



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

26 JUNE 2017

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 8 MAY 2017

DECLARATION OF INTEREST

COMMEMORATIONS AND ANNOUNCEMENTS

PUBLIC FORUM

PRESENTATIONS – Nil

MAYORAL MINUTES

STAFF REPORTS

Environment and Development Reports

Operation Reports

Corporate and Community Reports

COUNCIL COMMITTEE MINUTES

Minutes of Strategic Land Use Planning Projects Steering Committee

Operations Committee Minutes - 22 May 2017

Sports Advisory Committee Meeting Minutes 30 May 2017

Special Operations Committee Minutes - 8 June 2017

Environmental Advisory Committee Meeting Minutes - 31 May 2017

DELEGATES REPORTS – Nil

NOTICES OF MOTION

Eskbank Railway Station

Financial Assistance Grants - Per Capita Component

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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ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-1 ENVIRO - 26/06/17 - GIRL GUIDES - PROPOSED LEASE 19 YOUNG ST LITHGOW

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

The purpose of this report is to:

- Outline the proposal from Girl Guides Australia to establish a 5 year lease of 'community' classified public land being part of Lot 45 DP 171939, known as Girl Guides Hall 19 Young Street, Lithgow. The terms of the proposed lease are outlined in this report;
- Obtain Council approval to give public notice of the lease proposal for a period of twenty-eight (28) days.
- Delegate authority to the General Manager to endorse the lease document if no submissions to the lease are received during the exhibition period.

COMMENTARY

The Girl Guides have occupied the building at 19 Young St Lithgow since March 1960. The Girl Guides partnered with Council at that time to secure the current site in Young St to enable the relocation of a disused commercial building to the site to be repurposed for use by the organisation.

Following recent correspondence from Girl Guides Australia, it was determined that no formal tenure has ever been put in place. Both Council and Girl Guides Australia are eager to establish a lease for the site in order to provide security of tenure for the tenant and define service levels for Council.

Girl Guides Australia commissioned a building report and asbestos survey of the hall in early 2017. Identification of low level asbestos risk and minor remedial building works were detailed, with Council scheduled to attend to these matters in the first half of 17/18 financial year. Historically all maintenance has been carried out on the building by the Girl Guides, the building is considered fit for purpose.

A five(5) year lease is recommended for the Girl Guides. This five year window will provide Council an opportunity to review the future service levels of all community facilities, including public halls in a strategic manner, and develop a management framework for these assets that is reflective of desired service levels, the changing needs of our community and Councils financial obligations.

MATTERS AFFECTING THE GRANTING OF A LEASE

Public Land Classification

The site comprises part of the Glanmire Sportsground, which was gifted to Council by A E Ivatt in 1930. The land comprises Lot 45 DP 171939 which has a total site area of 13.38ha, with the proposed lease area containing an area of approx. 2200m².

The site is classified in accordance with CI 25 of the Local Government Act 1993 as “community” land and has a sub categorisation of sportsground. The proposed lease of part of the site to Girl Guides Australia is authorised in accordance with s.46, with a lease for exclusive use required by CI 47(D) of the Act. Further, the use and leasing of the site for community facilities is authorised in accordance with CI 7.7.1 and 7.7.2 of the Lithgow Generic Community Lands Plan of Management 2013.

Council is further required to comply with Section 47 and 47A of the Local Government Act in relation to public notification and exhibition procedures for leasing of community land, prior to executing a final lease.

Environmental Planning Instrument – Land Zoning

The proposed lease area is zoned RE1 Public Recreation under the Lithgow Local Environmental Plan 2014. The use of this site as a “community facility” is permissible in the zone and continues the long history of the sites use for these purposes.

The Lithgow Girl Guides have been operating in Lithgow since approx 1940 with their mission to “enable young girls and young women to grow and develop as confident, self-respecting, responsible community members.” The Girl Guides deliver a weekly program to approx 16 local members ranging in age from 6 – 12yrs.

Hire Charges and Rental

There is no designated hire fee for the Girl Guides Hall within the 16/17 Fees and Charges, however hire charges for similar public halls of this category for not for profit groups is \$30 per hour. Based on minimum usage of 8hrs a month, the annual hire fee would amount to \$2880.00pa. The group is however requesting a lease of the premises for exclusive access and use.

It is considered that in granting this lease the community asset will be utilised by a community focussed organisation. Although not available in the term of the lease for wider community use; it will satisfy its purpose as a community meeting place and make good use of a community asset established originally for the sole use of the Girl Guides organisation.

The minimum rental charges determined by the IPart Assessment for use of Crown lands by community not for profit groups, has been adopted in this instance, for the lease of community land under Council control. The minimum rental as at the January quarter 2017 is \$479.00pa + CPI. The tenant is responsible for all outgoings associated with the premises, including water usage charges, electricity and other utilities. This proposed financial support for the Lithgow Girl Guides aligns with Council’s objective of supporting community organisations that engage and foster community enhancement as part of Council’s strategy to Care for our Community in the Community Strategic Plan 2026.

The general terms of the lease, as proposed for Girl Guides Australia are provided in the table below.

Table 1

Lease Term	5yrs
Option to renew	No
Yearly Rental	\$479.00pa + CPI
Exhibition of proposed lease Require	Yes. 28 days
Legal Costs for establishment of lease to be met by Lessee	Yes
Share of Utilities	100%
Rent Review	Annual CPI
Public Liability	\$20Mil(or as required from time to time)
Security Deposit	Nil
Standard Annexure B & C to lease	Yes

POLICY IMPLICATIONS

Nil arising from the recommendations of this report as proposal is compliant with the following adopted Council Policies:

Policy 1.1 Leases – Legal Costs

Lessee to meet all legal costs associated with preparation and registration of lease.

Policy 10.14 Property Leases

Any rental reductions from market rent to be reported to Council.

FINANCIAL IMPLICATIONS

The lease will generate:

- Rental income of \$479.00 pa + CPI for period of lease. This represents a reduction in what would be achieved under a hire agreement of \$2401.00p/a.

LEGAL IMPLICATIONS

The proposed lease of this site as a community hall is authorised in accordance with s.46 of the Local Government Act 1993, and s.7.7(2) of the Generic Community Lands POM 2013.

Council is required to comply with Section 47 and 47A of the Local Government Act relating to public notification and exhibition of the lease proposal prior to executing a final lease.

Lease documents to be prepared by Council's solicitor in compliance with current legislation.

ATTACHMENTS

1. Draft Lease
2. Plan of land area subject to proposed lease.

RECOMMENDATION

THAT Council:

1. Advise Girl Guides Australia of its proposal to grant a lease of a 2200m² section of Lot 45 DP 171939 known as the Girl Guides Hall 19 Young St Lithgow, as shown on the attached plan, subject to the following terms and conditions:
 - I. Lease term of 5yrs with no option
 - II. Rent \$479.00pa + CPI

- III. Public Liability Insurance of \$20M, or amount as required by Council at the time of renewal of the lessee's public liability policy.
 - IV. Lessee to meet 100% of all outgoings excluding property rates and insurances.
-
- 2. The lease proposal be publicly notified for a period of twenty-eight (28) days in accordance with Section 47 and 47A of the Local Government Act and any submissions received be duly considered by Council in a further report prior to finalising any lease agreement.
 - 3. Council delegate authority to the General Manager to endorse the lease documents if no submissions are received during the exhibition period.
 - 4. Girl Guides Australia to meet all legal costs associated with the subject lease in accordance with Council Policy 1.1 Leases - Legal Costs.

ITEM-2 ENVIRO - 26/06/17 - PROPOSED SINGLE DWELLING, 1 HUTCHINSON STREET LITHGOW

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 17-51: Ordinary Meeting of Council held 27 February 2017 – DA326/16.

SUMMARY

To assess and recommend determination of DA326/16 Recommendation will be for approval subject to conditions/refusal.

COMMENTARY

The development is for the construction of a single storey dwelling on a property that retains an area of 499.6m² and that is currently vacant of building structures. The floor area of the dwelling is approximately 104.83m² and to be rectangular in shape.

The dwelling is proposed to have a setback of 4.697m from the rear, 0.9m from the southern boundary, 6.21m from the northern boundary and 14.9m from the front boundary, that being Hutchinson Street. The carport is located in front of the dwelling.

Access to the property is via Hutchinson Street. Due to the steepness of the site the driveway has purposely been designed to comply with Council's allowable grades from Hutchinson Street to the Garage. A retaining wall is proposed either side of the driveway.

The development is proposed to contain 3 bedrooms and be constructed of brick veneer with a metal roof.

NOTIFICATION

During the notification period two submissions were received. Comments raised in submissions are outlined below:

1. Increased traffic specifically at the intersection of Hutchinson Street and Mort Street. Hutchinson Street is narrow and would not be able to handle an increase of traffic movements.
2. Traffic flow would be impacted upon due to the two proposed driveways (DA326/17 and DA327/16) being located within proximity to Mort Street. It would also be unsafe for vehicles to enter and exit Hutchinson Street.

This section of Mort Street already contains an extensive amount of traffic as it is one of the main thoroughfares between Lithgow and Hartley. A blind corner also exists near Hutchinson Street and creates visual constraints.

3. There is a footpath located along Mort Street and is regularly used by school children and other pedestrians. The location of the proposed driveways would impact the footpath and create safety concerns for pedestrians.

4. As Hutchinson Street is very narrow, there would be no room for parking on street. All vehicles would be required to be on the site and reverse onto Hutchinson Street.

Applicant's Response: *Additional traffic flow to Mort Street caused by the two dwellings would be unnoticeable; especially considering the current speed limit is only 50km/h.*

Although Hutchinson Street is narrow, there are only 4 current dwellings that utilise it regularly. The architect was on the property on a weekday between 2pm to 5:50pm and undertook a traffic count. During this time period there was no traffic on Hutchinson Street. It is suggested that Hutchinson Street contains low traffic and that the increase in traffic movements caused by the new dwellings should not impact on the overall traffic flow.

Access to Mort Street is considered to be clear to the right. Refer to the photo below:



There are trees and vegetation located to the left of Hutchinson Street that causes obstruction to views. This vegetation will be cleared from the property to improve the visual and safety impacts.

