community endorsed revenue options for Council to explore in order to address funding requirements including the proposal for a Special Rate Variation to be introduced in 2019/20.

The survey was undertaken in two parts:

1. An initial recruitment survey was undertaken with 631 residents agreeing to participate in the survey.
2. An information pack was sent out to residents who agreed to participate in the survey.
3. The recall survey was conducted from 16-27 July with 401 residents completing the survey. A drop-off of around 200 residents was anticipated as part of the process with the target number being 400 respondents.

The 4 key take outs from this research are:

1. All assets are viewed as priorities by residents, with Council having the opportunity to increase satisfaction with service delivery by addressing any issues/concerns with community assets.
2. There are high levels of support for Council to increase investment in order to achieve better outcomes in regards to the quality of assets.
3. Half of residents already accept that they need to pay more, either indirectly via rates or directly via service fees and charges, in order for Council have the required funding to increase investment in community assets.
 - a. 31% of residents agree they need to pay directly via rates and 38% indirectly via service charges and fees to allow council to meet these funding requirements in order to improve the quality of community assets.
4. The consultation process was very positively received by the community, significantly improving overall satisfaction with Council.

Overall satisfaction with the performance of Council increased post info pack from 66% to 76% of respondents being somewhat satisfied. And 91% of respondents were at least somewhat satisfied with the community consultation.

80% of respondents were somewhat satisfied with the quality of community assets.

Local roads, both 'urban sealed' and 'rural sealed' are the assets that residents consider to be the highest priority. However, the areas that residents would like investment to be increased the most are:

- Local roads – urban sealed
- Local roads – rural sealed
- Stormwater drainage
- Rural roads – unsealed.

Proposed Special Rate Variation

The information pack provided to respondents with information on Council's proposal to apply for a special rate variation of 9% to commence in 2019/20. This will extend the current SRV of 4.77% (which ends in 2018/19) with an increase of 4.23%.

Respondents were advised that the only alternative to an SRV application is to make further cuts to services to deliver a balanced operating result (before capital), consistent with 'Fit for the Future' requirements. It was noted that Council currently spends approximately \$19million on asset maintenance and renewal each year however; we should be investing an additional \$1.1 million per year.

With respect to the proposed Special Rate Variation, residents were provided with information regarding the proposed level of funding increase (as per the table below) and asked to rate their level of support for the proposed investment position on the following assets:

- Transport (sealed roads, unsealed roads, footpaths, cycleways, bridges and road drainage).
- Stormwater drainage
- Buildings.

Asset Type	Current Maintenance & Renewal Budget (\$'000 p.a.)	Proposed increase in investment (\$'000 p.a.)	Proposed total investment (\$'000 p.a.)	Proposed (%) increase in investment
Transport	4,188	725	4,913	17%
Stormwater Drainage	107	100	207	93%
Buildings	831	250	1,051	26%

The remainder of the increased funding (approx. \$100,000 p.a.) will be spent on business improvement initiatives which will either generate additional revenue or reduce long-term costs.

Overall residents are supportive of investment increasing for all 3 types of services/facilities, though support was highest for 'transport' with 91% of residents being at least 'somewhat supportive'.

Full details of survey responses are available in Section 2 of the Asset Management Study Survey Report.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - \$66,000
- Cost centre - 600076
- Expended to date - \$45,713.64
- Future potential impact - Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Asset Management Study Survey Report

RECOMMENDATION

THAT:

1. Council note the Asset Management Study Survey Report.
2. A copy of the report be placed on Council's website.
3. Survey participants be thanked and provided with a summary of the survey results and link to the survey on Council's website for further information.

COUNCIL COMMITTEE MINUTES

ITEM-15 IS - 27/08/18 - TRAFFIC ADVISORY LOCAL COMMITTEE MEETING MINUTES - 19 JULY 2018

REPORT BY: ACTING DIRECTOR INFRASTRUCTURE SERVICES

SUMMARY

This report details the Minutes of the Traffic Advisory Local Committee Meeting held 19 July 2018.

