

**CALENDAR OF COMPLIANCE AND REPORTING REQUIREMENTS 2016/17**

|  | JULY 2016   | AUGUST 2016  | SEPTEMBER 2016  | OCTOBER 2016  | NOVEMBER 2016  | DECEMBER 2016  | JANUARY 2017   | FEBRUARY 2017   | MARCH 2017   | APRIL 2017  | MAY 2017   | JUNE 2017  |
|--|---|--|---|---|--|--|--|---|--|---|--|--|
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| <b>STAFF</b>   | Training plan required under Local Government (State) Award following consultation with the Consultative committee. Actions arising from it should be included in Workforce Management Strategy and Delivery Program/Operational Plan, as appropriate.    |  |   |   |  |  |  |   |  |   |  |  |
|  | Review of General Manager's and other Senior Staff performance; undertake contract renewal process subject to the terms of the relevant contract/s.(s339).  |  |   |   |  |  |  |   |  |   |  |  |
| <b>GENERAL</b>   | <b>Elections:</b> Requirements within 12 months after the elections: Amend Local Policy (s.165(4)); Re-determine Organisation Structure (s.333); Review delegations (s.380); Review Council adopted Code of Conduct (s.440(7))                            |  |   |   |  |  |  |   |  |   |  |  |
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**Local Government Conference** 4-6 December 2017

**Public Holidays 2017**

|               |                     |
|---------------|---------------------|
| Labour Day    | Monday 2 October    |
| Christmas Day | Monday 25 December  |
| Boxing Day    | Tuesday 26 December |

**Public Holidays 2018**

|                 |                          |
|-----------------|--------------------------|
| New years Day   | Sunday 1 January 2018    |
| Additional Day  | Monday 2 January 2018    |
| Australia Day   | Friday 26 January 2018   |
| Good Friday     | Friday 14 April 2018     |
| Easter Saturday | Saturday 15 April 2018   |
| Easter Sunday   | Sunday 16 April 2018     |
| Easter Monday   | Monday 17 April 2018     |
| Anzac Day       | Wednesday 25 April 2018  |
| Queens Birthday | Monday 11 June 2018      |
| Labour Day      | Monday 1 October 2018    |
| Christmas Day   | Tuesday 25 December 2018 |
| Boxing Day      | Wednesday 25 April 2018  |