Council Officer's Response: The application is for one dwelling with an additional dwelling on the adjoining allotment submitted for consideration through a second Development Application (DA327/16). It is not considered that two additional dwellings within Hutchinson Street would have an impact on traffic. There is adequate site distance at the intersection of Hutchinson Street and Mort Street.

The driveway plan for the Development Application (DA326/16), facing Mort Street, has been amended since the notification period. The driveway will be directly from Hutchinson Street approximately 2.6m from the Mort Street boundary.

The driveway would be able to accommodate additional vehicles so that they are not parked on Hutchinson Street.

POLICY IMPLICATIONS

Policy 7.7 Calling in of 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 development call in was reported at Council’s Ordinary meeting held on 27 February 2017 (Minute Number 17-51). The ‘call in’ report was noted at the meeting.

An onsite meeting was held 12 April 2017 with the applicant, 1 adjoining neighbour, Councillors and Council staff. Concerns were raised by the adjoining neighbour relating to traffic, offstreet carparking and road impacts. These issues are addressed earlier in this report.

Policy 7.1 Filling and Levelling of Land

This Policy states:

Unless otherwise provided by an Environmental Planning Instrument or Development Control Plan, a development application be required in the following circumstances:

1. *Where land is subject to inundation by floodwaters, or*
2. *Where excavation or the depth of fill exceeds 900mm.*

Separate development applications are not required where the cut and/or fill is identified in a development application for a structure on the land.

A development Application was submitted to Council for the proposed earthworks due to the topography of the land and as it exceeds 900mm.

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 application is for a single dwelling it is exempt from Council’s Policy, however due to site constraints and design issues, the application was referred to adjoining neighbours and placed on display for a period of 14 days. The development complies with Council’s Policy.

FINANCIAL IMPLICATIONS

Council’s Section 94A Contribution Plan 2015 applies to the development with payment to be received by Council prior to the issue of the Construction Certificate.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. A complete Section 79C Development Assessment Report.

RECOMMENDATION

THAT:

1. The Development Application D326/16 be **APPROVED** subject to conditions of the consent as shown in the attached Section 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-3 ENVIRO - 26/06/17 - PROPOSED SINGLE DWELLING, 2 HUTCHINSON STREET LITHGOW

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 17-52: Ordinary Meeting of Council held 27 February 2017 – DA327/16.

SUMMARY

To assess and recommend determination of DA327/16 Recommendation will be for approval subject to conditions/refusal.

COMMENTARY

The development is for the construction of a single storey dwelling on a property that retains an area of 512m² and that is currently vacant of building structures. The floor area of the dwelling is approximately 214.31m² and rectangular in shape.

The dwelling is proposed to have a setback of 7.126m from the rear, 0.93m from the southern boundary, 0.9m from the northern boundary and 6m from the front setback on the eastern boundary.

The development is proposed to contain 5 bedrooms and be constructed of brick veneer with a metal roof. The design of the dwelling incorporates 3 floor levels that step down the site.

Access to the property is via Hutchinson Street. Due to the steepness of the site the driveway has purposely been designed to comply with Council's allowable grades from Hutchinson Street to the Garage located approximately 7.9m into the property boundary.

NOTIFICATION

During the notification period two submissions were received. Comments raised in submissions are outlined below:

1. Increased traffic specifically at the intersection of Hutchinson Street and Mort Street. Hutchinson Street is narrow and would not be able to handle an increase of traffic movements.
2. Traffic flow would be impacted upon due to the two proposed driveways (DA326/17 and DA327/16) being located within proximity to Mort Street. It would also be unsafe for vehicles to enter and exit Hutchinson Street.

This section of Mort Street already contains an extensive amount of traffic as it is one of the main thoroughfares between Lithgow and Hartley. A blind corner also exists near Hutchinson Street and creates visual constraints.

3. There is a footpath located along Mort Street and is regularly used by school children and other pedestrians. The location of the proposed driveways would impact the footpath and create safety concerns for pedestrians.

4. As Hutchinson Street is very narrow, there would be no room for parking on street. All vehicles would be required to be on the site and reverse onto Hutchinson Street.

Applicant's Response: *Additional traffic flow to Mort Street caused by the two dwellings would be unnoticeable; especially considering the current speed limit is only 50km/h.*

Although Hutchinson Street is narrow, there are only 4 current dwellings that utilise it regularly. The architect was on the property on a weekday between 2pm to 5:50pm and undertook a traffic count. During this time period there was no traffic on Hutchinson Street. It is suggested that Hutchinson Street contains low traffic and that the increase in traffic movements caused by the new dwellings should not impact on the overall traffic flow.

Access to Mort Street is considered to be clear to the right. Refer to the photo below:



There are trees and vegetation located to the left of Hutchinson Street that causes obstruction to views. This vegetation will be cleared from the property to improve the visual and safety impacts.

Council Officer's Response: The development is for one dwelling with an additional dwelling on the adjoining allotment under a separate Development Application (DA326/16). It is not considered that two additional dwellings within Hutchinson Street would have an impact on traffic. There is adequate site distance at the intersection of Hutchinson Street and Mort Street.

The driveway plan for the Development Application (DA326/16) on the adjoining front property, facing Mort Street, has been amended since the notification period.

The driveway would be able to accommodate additional vehicles so that they are not parked on Hutchinson Street.

POLICY IMPLICATIONS

Policy 7.7 Calling in of 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 development ‘call in’ was reported at Council’s Ordinary meeting held on 27 February 2017 (Minute Number 17-52). The ‘call in’ report was noted at the meeting.

An onsite meeting was held 12 April 2017 with the applicant, 1 adjoining neighbour, Councillors and Council staff. Concerns were raised by the adjoining neighbour relating to traffic, offstreet carparking and road impacts. These issues are addressed earlier in this report.

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 application is for a single dwelling it is exempt from Council’s Policy, however due to site constraints and design issues, the application was referred to adjoining neighbours and placed on display for a period of 14 days. The development complies with Council’s Policy.

FINANCIAL IMPLICATIONS

Council’s Section 94A Contribution Plan 2015 applies to the development with payment to be received by Council prior to the issue of the Construction Certificate.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. A complete Section 79C Development Consent Report.

RECOMMENDATION

THAT:

1. The Development Application D327/16 be **APPROVED** subject to conditions on the consent as shown in the attached Section 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-4 ENVIRO - 26/06/17 - WALLERAWANG QUARRY MODIFICATION,
DA344-11-2001- MODIFICATION 1 - STOCKPILES AND WASHING
PLANT**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 14-389: Ordinary Meeting of Council held on 29 September 2014 – Progress and Update Report of the Wallerawang Quarry (DA 344-11-2001).

SUMMARY

To advise Council on a Major Project application that has been submitted to the Department of Planning and Environment (the Department) for the Wallerawang Quarry (DA 344-11-2001) **Modification 1**, Great Western Highway, Wallerawang.

COMMENTARY

The approval (DA311-11-2001) was for the development and operation of a hard rock quarry and associated infrastructure with access from the Great Western Highway, including crushing and the transport of products. The approval was issued in 2004 with works on the Highway undertaken in 2014.

Proposal

The proposed modification includes:

- Establishing and operating stockpile areas to the east and west of the approved disturbed footprint. The Western stockpile extension area would be constructed as a two tiered stockpile over approximately 1.9ha. The Eastern stockpile extension area would be constructed as a slightly convex surface at an elevation of approximately 955m AHD. A low bund wall would be maintained around the perimeter of the area that would be profiled to drain water to sediment detention basins. Clearing and stabilisation associated with the proposed modification has already been undertaken. Further earthworks and vegetation would be undertaken to create a flat surface for the placement of Quarry products. The areas disturbed would be incorporated into the rehabilitation plan.
- Establishing and operating a screening and washing circuit to enable the production of washed aggregate. The modification provides for the removal of silt collected in the silt cells either to a drying cell or modularised dewatering unit. The processing circuit and associated silt cells are already in place and have been operating in accordance with the Water Management Plan.
and
- *Replacing an existing clean water drain with an underground pipeline within the site's surface water management system. The underground pipeline is proposed to transfer water from the north of the Quarry Site to a natural drainage system to the south.*

The modification would result in an increase to the approved footprint of the Quarry, impacts on local diversity and changes to the visibility of the Quarry.

In the short term, rehabilitation would involve stabilising all earthworks, drainage lines and disturbed areas not actively involved in the quarry operations.

Management of biodiversity is undertaken in accordance with a Flora and Fauna Management Plan that includes management measures to be implemented that will:

- Ensure that remnant vegetation is documented and suitably protected and maintained;
- Reduce risks to the bushland adjacent to the Quarry,
- Revegetation of disturbed areas not required for operations.

Vegetation clearing will be limited to the approved areas with progressive clearing is to be undertaken to ensure that vegetation is retained as long as possible and only removed immediately before an area is required for operations. Surveys and investigations will be undertaken of individual trees prior to clearing.

In relation to visual impacts, the two tiered design of the stockpile areas would minimise the visual impacts from the Great Western Highway rather than a single steep back face. The reasons include:

- The stockpiled products would rise to a height which partially screens the back face. While the stockpiles would remain visible, they would be less intrusive than a single steep face.
- By reducing the height of the faces, the ability to establish a coverage of grass would be improved.

A vegetated bund wall along the northern perimeter of the Quarry Site would be constructed. A bund wall consisting of a height between 2m and 4m is proposed to be constructed in the future between the Quarry Site boundary and the Stockpile Area. This bund wall would be covered with fast growing grass species.

Vegetation between the Quarry Site and the Great Western Highway commenced in April 2017 and is scheduled for more planting in March 2018. Monitoring will also be undertaken throughout the year.

The incorporation of additional aggregate and sand processing activities along with the clearing and additional stockpile areas has been identified as critical to the feasibility of the Quarry in the current market.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 12 June 2017. A submission was made on behalf of Council regarding the development including a request that more consideration is undertaken relating to the visual impacts from the Great Western Highway to the Quarry site, specifically in relation to the timeline as to when the vegetation would be planted and the construction of the bund wall. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Environment.

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.

ATTACHMENTS

1. Quarry Site Layout Plan

RECOMMENDATION

THAT The information in the report on the Wallerawang Quarry (DA 344-11-2001) modification 1 be noted.

