



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

6 FEBRUARY 2017

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 12 DECEMBER 2016

CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 23 JANUARY 2017

DECLARATION OF INTEREST

COMMEMORATIONS AND ANNOUNCEMENTS

PUBLIC FORUM

PRESENTATIONS – NIL

MAYORAL MINUTES

New Minister for Local Government - Gabrielle Upton

STAFF REPORTS

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

COUNCIL COMMITTEE MINUTES

Operations Committee Minutes - 30 January 2017

DELEGATES REPORTS – NIL

NOTICES OF MOTION

Establishment of a Festival and Events Advisory Committee - Councillor S Ring
NBN Rollout for Lithgow Local Government Area - Councillor C Coleman

QUESTIONS WITH NOTICE – NIL

NOTICE OF RECISSIONS – NIL

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 - 06/02/17 - NEW MINISTER FOR LOCAL GOVERNMENT - GABRIELLE UPTON

REPORT BY: COUNCILLOR S LESSLIE – MAYOR

SUMMARY

To advise Council of the appointment of a new Minister for Local Government in the latest cabinet reshuffle.

COMMENTARY

Following the election of the new Premier Gladys Berejiklian, the Premier announced a new Cabinet on 29 January 2017. The new Minister for Local Government is Ms Gabrielle Upton the Member for Vaucluse. Local Government NSW has issued a statement indicating that the appointment of Ms Upton is in keeping with the new Premier's commitment to listen to local communities.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Lithgow City Council:

1. Congratulate Ms Upton on her appointment and recognise that this is an important step to improve relations between the Government and Local Government.
2. Seek through the Office of Local Government a meeting with her to discuss matters of concern to Lithgow to be attended by the Mayor, Deputy Mayor and Acting General Manager.

GENERAL MANAGERS REPORTS

ITEM-2 GM - 06/02/17 - PROPOSAL TO CARRY OUT SPECIALISED WORKS - FIT FOR THE FUTURE

REPORT BY: A MUIR – ACTING GENERAL MANAGER

SUMMARY

To provide Council with a proposal to engage specialist firm Morrison Low to carry out further work to support Council's Fit for the Future position and to ensure Council is in a position to proactively deal with the issues raised in the proposed Performance Improvement Order.

COMMENTARY

Following the submission of Council's response to the former Ministers Notice of Intention to issue a Performance Improvement Order in relation to financial Management issues, a workshop was subsequently carried out between Senior Staff and the Consulting firm Morrison Low. It was identified that Council should progress with the implementation of its Performance Improvement Plan and this was subsequently supported by the Office of Local Government Staff and a more detailed Performance Improvement Plan has been developed, with the assistance of Morrison Low, that highlights a range of priority actions.

In order for Council to implement these actions in a timely manner staff will require assistance and support. Morrison Low have significant experience in this area and have worked with over 50 Councils in relation to their sustainability throughout the Fit for the Future reform process. The firm has an ongoing rapport with the Office of Local Government and the work in relation to the response on their Notice of Intention to issue a Performance Improvement Order was of the highest quality.

However, to ensure Council has a long term financially sustainable position it is necessary for further work to be undertaken as a matter of high priority. Discussions have been held with both Morrison Low and the Office of Local Government and whilst the Office of Local Government cannot provide any advice, particularly as the Notice of Intention is yet to be determined by the new Minister, they do appear to be comfortable with the work that Morrison Low has done and the timetable proposed.

The work that is now required to position Council for a sustainable future, is as follows.

- The review and development of Council's Long Term Financial Plan (LTFP) incorporating a Fit for the Future improvement plan and strategies.
- A review of Council's Asset Management Plan and review of special Schedule 7.
- Preparation of a Financial Management Maturity Assessment to understand Councils Financial Management Maturity status and the improvement plan with specific priority actions.

- Support and advice to ensure the plan is delivered to the Government on time and to the standard required.

The work required is highly specialised and provides a range of benefits and value to the community and Council in the form of;

- A robust financial plan with improvement options for longer term sustainability
- An opportunity for Council to provide improved services to the community
- Good practice financial management governance, procedures and process
- Satisfying the additional Integrated Planning and Reporting requirements for the Asset Management Plan and asset service levels.
- Building confidence in the community that Council can be financially sustainable to deliver on the Community Strategic Plan outcomes, key programs and projects.
- Meeting all statutory obligations and be in a position to maintain stewardship of the communities resources.

The cost of the proposal from Morrison Low is \$114,500.00 excluding GST.

This is a significant outlay and several sessions have been carried by Senior Management to determine if any of this work can be realistically done 'in house' and also on the necessity of this work. This has concluded that the work is necessary and with the benefit of hindsight perhaps it would have been to Council's advantage if this was carried out sooner. Whilst it appears unlikely that a Financial Controller would be imposed on Council by the Minister at this stage, if Council does not move to improve its position this is an action that could potentially occur. Council's current position is that this will be the third time it has been given the opportunity to prove it has sound financial and asset management practices; long term plans; and will be Fit for the Future. It is unlikely it will be given another chance and the opportunity should be grasped.

Under the circumstances, to ensure Council's long term stability and sustainability in relation to its Financial planning and management obligations, it is considered necessary that this work be carried out as soon as possible. This should also ensure that the Office of Local Government's faith in Lithgow City Council is restored in terms of its financial management.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$114,500.00 + GST if Council agrees to this proposal.

LEGAL IMPLICATIONS

Nil as a result of this report

ATTACHMENTS

1. Proposal by Morrison Low to carry out a Detailed Improvement Plan Implementation including Long term Financial Plan; Asset Management Review; Financial Management Maturity Review.

RECOMMENDATION

THAT Council engage Morrison Low to carry out the works outlined in the attached document dated January 2017 in relation to a Detailed Improvement Plan Implementation including Long term Financial Plan; Asset Management Review; and Financial Management Maturity Review.

**ITEM-3 GM - 06/02/17 - SUBLIMINAL MENTAL HEALTH AWARENESS
FESTIVAL - REQUEST FOR WAIVER OF FEES**

REPORT BY: A MUIR – ACTING GENERAL MANAGER

SUMMARY

To advise of a request on behalf of the Subliminal Mental Health Awareness Festival for the waiver of rental and bond fees for the Union Theatre.

COMMENTARY

Following a meeting with the Mayor and Acting General Manager with the organiser of the Subliminal Mental Health Festival a request has been received for the waiver of rental fees for the Union Theatre which has been booked for Saturday 22 April 2017 from 8:30am to 8:30pm. The Subliminal Mental Health Festival is aimed at raising awareness on mental health issues. Headspace has offered to run mental health programs on the day and also a workshop through April 2017.

It is intended to hold a gathering such as that held by the Landa Street Community on the third Thursday of each month. Members of that community will be assisting with this gathering.

A concert is proposed in the Union Theatre from 2:45pm to 7:15pm on the 22 April and bands have been asked to donate their time to assist in raising funds for mental health programs. It is also intended to hold a contest known as a “Poetry Slam”. This is intended to encourage local school students to speak their mind in a poetic format.

The Festival had also sought the use of Council owned facility 18-20 Main Street Lithgow. However, this property has just been leased and is no longer available.

The Festival is seen as something that should be encouraged. It should not detract from co-ordinated actions which are currently being planned by a debrief process from Council’s Mental Health Summit which will be reported to the next available Ordinary Council meeting.

POLICY IMPLICATIONS

Council Policy 4.4 Request for Financial Assistance by Waiving of Fees for Council Facilities would apply.

FINANCIAL IMPLICATIONS

The rental for the Union Theatre for the day would be \$182 and the Bond for the day would be \$254.

Council would forgo the rental fee if approved. It would also be proposed not to charge a bond for the event on the basis that the organisers agree to make good any damage to the venue if this was to occur.

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council waive rental fees and the bond for the use of the Union Theatre on Saturday 22 April 2017 from 8:30am to 8:30pm for the Subliminal Mental Health Awareness Festival. The waiver of the bond is on the condition that the Festival organisers agree to make good any damage to the facility if such occurs.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-4 ENVIRO - 06/02/17 - DA295/16 - DEVELOPMENT APPLICATION FOR A MAUSOLEUM AT HARTLEY CEMETERY

REPORT BY: J NICHOLS - ACTING GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To advise Council of the submission of Development Application 295/16 for a mausoleum at the Hartley Cemetery. The application is recommended for approval subject to conditions.

COMMENTARY

Council is in receipt of a Development Application DA295/16 for a mausoleum at the Hartley Cemetery (Lots 7017, 7018 & 7016 DP1057029 and Lot 7320 DP1165385), Great Western Highway, Hartley. The existing cemetery has two mausoleums and a number of gravesites. Access is from the Great Western Highway.

The proposal is to be located 25m west and in line with one of the existing mausoleums. The mausoleum will hold five crypts with a viewing area being constructed of brickwork with sandstone cladding, copper clad timber doors and a copper roof. The mausoleum will be 11.47m² with a 4.8m length, 2.39m width and a height of 3.5m at the highest point (2.6m wall height).

POLICY IMPLICATIONS

Policy 7.5 Notification Of Development Applications

This policy applies to the development, however the following clause applies to the development:

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):

- *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.*

Given the proposal is for a mausoleum, a small building in an exciting public cemetery, it is considered the development is of a minor nature with no impacts on adjoining landowners. Therefore, no adjoining or adjacent landowners have been notified of the proposal as part of this process.

Policy 7.6 Development Applications by Councillors and Staff or On Council Owned Land

This policy is applicable given the land is owned/managed by Lithgow City Council as the Hartley Cemetery. The policy states:

1. *That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is the owner of the land to which the application relates, or where the development application on Council owned land, that such an application be referred to Council for consideration and determination.*

Therefore, the proposal will require determination by the elected Council.

Other Matters

The proposal does not require an agreement with the landowner being Council, as this will be achieved through the purchasing of right of burials for the Hartley Cemetery. No further landowners agreements will be necessary for this development.