COMMENTARY

At the Traffic Advisory Local Committee held 19th July 2018, the following items were discussed:

- Changes to Traffic Management on Caroline Avenue & Stewart Street

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 Traffic Advisory Local Committee Meeting held 19th July 2018.

RECOMMENDATION

THAT Council adopt the minutes of the Traffic Advisory Local Committee held 19 July 2018 and:

1. Approves the installation of RMS Sign R5-400 'No Stopping' signage from the intersection with the Great Western Highway to the intersection with Stewart Street on both sides of Caroline Avenue; and
2. Approves the construction of a new median strip on Caroline Avenue to prevent right hand turns into and from the future new Hungry Jacks driveway. Keep left signage and line marking are to be installed with the median in accordance with the relevant RMS technical direction; and
3. Approves updated line marking on Caroline Avenue on approach to the intersection delineating the turn lanes at the TCS; and
4. Approves the installation of RMS Sign R5-400 'No Stopping' signage from the intersection with Caroline Avenue to the southern end of the development on both sides of Stewart Street
5. Approves the installation of a Give Way sign (RMS R1-2 'Give Way') with associated line marking at the intersection of Stewart Street with Caroline Avenue.

**ITEM-16 IS - 27/08/18 - OPERATIONS COMMITTEE MEETING MINUTES - 6
AUGUST 2018**

REPORT BY: ACTING DIRECTOR INFRASTRUCTURE SERVICES

SUMMARY

This report details the Minutes of the Operations Committee Meeting held 6 August 2018.

COMMENTARY

At the Operations Committee Meeting held 6th August 2018, the following items were discussed:

- Cullen Bullen Sewerage Scheme – Update
- CBD Revitalisation Project – Update
- Portland Sewerage Treatment Plant – Update
- Drought Management
- Integrated Water Cycle Management Strategy
- Water & Sewer Mains Renewal

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Operations Committee Meeting held 6th August 2018.

RECOMMENDATION

- THAT** Council adopt the Operations Committee Meeting Minutes; and
1. Council note the update of the Cullen Bullen Sewerage Scheme; and
 2. Council note the report on variations effected to date and current state of budget; and
 - An update to be provided on the full extent of work and costings for Stage 2 OF THE Lithgow CBD Revitalisation to be presented at the September Operations Meeting; and
 3. Council note the update regarding the Portland Sewerage Treatment Plant; and
 4. Council note the information regarding the Drought Management Plan; and

- That the Operations Committee recommend the review of the Drought Management Plan to continue and be maintained as a separate document or as an appendix to the IWCM; and
- 5. Council note the information regarding the Integrated Water Cycle Management Strategy; and
 - Council request a projected timeline for the completion date of the IWCM plan for the next Operations Committee Meeting; and
- 6. Council note the information regarding the Water and Sewer Mains Renewals.

**ITEM-17 IS - 27/08/18 - SPORTS ADVISORY COMMITTEE MEETING MINUTES -
8 AUGUST 2018**

REPORT BY: ACTING DIRECTOR INFRASTRUCTURE SERVICES

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held 8 August 2018.

COMMENTARY

At the Sports Advisory Committee Meeting held 8th August 2018, the following items were discussed:

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

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 Sports Advisory Committee Meeting held 8 August 2018.

RECOMMENDATION

THAT Council adopt the Minutes of the Sports Advisory Committee Meeting held 8 August 2018.

**ITEM-18 FIN - 27/08/18 - FINANCE COMMITTEE MEETING MINUTES 13
AUGUST 2018**

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

SUMMARY

This report provides details of the Minutes of the Finance Committee Meeting held on 13 August 2018.