**ITEM-5 ENVIRO - 26/06/17 – PROPOSED ROAD NAMES – 00207/DA &
DA148/15 HASSANS WALLS ROAD SUBDIVISION**

REPORT BY: A MUIR- GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No: 17-91: Ordinary Meeting dated 10 April 2017

SUMMARY

To progress the road naming process for 002/07DA and DA148/15 for subdivisions off Hassans Wall Road Lithgow.

COMMENTARY

A previous report was furnished to Council on 10 April 2017 proposing the names of 'Mayview Drive' and 'Willowbank Avenue' for the subdivision of land off Hassans Walls Road Lithgow under 002/07DA and DA148/15. This report resolved to commence the online road naming process and to advertise and notify the adjoining residents calling for submissions for a period of 28 days. The online road naming process was commenced and expressions of interest sought from 28 April 2017 to 22 May 2017 with two submissions received. These submissions proposed the following alternative names:

1. David Jones

David Jones lived his entire life in Lithgow (85.5 years) and passed away late 2016. He grew up in Old Corney Town and later moved to Sheedy's Gully at 34 Hassans Walls Road where he lived for approximately 50 years.

It is requested that consideration to the road proposed to be 'Mayview Drive' be attributed to David Jones. i.e. Jones Drive.

2. Watters

The 'Watters' are a family that has been in Lithgow for many years. John Watters (Jack) born 1902 joined the railways at Lithgow in 1924 and retired from the same office in 1970 (at 67 years serving for 50 years). He was part of many community groups including the Lithgow Lodge, Lithgow Workmen's Club, the Anglican Church (including church warden), and Auxiliary for Homes for Aged project at Cooina which included many fund raising activities. John Watters received Senior Citizen of the Year in 1986 for recognition of many community activities. John Watters died in 1990 at age 88. Mrs Rosina Watters (Rose) was married to John Watters and was an active charity worker including Cooina Homes Auxiliary, Vale Ladies association and the Anglican Church who died in 1998 at the age of 88.

It is proposed that the name 'Watters Avenue' be considered as a road name within Lithgow.

Council advised the applicant/developer of the submissions, who then wished to submit a subsequent name for 'Willowbank Avenue' as below:

3. Poland Avenue

Matthew Poland- a resident and long serving employee of Lithgow State Coal Mine. Matthew served in both World War 1 (having been part of the crew who landed at ANZAC Cove) and World War 2 and was recently honoured at the ANZAC Cemetery Walk on 23 April 2017. He was also a founding member of the RSL Lithgow Branch when it was established in the 1930's. As Matthew Poland is the great grandfather of the local developer who is also a former coal miner and the developer's opinion is that the name may be more fitting as it links with Lithgow's proud mining heritage and the ANZACs.

COMMENTS

The proposed name of 'Watters', given the significance of John Watters, should be considered as one of the names for the development. As 'Mayview' was proposed due to the pleasing name, it is suggested that the name be changed to 'Watters Avenue' and re-advertised for public comment.

It is suggested that the road name of 'Willowbank Avenue' be changed to 'Poland Avenue' given the more significant attachment to Lithgow's heritage and the road name be re-advertised for public comment.

POLICY IMPLICATIONS

These roads will be names in accordance with Council's Road Naming Policy.

FINANCIAL IMPLICATIONS

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be the responsibility of the applicant.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Amended Road Name location map.

RECOMMENDATION

THAT

1. With regard to the subdivisions associated with 002/07DA and DA148/15 that the name of 'Mayview Drive' be replaced with 'Watters Avenue' and the name of 'Willowbank Avenue' be changed to 'Poland Avenue' and the online road naming process be commenced in accordance with NSW Addressing User Manual. This will include advertisement in the local paper and requesting submissions on the proposed name from surrounding residents and emergency services.
2. If submissions are received against 'Watters Avenue' and 'Poland Avenue' or alternatives suggested, these submissions will be reported back to Council for determination.
3. If no submissions are received against 'Watters Avenue' and 'Poland Avenue' or alternatives suggested, Council will proceed with the online road naming process and gazettal of 'Watters Avenue' and 'Poland Avenue'.

**ITEM-6 ENVIRO - 26/06/17 - VOLUNTARY PLANNING AGREEMENT-
INVINCIBLE COLLIERY- SOUTHERN EXTENSION PROJECT**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No. 16 – 292: Ordinary Meeting of 31 October 2016
Min No. 17 – 132: Ordinary Meeting of 8 May 2017

SUMMARY

To seek endorsement of the Draft Voluntary Planning Agreement with Castlereagh Coal for the proposed Invincible Colliery, Southern Extension Project.

COMMENTARY

The Draft Voluntary Planning Agreement (VPA) was reported to Council on 8 May 2017 detailing the following offer for endorsement in relation to the proposed modification to Invincible Colliery:

- \$0.05 per tonne of product coal for each financial year of operation of the Southern Extension Project to be utilised in the Cullen Bullen township and surrounds.

The VPA would potentially realise \$16,875.00 per annum to go toward the local community facilities and over the 8 years would be a total of \$135,000.000.

The VPA has been on exhibition for a period of 28 days and advertised in the local newspaper requesting public input as per Section 93G(1) of the Environmental Planning and Assessment Act. Five (5) supportive submissions have been received in this period and therefore, the Draft VPA is proposed for have final endorsement in its current form.

The Southern Extension Project is being assessed by the Department of Planning & Environment who are waiting on further information from Castlereagh Coal on the proposal as a result of the exhibition period. No determination has been made on the proposal at this stage.

POLICY IMPLICATIONS

Policy 7.10 - Planning Agreements applies. The requirements of the policy have been complied with in relation to reporting and exhibition and is now reported for final endorsement.

FINANCIAL IMPLICATIONS

The VPA will realise a potential total of \$135,000.000 in contributions towards community facilities in Cullen Bullen and surrounds.

LEGAL IMPLICATIONS

The legislative basis for the Planning Agreement is incorporated in the *Environmental Planning & Assessment Act 1979* (EP&A Act - Sections 93F-93L) and the *Environmental Planning and Assessment Regulation 2000* (Clauses 25B- 25H).

If the VPA is endorsed by Council, signatures of both parties will be required prior to a copy being sent to the Department of Planning & Environment for registration under Section 93G(3) of the EP&A Act.

ATTACHMENTS

1. Final Draft Voluntary Planning Agreement

RECOMMENDATION

THAT:

1. Council endorse the Final Draft Voluntary Planning Agreement proposed by Castlereagh Coal for the contribution of \$0.05 per tonne of product coal for each financial year of operation of the Southern Extension Project, to be utilised in the Cullen Bullen township and surrounds.
2. Once the final signatures of both parties to the Voluntary Planning Agreement have been provided a copy of the Agreement be sent to the Minister of Planning & Environment within 14 days as required by Section 93G of the *Environmental Planning & Assessment Act 1979*.

ITEM-7 ENVIRO – 26/06/17 – NSW ADDRESSING POLICY REQUIREMENTS

REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To advise Council of the NSW Address Policy and Addressing User Manual and their implications on Council.

COMMENTARY

The increase in electronic communication which relies on cartographic data (mapped), has seen an increase in demand from a wide variety of users who need not only relevant, but accurate and timely addressing information for navigation, emergency response, service delivery and statistical analysis.

As a result, the NSW Address Policy was adopted in October 2014 to standardise the production, aggregation, publication and usage of address data across New South Wales in an open and timely manner. The document is aligned with AS/NZS 4819 and replaced five (5) Geographical Names Board documents.

The document covers the following addressing matters:

- Road names (private and public)
- Assignment of address numbers
- Development and subdivision address processes
- Complex site addressing (caravan parks, retirement villages, universities etc.)
- Creation of new or amended locality boundaries

An Addressing User Manual (AUM) was also created to compliment this policy document and is issued separately by the Geographical Names Board. The AUM was recently updated at an Addressing Information Seminar held on 16 May 2017 in Parkes which was run by Spatial Services - Department of Finance, Services and Innovation. This seminar was helpful in identifying Lithgow Council's shortfalls and ways to improve our current addressing processes. As a result the following two actions need to be undertaken by Council:

1. Assess current non-conforming addresses within the LGA and amend to ensure compliance with the NSW Addressing User Manual (AUM) including; site number, road name and localities.
2. Change and improve current processes and record keeping for the creation of all new addresses within the LGA to ensure any new addresses are created in accordance with the AUM.

The reasoning behind these actions are:

- It is Council's responsibility to have updated and conforming addresses through the following legislation:

- *Local Government Act 1993* – It is Council's responsibility to enforce provisions of numbering under Section 124 Order 8 of this Act.
- *Roads Act 1993* - provides that the roads authority can name a road
- *Geographical Names Act 1996*- Provides that the Geographical Names Board has the power to alter locality boundaries, however local councils are to enforce them and propose amendments where necessary.
- Service NSW this year will be bringing in a policy that will require people renewing drivers licences to have a conforming address and if not licenses will not be able to be renewed.
- Lithgow Council currently has 84% properties with complying addresses. However, there are still potentially over 2000 addresses that do not conform to the requirements of the NSW Addressing User Manual (AUM) including: site number, road name and/or locality name.
- Non-conforming addresses will not be recognised within the addressing database which is used by emergency services, authorities and Australia Post.
- To ensure that Council can adequately record and have a searchable record of conforming addresses, including, alternative addresses (front door compared to vehicle access) and secondary addresses (two dwellings on the one property).
- The increased popularity of GPS systems has provided a push for an overall system to provide accurate addresses. These systems may not recognise non-conforming addresses.

The increased workload as a result of the required actions and resources required may be seen as an example of cost and responsibility shifting. Council will have to work with its existing resources and it may take some time to complete the work.

POLICY IMPLICATIONS

As a result of the NSW Addressing Policy and Addressing User Manual the following policies are being reviewed:

- Policy 10.10- Street Numbering- outside numerical sequence
- Policy 10.9- Street Naming
- Policy 10.8- Rural Addressing

It is proposed to combine the three policies into one addressing policy which includes Council procedures for the following:

- Numbering
- Road naming
- Locality naming
- Record keeping
- Request for new addresses and addressing changes

This policy will be linked to the requirements of the NSW Addressing Policy and NSW Addressing User Manual (AUM).

FINANCIAL IMPLICATIONS

There are staff costs associated with this process to achieve the appropriate outcomes. Also, as there is no designated position, it will mean diverting staff resources.