FINANCIAL IMPLICATIONS

Section 94A Development Contributions Plan 2015

The Section 94A plan applies to all development, however, given the proposed estimated cost is \$11,000.00 under the threshold of \$100,000.00, no levy is applicable.

LEGAL IMPLICATIONS

All matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979* have been taken into consideration.

ATTACHMENTS

1. A Section 79C report pursuant to the Environmental Planning and Assessment Act 1979.

RECOMMENDATION

THAT

1. Development Application DA295/16 be approved subject to conditions specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-5 ENVIRO - 06/02/17 - DA307/16 PROPOSED 3 DWELLINGS AND 3
SECONDARY DWELLINGS – LOTS 1, 2 AND 3 DP 1221405, MORT
STREET, LITHGOW**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT &
DEVELOPMENT**

SUMMARY

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

COMMENTARY

Council is in receipt of Development Application DA307/16 for three dwellings and three secondary dwellings on land known as Lots 1, 2 and 3 DP 1221405, Mort Street Lithgow.

The application has been called in for determination by Councillor Statham.

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

POLICY IMPLICATIONS

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

3. *Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:*
 - Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been “called in”; and
 - Reported to an Ordinary Meeting of Council for determination.

FINANCIAL IMPLICATIONS

Council’s Section 94A Development Contributions Plan 2015 applies to the development.

LEGAL IMPLICATIONS

No specific implications at this point of the process.

RECOMMENDATION

THAT the calling in of Development Application DA307/16 be noted.

ITEM-6 ENVIRO - 06/02/17 - DA317/16 - PROPOSED TELECOMMUNICATION TOWER, LOT 4 DP 1192566, 2430 GREAT WESTERN HIGHWAY LITTLE HARTLEY NSW 2790

REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

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

COMMENTARY

Council is in receipt of Development Application DA317/16 for a telecommunication tower (NBN tower) on land known as Lot 4 DP 1192566, 2430 Great Western Highway, Little Hartley.

The application has been called in by Mayor Lesslie for determination.

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

POLICY IMPLICATIONS

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

3. *Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:*
 - Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been “called in”; and
 - Reported to an Ordinary Meeting of Council for determination.

FINANCIAL IMPLICATIONS

Council’s Section 94A Development Contributions Plan 2015 applies to the development.

LEGAL IMPLICATIONS

No specific implications at this point of the process.

RECOMMENDATION

THAT the calling in of Development Application DA317/16 be noted.

**ITEM-7 ENVIRO - 06/02/17 - DA324/16 PROPOSED SERVICE STATION,
TRUCK STOP AND TWO RESTAURANTS, LOT 20 DP 837978, 1940
GREAT WESTERN HIGHWAY MOUNT LAMBIE**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT &
DEVELOPMENT**

SUMMARY

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

COMMENTARY

Council is in receipt of Development Application DA324/16 for a Service Station, Truck Stop and 2 Restaurants on land known as Lot 20 DP 837978, Mount Lambie.

The application has been called in for determination by Councillor McAndrew.

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

POLICY IMPLICATIONS

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

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

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

FINANCIAL IMPLICATIONS

Council’s Section 94A Development Contributions Plan 2015 applies to the development.

LEGAL IMPLICATIONS

No specific implications at this point of the process.

RECOMMENDATION

THAT the calling in of Development Application DA324/16 be noted.

**ITEM-8 ENVIRO - 06/02/17 - PROPOSED NEW MINE SUBSIDENCE DISTRICT-
LITHGOW SOUTH**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT &
DEVELOPMENT**

SUMMARY

To advise Council of a proposed new Mine Subsidence District – Lithgow South as advised by Subsidence Advisory NSW (formally Mine Subsidence Board NSW).

COMMENTARY

Subsidence Advisory NSW (formerly the Mine Subsidence Board) is proposing to proclaim a new Mine Subsidence District described as Lithgow South. The proposed new Lithgow South District covers an area of abandoned underground mine workings where there is potential for mine subsidence to cause damage to buildings and other structures.

As stated by Subsidence Advisory NSW (SANSW):

“Districts are a planning tool used by Subsidence Advisory NSW to minimise the risk of mine subsidence damage to buildings and other structures. Districts are proclaimed over areas where there is the potential for mine subsidence to cause damage to buildings, due to the presence of abandoned, active or proposed mining activity in the area. Districts enable Subsidence Advisory NSW to minimise potential mine subsidence damage by regulating development to ensure buildings are constructed in an appropriate way. Development Applications within Districts require Subsidence Advisory NSW approval in addition to that of Council. Applications for building improvements or subdivisions must be submitted to Subsidence Advisory NSW prior to work commencing. Subsidence Advisory NSW can refuse or approve applications, with or without conditions, to minimise subsidence risks and ensure the safety of the community.”

The area included within the proposed new Lithgow South District is shown on Attachment 1. The proposed new Lithgow South District partly borders the existing Lithgow Mine Subsidence District.

This proposal, if adopted, will require all developments within the Lithgow South District to be referred to the SANSW as an Integrated Authority under Section 91 of the *Environmental Planning & Assessment Act 1979*. Additionally, properties within the district will be disclosed on any 149 Certificate as being within a Mine Subsidence District as per Section 15 of *The Mines Subsidence Compensation Act, 1961*.

Council has provided comment to SANSW on this proposal. The SANSW will be notifying affected landowners and requesting submissions as part of the process.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

If the Mine Subsidence District – Lithgow South is adopted as per Section 15 of *The Mines Subsidence Compensation Act 1961* Council will have an obligation under Section 91 of the *Environmental Planning & Assessment Act 1979* to refer all Development Application in this area to SANSW.

Further, Council will be legally required to disclose information on a 149 Certificate under the *Environmental Planning & Assessment Regulation 2000* to identify properties known to be within a Mine Subsidence District.

ATTACHMENTS

1. Proposed Mine Subsidence District- Lithgow South

RECOMMENDATION

THAT the information regarding Subsidence Advisory NSW's proposal for a new Mine Subsidence District - Lithgow South be noted.

ITEM-9 ENVIRO - 06/02/17 - PROPOSED REHABILITATION OF BELL QUARRY

REPORT BY: J NICHOLS - ACTING GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To provide Council with information on an upcoming development proposal to rehabilitate the former Bell Quarry at Sandham Road, Newnes Junction through the importation of waste material.

COMMENTARY

The Department of Planning & Environment (DP&E) advised Council on 18 November 2016 that Secretary's Environmental Assessment Requirements (SEARs) have been prepared under the *Environmental Planning and Assessment Act 1979* for a Waste Management Facility- Bell Quarry (SEAR No.1105) at Sandham Road, Newnes Junction - Part Lot 23 in DP 751631.

The applicant, Bell Quarry Rehabilitation Project Pty Ltd, proposes to rehabilitate the former Bell Quarry through the importation of approximately 1.5 million tonnes of Excavated Natural Material (ENM), Virgin Excavated Natural Material (VENM) and other clean fill, with a vehicle haulage rate of up to 140,000 tonnes per annum. The Environment Protection Authority provides the following definition for ENM:

ENM means naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:

- a) been excavated from the ground, and*
- b) contains at least 98% (by weight) natural material, and*
- c) does not meet the definition of Virgin Excavated Natural Material in the Act.*

Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

The *Protection of the Environment Operations Act 1997* (POEO Act) defines VENM as:

VENM is the 'natural material (such as clay, gravel, sand, soil or rock fines):

- (a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities and*
- (b) that does not contain any sulfidic ores or soils or any other waste and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being pursuant to an Environment Protection Authority Gazettal notice.'*

The next stage will be for the applicant to obtain an Environmental Impact Statement (EIS) in accordance with the *Environmental Planning and Assessment Regulation 2000* to be submitted for assessment. This document will include the following:

- Assessment on the following factors:
 - Strategic context
 - Waste management
 - Air quality
 - Noise and vibration
 - Soil and water
 - Traffic and transport
 - Biodiversity
 - Visual
 - Heritage

- Assessment under the relevant environmental planning instruments:
 - State Environmental Planning Policy (Infrastructure) 2007;
 - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007;
 - State Environmental Planning Policy No. 33 Hazardous and Offensive Development
 - State Environmental Planning Policy No. 55 Remediation of Land;
 - Lithgow Local Environmental Plan 2014; and
 - relevant development control plans and section 94 plans.

- Consultation with:
 - Environment Protection Authority;
 - Office of Environment and Heritage;
 - Department of Primary Industries;
 - Roads and Maritime Services;
 - Water NSW;
 - NSW National Parks and Wildlife Services;
 - Lithgow City Council;
 - holder of Mining Lease 1654 and Mineral Exploration Licence 7674 (Kaolin Pty Ltd);
 - holder of Coal Authorisation 307 (Hartley Vale Coal Pty Ltd);
 - holder of Mining Lease 1583 (Coalex Pty Ltd); and
 - the surrounding landowners and occupiers that are likely to be impacted by the proposal.

The prime issue that will need to be considered by Council in any submission to the DP&E is the proposal to import waste material to rehabilitate the Bell Quarry. Council has previously had concerns with the importation of waste material from outside its area. No details have been provided at this stage of the origin or composition of the waste. Additional information and assessment will be reported to Council in the future if the application for the proposal is submitted to the DP&E.

POLICY IMPLICATIONS

Whilst not formalised in policy, Lithgow City Council has a long standing position of opposing the acceptance of waste from outside the Lithgow Local Government Area.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Map of project area
2. Aerial map of Bell Quarry

RECOMMENDATION

THAT the information on the Bell Quarry Rehabilitation/Waste Facility be noted.