# MODIFICATION OF CONSENT REPORT S96012/17 TO 066/08DA- 50 LOT SUBDIVISION COXS RIVER ROAD LITTLE HARTLEY NSW 2790

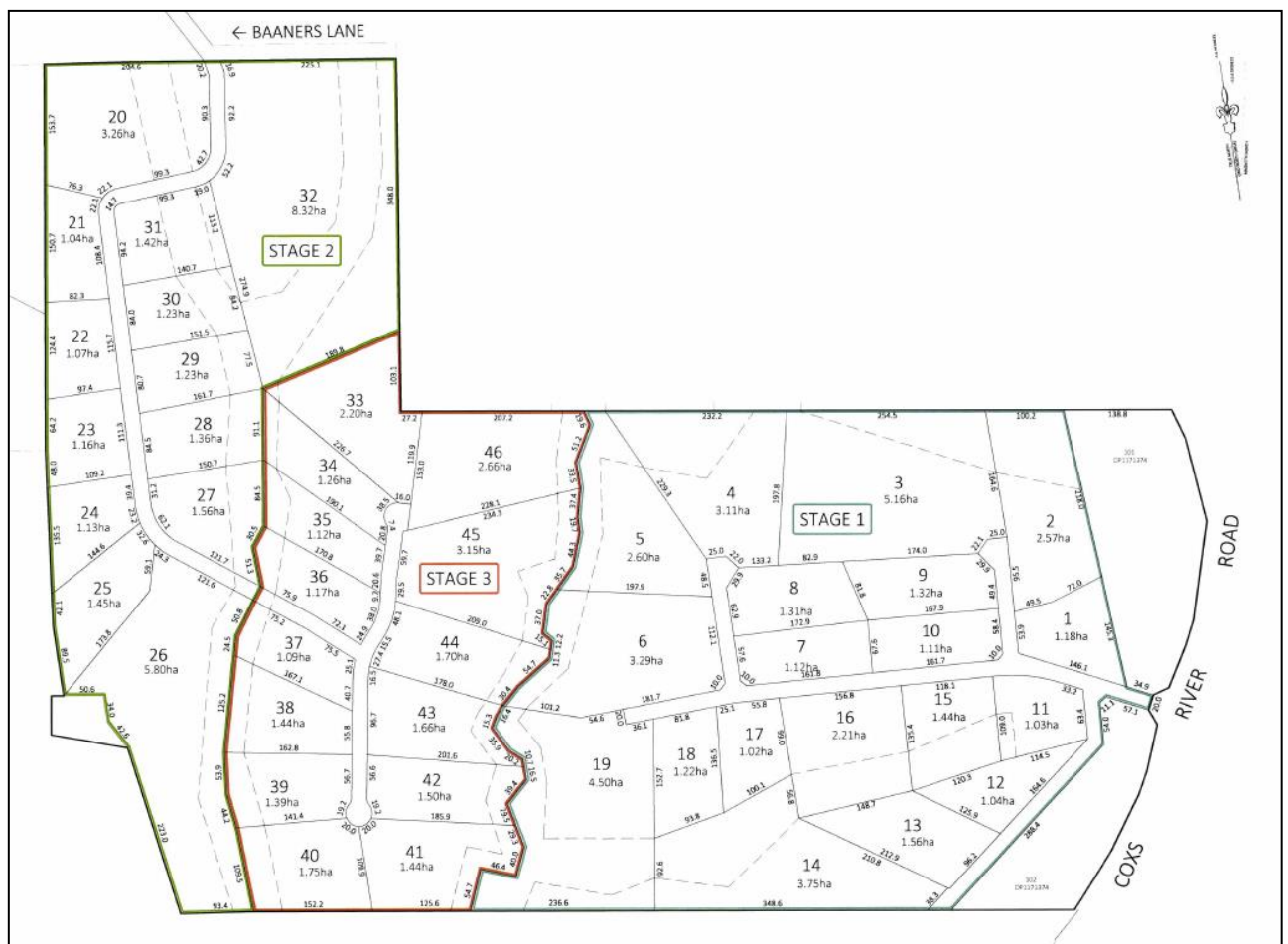
## 1. PROPOSAL

Council is in receipt of a modification of development consent application to modify the approval of 066/08DA for a 50 lot subdivision at Coxs River Road Little Hartley NSW 2790.

### The Original Proposed Modification:

The original proposed modification sought to modify the following:

- Amend road layout  
The proposed removal of the connection road between Stages 1 & 3 to be between stages 2 & 3. This will allow a bridge to be constructed over a 2<sup>nd</sup> order intermitted unnamed water course rather than the 4<sup>th</sup> order perennial watercourse known as Moyne Creek. This will mean that a bridge construction would not be required and a box culvert could be constructed for the creek crossing. This layout proposed an additional 14 lots (as part of Stage 3) to be accessed via Baaners Lane. See below proposed lot layout:



- Amend Section 94 Contributions

It is proposed to amend the condition relating to the Section 94 contributions to allow for this contribution to the same value, be directed towards Baaners Lane rather than to an overall fund for the Local Government Area. The amount would be for \$4080 per lot for the remaining 46 lots a total of \$187,680.00. It has been proposed that this payment of money be completed prior to Stage 2.

**Current Proposed Modification:**

The original modification was amended on 6 June 2017 to the following proposal:

- Amended boundaries and cul-de-sac layouts

The boundaries between Lot 14 and 19 required minor changes in relation to remediation of the sheep dip onsite. Additionally, the ends of roads 5 & 6 are proposed to be amended to allow for an offset turning circle instead of a tear drop turning circle for better manoeuvrability.

- Amend Section 94 Contributions

It is proposed to amend the condition relating to the Section 94 contributions to allow for this contribution to the same value, be directed towards Baaners Lane rather than to an overall fund for the Local Government Area. The amount would be for \$4080 per lot for the remaining 46 lots a total of \$187,680.00. It has been proposed that this payment of money be completed prior to Stage 2.