COMMENTARY

At the meeting of the Finance Committee held on 13 August 2018, the following items were noted:

- Confirmation of the minutes of the meeting held on 9 July 2018 (endorsed by Council on 23 July 2018 - Minute No. 18-204).
- Finance update – 2017/18 EOFY and Service Review Project.
- 2017/18 Carryover / Revote recommendations.
- Audit Plan – key dates.
- Interim Audit Management Letter.
- Awarding of an ICAC scholarship.
- July monthly performance report to the Office of Local Government.
- The 2017/18 and 2018/19 Audit Action List.

The following business paper recommendations were endorsed by the Committee:

Council Investments Report July 2018

THAT

1. Investments of \$29,840,000 and cash of \$205,584.59 for the period ending 31 July 2018 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Referral of the Financial Reports for External Audit

THAT Council refers the draft 2017/18 General Purpose and Special Purpose Financial Reports for audit in accordance with S413 of the Local Government Act 1993.

Local Government Remuneration Tribunal Determination

THAT Council:

1. Set the remuneration in 2018/19 for Councillors at \$10,848.00 (2.5% increase on 2017/18).
2. Set the remuneration in 2018/19 for the Mayor at \$22,972.00 (2.5% increase on 2017/18).
3. Set the 2018/2019 car lease payable by the Mayor at Nil.

Bequest to Crystal Theatre Portland

THAT Council:

1. Note the bequest of the late James Leslie Hudson to the Crystal Theatre; and
2. Authorise the placement of the bequest amount in an internally restricted reserve until a suitable capital renewal, upgrade or new works project at the Crystal Theatre is identified.

The following business papers were referred by the Committee to the Council meeting:

- Carryover / Revote of Unspent 2017-18 Project Funds.
- Confidential Report EOI Evaluation Cullen Bullen Sewer Scheme.

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 13 August 2018.

RECOMMENDATION

THAT Council:

1. Adopt the minutes of the Finance Committee held on 13 August 2018 and the items not requiring a resolution of Council;
2. Adopt the Committee's endorsement of recommendations proposed in the Finance and Assets business papers to be put to the August Council meeting.
3. Endorse the recommendations proposed in the Council Investments Report July 2018, Referral of the Financial Reports for External Audit report, the Local Government Remuneration Tribunal Determination report and the Bequest to Crystal Theatre Portland report.

NOTICE OF MOTION

ITEM-19 **NOTICE OF MOTION - 27/08/18 - CULLEN BULLEN PROGRESS ASSOCIATION**

REPORT BY: COUNCILLOR MAREE STATHAM

COMMENTARY

Cullen Bullen Progress Association have a small committee of volunteers who work tirelessly to provide a service to Cullen Bullen area.

The committee host several fundraising events every year to pay for the up keep of the local hall, including Council rates and Council water rates.

The Progress Association have incurred a water account from Council which if not reimbursed or the very least discounted heavily will play a huge role in the future of the existence of the Association.

The undetected leak was immediately repaired when the water account was received.

This request unfortunately lies outside the Council Financial Assistance guidelines.

The volunteers are tireless workers for their community with local residents relying on the hall for celebrations, also the hall is a venue where many people gather after local funerals.

RECOMMENDATION

THAT Councillors consider the NOM as the Cullen Bullen Hall is an integral part of the Cullen Bullen community.

**ITEM-20 NOTICE OF MOTION - 27/08/18 - FULL REBATE ON COUNCIL
PARKING RATES FOR ALL BUSINESSES EFFECTED BY THE
MAIN STREET REVITALISATION**

REPORT BY: COUNCILLOR MAREE STATHAM

COMMENTARY

Local Main Street businesses have been effected drastically due to the constant changes and works in the Main Street area of Lithgow.

Due to the altered conditions it has been a difficult time for shop owners and residents experiencing lack of car parking outside their businesses.

The business owners who have incurred parking rates feel they are entitled to a full rebate for the inconvenience of their customers and loss of business. The owners of certain businesses have also been unable to park at the back of their businesses.

I certainly realise it is a difficult situation for Council as it would be impossible to have no interruptions whilst major works are being carried out.

This Notice of Motion has no negative reflection on Council staff as the majority of work was contracted out by contractors. I realise the contractors are working tirelessly to complete the project.