**ITEM-10 ENVIRO - 06/02/17 - WESTERN COAL SERVICES STATE
SIGNIFICANT DEVELOPMENT (SSD 5579 MOD 1)**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT &
DEVELOPMENT**

REFERENCE

Min No 12-130: Ordinary Meeting of Council held on 23 April 2012
Min No 13-239: Ordinary Meeting of Council held on 8 July 2013
Min No 13-342: Ordinary Meeting of Council held on 30 September 2013

SUMMARY

To advise Council of a Major Project application that has been submitted to the Department of Planning and Environment (the Department) for the modification of the Springvale Colliery/Western Coal Services Project (SSD 5579 Mod 1), Castlereagh Highway, Lidsdale.

COMMENTARY

A State Significant Development Consent SSD 5579 was issued on 4 April 2014 approving the operation and construction of infrastructure to facilitate the receipt, handling and processing of coal from the Springvale Mine, Angus Place Colliery and other Centennial Coal Operations. The approval also allows the transportation of the coal to the power station and to Lidsdale Siding.

Proposal

The modification involves the operational interactions for the proposed Springvale Water Treatment Project (SSD 7592) being:

- The residual material from the water treatment plant is proposed to be placed within the existing reject emplacement area at the Springvale Coal Services Site; and
- Modification to the decommissioning and rehabilitation strategies.

There are no changes to the project boundary, surface infrastructure, current surface operations and the majority of activities within the project. The life of the consent will remain unchanged being for 25 years and expiring on 30 June 2039.

The modification is intended to result in considerable environmental benefits achieved through the removal of Springvale Mine's groundwater discharges to Sawyers Swamp Creek in the Upper Coxs River Catchment.

The project has a well-established environmental management system to monitor and manage operations as well as to ensure compliance with all regulatory requirements.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and various authority comments which finished on the 13 December 2016.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

As the proposal falls within Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Environment will be the consent authority.

RECOMMENDATION

THAT The information in the report on the Springvale Colliery/Western Coal Services Project (SSD 5579 Mod 1) be noted.

**ITEM-11 ENVIRO – 06/02/17 - DA228/14 - PLANNING AGREEMENT -
PROPOSED SUBDIVISION 5 LOTS INTO 26, “EURELLA” 602 UPPER
NILE ROAD GLEN ALICE NSW 2849**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT &
DEVELOPMENT**

REFERENCE

Min No 13-306: Ordinary Meeting of Council held on 21 November 2016

SUMMARY

To seek endorsement of a Voluntary Planning Agreement associated with a subdivision of 5 lots into 26 lots at “Eurella” 602 Upper Nile Road, Glen Alice.

COMMENTARY

At its Ordinary meeting of 21 November 2016 Council resolved to approve DA228/14 subdivision of 5 lots into 26 lots with the inclusion of a Voluntary Planning Agreement (VPA) for a contribution of \$85,800 (\$3,300 per lot) to go towards upgrading of Upper Nile Road and Glen Alice Road.

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to the subdivision proposal. The developer has agreed to make a contribution of \$85,800 (\$3,300 per lot) for the proposed 26 lots to go towards the upgrade of Upper Nile Road and Glen Alice Road.

LEGAL IMPLICATIONS

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 93F – 93L) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H). The Voluntary Planning Agreement has been exhibited for a period of at least 28 days pursuant to Section 93G of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. Exhibited Draft Voluntary Planning Agreement

RECOMMENDATION

THAT

1. Council endorse the Voluntary Planning Agreement that relates to DA228/14 consisting of a contribution of \$85,800 (\$3,300 per lot) to go toward the upgrade of Upper Nile Road and Glen Alice Road.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning and Environment.

**ITEM-12 ENVIRO – 06/02/17 – DA008/17 - DEVELOPMENT APPLICATION –
INSTALLATION OF TOILET BLOCK – ENDEAVOUR PARK LITHGOW**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT &
DEVELOPMENT**

REFERENCE

Minute No.16-258 Council Meeting 12 December 2016.

SUMMARY

To advise Council of the submission of Development Application 008/17 for Lithgow City Council for the installation of a new toilet block on Lot 2 DP575137 Great Western Highway Endeavour Park Lithgow. The application is recommended for approval subject to conditions.

COMMENTARY

The proposal involves the installation of an Exeloo Jupiter Twin Platinum self cleansing toilet block that includes two unisex accessible toilets and a baby change table. There is an existing toilet block provided in this location which will be replaced by the new facility. The installation is similar to that provided in Cook Street Plaza except that the service area has been reduced and a small ambulant accessible toilet replaced with an additional fully accessible toilet.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil in relation to the consideration of the development application.

LEGAL IMPLICATIONS

All matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration.

ATTACHMENTS

1. A Section 79C report pursuant to the Environmental Planning and Assessment Act 1979.
2. Site Plan of the proposal.

RECOMMENDATION

THAT

1. Development Application DA008/17 be approved subject to conditions specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-13 ENVIRO – 06/02/17 – PROPOSED VARIATION TO COUNCIL
COVENANT TO ALLOW CONSIDERATION OF A DWELLING
ENCROACHMENT WITHIN THE RESTRICTED EASEMENT - LOT 14
DP263665, 11 WALKER DRIVE**

**REPORT BY: JIM NICHOLS - ACTING GROUP MANAGER ENVIRONMENT &
DEVELOPMENT**

SUMMARY

To advise Council of a Development Application for a dwelling on land known as Lot 14 DP 263665, 11 Walker Drive, Wallerawang. The applicant requests a variation to a Council imposed covenant so that the application can proceed.

COMMENTARY

Development Application (DA003/17) for a single dwelling has been submitted for Lot 14 DP 263665, 11 Walker Drive, Wallerawang. The development is for the construction of a single storey dwelling on a property that retains an area of 693m² and currently vacant of building structures.

The property was subdivided and registered in 1982. As part of the subdivision the following covenant was imposed on the title:

Terms of Restrictions as to user Ninethly Referred to in the plan (DP 263665)
*That **no building or structure shall be erected** or permitted to remain on that part of the land burdened without the consent of the Council of the City of Greater Lithgow.*
Emphasis Added.

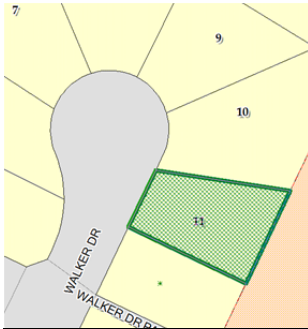
This restriction applies to the front 10m of the Lot 14.

Council has the power to vary or modify the above covenant if requested for any land burdened.

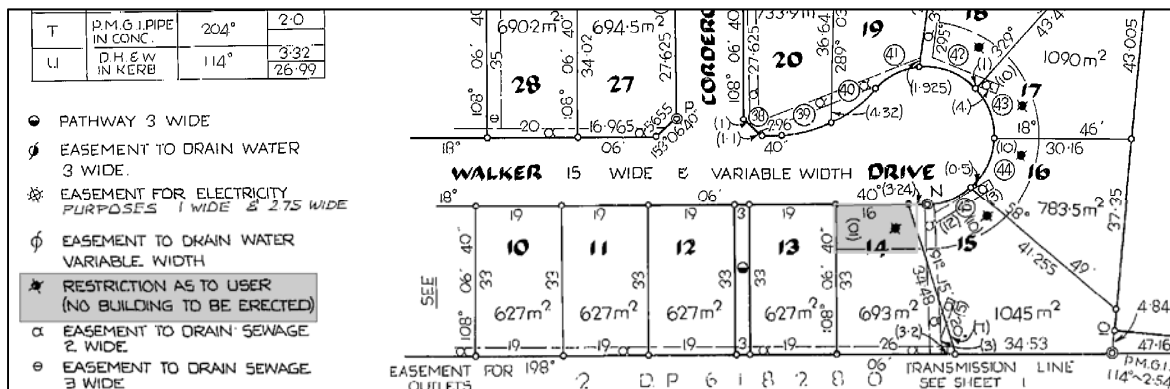
The applicant has requested to move the proposed dwelling forward into the easement by 1.5m. This would result in an 8.5m setback from Walker Drive for the new dwelling.

The intent of the easement is to restrict dwellings being within proximity to the cul-de-sac. The development would not impact views or have privacy impacts to the existing dwellings on the adjoining properties and the allotment is not located on the curve of the cul-de-sac.

The property is shown on the map below:



The Deposited Plan showing the 10m restriction is shown below:



As the property does not have a frontage to the turning circle of the cul-de-sac, contains an 8.5m setback from Walker Drive and is proposed to be in line with the adjoining properties to the south, it is recommended that variation to the covenant be approved for Lot 14 DP 263665, 11 Walker Drive, Wallerawang.

POLICY IMPLICATIONS

There are no Council Policies relating to the setback requirements from cul-de-sacs.

Policy 7.5 Notification of Development Applications

This policy applies to all applications as below:

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

5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.

As the development proposes to vary the covenant, the proposal was notified to surrounding landowners and placed on display for a period of 14 days. No submissions were received during the notification period.

FINANCIAL IMPLICATIONS

Council's Section 94A Development Contributions will apply to the Development Application for the dwelling.

LEGAL IMPLICATIONS

The following Clause of the Lithgow Environmental Plan 2014 (LEP) is applicable to covenants:

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*
- (2) This clause does not apply:*
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or*
 - (b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or*
 - (c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or*
 - (d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or*
 - (e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or*
 - (f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or*
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.*
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.*
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).*

As Council was the developer that imposed the covenant on the land as part of the subdivision in 1982, Clause 1.9A(2)(a) is applicable.

Council is the party empowered to release, vary or modify Clause 9 of the covenant.

RECOMMENDATION

THAT

1. The variation of the covenant applying to Lot 14 DP 263665, 11 Walker Drive, Wallerawang, to allow a building line variation of 10 metres to 8.5 metres be approved by Council.
2. Council proceeds with the assessment and determination of the Development Application under delegated authority.