LEGAL IMPLICATIONS

Under the *Local Government Act 1993* it is Council's responsibility to enforce provisions of numbering under Section 124 Order 8 of this Act.

Under the *Roads Act 1993* it provides that the roads authority can name a road and is Council's responsibility.

The *Geographical Names Act 1996* provides that the Geographical Names Board has the power to alter locality boundaries; however local councils are to enforce them and propose amendments were necessary.

RECOMMENDATION

THAT the information on addressing implications for Lithgow City Council be noted.

**ITEM-8 ENVIRO – 26/06/17 – PROPOSED NEW MINE SUBSIDENCE DISTRICT-
LITHGOW SOUTH**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min no. 17-27: Ordinary Meeting dated 6 February 2017

SUMMARY

To update Council on the proposed new Mine Subsidence District – Lithgow South as advised by Subsidence Advisory NSW (SANSW) (formally Mine Subsidence Board NSW).

COMMENTARY

As previously reported to Council on 2 February 2017, Subsidence Advisory NSW 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.

The original 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. As a result of the process to adopt the new district, Council was notified and invited to make a submission. Within this submission Council raised the implications on an approved subdivision at the western side of the proposed new district known a Strathlone Estate. Some of these residential allotments have not yet been fully developed and subdivided under the existing development consent. SANSW considered this issue and amended the proposed new district area accordingly as shown in Attachment 2.

SANSW took into consideration Councils submission and determined that any future new residential allotments that could be developed in this location are potentially outside the area that is undermined. Therefore it would be inconsistent and unnecessary to require referral to SANSW for any future development in this area. This outcome resulting from Councils submission is pleasing and will eliminate the requirement for unnecessary assessments and referrals in the future.

SANSW have advised that the current proposed date for gazettal of the new Lithgow South Mine Subsidence District will be the 1 July 2017.

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. Originally proposed Mine Subsidence District- Lithgow South
2. Amended proposed Mine Subsidence District- Lithgow South as a result of submissions

RECOMMENDATION

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

**ITEM-9 ENVIRO - 26/06/17 - LITHGOW LOCAL ENVIRONMENTAL PLAN 2014
AMENDMENT 2 (LLEP-2014- A2) - MINIMUM LOT SIZES FOR CERTAIN
SPLIT ZONES**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Minute No 16-289: Ordinary Meeting of Council 31 October 2016

SUMMARY

The purpose of this report is to:

- provide an update on the progress of the planning proposal for LLEP-2014-A2;
- advise of the outcomes of the public exhibition period;
- obtain a resolution to proceed with the making of the plan.

COMMENTARY

BACKGROUND

The objectives of the Planning Proposal are to:

- Enable the subdivision of lots that are within certain split zones but cannot be subdivided under Clause 4.1, 4.1AA or 4.2C due to minimum lot size restrictions.
- Provide for subdivision that promotes suitable uses and development of land within split zones.

UPDATE

The Planning Proposal was referred to the Western Region office of NSW Department of Planning and Environment on 2 December 2016. At the request of the Western Region office a minor amendment was made to remove proposed Clause 4.1B (4) (b) to avoid potential issues related to subjective judgement. This amendment was minor in nature and did not substantially change the intent of the proposal.

Council received Gateway Determination on 20 January 2017 that was conditioned to conduct consultation with Rural Fires Service and Water NSW prior to general community consultation. This consultation was completed during February/March 2017. Both authorities were satisfied with the proposal and raised no objection to it proceeding without alteration. The responses from the agencies were referred to the Western Region office of NSW Planning and Environment.

Council received notification of satisfactory compliance with Conditions 1 and 2 of the Gateway Determination as well as approval to commence community consultation on 27 March 2017.

PUBLIC EXHIBITION

The Planning Proposal was placed on public exhibition for a period of 28 days between 13th April 2017 and 11 May 2017.

To support the exhibition the following was undertaken to accord with the requirements of Section 57 of the Environmental Planning and Assessment Act and Council's consultation program as outlined in the Planning Proposal:

- Notification on Council's Website via a dedicated webpage
- Written notification to all landowners affected by split zones of the type referred to in the proposal
- Written notification to all relevant government authorities and agencies
- Notification in the local newspaper in Council's Column throughout the exhibition period
- Exhibition material available for viewing at Council's Administration Centre and all three town libraries during the exhibition period.

OVERVIEW OF SUBMISSIONS/ENQUIRIES RECEIVED

Council officers fielded a number of verbal enquires via the telephone and face to face interviews during the exhibition period. In all individual circumstances discussed, the Planning Proposal was deemed to have a neutral or positive impact for landowners.

Council received a total of two written submissions during the exhibition period with a further four written enquiries received seeking clarification of the Planning Proposal as detailed in the table below. No submissions raised objection to the proposal.

Name	Submission/Enquiry Summary	Planning Response
Department of Primary Industries Water	DPI water considers the amendment does not impact on water management issues and has no further comment.	Noted.
Department of Primary Industries - Agriculture	There are no issues of concern in relation to the proposal	Noted.
Fraser Planning and Development	Concluded that the proposal will not impact on land within the Marrangaroo Urban Release Area and sought confirmation.	Confirmed no impact.
Private Submission	Sought clarification of a number of matters relating to land in the Marrangaroo Employment Zone and the impact of the proposal.	Responses provided and concluded that proposal has a neutral impact.
Private Submission	Sought clarification of the impact of the proposal on future subdivision potential of land in the R5 zone.	As the subject land Lot 180 is a whole lot contained within the R5 zone and the zoning is not split the proposal will have no impact. The remaining Lot 179 is entirely within the RU1 Zone and is already below the MLS of 40ha and therefore has no further subdivision potential. The planning proposal has a neutral effect.
Private Submission	Sought clarification of the impact of the proposal on land at Portland.	Confirmed neutral impact.

MINOR AMENDMENT REQUIRED

Whilst taking enquiry on the Planning Proposal during the exhibition period it has come to light that a minor amendment is required to the proposed clause to ensure that Clause 4.1(4A) retains its effect in preventing any further subdivision in “Area 1” and “Area 2” on the Lot Size Map.

Council officers will explore with Parliamentary Counsel options to ensure that the intent and integrity of Clause 4.1(4) (A) is retained.

This will be a minor amendment (in accordance with the *Guide to Preparing LEPs*) to the Planning Proposal following exhibition. It is an amendment that only changes the provisions for implementation and it is therefore considered that it does not represent a variation that would require the proposal to be reforwarded to the Minister or delegate.

The efficacy of “Area 1” and “Area 2” within the LEP 2014 is currently under review as part of the Rural and Rural Residential Strategy project. As such no change should be made that will impact on this provision in the Lithgow Local Environmental Plan 2014 until such time as this Strategy is finalised.

NEXT STEPS IN THE PROCESS

As Council has been delegated authority to exercise the Ministers functions under Section 59 of the Environmental Planning and Assessment Act the next steps in the process are:

- Council resolves to proceed with the making of the LEP
- Council requests Parliamentary Counsel Office to draft the Plan
- Council considers the drafted instrument and resolves to make the Plan
- Council notifies the Plan and the Department requests official publication on the NSW legislation website.

POLICY IMPLICATIONS

Nil arising from this report

FINANCIAL IMPLICATIONS

Nil arising from this report

LEGAL IMPLICATIONS

The matter is required to be in accordance with the Environmental Planning and Assessment Act and the *Guide to Preparing LEPs* issued by NSW Planning and Environment.

RECOMMENDATION

THAT

1. Council authorises the amendment of the proposed split zones clause to ensure that the intent and integrity of Clause 4.1(4) (A) is retained within the Lithgow Local Environmental Plan 2014.
2. Council forwards the planning proposal to Parliamentary Counsel office for drafting of the instrument.

OPERATION REPORTS

ITEM-10 OPER - 26/06/17 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 17-161: Ordinary Meeting of Council held on 29th May 2017

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 12th June 2017 was 90.95%. Oberon Dam capacity on Monday 12th June 2017 was 89.2%.

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 2016/2017.

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
January	112	0	96
February	104	0	69
March	100	0	55
April	141	0	55
May	127	0	88
TOTAL	1,271	0	722

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow and was supplying water to the villages for the periods 25th May 2017 to 27th May 2017 and 30th May 2017 to 3rd June 2017. No health-based ADWG values were exceeded for the period 20/05/17 to 16/06/17.

Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 24/05/2017 and forwarded to Australian Laboratory Services (ALS) for testing. There was one (1) non-compliance at Portland STP as detailed below in Table 2. All test results are published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

Table 2 – Treatment Plants Monitoring Results

Plant	Non Compliance	Licence Limit	Date Sampled	Cause of Non Compliance	Action Taken to Mitigate Adverse Effects of the Non Compliance	Action Taken to Prevent Future Reoccurrence Of Non Compliance
Portland STP	Faecal Coliforms 120,000 units/ 100mL	600 units/ 100mL	24/05/17	Removal of Trickling Filter During Plant Upgrade	Increase Cleaning to Reduce load On Remaining Filter	Augmentation of Portland Sewerage Treatment Plant

Fish River Water Scheme Water Quality Summary

Fish River Water Supply supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal from 20/05/17 to 16/06/17. Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 20/05/17 to 16/06/17.

Fish River Water Supply Pricing determination

As of July 1 2017 WaterNSW Pricing structure will change from the current 60:40 Fixed to Variable Ratio for tariff structure to the IPART Approved 80:20 Fixed Variable Ratio for the determination period from 2017/18 to 2020/21. This will mean an increase of the fixed charge per kL from the current \$0.57 to \$0.63 for 2017/18 financial year. This will decrease the cost per kL of water used from \$0.61 to \$0.36. This pricing determination will not change the overall cost of water supplied by the WaterNSW to Lithgow City Council.

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 applications for a household appliance rebate and receiving no applications for a water tank rebate for the period 20/05/17 to 16/06/17.

Water Reticulation Complaints

Two complaints were received during the period 20/05/17 to 16/06/17 concerning water quality issues in the following areas. Testing of the water was undertaken at these locations.

19 Shaft Street Lithgow	Reported dirty water.	Water was tested and complied with all ADWG health limits.
8 Read Avenue Lithgow	Reported dirty water.	Water was tested and complied with all ADWG health limits.