RECOMMENDATION

THAT Council provide businesses effected in Main Street a full rebate on parking fees/ rates during the time of the Revitalisation when there was limited or no parking in front or at the rear of their businesses.

Management Comment:

1. Projected deficit for 2018/19 is \$637,000
2. Projected impact of NOM up to \$254,768 to be added to deficit giving the total deficit of \$891,768 (excluding carryovers).
3. Clarification will be required as to the identity of the effected properties and eligibility criteria for any rebate.

ITEM-21 NOTICE OF MOTION - 27/08/18 - IMPROVEMENT TO PEDESTRIAN CROSSINGS

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

Local residents have raised concerns with me regarding general pedestrian safety and several recent near misses at the Eskbank Street crossing on Main Street, Lithgow. At a recent ALGWA meeting in Inverell I noticed that the approaches to Stop signs are concreted with red concrete making them more obvious to motorists.

ATTACHMENTS

1. Picture of Pedestrian crossing in Inverell.

RECOMMENDATION

THAT Council staff explore ways of improving safety at all pedestrian crossings in built up areas in the Lithgow LGA.

ITEM-22 NOTICE OF MOTION - 27/08/18 - BLUE MOUNTAINS ULTRASOUND

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

It was recently brought to my attention that Blue Mountains Ultrasound, formerly in Roy Street, is no longer operating. What greatly concerns me is that the residents of Lithgow LGA have lost a local service and that extra pressure may now be placed on Lithgow's Hospital X-ray/Ultrasound service.

RECOMMENDATION

THAT the General Manager please confirm whether the Lithgow Hospital Xray/Ultrasound department is under any added pressure since the closure of Blue Mountains Ultrasound and if this is the case how can Lithgow City Council assist?

ITEM-23 NOTICE OF MOTION - 27/08/18 - CANBERRA VISIT IN JUNE 2018

REPORT BY: COUNCILLOR WAYNE McANDREW

COMMENTARY

On the 18th, 19th and 20th June this year the Mayor, Deputy Mayor, Councillor's Thompson and Goodwin, the GM and Andrew Muir met with a number of Federal Government Ministers and Shadow Ministers in Parliament House in Canberra. The meetings were arranged to discuss and lobby around issues impacting our LGA.

Issues around FAG grants, mental health, road and rail, energy, sport and aged care facilities etc. were discussed but with our main aim being job creation support for our area. Indications were given by some of the politicians lobbied that they would look at visiting Lithgow and/or have their staff engage with Council about some of the issues raised.

RECOMMENDATION

THAT That the GM update Council on the responses received if any and/or any indication on possible future visits by those lobbied in Canberra.

**ITEM-24 NOTICE OF MOTION - 27/08/18 - PARKING ZONES IN MAIN STREET
LITHGOW**

REPORT BY: COUNCILLOR WAYNE McANDREW

COMMENTARY

Recently Councillors were provided with an email outlining available parking spaces in Main Street pre and post the revitalization work in Eskbank Street and Cook Plaza.

I have been asked by a number of people about the number of no parking zones, loading zones, restricted parking etc. and the process by which different zones are determined by council (this matter has arisen before in previous councils).

We have seen changes in our CBD in recent years including sadly the closure of a number of businesses.

RECOMMENDATION

THAT Council investigate the process for a review of parking zones in Main Street Lithgow looking at the number and appropriateness of the current zones to be discussed at our September meeting.

ITEM-25 NOTICE OF MOTION - 27/08/18 - DEMENTIA AWARENESS MONTH

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

September is Dementia Awareness Month. Dementia Australia is keen for every Australian to become a Friend of Dementia in order to promote understanding, awareness and advocacy, and to help those with dementia to live a safe and supported life in their own community.

This year's theme is *Small Actions. Big Difference.*

In Urunga, NSW, a newly formed steering committee consisting of local businesses, charity groups and care providers is working towards making Urunga more accessible and inclusive through education and to help improve the town's services and accessibility. The group, called MUDFY ((Making Urunga Dementia Friendly YES), was the initiative of the Urunga-Mylestom Chamber of Commerce.