ITEM-14 ENVIRO – 06/02/17 – WALLERAWANG POULTRY FARM UPDATE

REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 14-483: Ordinary Meeting of Council held on 15 December 2014
Min No 15-07: Ordinary Meeting of Council held on 9 February 2015
Min No 15-41: Ordinary Meeting of Council held on 2 March 2015
Min No 15-55: Ordinary Meeting of Council held on 23 March 2015
Min No 15-76: Ordinary Meeting of Council held on 20 April 2015
Min No 15-10: Ordinary Meeting of Council held on 11 May 2015
Min No 15-147: Ordinary Meeting of Council held on 29 June 2015
Min No 16-122: Ordinary Meeting of Council held on 6 June 2016
Min No 16-147: Ordinary Meeting of Council held on 27 June 2016

SUMMARY

This report is provided in relation to the Council resolution of 11 May 2015 being:

15 - 101 RESOLVED

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

COMMENTARY

Odour Survey Results

As part of ongoing routine odour monitoring an odour intensity level of 2 was detected by Council's odour specialist on the days of Wednesday 14 December 2016, Tuesday 10 January 2017 and Wednesday 18 January 2017, which may be described as:

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

The results of Council's odour surveys undertaken on Wednesday 14 December 2016, Tuesday 10 January 2017 and Wednesday 18 January 2017 are described below. Refer to attachments 1 and 2 for the associated Site Map and Odour Intensity Scale.

Wednesday 14 December 2016

Location on Site Map	Time	Odour Intensity Detected		Comments/Odour
		Maximum Level	Minimum level	
1	10:35am to 10:40am	0	0	Nil.
2	10:41am to 10:46am	0	0	Nil.
3	10:47am to 10:52am	2	1	Nil.
4	10:53am to 10:58am	0	0	Nil.
5	10:59am to 11:04am	0	0	Nil.

Tuesday 10 January 2017

Location on Site Map	Time	Odour Intensity Detected		Comments/Odour
		Maximum Level	Minimum level	
1	2:45pm to 2:50pm	0	0	Nil.
2	2:51pm to 2:56pm	0	0	Nil.
3	2:57pm to 3:02pm	2	1	Nil.
4	3:03pm to 3:08pm	0	0	Nil.
5	3:09pm to 3:14pm	0	0	Nil.

Wednesday 18 January 2017

Location on Site Map	Time	Odour Intensity Detected		Comments/Odour
		Maximum Level	Minimum level	
1	8:34am to 8:39am	0	0	Nil.
2	8:28am to 8:33am	0	0	Nil.
3	8:10am to 8:15am	2	1	Nil.
4	8:16am to 8:21am	0	0	Nil.
5	8:22am to 8:27am	0	0	Nil.

It should be noted that odour surveys were also undertaken on the days of Tuesday 20 December 2016 and Wednesday 4 January 2017 and a maximum Odour Level of 0 was detected on both occasions. Additionally, no complaints were received by Council from surrounding landowners during the times when odour was detected.

Weather Data

The following daily weather observations and monthly statistics were recorded by the Australian Bureau of Meteorology for the area of Wallerawang on each day/month that an odour reading was detected:

Daily Observations – Wednesday 14 December 2016

Weather Observation		Results	Highest or Lowest of the Month
Temperatures	Maximum	29.5°C	No
	Minimum	16°C	No
Rain		0mm	No
Maximum Wind Gusts	Direction	No data	No data
	Speed	No data	
	Time	No data	
9am	Temperature	24.3°C	No
	Relative Humidity	34%	No
	Wind Direction	North-North West	Yes, highest
	Wind Speed	26km/h	
3pm	Temperature	No data	No data
	Relative Humidity	No data	No data
	Wind Direction	No data	No data
	Wind Speed	No data	

Comment: Wednesday 14 December 2016 experienced the highest wind speed at 26km/h in a North-North Westerly direction during December. These strong winds may have contributed towards the maximum odour reading of 2 experienced at location 3 (refer to attachment 1) along Thompsons Creek Road, South-East of the farm.

Daily Observations – Tuesday 10 January 2017

Weather Observation		Results	Highest or Lowest of the Month as of 20 January 2016
Temperatures	Maximum	29.6°C	No
	Minimum	18.3°C	No
Rain		16.8mm	Yes, highest
Maximum Wind Gusts	Direction	No data	No data
	Speed	No data	
	Time	No data	
9am	Temperature	21°C	No
	Relative Humidity	80%	No
	Direction	North-North West	No
	Speed	7km/h	
3pm	Temperature	No data	No data
	Relative Humidity	No data	No data
	Wind Direction	No data	No data
	Wind Speed	No data	

Daily Observations – Wednesday 18 January 2017

Weather Observation		Results	Highest or Lowest of the Month as of 20 January 2016
Temperatures	Maximum	36.6°C	Yes, highest
	Minimum	21.8°C	Yes, highest
Rain		0mm	No
Maximum Wind Gusts	Direction	No data	No data
	Speed	No data	
	Time	No data	
9am	Temperature	29°C	Yes, highest
	Relative Humidity	40%	Yes, lowest
	Direction	West-North West	Yes, highest
	Speed	22km/h	
3pm	Temperature	No data	No data
	Relative Humidity	No data	No data
	Wind Direction	No data	No data
	Wind Speed	No data	

Comment: Of the first 20 days in January 2017, Tuesday 10 January experienced the highest amount of rainfall, at 16.8mm. The rainfall may have contributed to the maximum odour reading of 2 experienced at location 3 (refer to attachment 1) along Thompsons Creek Road, South-East of the farm.

Additionally, of the first 20 days of January 2017, Wednesday 18 January experienced the highest minimum daily temperature at 21.8°C, the highest temperature at 9am at 29.0°C, the highest daily temperature at 36.6°C, the lowest relative humidity at 40% and the highest wind speed at 22km/h in a West-North Westerly direction. The warm morning and daily temperature, low humidity and strong winds may have contributed to the maximum odour reading of 2 experienced at location 3 (refer to attachment 1) along Thompsons Creek Road, South-East of the farm.

Landowner Consultation

Council requested that the landowner provide details on the weather data and any farm operations that may have contributed towards an odour reading at the Wallerawang Poultry Farm on the dates of Wednesday 14 December 2016 and Tuesday 10 January 2017. The following advice was received on 18 January 2017:

“...Having discussed the alleged times with the farm manager, only routine farming operations were being conducted, on slightly breezy days. There is nothing apparent which would contribute to any alleged odour, however I would like the reading levels if possible to verify.”

In response to this advice and an additional odour reading detected by Council’s odour specialist on Wednesday 18 January 2017, Council requested that the landowner show cause as to why Council should not issue a Penalty Infringement Notice(s) due to non-compliance with Condition 8 of Development Consent (93/98DA, BA173/98) which states:

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

The landowner provided the following response on 19 January 2017:

“... there would appear to be no specific reason as to the alleged odour from the farm on the dates provided. Upon further review, the only correlation between the three dates listed is that they were all exceptionally hot days, with ambient temperatures over 35C. In such cases, Premier will obviously maximise the ventilation of all of the sheds on the farm in order to protect the welfare of the birds. Perhaps this is the basis of the slight detection of odour (2 or less) in the nominated areas.”

As high temperatures were experienced on each day that an odour reading was detected and no complaints were received by Council from surrounding landowners, a Penalty Infringement Notice will not be issued on this occasion. However, Council will continue to undertake routine odour monitoring of the site. A warning letter has been sent to the operators on these matters.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

To ensure that the development complies with the *Environmental Planning & Assessment Act 1979* in relation to compliance with conditions of consent.

ATTACHMENTS

1. Site Map of Chicken Farm and Odour Investigation Area & Odour Intensity Scale

RECOMMENDATION

THAT the information regarding odour issues at the Wallerawang Poultry Farm be noted.

OPERATION REPORTS

ITEM-15 OPER - 06/02/17 - RESOURCES FOR REGIONS CULLEN BULLEN SEWERAGE PROJECT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

To advise Council of the successful application submitted under the Resource for Regions program to install a reticulated/pump sewerage collection system and associated treatment plant for the Village of Cullen Bullen.

COMMENTARY

Council is receipt of advice from Mr Paul Toole MP member for Bathurst confirming granting of funding of \$4.8 million for this project. Councillors will be well aware of the long term issues arising from the current septic systems servicing the township of Cullen Bullen and the proposed upgrade will provide significant benefits for the local Cullen Bullen community. The upgrade submitted as part of the program included the provision of a modern sewerage drainage system and treatment plant which will replace the existing septic tank systems currently in use. Once all necessary documents are executed then the planning phase of the project can commence. It appears that some media outlets have reported a one year time frame to complete the project. This timeframe would be unrealistic and a further realistic timetable will be reported to Council as part of the planning phase.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Advice from Mr Paul Toole MP member for Bathurst.

RECOMMENDATION

THAT the information be noted and the necessary documentation be executed by Council following the receipt of the deed for the \$4.8 million grant.

ITEM-16 OPER - 06/02/17 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 16-265: Ordinary Meeting of Council held on 10 October 2016

SUMMARY

This report provides an update on various water management issues.

COMMENTARY

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

Farmers Creek No. 2 Dam level on Monday, 30 January 2017 was 60%. Oberon Dam level on Monday, 30 January 2017 was 95.8%.

Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2016/2017. Table 2 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2014/2015 and 2015/2016.

Table 1 - Oakey Park Monthly Output and Clarence Transfer 2016/2017

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	112	0	58
August	97	0	66
September	95	0	66
October	111	0	66
November	124	0	56
December	148	0	47
TOTAL	304	0	361

Table 2 - Oakey Park Monthly Output and Clarence Transfer 2014/2015 & 2015/2016

Month	2014/2015			2015/2016		
	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	80	0	63	113	0	50
August	145	0	45	112	0	66
September	105	0	66	117	0	57
October	112	0	61	123	0	63
November	120	0	65	117	0	75
December	84	0	36	162	63	55
January	89	0	100	120	0	74
February	95	0	66	111	0	77
March	143	0	67	132	0	88
April	99	0	71	119	12	61
May	105	0	55	131	0	43
June	131	0	74	95	0	53
TOTAL	1,308	0	769	1,452	75	719

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG values were exceeded for the period 2 December 2016 and 27 January 2017.

Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 18 January 2017 and forwarded to Australian Laboratory Services (ALS) for testing. There were three (3) non-compliances, one (1) at each of Council's STP's as detailed below in Table 3. All other test results complied with licence criteria. All test results are published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

Table 3 – Treatment Plants Monitoring Results

Plant	Non Compliance	Licence Limit	Date Sampled	Cause of Non Compliance	Action Taken To Mitigate Adverse Effects Of The Non Compliance	Action Taken To Prevent Future Reoccurrence Of Non Compliance
Portland STP	Faecal Coliforms 58,000cfu/100 ml	600cfu/100ml	20/12/16	Due to loading of filter during augmentation of STP.	Increased disinfection of effluent, closer monitoring of effluent quality.	Increased monitoring of effluent quality and disinfection processes.
Lithgow STP	Total Suspended Solids 18mg's/L	15mg's/L	20/12/16	Physical disturbance and cleaning of tanks and channels.	Divert flow to tertiary lagoons during cleaning.	Notify staff of correct actions to take.
Wallerawang STP	Ammonia 7.64mg's/L	2mg's/L	20/12/16	Failure of dissolved oxygen probes	Recalibrated probes	Replace probes

Fish River Water Scheme Water Quality Summary

Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. The FRWS is also supplementing water to Lithgow to maintain water levels for recent inspections of Council's reservoirs. No health-based ADWG values were exceeded for the period 2 December 2016 and 27 January 2017.

Current Water Restrictions Update

Level 1 restrictions are effective from Monday, 17 March 2014.

Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving two (2) applications for household appliance rebates and one (1) application for water tank rebates for the period 1 October 2016 and 21 October 2016.

Water Saving Schemes or Processes Updates

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving nine (9) applications for household appliance rebates and two (2) applications for water tank rebates for the period 3 December 2016 to 27 January 2017

Water Reticulation Complaints

Fifteen (15) complaints were received during the period 2 December 2016 and 27 January 2017 concerning water quality issues in the following areas. Testing of the water was undertaken at these locations.

Locality	Concern	Notes
Hartley Valley Road, Lithgow	Caller advised they were experiencing dirty water.	Samples tested and Council's main passed ADWG guidelines.
Hay Street, Lithgow	Caller advised Fire brigade was out Hay St near Zig Zag School Checking Fire Hydrants & now 29 Hay Street Has dirty water	Fire Brigade had been scouring water from the mains to test hydrants causing dirty water issues. Mains flushed
High Street, Lithgow	Caller stated - Dirty water at High Street Lithgow	Samples tested and Council's main passed ADWG guidelines.
Mills Street, Lithgow	Caller advised that the parks water is discoloured.	Water tested and had high turbidity. Main Flushed and cleared
Main Street, Lithgow	Customer advised she lives in the unit above Kidding About which is located at 96 Main Street Lithgow just opposite the Post Office and has very dirty water.	Samples tested and Council's main passed ADWG guidelines.
Coalbrook Street, Lithgow	Reported water is very yellow and brownish,	Fire Brigade had been scouring water from the mains to test hydrants causing dirty water issues. Mains flushed
Cox Street, Portland	Caller advised of yellow water, stated has been dirty for a few days.	Samples tested and Council's main passed ADWG guidelines. Dirty water was found only on property owner side
Lithgow Street, Lithgow	Caller reported the water is orange and very muddy.	Water tested and had high turbidity. Main Flushed and cleared
Wolgan Road, Lidsdale	Caller advised dirty water on and off for a couple of weeks	Moderate iron content found in Council's Water main. Main Flushed and Cleared.
Ninda Street, Lithgow	Caller stated she has dirty water.	Fire Brigade had been scouring water from the mains to test hydrants causing dirty water issues. Mains flushed
Comara Crescent, Lithgow	Caller advised apparently water was off today and now there is a lot of sediment coming through and very brown water.	Fire Brigade had been scouring water from the mains to test hydrants causing dirty water issues. Mains were off whilst flushing took place
Hepburn Street, Lithgow	Caller advised dirty Water Hepburn Street	Fire Brigade had been scouring water from the mains to test hydrants causing dirty water issues.
Oakey Forest Road, Marrangaroo	Caller advised Water has a strange taste.	Water tested and had high turbidity. Main Flushed and cleared
Shaft Street, Lithgow	Caller advised that the water is dirty. It is a yellow brown colour and has a bad smell.	Fire Brigade had been scouring water from the mains to test hydrants causing dirty water issues.
Commens Street, Wallerawang	Caller stated Dirty water at Commens Street Wang	Moderate iron content found in Council's Water main. Main Flushed and Cleared.

Details of water complaints made since September 2015 are displayed in the attachment.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Water Quality Complaint Trend

RECOMMENDATION

THAT Council notes the water report.

CORPORATE AND COMMUNITY REPORTS

ITEM-17 CORP – 06/02/17 – LITHGOW HALLOWEEN FESTIVAL 2016

REPORT BY: K BARROW – TOURISM MANAGER

REFERENCE

Min No 16-156: Ordinary Meeting of Council held on 27 June 2016
Min No 16-158: Ordinary Meeting of Council held on 27 June 2016
Min No 16-186: Ordinary Meeting of Council held on 18 July 2016
Min No 16-233: Ordinary Meeting of Council held on 16 August 2016

SUMMARY

To provide Council with an overview of the successful 2016 Lithgow Halloween Festival.

COMMENTARY

Lithgow Halloween Festival is family friendly event aimed at increasing visitation to the Lithgow region and driving an economic benefit to the Lithgow business and tourism sectors. The 2016 Lithgow Halloween was held on Saturday 29 October 2016.

The 2016 Lithgow Halloween Festival was supported by Lithgow City Council. Sponsorship was received from major sponsors McDonalds Lithgow, Centennial Coal and Energy Australia. Lithgow Workies was a Halloween business supporter. The Festival had in-kind support from Village Voice, Creative Lighting and Audio, Coates Hire Lithgow, JR Richards and Sons, Katoomba Camera House and Olympus Cameras.

Lithgow Halloween Festival is staged in the centre of Lithgow's main shopping and dining precinct. The 2016 Lithgow Halloween Festival was held In Lithgow Main Street between Bridge and Grey Streets.

Local businesses including cafes and restaurants actively engaged in the event offering safe "trick or treating", Halloween window displays and special menus for the event. Cafes, restaurants and hotels reported an increase in revenue and extended their regular trading hours due to the increase in demand.

Many of the restaurants traded out into the street offering special quick food options for the night. Lithgow City Council provided additional seating and tables for street dining along the event site.

Accommodation in the Lithgow region over the weekend of Lithgow Halloween was fully booked with Blue Mountains operators having flow on from the event.

Lithgow Visitor Information Centre staff monitored accommodation booking enquires leading up to the event with bookings for the event weekend made as early as February 2016.

Expenditure

The event budget is detailed below:

Income

Lithgow City Council	\$90,000
Sponsorship	\$32,000
Income ride passes	\$9,282
Total Income	\$131,282

Expenditure

Entertainment, Lighting, Props, Staging	\$66,224
Operational costs	\$32,688
Marketing	\$16,875
Operational staff and contingency	\$15,000
Total Expenditure	\$130,787

Marketing of the event

Headline Publicity was engaged as media liaison, to create event media releases and source media to attend the event. Weekly media releases were distributed to local and Sydney based outlets from the beginning of September. Major media coverage for the event included Qantas Traveler Online, Daily Telegraph Best Weekender, Radio interviews including 2GB and Eastside Radio.

Lithgow Halloween Festival and the Back to Hartley event that weekend attracted five journalists to the region for the weekend.

Social media

Advertising on social media including Facebook and Instagram was a key marketing activity.

Lithgow Halloween Facebook page

- Reach on Facebook over the 2 months over 150,000
- Lithgow Halloween Facebook page likes went from 822 likes (August 2016) to 1650 people liking the page at the day of the event
- Most popular Facebook post was the Halloween program that received 150 shares, 160 comments, 260 likes

Lithgow Halloween website had over 10,000 page views in the two months leading up to the event, with 40% of the visits in the 3 days before the event.

TV and Radio

Other marketing included television commercials on Prime TV. There was a total of 55 x 15 second advertisements and 53 x 30 second advertisements. The event was promoted via radio advertising on BRock FM (commercial aired 52 Times), Move FM and 2LT (Commercial aired 30 times plus additional free promotion)

Attendance

Due to the open nature and spread of the event it is difficult to obtain exact numbers of attendees, however crowd sizes appeared similar to the previous year. Some statistics that Council was able to capture include:

- 3,400 people visiting the library (an increase of approximately 1,000 on previous year)
- 545 uses of toilet facilities in Cook St plaza (similar usage to previous year)
- 375 participants in lazer tag
- 450 train travellers (reported in State rail newsletter)
- 396 presales for unlimited rides passes
- 260 unlimited rides passes sold on the day
- 771 single ride passes sold on the day

Markets

Lithgow Halloween offered craft and food market stalls managed by Lithgow Village Markets who traded from 2.00pm on Saturday with over 30 stalls including craft and produce from the region. The stalls created a festive atmosphere and provided an economic boost to regional traders.

Creative and Youth engagement

Creative and skill base opportunities are one of the key objectives of the event with engagement of creative talent and school age students from the region. Invitations to schools, bands, theatre groups and dance schools to performers at Lithgow Halloween was taken up with over 80 individual talented people performing and showcasing their skills at the event.

Over the last three years of Lithgow Halloween, Lithgow City Council has engaged with Lithgow High School in a number of skill base learning and mentoring programs. Lithgow High Schools students participated in the 2016 event as film production crew developing their skills in filming and editing a short film of the event. Council has already received appreciation from Lithgow High School Visual Arts Teacher

Lithgow City Council ran a Country Arts Support Program for local youth as part of Lithgow Halloween 2016. The program was funded by NSW Government through Arts NSW. The program included professional training in roving street theatre techniques, character development and costume creation. The youth taking part in the program performed at Lithgow Halloween 2016 and have already been approached to perform at other events.