Details of water complaints made in the last six (6) months are displayed in the attachment.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council notes the water report.

**ITEM-11 OPER – 26/06/17 – WATTLEMOUNT ROAD PORTLAND – ROAD
REALIGNMENT**

REPORT BY: J EDGECOMBE – WORKS MANAGER

REFERENCE

Min No 12-291: Ordinary Meeting of Council held on 13 August 2012

SUMMARY

This report provides details regarding progress on the realignment of Wattlemount Road, Portland from the southern boundary of DP1093481 to a point 1,300 metres north.

COMMENTARY

Currently, the alignment of Wattlemount Road, Portland deviates significantly from the registered, legal and public road reserve. As a result, the current thoroughfare of public traffic is through the private property of adjacent landowners. While this has not been an issue requiring attention for some time, the requirement for realignment became a priority when adjacent landowners expressed their desire to fence their property on their correct boundary; an act which will restrict public access if Wattlemount Road is not realigned to the legal, public road reserve.

Council's proposal to realign Wattlemount Road under Section 71 of the Roads Act 1993 has been extremely contentious with one adjacent landowner expressing their objections to the realignment. Some concerns have been raised regarding the presence of sensitive species and the belief that any relocation will result in poor quality land being returned to private use. Previously, adjacent landowners had applied for closure and purchase of this section of Wattlemount Road in order to remove the requirement for future realignment. This request was denied as the road provides access to other landowners and Crown Land/Reserve.

Extensive consultation has been conducted to appraise both landowners of Council's impending decision to commence the realignment of Wattlemount Road. Council's attempts to negotiate an outcome to date have not been successful. In order to progress the issue, Council engineers engaged Kevin Gracey Earthmoving Pty Ltd to commence the clearing of the 20 metre road reserve with the authority afforded to Council, as the roads authority, by Section 88 of the Roads Act 1993 and subsequently commence construction on the realigned road.

Approximately 3 hours after works had commenced one affected landowner, placed themselves in close proximity to machinery and therefore posed a hazard, causing works to cease. At this stage Council's contractor had cleared an estimated 4,000m², just a small percentage of the clearing required. The adjacent landowner has reported this to both the Office of Environment and Heritage and their solicitors. A letter has been received from their solicitors requesting that Council consult with them prior to commencing any further work.

Shortly after this Council engineers engaged 'The Environmental Factor'; a well-known company with extensive experience in environmental legislation and the stakeholder approvals process, with the purpose of completing a Review of Environmental Factors (REF)

and obtain information to determine damage (if any) caused through the minimal clearing works performed to date. This review is being undertaken to satisfy Council's environmental responsibilities prior to continuing works.

The Environmental Factor Company are in the process of completing the required REF. The information attached includes the preliminary findings, which may change prior to the final report. Upon completion of the review, all details will be forwarded to the OEH for their information.

Once the final report has been received and all threatened species mapped and tagged, Council will have satisfied its legislative and environmental requirements to complete the road realignment. It is then proposed that Council officers, subject to legal advice, continue clearing sufficient space to realign Wattlemount Road with the objective of minimising any environmental impact and allowing adjacent landowners to fence their correct boundary alignment without restricting public thoroughfare.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funds are available to continue the realignment work in the 2016/2017 budget.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Preliminary Findings of the Environmental Factors.
2. Map showing extents of proposed works.

RECOMMENDATION

THAT Council:

1. Note the report on the progress to date with regards to the realignment of the section of Wattlemount Road
2. Obtain legal advice regarding the immediate continuation of road realignment works, subject to the completion of the Review of Environmental Factors
3. Request adjacent landowners to realign their boundary fences to their correct locations within 60 days as per the Section 107 of the Roads Act 1993.

CORPORATE AND COMMUNITY REPORTS

ITEM-12 CORP - 26/06/17 - DISABILITY INCLUSION ACTION PLAN

REPORT BY: M JOHNSON – MANAGER COMMUNITY & CORPORATE

REFERENCE

Min No 17-139: Ordinary Meeting of Council held on 8 May 2017.

SUMMARY

Following a 28 day public exhibition period, the draft Disability Inclusion Action Plan (DIAP) is presented for Council adoption.

COMMENTARY

At the Ordinary Meeting of Council held on 8 May 2017 (Min 17-139) Council resolved as follows:

1. To place the Draft Disability Access and Inclusion Action Plan on exhibition for a period of 28 days.
2. Note that following exhibition, the plan will be returned to Council for final adoption.

The draft DIAP was placed on public exhibition for 28 days from 9 May to 5 June 2017.

Local Government is required by the NSW Disability Inclusion Act 2014 to undertake disability inclusion action planning by 1 July 2017. The planning and reporting process requires that Council submits a copy of the final DIAP to the Minister for Family and Community Services and the Disability Council of NSW by 1 July 2017.

Council committed to developing a Disability Inclusion Action Plan for delivery from July 2017. This Plan will help Council meet its obligations under the NSW Disability Inclusion Act 2014.

As part of this process, background research was conducted, as well as a demographic analysis and a review of Council's previous Disability Access Plan. In addition, meetings were held with Council's previous Disability Access Committee to raise awareness of the Act, and a broad-based community consultation process was undertaken, which included the clients at the Lithgow Information and Neighbourhood Centre, Uniting Care, Lithgow Public School, and La Salle Academy. Furthermore, a call for submissions was to the general public, and a survey was distributed at the Accessible Lifestyle Expo

Draft strategies and actions were then developed based on community feedback. Discussions and meetings were held with Group Managers across Council to review the draft strategies. The draft DIAP was then tabled at the Council meeting held on 8 May 2017 where Council resolved to place the document on public exhibition.

Council received two submissions from the community during the DIAP exhibition period. The comments made in these submissions have been included in the action plan as follows:

1. The National Disability Insurance Scheme (NDIS) is currently being rolled out across NSW and will be operating state wide by 30 June 2019. The NDIS is the new way of providing individualised support for people with disability, their families and carers - an insurance scheme that provides people with choice and peace of mind. Council expects to see an increase in providers over the next four years and looks forward to supporting new services to provide greater choice at the local level for our residents.
2. Change the timeframe for action item 3.1 “Celebrate International Day of People with Disability and recognise the contribution of people with disability” from 2016/17 to annually.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Disability Inclusion Action Plan does not include specific expenditure commitments. Where future costs are identified, these will be considered in Council’s annual budget processes.

LEGAL IMPLICATIONS

Local Government is required by the NSW Disability Inclusion Act 2014 to undertake disability inclusion action planning by 1 July 2017.

ATTACHMENTS

1. Disability Inclusion Action Plan 2021

RECOMMENDATION

THAT Council adopt the Disability Inclusion Action Plan 2021 as presented.

ITEM-13 CORP - 26/06/17 - CIVIC BALLROOM FEE REDUCTION

REPORT BY: M JOHNSON – MANAGER COMMUNITY & CULTURE

REFERENCE

Min No 17-98: Ordinary Meeting of Council held on 10 April 2017

SUMMARY

This report details a request from AMA Event Management for a reduction in Civic Ballroom hire fees for the holding of monthly markets.

COMMENTARY

At the Ordinary Meeting of Council held on 10 April 2017, Council considered a request from AMA Event Management for a partial waiver of Civic Ballroom hire charges for their 26 March 2017 and subsequent monthly community markets.

Council resolved at that meeting (Min 17-98):

THAT the matter be deferred pending a report to be brought back after more details are sought from AMA Event Management in consideration of Policy 4.2.

As previously reported to Council, AMA Event Management has taken over the management of monthly markets at the Civic Ballroom which were formerly run by the Lithgow Lions Club. The Lions Club had withdrawn from running the markets due to low patronage.

AMA event Management is a for profit group therefore following the 10 April Council meeting, it was requested to provide further information in support of its request for a fee reduction in accordance with Policy 4.2. AMA's advice is that its support for charitable and community organisations is by way of providing free space at the market for local stallholders, with 4 stallholders receiving this assistance at the opening market and with indications that this offer will be taken by at least 6 stallholders at future markets.

AMA Event Management further advises that it wishes to hold monthly markets from July to November 2017 and 2 markets in December 2017, a total of 7 markets before the end of 2017.

Notwithstanding the advice from AMA Event Management that it will provide free market space to local stall holders, Council's Policy 4.2 is clear that financial assistance is only provided to not-for profit organisations as follows:

Council Policy 4.2 - Financial Assistance states that Council provides financial assistance to not-for-profit community groups 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 benefits to the community provided by the project/activities of the organisation.

For Council's information, were the markets to be operated by a not-for-profit organisation, it would be eligible for a 50% fee reduction of the full hire rate of \$1,047.50, reducing the amount payable to \$523.75.

Furthermore, for recurring events, Council allocates \$10,000 each year from the non-recurrent financial assistance allocation for four (4) Civic Ballroom and Tony Luchetti Showground fee waiver packages each up to the value of \$2,500. These are provided once only to each applicant; are not to be provided to organisations already receiving Financial Assistance for major events at these venues, and; applications are to be received at least 3 months prior to the event for consideration by a meeting of Council.

POLICY IMPLICATIONS

Financial Assistance is provided in accordance with Policy 4.2 Financial Assistance and is only provided to not-for profit organisations.

FINANCIAL IMPLICATIONS

Council allocates each year \$10,000 from the non-recurrent financial assistance allocation for four (4) Civic Ballroom and Tony Luchetti Showground fee waiver packages each up to the value of \$2,500. No packages have yet been allocated in the current year.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Note the above report on the civic ballroom fee waiver request
2. Council notify AMA Event Management that it is unable to reduce fees for the hire of the Tony Luchetti Sport Ground and Civic Ballroom.

ITEM-14 CORP - 26/06/17 - COUNCIL INVESTMENTS HELD TO 31 MAY 2017

REPORT BY: N DERWENT – FINANCIAL SERVICES MANAGER

REFERENCE

Min No 17-163: Ordinary meeting of Council held on 16 May 2017

SUMMARY

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

COMMENTARY

Council's total investment portfolio, as at 31 May 2017 when compared to 30 April 2017, has decreased by \$2,130,000 from \$23,630,138.43 to \$21,500,138.43. While cash in Council's bank account increased from \$6,229,911.52 by \$178,252.80 to \$6,408,164.32.