Gold Coast City Council Library's Program Development Officer has come up with an idea to promote dementia awareness through a butterfly program called Butterflies for Dementia. The library is hosting Dementia Australia's awareness sessions for the community.

These are just two of the imaginative programs that are being developed to assist people with dementia and their families and friends.

RECOMMENDATION

THAT Lithgow City Council support Dementia Awareness Month in September 2018 and become a Friend of Dementia in order to promote understanding, awareness and advocacy, and to help those with dementia to live a safe and supported life in our community.

ITEM-26 NOTICE OF MOTION - 27/08/18 - WAIVER OF FEES FOR CIVIC BALLROOM FOR 'RAIN AGAIN SUPPER DANCE'

REPORT BY: COUNCILLOR MAREE STATHAM

COMMENTARY

It is very clear, we are now in the worst drought officially in the Lithgow Local Government Area since records have been collated.

I am requesting council take this incredibly serious situation of the drought into consideration when voting tonight.

A united approach from councillors for our sole trading local farming families with one income and no more than eight hours casual work per week by partners needs desperate assistance for diesel discounts vouchers for the use of farming equipment, four wheel drives, tractors, trucks and four wheelers. No farm can survive without this expensive necessary commodity.

Many local businesses are certainly being effected as the farming families are stretched to the limit with stress of providing fodder for their stock, cattle, sheep, horses etc.

There will be a fundraising event, 'RAIN AGAIN SUPPER DANCE' to be held 29th September with a venue to be considered this coming week.

Proceeds of this function will benefit the above people by way of Diesel Vouchers which will assist families to commute to town more regularly as many are now not visiting their local town as regular due to the price of diesel.

RECOMMENDATION

THAT Lithgow City Council:

1. Waive the fees for the hire of the Civic Ballroom as a good will gesture to local farming rate payers.
2. Cover the insurance for this event if held in the Civic Ballroom.

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-27 CONFIDENTIAL - CLOSED COUNCIL - GM - 27/08/18 -
AUTHORISATION BY MAYOR TO APPLY SEAL OF COUNCIL**

REPORT BY: GENERAL MANAGER

Reason for Confidentiality

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

- (a) Personnel matters concerning particular individuals (other than councillors)

SUMMARY

This report is to inform Council that the Mayor has executed his Executive Power to authorise the application of Council Seal between Ordinary Meetings of Council.

RECOMMENDATION

THAT Council consider the confidential report Authorisation by Mayor to Apply Seal of Council in closed Council in accordance with Section 10A(2)(a) of the Local Government Act 1993.

**ITEM-28 CONFIDENTIAL - CLOSED COUNCIL - FIN - 27/08/18 - EOI
EVALUATION CULLEN BULLEN SEWER SCHEME**

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

Reason for Confidentiality

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

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

SUMMARY

This report seeks endorsement from Council to invite organisations to tender for the design of the Cullen Bullen Sewer Scheme.

RECOMMENDATION

THAT Council consider the report in relation to the invitation of organisations to tender for the design of the Cullen Bullen Sewer Scheme in Closed Council in accordance with Section 10A (2) (d) of the Local Government Act 1993.

ITEM-29 ORDINARY MEETING OF COUNCIL HELD 27 AUGUST 2018

REPORT BY: GENERAL MANAGER

Reason for Confidentiality

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

- (a) Personnel matters concerning particular individuals (other than councillors)

SUMMARY

In recent times a range of Council staff have been subject to verbal abuse and threats from some Lithgow residents, with the most serious of these being captured on video and voice recording at the customer service enquiry counter at 180 Mort St Lithgow on Thursday the 16th August 2018.

RECOMMENDATION

THAT Council consider the report Staff Protection in closed Council in accordance with Section 10A(2)(a) of the Local Government Act 1993.