Lithgow City Library extended their opening times for the event and ran children's programs during the day and held the skulls auction in the evening. Lithgow Tidy Towns held the Lithgow Halloween Skulls auction raising a total of \$11,500 with 58 skulls sold on the night. The highest paid for a skull was \$1,500 with all but six of the purchases going to local residents. Over 3,400 people visited the library on the day.

New activities for the Lithgow Halloween Festival 2016 included a cake decoration competition ran by Sweety's Cake House in Main Street, although the number of entries were low the business reported a good increase in revenue and awareness of the business.

Traffic Management

Council staff liaised with local Police regarding traffic management and security leading up to the event and there were no reports of incidents in relationship to event by the Police. There were additional police tasked to the event as well as contracted security services over the weekend with 8 roving security officers during the peak event period.

Transport to the event was mainly self-drive utilizing the car parking areas and local street for parking close to the event site. Additional accessible parking locations were indicated on the program and on the Lithgow Halloween website.

Road closure for the event was implemented in stages and reduced in duration from 2015 to lessen the impact on businesses along Main Street.

Main Street was reopened at 2.00am on Sunday morning, four hours earlier than the posted time.

Transport

Trains NSW (Lithgow station) recorded approximately 450 people arriving by train for the event with most people arriving on the 3.10 pm train from Sydney and the Blue Mountains. Lithgow Rail station staff were extremely helpful, promoting the event along the Blue Mountains line and providing the rail building for First Aid and security office during the event.

The local bus company and State Rail bus operators were consulted regarding the necessary change for the bus routes and alternative bus stop locations. Lithgow Bus Company reported no problems with their services or with their customers during the road closure.

Rides

New activities for 2016 included Children's rides and Jumping Castle for the young children and a laser tag game for older ones. Ticket sales for the rides and laser tag were \$9,282.00, covering the cost and delivering a surplus. Interest for the rides was strong and the option to increase the number and range of rides should be reviewed for future events.

Photographic Competition

Olympus Cameras and Katoomba Camera House conducted a Lithgow Halloween Photographic competition with Olympus supplying an Olympus OMD-EM10 camera valued at \$999.00 for first prize and Katoomba Camera House providing vouchers for second and third place. There were 58 entries in the photo competition. Olympus also had a photographic studio set-up for people to have professional portraits taken on the night.

Satellite events

During the weekend of Lithgow Halloween Festival Lithgow Workies held a Freaky Friday event on Friday 28th October, which included best dressed costumes, disco, entertainment and dinner. The Sunday 30 October Hartley Historic Site hosted the annual Back to Hartley event.

Lithgow Main St Businesses Event Debrief

A debrief with the Main Street Businesses was held on Tuesday 22nd November in the Council Chambers with twelve people attending from businesses to the general public. Topics discussed at the debrief included:

- Timing of the event – The businesses felt the markets starting at 2pm was too early, they needed to start later to coincide with the evening festivities.
- Road Closure – great worked well
- Event entertainment had a range of diverse performances throughout the event including local talent, dance and theatre groups.
- Media coverage was strong leading up to the event with three television stations covering the night.
- Possibility of Eskbank Railway and Zig Zag Railway being involved in 2017 event
- Have early discussions with Zig Zag Brewery regarding having the ball again
- Great to have Freaky Friday at Lithgow Workies on Friday night, Halloween on Saturday and Back to Hartley on Sunday. Made it a full weekend. Encouraged overnight visitation.
- Need to market to the Rugby League World Cup which will be held in October 2017 and in 2018 the Invictus Games will be held in Sydney.
- Establish a committee to assist Council staff with the event.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Budget expenditure overview has been provided in the report.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Letters of support, congratulations and thanking of staff
2. Screenshot of webpage statistics
3. Headline publicity report
4. Page from NSW Trainlink News
5. Usage report Cook St Plaza toilets

RECOMMENDATION

THAT:

1. An amount of \$90,000 be proposed in the 2017/18 operational plan for the 2017 Lithgow Halloween Festival.
2. A Lithgow Halloween Committee be established.
3. Letters of thanks to sponsors, event supporters and volunteers for making Lithgow Halloween 16 Festival a great success.

**ITEM-18 CORP - 06/02/17 - COUNCIL INVESTMENTS HELD TO 30 NOVEMBER
2016**

REPORT BY: N DERWENT – FINANCIAL SERVICES MANAGER

REFERENCE

Min No 16-182: Ordinary meeting of Council held on 18 July 2016
Min No 16-228: Ordinary meeting of Council held on 29 August 2016
Min No 16-266: Ordinary meeting of Council held on 10 October 2016
Min No 16-296: Ordinary meeting of Council held on 31 October 2016
Min No 16-325: Ordinary meeting of Council held on 21 November 2016

SUMMARY

To advise Council of investments held as at 30 November in the 2016/17 financial year.

COMMENTARY

Council's total investment portfolio, as at 30 November 2016 when compared to 31 October 2016, has increased by \$1,150,000.00 from \$24,900,138.43 to \$26,050,138.43. While cash in Council's bank account increased by \$851,132.01 from \$88,804.78 to \$939,936.79.

There is an overall increase in cash and investments of \$2,001,132.01 since 31 October 2016.

This is primarily due to income from the 2nd Rates Instalment.

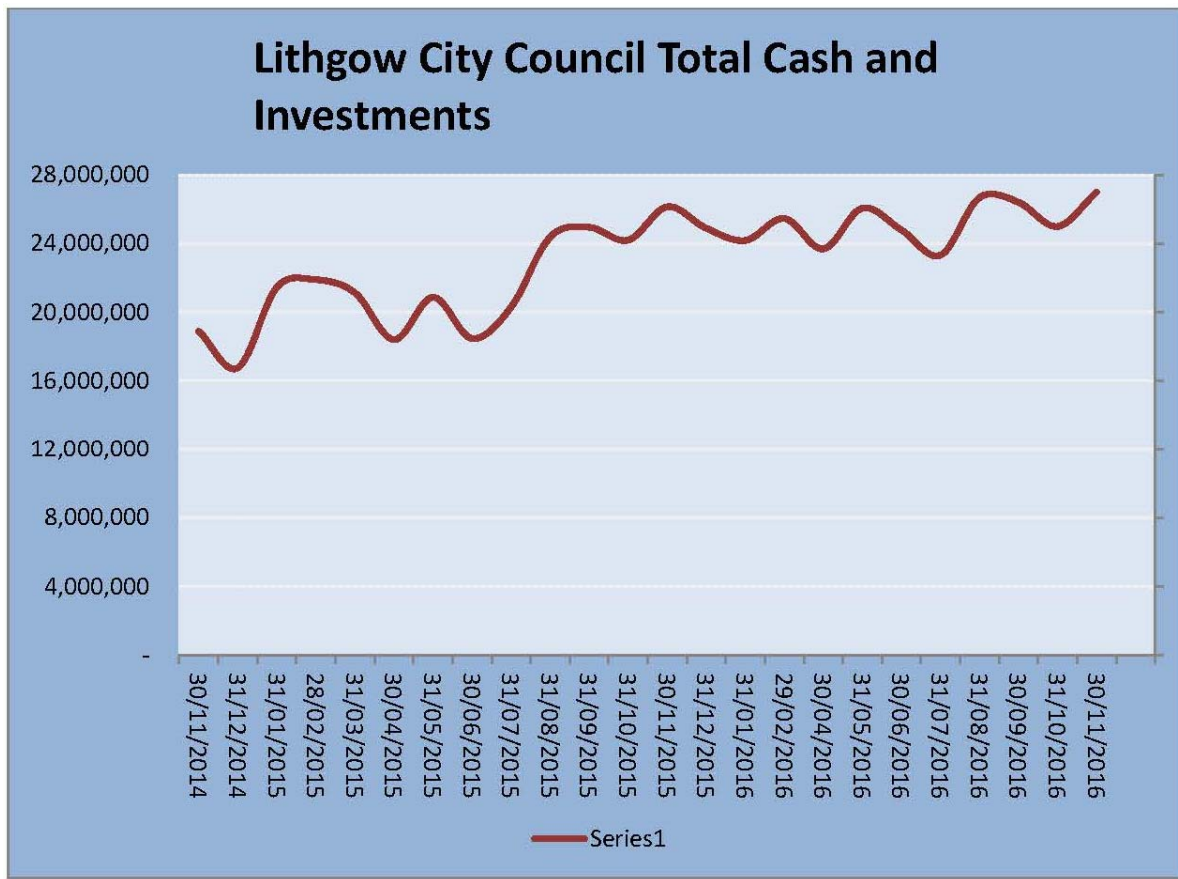
INVESTMENT REGISTER 2016/17								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.10.16	VALUE 30.11.16	% OF TOTAL
AMP	TD	02.06.16	30.11.16	181	3.00	1,000,000.00	0.00	
	TD	10.08.16	08.03.16	210	2.95	1,500,000.00	1,500,000.00	
	TD	18.08.16	16.03.16	210	2.95	1,500,000.00	1,500,000.00	
	TD	25.08.16	29.03.17	216	2.95	1,000,000.00	1,000,000.00	
	TD	30.11.16	31.05.16	182	2.75		1,000,000.00	19.19%
CBA	On Call				1.45	1,400,000.00	2,050,000.00	7.87%
NAB	TD	28.07.16	09.11.16	104	2.90	1,500,000.00	0.00	
	TD	07.08.16	07.11.16	91	2.85	1,000,000.00	0.00	
	TD	07.09.16	07.01.17	122	2.65	1,000,000.00	1,000,000.00	
	TD	09.11.16	08.02.17	91	2.65		1,000,000.00	
	TD	07.11.16	01.02.17	86	2.85		1,000,000.00	11.52%
WESTPAC	TD	13.08.16	13.12.16	121	2.90	1,000,000.00	1,000,000.00	3.84%
ST GEORGE	TD	05.08.16	05.12.16	122	2.95	2,000,138.43	2,000,138.43	
	TD	19.08.16	19.12.16	122	2.75	2,000,000.00	2,000,000.00	
	TD	26.10.16	26.02.17	92	2.65	1,000,000.00	1,000,000.00	19.19%
ME BANK	TD	31.08.16	04.01.17	126	2.65	2,000,000.00	2,000,000.00	
	TD	20.09.16	22.03.17	83	2.65	1,000,000.00	1,000,000.00	
	TD	21.09.16	05.04.17	196	2.65	1,000,000.00	1,000,000.00	
	TD	23.11.16	21.02.16	90	2.65		1,000,000.00	19.19%
MY STATE BANK	TD	09.06.16	23.11.16	167	3.00	1,000,000.00	0.00	
	TD	23.11.16	22.05.16	180	2.77		1,000,000.00	3.84%
BEYOND BANK	TD	08.06.16	07.12.16	182	3.00	1,000,000.00	1,000,000.00	
	TD	30.08.16	04.01.17	127	2.75	2,000,000.00	2,000,000.00	11.52%
NEWCASTLE PERMANENT	TD	05.09.16	11.01.17	128	2.70	1,000,000.00	1,000,000.00	3.84%
TOTAL						24900138.43	26,050,138.43	100.00%
I, Neil Derwent, Lithgow City Council's Acting Responsible Accounting Officer certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.								