There is an overall increase in cash and investments of \$4,099,911.52 since 30 April 2017. The increase in cash and investments is due to the receipt of the final rates instalment and the final Financial Assistance Grant instalment for the 2016/17 year. Please also note that cash on hand is represented by the balance held with CBA and totals \$6,408,164.32. Bank account \$2,178,164.32 and On call \$4,230,000 and while this allows Council to maximise interest returns for cash at bank, \$3.0m was invested in term deposits on 1 June 2017.

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

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

Opening Balance of cash and investments as 01 May 2017	\$23,808,391.23
Plus New Investments – May 2017	\$8,229,911.52
Less Investments redeemed – May 2017	\$4,130,000.00
Closing Balance of cash and investments as at 31 May 2017	\$27,908,302.75

See Figure 1 in attachment for summary of current investments held.

See Figure 2 in attachment for a graph of historical and current investments to 31 May.

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 May 2017 was \$61,984.47. 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)

I, Neil Derwent, Lithgow City Council's 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.

ATTACHMENTS

1. Investment Register 2016/17 and Cash Flow Chart

RECOMMENDATION

THAT Investments of \$21,500,138.43 and cash of \$6,408,164.32 for the period ending 31 May 2017 be noted.

**ITEM-15 CORP - 26/06/17 - INTEGRATED PLANNING AND REPORTING
FRAMEWORK**

**REPORT BY: D. MCGRATH - CORPORATE STRATEGY & COMMUNICATIONS
OFFICER**

SUMMARY

This report recommends the adoption of the Integrated Planning and Reporting Framework with identified amendments and consideration of submissions received prior to the advertised closing time of 4.30pm on Monday 12 June 2017.

The framework consists of the following suite of documents:

- Community Strategic Plan 2030
- Resourcing Strategy
 - Draft Long Term Financial Plan
 - Draft Strategic Asset Management Plan
 - Draft Workforce Plan
- Draft Combined Delivery Program 2017-2021 and Operational Plan 2017-2018
 - Draft Budget Fees and Charges 2017-2018

COMMENTARY

Council at the Extra Ordinary Meeting of 15 May 2017, Council resolved to place the Integrated Planning and Reporting Framework on public exhibition for a period of 28 days from 16 May – 12 June 2017. Following the resolution extensive advertising was conducted through the local media and copies of the plan were made available at various locations:

- Council's website: www.haveyoursay.lithgow.com
- Council Administration Centre
- Lithgow Library Learning Centre
- Wallerawang Library
- Portland Library
- Rydal Library

Six community information sessions were held throughout the Local Government Area during the exhibition period:

- **Thursday 18 May** – Wallerawang Community & Sports Club
- **Tuesday 23 May** Rydal Union Church
- **Wednesday 24 May** - Lithgow City Council Chambers
- **Thursday 25 May** – Capertee Memorial Hall
- **Tuesday 30 May** – Old Schoolhouse, Hartley
- **Thursday 1 June** - Crystal Theatre, Portland.

The notes from each of these sessions are included as Attachment 1 with relevant items included in the public submissions table below.

Public Submissions

There were no submissions received from the community for the Community Strategic Plan 2030, Long Term Financial Plan 2017-2026, Strategic Assets Management Plan 2017-2026 or Workforce Plan 2017-2021

Council received 7 submissions to the combined Draft Delivery Program 2017-2021 and Draft Operational Plan 2017-2018 prior to the advertised closing date of 4.30pm Monday 12 June 2017. A copy of each submission is provided as Attachment 2.

The following table provides a summary of the matters raised in the community submissions and community information session meeting notes requiring Council endorsement. Matters raised which do not require Council endorsement and are not relevant to this process have been forwarded to relevant departments for action.

Summary Of Written Submissions Received		
SUBMISSION BY	REQUEST/COMMENT	OFFICERS RECOMMENDATIONS
Community Submission 1	1. <i>Reliable and safe public transport in the Lithgow area – More mini buses.</i>	The matters raised be referred to the Crime Prevention Committee.
	2. <i>Drug dealing prevented in public places/premises in Lithgow.</i>	
	3. <i>Lithgow's image needs a clean-up more than Main Street needs a face lift.</i>	
Community Submission 2	<p>4. John Wellings Award</p> <p>a. <i>Council allocate \$900 to the awards.</i></p> <p>b. <i>Request for Council to administer the cheques to the winners of the awards.</i></p>	<p>In February 2007, Council resolved to provide a John Wellings Heritage Award to a school student for historical research and heritage conservation. (Lithgow City Council Strategic Plan adopted 18/06/07). This was undertaken in conjunction with the Lithgow Branch of the National Trust.</p> <p>The matter be referred to the Community Development Committee.</p>
Community Submission 3	<p>5. Cullenbenbong Road – upgrade</p> <p>a. <i>Only way to the 6ft track camp...a popular tourist spot.</i></p> <p>b. <i>Road not built for the amount of use it gets.</i></p> <p>c. <i>Almost un-driveable.</i></p> <p>d. <i>Vehicles requiring towing due to damage cause by corrugations.</i></p>	<p>Funding is provided in the 2017/18 Budget for continued works to be undertaken on Cullenbenbong Road. Furthermore, council is concentrating on the renewal of the sealed road leading form the Great Western Highway to the Kanimbla Valley.</p> <p>To be considered in the development of the Lithgow LGA Business & Industry Future Strategy (p58 2017-21 Delivery Program/2017-18 Operational Plan).</p>
	6. <i>Council to encourage and work in alliance with Energy Australia to transition to a renewable fund for existing workers to transition to renewables education.</i>	
Community Submission 4	7. <i>Funds to accommodate all Council buildings to solar across the LGA.</i>	Council's Sustainability Working Party is looking at options in relation to the use of renewable energy for Council buildings and facilities.
	8. Roads to Recovery – Glen Alice Road <i>Request that this remains in the approved budget for 2017/18.</i>	Funding is provided in the 2017/18 Budget for continued works to be undertaken on Glen Alice Road.
Community Submissions 6 & 8	9. Bicycle/Walking Track <i>from Berghoffers Pass to the Historic Hartley Village via Hartley Vale Road, Fields Road, Mid Hartley Road and GWH.</i>	To be considered as potential bike routes in the update of the 1998 Bicycle Plan.
Community Submission 6	<p>10. Bus Shelters:</p> <p>a. <i>Reposition the bus shelter located on the GWH at the junctions of Ambermere and Cox's River Roads for safety.</i></p> <p>b. <i>New bus shelters be placed at the:</i></p> <p style="margin-left: 40px;">i. <i>Intersection of GWH & Baaners Lane.</i></p> <p style="margin-left: 40px;">ii. <i>Top of River Lett Hill where the concrete barrier finishes.</i></p>	Council will liaise with Lithgow Bus Lines to establish a requirement for bus shelters and movements in the Hartley area. If there is a requirement, then approval will be sought to install bus shelters on the Great Western Highway from RMS.
Community Submission 6	11. Telecoms and Television Coverage	Council will continue to:

	<p><i>Delays in bringing NBN and fixed wireless to the Hartley Valley causes issues for many who cannot connect to ADSL or have to rely on portable dongles with limited speed and capacity.</i></p> <p><i>As part of the 2030 vision, we suggest Council should put this issue on their agenda and try to find solutions, including funding sources which enable the LGA to access 'local news and stations'.</i></p>	<ol style="list-style-type: none"> 1. Lobby for improved mobile services for the Hartley and Kanimbla Valleys via the Federal Government's Mobile Black spot program" 2. Liaise with NBN and key stakeholders to find a suitable location for the fixed wifi tower to be located in Hartley. 3. Due to the cost of maintaining television transmission towers, Council resolved on 12 December 2011 (Min No. 11-492) to "NOT upgrade the existing self-help blackspots television transmission towers located at Hartley, Capertee, Glen Davis and Portland".
Community Submission 7	<p>12. Weed Management <i>Concern regarding the management of African Lovegrass and St John's Wart along roadsides in the Hartley Valley.</i></p>	<p>Council will make representation to the Upper Macquarie County Council regarding roadside weed management in the Hartley Valley.</p>
	<p>13. Local Roads Infrastructure – Hartley area</p> <ol style="list-style-type: none"> a. <i>McKanes Falls Road is a disgrace and needs urgent maintenance.</i> b. <i>Cullenbenbong Road - Increasing tourist traffic to the 6ft Track and an Eco Lodge located at the point where the Track crosses the Cox's River.</i> c. <i>We believe that Council needs to constantly explore the potential to obtain special grant funding form the state or Federal Governments and to explore the need for a special levy to improve our roads infrastructure if other support is not forthcoming.</i> 	<ol style="list-style-type: none"> a. Due to the inability to secure a contractor the work to be undertaken on sections of road from McKanes Falls Bridge to Jenolan Caves Road intersection will be will be carried forward to 2017/18. However, maintenance will continue to be undertaken. McKanes Falls Bridge is being replaced by RMS. Work to replace the road leading to the bridge from Lithgow will be undertaken when this is completed b. Funding is provided in the 2017/18 Budget for continued works to be undertaken on Cullenbenbong Road. c. Council will continue to seek funding for roadworks to be undertaken.
Wallerawang Community Information Session	<p>14. Brays Lane <i>Can Council make representations to John Holland to either repair the section of road owned by them or get permission to do the work?</i></p>	<p>Council will liaise with John Holland regarding work at owners cost repairs to the lane.</p>
	<p>15. Black Bridge Approach – Southern Side Walkway. <i>There have been a number of near misses with pedestrians walking along Tweedie Street on the road. Can a footpath or some form of safe walkway be installed here?</i></p>	<p>There are currently no plans to extend the walkway. However crossing will be improved with the installation of a pedestrian refuge on the northern side of the bridge in Barton Avenue enabling pedestrians to cross safely and connect with Tweedie Street.</p>
	<p>16. Wallerawang Skatepark <i>Can council consider relocating the Skatepark to Federation Park in Main Street, Wallerawang?</i></p>	<p>Council will consult with the community of Wallerawang on the design and location of the Skatepark.</p>
Lithgow Community	<p>17. Weed Management <i>Blackberries and weeds – rail corridor in Main Street.</i></p>	<p>Council will make representation to the Upper Macquarie County Council regarding weed management along</p>

Information Session		the rail corridor in Main Street, Lithgow.
	18. <i>Mowing and removal of dead trees in the median strip along the Great Western Highway at Bowenfels.</i>	Council will continue to liaise with the RMS regarding the responsibility for care and maintenance of this area.
	19. Visitor Centre Carpark – Resurfacing	This will be considered as part of the Works Program.
	20. TAFE – Apprentice Training <i>Can Council lobby to have Lithgow become a centre for Training Tradesman (particularly Mechanical Apprentices) so that our apprentices don't have to go elsewhere for their TAFE?</i>	Council will make representations to TAFENSW on this matter.
Capertee Community Information Session	21. Glen Davis/Glen Alice Road – lobby for funding	Funding is provided in the 2017/18 Budget for continued works to be undertaken on Glen Alice Road. Council will continue to seek funding for roadworks to be undertaken.
	22. Capertee Tip – Illegal dumping	Council will investigate if mobile phone coverage is available to enable the installation of a Back to Base Surveillance Camera.
	23. <i>Speeding in Capertee Village</i>	This matter will be referred to the Traffic Authority Local Committee and representations will be made to the Chifley Area Commander.
	24. Streetscape Improvements <i>As Capertee is the gateway to Lithgow coming from Mudgee, could Council assist the community to develop a street tree theme for the village.</i>	Council will liaise with the Capertee Progress Association on this matter.