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

Opening Balance of cash and investments as 01 November 2016	\$24,988,943.21
Plus New Investments – November 2016	\$6,501,132.01
Less Investments redeemed – November 2016	\$4,500,000.00
Closing Balance of cash and investments as at 30 November 2016	\$26,990,075.22

If the movement in the bank account is negative, this is shown as a net redemption. If the movement in the bank account is positive this is shown as a net new investment.

On the graph below historical and current investments to 30 November are shown.



A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received e.g. Water, Wastewater, Stormwater, Domestic Waste, Parking, or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 which includes the Minister's Investment Order of 12 January 2011.

FINANCIAL IMPLICATIONS

Interest received for month of November 2016 was \$49,622.89. Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 and investments will comply with this Policy which includes the following:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 12 January 2011
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A (2), 14c(1) & (2)

RECOMMENDATION

THAT Investments of \$26,050,138.43 and cash of \$939,936.79 for the period ending 30 November 2016 be noted.

**ITEM-19 CORP - 06/02/17 - COUNCIL INVESTMENTS HELD TO 31 DECEMBER
2016**

REPORT BY: N DERWENT – FINANCIAL SERVICES MANAGER

REFERENCE

Min No 16-182: Ordinary meeting of Council held on 18 July 2016
Min No 16-228: Ordinary meeting of Council held on 29 August 2016
Min No 16-266: Ordinary meeting of Council held on 10 October 2016
Min No 16-296: Ordinary meeting of Council held on 31 October 2016
Min No 16-325: Ordinary meeting of Council held on 21 November 2016

SUMMARY

To advise Council of investments held as at 31 December in the 2016/17 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 December 2016 when compared to 30 November 2016, has decreased by \$1,500,000.00 from \$26,050,138.43 to \$25,900,138.43. While cash in Council's bank account decreased by \$146,662.12 from \$939,936.79 to \$793,274.67.

There is an overall decrease in cash and investments of \$1,646,662.12 since 30 November 2016.

This is primarily due to general operational costs.

INVESTMENT REGISTER 2016/17								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.11.16	VALUE 31.12.16	% OF TOTAL
AMP	TD	10.08.16	08.03.16	210	2.95	1,500,000.00	1,500,000.00	
	TD	18.08.16	16.03.16	210	2.95	1,500,000.00	1,500,000.00	
	TD	25.08.16	29.03.17	216	2.95	1,000,000.00	1,000,000.00	
	TD	30.11.16	31.05.16	182	2.75	1,000,000.00	1,000,000.00	19.30%
CBA	On Call				1.45	2,050,000.00	400,000.00	1.54%
NAB	TD	07.09.16	07.01.17	122	2.65	1,000,000.00	1,000,000.00	
	TD	09.11.16	08.02.17	91	2.65	1,000,000.00	1,000,000.00	
	TD	07.11.16	01.02.17	86	2.85	1,000,000.00	1,000,000.00	11.58%
WESTPAC	TD	13.08.16	13.12.16	121	2.90	1,000,000.00	0.00	
	TD	13.12.17	19.04.17	127	2.75		1,000,000.00	3.86%
ST GEORGE	TD	05.08.16	05.12.16	122	2.95	2,000,138.43	0.00	
	TD	19.08.16	19.12.16	122	2.75	2,000,000.00	0.00	
	TD	26.10.16	26.02.17	92	2.65	1,000,000.00	1,000,000.00	
	TD	04.12.16	04.04.17	121	2.75		2,000,138.43	11.59%
ME BANK	TD	31.08.16	04.01.17	126	2.65	2,000,000.00	2,000,000.00	
	TD	20.09.16	22.03.17	83	2.65	1,000,000.00	1,000,000.00	
	TD	21.09.16	05.04.17	196	2.65	1,000,000.00	1,000,000.00	
	TD	23.11.16	21.02.16	90	2.65	1,000,000.00	1,000,000.00	
	TD	22.12.16	26.04.17	125	2.85		1,500,000.00	25.10%
MY STATE BANK	TD	23.11.16	22.05.16	180	2.77	1,000,000.00	1,000,000.00	
	TD	07.12.16	07.06.17	182	2.85		1,000,000.00	7.72%
BEYOND BANK	TD	08.06.16	07.12.16	182	3.00	1,000,000.00	0.00	
	TD	30.08.16	04.01.17	127	2.75	2,000,000.00	2,000,000.00	11.59%
	TD	01.12.16	31.05.16	181	2.85		1,000,000.00	
NEWCASTLE PERMANENT	TD	05.09.16	11.01.17	128	2.70	1,000,000.00	1,000,000.00	
	TD	08.12.16	12.04.16	125	2.75		1,000,000.00	7.72%
TOTAL						26,050,138.43	25,900,138.43	100.00%

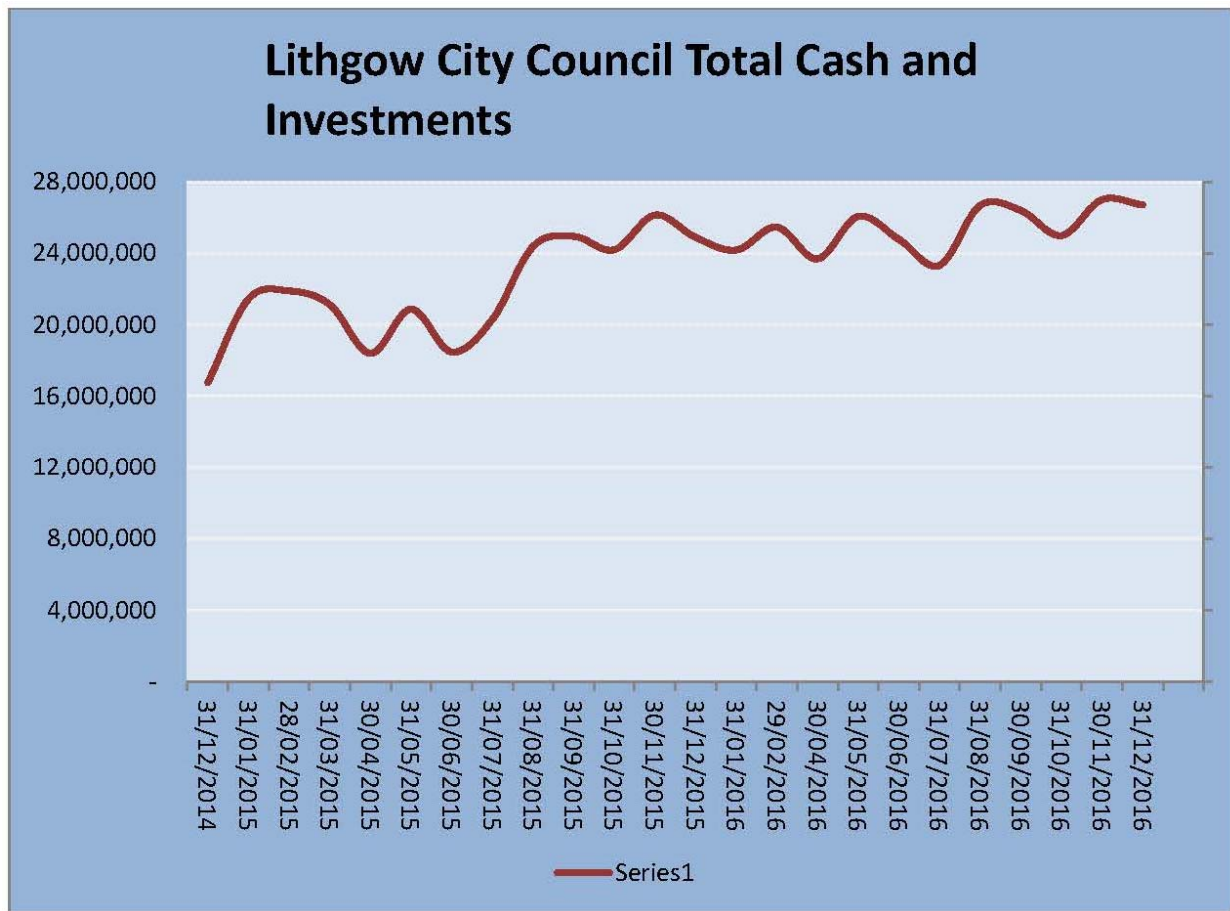
I, Neil Derwent, Lithgow City Council's Acting Responsible Accounting Officer certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

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

Opening Balance of cash and investments as 01 December 2016	\$26,990,075.22
Plus New Investments – November 2016	\$7,500,138.43
Less Investments redeemed – November 2016	\$7,796,800.55
Closing Balance of cash and investments as at 31 December 2016	\$26,693,413.10

If the movement in the bank account is negative, this is shown as a net redemption. If the movement in the bank account is positive this is shown as a net new investment.

On the graph below historical and current investments to 31 December are shown.



A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received e.g. Water, Wastewater, Stormwater, Domestic Waste, Parking, or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 which includes the Minster's Investment Order of 12 January 2011.

FINANCIAL IMPLICATIONS

Interest received for month of December 2016 was \$62,651.40. Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 and investments will comply with this Policy which includes the following:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 12 January 2011
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A (2), 14c(1) & (2)

RECOMMENDATION

THAT Investments of \$25,900,138.43 and cash of \$793,274.67 for the period ending 31 December 2016 be noted.

ITEM-20 CORP - 06/02/17 - DRAFT POLICY 4.9 EVENTS ATTRACTION PACKAGE - SECTION 356 OF THE LOCAL GOVERNMENT ACT

REPORT BY: K BARROW - TOURISM MANAGER

REFERENCE

Min No 16-127: Ordinary Meeting of Council held on 6 June 2016

SUMMARY

To provide Council with a copy of the Draft Policy 4.9, Events Attraction Package – Section 356 of The Local Government Act for Council information and public exhibition.

COMMENTARY

The policy details Council’s provision of financial assistance to event producers and organisations under Section 356 of Local Government Act, 1993.

Financial assistance will be provided on the basis of the relative merits of each application and the economic and social capital benefits to the community provided by the project/activities of the organisation.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$10,000 has been allocated in the current 2016/17 budget for implementation of this Policy.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Policy 4.9, Events Attraction Package – Section 356 of the Local Government Act.

RECOMMENDATION

THAT Draft Policy 4.9, Events Attraction Package – Section 356 of the Local Government Act be placed on exhibition for a period of 28 days before being presented to Council for final adoption.

ITEM-21 CORP - 06/02/17 - EXCESSIVE WATER CONSUMPTION PROP 12840

REPORT BY: N DERWENT – FINANCIAL SERVICES MANAGER

SUMMARY

To provide a report on a request from the owner of property 12840 seeking financial consideration for a excessive water account.

COMMENTARY

Council is in receipt of a request from the property owner seeking consideration in relation to excessive water consumption as a result of an underground concealed water leak.

The meter for the above property was read by Council staff on 26 July 2016 and this showed a high reading of 1,061KL, the meter reader notified someone on the property site and advised them there appeared to be an issue.

This read resulted in a water account being raised for:

Sewer Usage – Business - \$1,642.96
Water Usage – Business - \$3,299.71

Total - \$4,942.67

The following bill produced after this account also included the leak before it was fixed and it was made up of 112KLS being charged which is still over average for this property. This resulted in the water account being raised for:

Sewer Usage – Business - \$173.43
Water Usage – Business - \$348.22

Total - \$521.75

Overall total requesting compensation - \$5,464.42 (\$200 rebate already applied) balance \$5,264.42.

A maximum allowance of \$200.00 was provided on 8 September 2016 as per Policy 8.1 'Excessive Water Usage Allowance for Breakages'.

The estimated account for the first quarter with the leak resulted in an estimate of 97KLS;

Sewer Usage – Business - \$150.20
Water Usage – Business - \$301.67

Total - \$451.87

The estimated account for the second bill resulted in an estimate of 26KLS;

Sewer Usage – Business - \$40.26
Water Usage – Business - \$80.86

Total - \$121.12

Both estimates together results in a payment required of \$572.99

Should Council determine to rebate the balance between the calculated average and the amount originally charged, a further adjustment of \$4,691.43 would be required.

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

Council Officers have investigated this request and denied removing or reducing the account as the policy only allows the \$200 concession.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Possible write off of \$4,691.43

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council:

1. Offer no further consideration additional to the \$200.00 rebate previously applied to water consumption charges on the property.
2. Advise the owner in writing of Council's resolution and confirm the availability of a negotiated repayment arrangement under policy.

COUNCIL COMMITTEE MINUTES

ITEM-22 OPER - 06/02/17- OPERATIONS COMMITTEE MINUTES - 30
JANUARY 2017

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Operations Committee Meeting held on 30th January 2017.

COMMENTARY

At the Operations Committee held on 30th January 2017, there were numerous items discussed including:

- Brief update on Capital works including Wolgan Causeway
- Rubbish at Lake Wallace
- Project Management

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

- Confirm Terms of Reference
THAT Council retain the Terms of Reference with no change.
- Report on sealing vs unsealing – Glen Alice & Glen Davis Roads
THAT Council
 1. Propose to seal 2,000m of Glen Davis and Glen Alice Road in the 2019-2020 financial year; and
 2. Include this project in the long term financial plan and delivery program to be commenced in 2019-2020 with the goal of sealing 2,000m of Glen Alice and Glen Davis Road per year.
- Report on Jumping Pillow at JM Robson Aquatic Centre
THAT Council not replace jumping pillow installed at the JM Robson Aquatic Centre following damage due to vandalism. Staff to review an alternative facility or feature to be installed. Report on safety issues, precedence of removal and financial implication of keeping and repairing it.
- Interface agreement between Lithgow City Council and State Mine Railway
THAT Council execute the interface agreement as submitted by Southern Shorthaul Railroad detailing interface responsibilities at two interfaces in the Lithgow urban area

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Operations Committee Meeting of 30th January 2017.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Operations Committee held on 30 January 2017 and the actions not requiring a resolution of Council.
2. Retain the Terms of Reference with no change.
3. Propose to seal 2,000m of Glen Davis and Glen Alice Road in the 2019-2020 financial year.
4. Include the Glen Davis and Glen Alice Roads project in the long term financial plan and delivery program to be commenced in 2019-2020 with the goal of sealing 2,000m of Glen Alice and Glen Davis Road per year.
5. Not replace the jumping pillow installed at the JM Robson Aquatic Centre following damage due to vandalism. Staff to review an alternative facility or feature to be installed. Report on safety issues, precedence of removal and financial implication of keeping and repairing it.
6. Execute the interface agreement as submitted by Southern Shorthaul Railroad detailing interface responsibilities at two interfaces in the Lithgow urban area.

NOTICE OF MOTION

ITEM-23 NOTICE OF MOTION - 06/02/17 - ESTABLISHMENT OF A FESTIVAL AND EVENTS ADVISORY COMMITTEE

REPORT BY: COUNCILLOR S RING

REFERENCE

Community Representatives - Appointment to Committees or Working Groups - Version 3

COMMENTARY

The Lithgow City Tourism Manager and her staff conducted a public debrief of the 2016 Halloween which was well attended by local business with Councillors Ring and Statham in attendance.

There was strong support for the establishment of a Council Committee under Section 355 of the Local Government Act. The purpose of the Committee was to provide a direct conduit for the community to have direct input into planning and development of the Annual Halloween Event.

However, in researching the development of the Terms of Reference it became apparent that it would be cost effective to Council and the Community to broaden the terms of reference to encompass both the Lithglo and Australia Day Events.

ATTACHMENTS

1. Draft Terms of Reference - Festival and Events Advisory Committee

RECOMMENDATION

THAT the Lithgow Council:

1. Establish a section 355 committee to for the Festival and Events that it manages.
2. Adopt the draft Terms of Reference for the Festival and Events Advisory Committee.
3. Appoint two Councillors to the meeting.

ITEM-24 NOTICE OF MOTION - 06/02/17 - NBN ROLLOUT FOR LITHGOW LOCAL GOVERNMENT AREA

REPORT BY: COUNCILLOR C COLEMAN

REFERENCE

Min 16 – 312: Ordinary Meeting of Council 21 November 2016

SUMMARY

To seek Council support to set up a sunset committee to assist in pursuing the timely rollout of NBN for the Lithgow Local Government area.

COMMENTARY

Following a Notice of Motion submitted on 21 November 2016 by me, the Mayor Councillor Stephen Lesslie took the opportunity to raise the issue of progress with the NBN Rollout for the Local Government Area with the responsible Minister Senator Fiona Nash at Parliament House on 24 November 2016.

I also understand that correspondence has also been forwarded to the local Federal Member Andrew Gee and to date no response has been received.

Following the representation to Senator Nash in November contacts were provided within the Ministers office who were in the process of following up a response to Lithgow Council but also to this date no response has been provided.

As this is seen as a very important issue for the Lithgow Government Area it is suggested that Council could form a small “Sunset committee” to seek to lobby the Federal Government and the National Broadband Network to ensure Lithgow has a voice in improving technology in its Local Government Area.

There are some citizens within the Lithgow Government Area who may be appropriate to be invited to the committee for example the President of the Hartley Progress Association Renzo Benedet; Mr Rich Evans from the Portland who has previously made representations on this issue and Graham Hodson from the Chamber of Commerce. It may also be appropriate to invite Mrs Ally Shelton, Council’s IT Manager who has knowledge of the issue.

Whilst this committee may not run for a considerable length of time it may be helpful in expediting the rollout of the NBN to the Lithgow Local Government Area and I so recommend.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT

1. Council set up a sunset committee to lobby for a timely NBN rollout for the Lithgow Local Government Area. The committee run until 25 September 2017.
2. The Councillor Representatives include the Mayor, Deputy Mayor and Councillor Cassandra Coleman. The Mayor chair the Committee.
3. Three community members be invited on the committee these being President of the Hartley Progress Association Renzo Benedet; Mr Rich Evans and Graham Hodson from the Chamber of Commerce.
4. Council's IT Manager, Mrs Ally Shelton be invited to the committee.
5. The first meeting of the committee be held following acceptance by community members.
6. The committee be disbanded once the NBN Rollout is complete.

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.*