Draft 2017/18 Fees and Charges

The 2017/18 Fees and Charges have been amended following advice from the Office of Local Government as follows:

- In accordance with section 603(2) of the act the approved fee for 2017/18 is determined to be \$80.
- In accordance with section 566(3) of the Act, it has been determined that the maximum rate of interest payable on overdue rates and charges for 2017/18 rating year will be 7.5%.

Council is aligning the water billing cycle to correspond with the financial year cycle, 1 July to 30 June. To ensure ratepayers are not disadvantaged, the water billing Tier 2 has been raised from 250kl to 270kl for the 2017/18 year only. Also, the 1.5% increase in water usage charges will be implemented from 1 October 2017, not 1 July 2017; again this is only for the 2017/18 year to ensure ratepayers are not disadvantaged and to ensure a smooth transition to the financial year billing cycle.

Three submissions have been received in relation to Library Fees and Charges as follows:

1. The overall increase in all fees (see attachment) "I think most of the proposed fee increases shown above are excessively inflationary particularly for the often used photocopying and printing services".
2. The increase in photocopying fees "...the photocopy fee would be too expensive, and that he would simply save his work to a USB and then go up to the post office to have it printed...He also said that he could simply drive out to the branches where they are free".

3. The increase in photocopying fees “To increase the charge for A4 photocopying from 35c to 50c per page is an unjustifiable increase. The Library is a valuable community resource and not a means of raising revenue.”

Since adoption of the Draft 2017/18 Council has replaced all of its photocopier/printers which has resulted in a cheaper, more efficient printing process. As such, it is recommended that the fees for photocopying/printing at the Library be reduced and that a limit of 10 copies per day be applied for residents of Wallerawang and Portland at the respective libraries.

Library - Photocopying and Printing

Note: Due to the inability to charge for copying at the Wallerawang and Portland branches, a limit of 10 copies per day is applied at those locations for members residing in Wallerawang and Portland.

		2016/17 Fee	Advertised 2017/18 Fee	Officer Recommendation
A4 black & white	Per page	0.35	0.50	0.30
A3 black & white	Per page	0.90	\$1.00	0.40
A4 colour	Per page	\$1.25	\$1.50	0.50
A3 colour	Per page	\$2.20	\$2.50	0.80

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

When adopted the combined Draft Delivery Program 2017/18 – 2020/21 and Draft Operational Plan 2017/18 includes the Council’s Revenue Policy for the next four financial years.

LEGAL IMPLICATIONS

- Council is required to review and prepare an Integrated Planning and Reporting Framework by 30 June every four years.
- Council is required to prepare a Delivery Program by 30 June every four years.
- Council is required to prepare an Operations Program by 30 June every year.

ATTACHMENTS

1. Notes from the Community Information Sessions.
2. Public submissions submitted to the Lithgow City Council Integrated Planning and Reporting Framework received by the closing date 4.30pm Monday 12 June 2017.

RECOMMENDATION

THAT

1. Council notes the receipt of 10 submissions received prior to the closing date of the Integrated Planning and Reporting Framework at 4.30pm on the 12 June 2017.
2. Council notes the community issues and staff comments provided as part of the community information sessions held from Thursday 18 May to Thursday 1 June.

3. Council notes that operational issues from the submissions and Community Information Sessions have been referred to staff to action.
4. Council respond to the community members and relevant progress associations advising them of action taken.
5. Council make the rates and annual charges for the 2017-2018 rating year as detailed in the 2017-2018 Operational Plan.
6. Council notes the changes to the water billing cycle for 2017/18 and 1.5% increase in water usage charges from 1 October 2017 for 2017/18.
7. Council adopts the Lithgow City Council combined Draft Delivery Program 2017-2021 and Draft Operational Plan 2017-2018, Draft Fees and Charges 2017-2018, Long Term Financial Plan 2017-2026 and Strategic Assets Management Plan 2017-2026 and Workforce Plan 2017-2021 with the following amendments where appropriate:
 - a. The fees and charges for Library Photocopying and Printing be adopted.
 - b. The amendments to the fees and charges for 603 Certificates and Interest payable on overdue rates and charges be noted.
 - c. Refer the matters raised in relation to public safety to the Crime Prevention Committee for consideration and report to Council.
 - d. Refer the John Wellings Awards to the Community Development Committee for consideration and report to Council.
 - e. Investigate the development of a transition to a renewable fund when developing the Lithgow LGA Business & Industry Future Strategy.
 - f. A bicycle/walking path from Berghoffers Pass to the Hartley Historic Village be considered as a potential bike route in the update of the 1998 Bicycle Plan.
 - g. Lobby for improved mobile services for the Hartley and Kanimbla Valleys via the Federal Government's Mobile Black Spot Program.
 - h. Liaise with NBN and key stakeholders to find a suitable location for the fixed Wi-Fi tower to be located in Hartley.
 - i. Make representation to Upper Macquarie County Council regarding:
 - Roadside weed management in the Hartley Valley.
 - Weed management along the rail corridor in Main Street, Lithgow.
 - j. Liaise with Lithgow Bus Lines to establish a requirement for bus shelters and movements in the Hartley area.
 - k. Liaise with John Holland regarding the development of a Work at Owners Cost agreement to undertake roadworks to the section of Brays Lane, Wallerawang in their ownership.
 - l. Consult with the Wallerawang community regarding the design and location of the Wallerawang Skatepark as part of the upgrade process.
 - m. Liaise with RMS regarding the responsibility for care and maintenance of the median strip on the Great Western Highway, Bowenfels.
 - n. Make representation to TAFENSW to have Mechanical Apprentice training courses available in Lithgow.
 - o. Consider the resurfacing of the Visitor Centre Carpark in the Works Program for 2017/18.
 - p. Investigate mobile phone coverage and the installation of Back to Base Surveillance Camera to be installed at Capertee Tip.
 - q. Refer the matter of speeding in the Capertee Village to the Traffic Authority Local Committee and make representations to the Local Area Commander.
 - r. Liaise with Capertee Progress Association on the development of a street tree theme for the village.

ITEM-16 CORP- 26/06/17 - RELATED PARTIES DISCLOSURE

REPORT BY: N DERWENT – FINANCIAL SERVICES MANAGER

SUMMARY

To provide Council with a new Policy 8.8 'Related Parties Disclosure' and seek endorsement to place on exhibition for 28 days for public comment.

COMMENTARY

The Draft Policy 8.8 Related Parties Disclosure is a new policy to ensure Council complies with Accounting Standard AASB124 Related Party Disclosures.

The objectives of this standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

The standard was introduced this financial year and the 30 June 2017 is the first time Related Party Disclosures will be reported in the notes of the Financial Statements as required below:

1. *Disclosure of any material related party transactions* – if there have been material transactions between related parties, Council must disclose the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.
2. *KMP Compensation Disclosures* – must disclose in the financial statement KMP compensation in total for each of the categories.

POLICY IMPLICATIONS

Following exhibition period, 'Policy 8.8 Related Parties Disclosure' will be returned to Council for adoption.

FINANCIAL IMPLICATIONS

Council disclosure of all related party transactions in accordance with AASB Related Party Disclosures.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Draft Policy 8.8 Related Parties Disclosure

RECOMMENDATION

THAT:

1. Council endorse Draft Policy 8.8 Related Parties Disclosure for public exhibition and comment display for 28 days.
2. Following the exhibition period the policy be returned to Council for adoption.

COUNCIL COMMITTEE MINUTES

ITEM-17 ENVIRO - 26/06/17 - MINUTES OF STRATEGIC LAND USE PLANNING PROJECTS STEERING COMMITTEE

REPORT BY: ANDREW MUIR – GROUP MANAGER OF ENVIRONMENT &
DEVELOPMENT

REFERENCE

Minute 16-261 Ordinary Meeting of Council 10 October 2016

SUMMARY

This report details the minutes of the Strategic Land Use Planning Projects Steering Committee meetings held on 13 February 2017, 14 March 2017 and 2 May 2017.

COMMENTARY

13 February 2017

At the Strategic Land Use Planning Projects Steering Committee meeting of 13 February 2017, there were six items on the agenda as summarised in the attached minutes. The main item was the Marrangaroo Masterplan/DCP Project update and the presentation of draft structure plan options to inform community consultation sessions.

Only one item discussed requires a resolution of Council. This item relates to the Adopted Terms of Reference (10 October 2016) for the operation of the Committee. The Committee reviewed the Adopted Terms of Reference and recommends Council make some minor changes to the Meeting Protocol relating to the number of days prior to the meeting for agenda preparation and the number of days prior to the meeting for notice of agenda items.

These amendments are minor in nature and will not substantially alter the operation of the Committee as determined by full Council.

14 March 2017

At the Strategic Land Use Planning Projects Steering Committee meeting of 14 March 2017, there were four items on the agenda. No items require a resolution of Council.

The main item was the presentation by Edge Land Planning of the Draft Rural and Rural Residential Strategy. The consultant outlined the main findings and recommendations of the Draft as submitted.

The Committee deferred a decision in relation to the public exhibition of the Draft Rural and Rural Residential Strategy to enable more time for Committee members, including the Western Region Office of NSW Department of Planning and Environment to review the document.

2 May 2017

At the Strategic Land Use Planning Projects Steering Committee of 2 May 2017, there were five items on the agenda. No items require a resolution of Council.

The main items were the presentation of discussion of comments from the Western Region Office of NSW Department of Planning and Environment and the sign off of the preferred structure plan option for the Marrangaroo Masterplan/DCP project.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes – Strategic Planning Projects Steering Committee 13/2/17
2. Revised Terms of Reference - Strategic Planning Projects Steering Committee
3. Minutes – Strategic Planning Projects Steering Committee 14/3/17
4. Minutes – Strategic Planning Projects Steering Committee 2/5/17

RECOMMENDATION

THAT Council

1. Notes the minutes of the Strategic Land Use Planning Projects Steering Committee held on the 13 February 2017; 14 March, 2017 and 2 May, 2017.
2. Amend the adopted Strategic Land Use Planning Projects Steering Committee Terms of Reference (10 Oct, 2016) as follows:

Meeting Protocol

An agenda will be prepared 5 working days before each meeting if possible, together with the minutes of the previous meeting.
Agenda items shall be submitted to the Council Contact Officer a minimum of 8 working days before each meeting where possible.

ITEM-18 OPER - 26/06/17- OPERATIONS COMMITTEE MINUTES -22 MAY 2017

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Operations Committee Meeting held on 22nd May 2017.

COMMENTARY

At the Operations Committee held on 22nd May 2017, there were numerous items discussed including:

- Council tree plantings – Centre Median – Great Western Highway

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

Item 6

- Portland Sewer Treatment Plant Upgrade Report – Update

Item 7

- Main Street Lithgow – Electricity Infrastructure Upgrades and Restorations

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Operations Committee Meeting of 24th April 2017.

RECOMMENDATION

THAT Council:

1. Note the Operation Committee Meeting Minutes and;
2. Note the status of the Portland Sewerage Treatment Plant Upgrade and;
3. Note and follow up report to be submitted following action to reinstate the damage to the footpath between Bridge Street and Eskbank Street, Lithgow and;
4. Keep developments in regards to this matter under review.

**ITEM-19 OPER - 26/06/17- SPORTS ADVISORY COMMITTEE MEETING
MINUTES 30 MAY 2017**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 30th May 2017.

COMMENTARY

At the Sports Advisory Committee held on 30th May 2017, there were numerous items discussed by the Committee, including:

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee meeting held 30th May 2017.

RECOMMENDATION

THAT Council:

1. Note the Sports Advisory Committee Meeting Minutes.

**ITEM-20 OPER - 26/06/17- SPECIAL OPERATIONS COMMITTEE MINUTES - 8
 JUNE 2017**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Special Operations Committee Meeting held on 8th June 2017.

COMMENTARY

At the Special Operations Committee held on 8th June 2017. The following item were outside the Committee's delegations and require Council to formally consider the recommendations:

Item 5

- Special Item: Revitalization of the Main Street – Tenders

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Special Operations Committee Meeting of 8th June 2017.

RECOMMENDATION

THAT Council:

1. Note the minute of the meeting held on the 8th June 2017and;
2. Not accept any of the tenders received and;
3. Negotiate with the four tenderers with a view to reducing the scope of the works to ensure that the tenders can be adjusted to match the funds available.

**ITEM-21 ENVIRO - 26/06/17- ENVIRONMENTAL ADVISORY COMMITTEE
MEETING MINUTES - 31 MAY 2017**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 31 May 2017.

COMMENTARY

At the Environmental Advisory Committee meeting held on 31 May 2017 there were 10 items on the agenda which are outlined in the attached minutes. None of these items require a Council resolution.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Environmental Advisory Committee meeting held on 31 May 2017.

RECOMMENDATION

THAT Council note the minutes of the Environmental Advisory Committee held on 31 May 2017.

NOTICE OF MOTION

ITEM-22 NOTICE OF MOTION - 26/06/17 - ESKBANK RAILWAY STATION

REPORT BY: COUNCILLOR W MCANDREW

COMMENTARY

COC Limited / Lithgow State Mine Railway has held the Eskbank Yard and State Mine branch under a number of licence agreements since 1994. During that time efforts were made to bring the land holdings under one Licence Agreement. That process formally started in 2006 with the State Rail Authority handing over its internal in house approach to heritage preservation of railway assets to a new body called the Office of Rail Heritage. The actual leasing of railway land and building was also farmed out to Chesterton International a property management company.

As part of the new approach for allocating funding for the repairs and maintenance and restoration of railway properties (station buildings, houses etc.) held by community groups the ORH rolled out a document called a Custody Management Agreement. The CMA tied those groups to managing and undertaking the work required on those properties held by those groups. In return they were eligible for government funding providing they put up a sound business case and arranged for the quotations and oversee the execution of the work to be undertaken. Unfortunately the document was heavily slanted toward the government and left most groups exposed. COC Limited ended up walking away from the document and refused to have anything to do with the ORH. In 2009 in a bid to get some much needed action happening on the dilapidated state of Eskbank Station because of its position at the top end of the Main Street, Lithgow Council offered to become the licensee of Eskbank Station and took up the negotiations for the CMA with the OHR. Three years were to pass with documents going between the legal departments of both LCC and the OHR. In 2013 after an independent review into the OHR, the Transport Minister announced a massive restructure for Transport Heritage New South Wales. As a result a new body called Transport Heritage NSW was established to replace the OHR and at the same time Council determined it would not sign the CMA but would adopt a wait and see approach to see what direction the new organisation would go.

After 10 years of wrangling with RailCorp Property and Chesterton International a single Licence Agreement for the Eskbank Yard and State Mine Branch was finally signed in December 2016. This now paves the way for the new CMA to overlay the Licence Agreement and provide the Eskbank Station precinct with a mechanism to secure the funding from the government for much needed and long overdue works on the buildings and cranes. Unfortunately despite repeated requests to THNSW to get the CMA finalised there has been no progress.

Eskbank Station is a blot on the civic landscape with collapsed floors and ceilings due to dry rot or borers, the water has been cut off from the building because of a serious leak somewhere between the main and the station building and now major problems have been identified with the buildings sandstone elements. COC Limited as part of its preparations to put together a scope of works for the building's restoration engaged the services of a local firm Stone Rest to provide advice and recommendations to restore the building with particular reference to the sandstone elements for the building which are decaying at a rapid rate of knots. Unfortunately there is a considerable amount of stabilisation work required to

be undertaken on the building before any cosmetic work can be undertaken. The longer the building is left to deteriorate the greater the costs implications will be to repair them.

ATTACHMENTS

1. A copy of the report undertaken by Stone Rest into remediation works and cost estimates for the station building.

RECOMMENDATION

THAT Council:

1. Make representations to the Minister for Transport through the local member Paul Toole to have THNSW expedite the formation of a CMA for the Eskbank Station Precinct which will allow COC Limited to apply for much needed heritage funding through THNSW.
2. Work with COC Limited to collectively liaise with THNSW so they have an understanding of how important Eskbank is to Lithgow's Tourism Strategy moving forward.

ITEM-23 NOTICE OF MOTION - 26/06/17 - FINANCIAL ASSISTANCE GRANTS - PER CAPITA COMPONENT

REPORT BY: COUNCILLOR W MCANDREW

COMMENTARY

Lithgow City Council recently received a presentation from the NSW Local Government Grants Commission in relation to the process and operation of the Financial Assistance Grants distribution in NSW.

As part of this presentation the Commissioners outlined that the per capita component of the General Purpose fund is set at 30%.

I am concerned that this affords a greater allocation to local government areas more able to fund services through their own means, whereas rural and regional councils with fewer resources like us are disadvantaged.

Financial Assistance Grants should, as the name suggests, be targeted to local government areas with the greatest need.

RECOMMENDATION

THAT

1. Lithgow City Council place the following motion on the agenda for the annual conference of Local Government NSW.

“THAT LGNSW lobby to have the 30% per capita component of the Financial Assistance Grants reduced to 10%”

2. The Mayor write to all regional and rural Mayors advising them of our concerns about the inequity of the financial assistance grants and seek their support for our motion.

Management Recommendations:

Management supports the recommendation subject to an analysis by an independent firm (eg. Price Water House) to validate the advice in equity for circulation to NSW regional and country council's.

Note: An independent report will have more weight than an internal report from Lithgow City Council.

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-24 CONFIDENTIAL - CLOSED COUNCIL - ENVIRO - 26/06/17 -
NETWASTE TENDER F2442 - TENDER FOR COLLECTION OF
RECYCLING OF SCRAP METAL FOR COUNCILS IN THE NETWASTE
REGIONS**

REPORT BY: A MUIR- GROUP MANAGER ENVIRONMENT & DEVELOPMENT

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

NetWaste Councils currently manage collection and recycling of scrap metal material from nominated waste facilities under a single contract, with the current contract arrangement to expire on 25 July 2017. NetWaste recently undertook an open tender process on behalf of 25 of the 26 NetWaste Councils for this service, with Orange City Council acting as the administering Council. Lithgow City Council expressed interest in being involved in this Contract and therefore was included in the tender process.

The tender process and evaluation of tender submissions has been undertaken in accordance with the requirements of Local Government Act 1993 and the Local Government (General) Regulation 2005. The resulting Contract is for an initial period of two (2) years, with the possibility of extension periods of twelve months, which can occur on two successive occasions.

The purpose of this report is to seek Council's endorsement to engage a contractor to collect and recycle scrap metal material from the nominated Council Waste Facilities which include Wallerawang, Portland & Capertee. As Lithgow waste facility is operated by a contractor who is entitled to "win" scrap metal from operations, this site was not included in the tender.

The report has been deemed to be confidential under the provisions of 10A(2)(d) of the Local Government Act.

RECOMMENDATION

THAT council consider the report on Tender For Collection of Recycling of Scrap Metal for Councils In the Netwaste Regions be considered in Closed Council pursuant to Section 10(A)(2)(d) of the Local Government Act.