- Amend boundaries in Stage 1

Under the previous S96038/16 boundaries of Lots 12 to 18 were amended so that the edge of the riparian zone coincided with a lot boundary. As a result the wetland to be constructed would be sited entirely within Lot 16. It is proposed to amend conditions of consent from Water NSW to reflect this change as it refers to Lot 13 incorrectly.

The original approval was completed under delegation by an elected Council meeting on 15 September 2009, for a 50 lot subdivision. The application was then modified under S96026/15 on 14 December 2015 at an elected Council meeting and modified under S96038/16 on 22 September 2016 by staff delegation.

The application will be assessed under Section 96 1(A) of the *Environmental Planning and Assessment Act 1979*.

## **2. SUMMARY**

To assess and recommend determination of Section 96 Modification of Consent No S96012/17 for 066/08DA. Recommendation will be for approval subject to conditions.

## **3. LOCATION OF THE PROPOSAL**

Legal Description : Lot 8 DP1195860 & Lot 175 DP751644

Property Address : 308 Coxs River Road, Little Hartley NSW 2790

## 4. DETAILS OF CURRENT APPROVAL

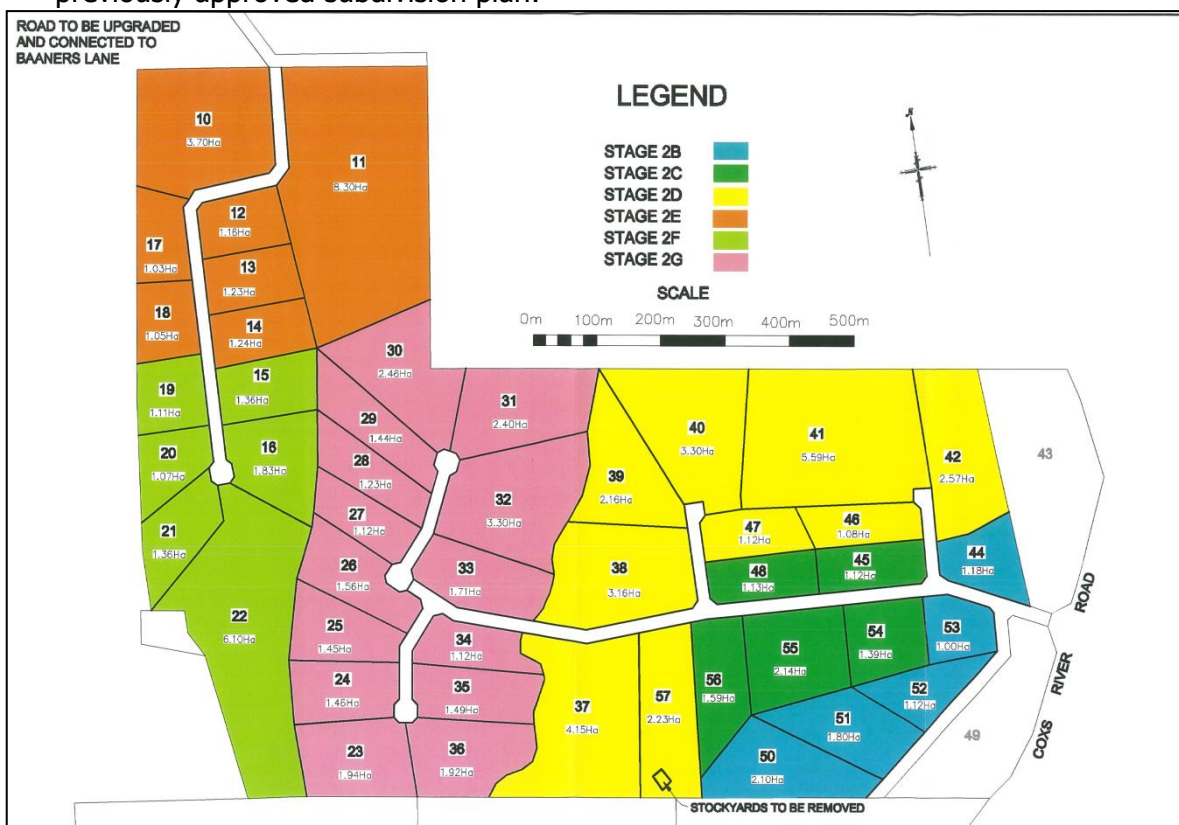
### Original Approval:

The original approval was determined by elected Council at the original meeting of 14 September 2009 for a 50 lot subdivision as per below:



### Modification S96026/15:

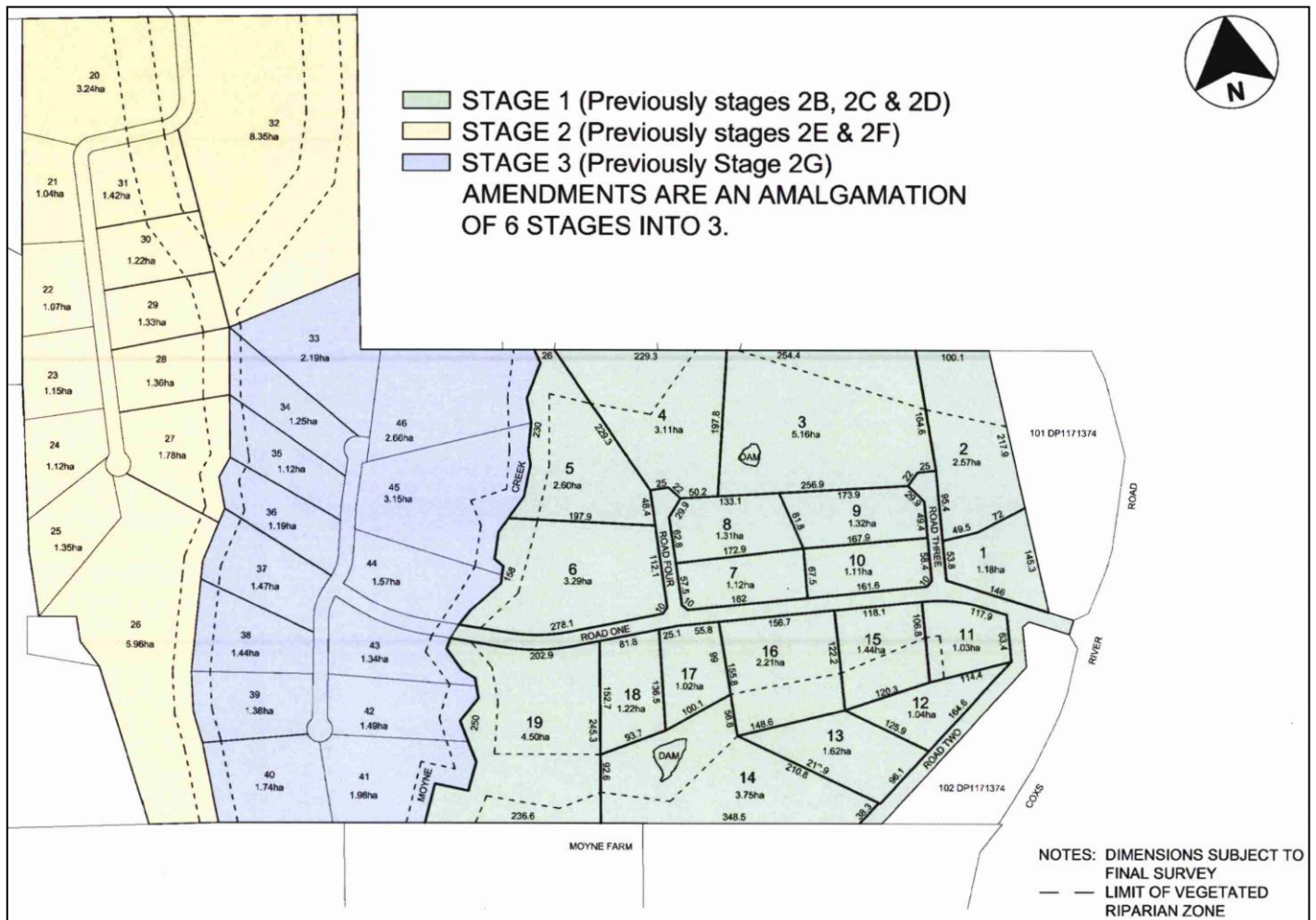
Modification approved on 14 December 2015 changing the allotment layout to include an access from Coxs River Road and Baaners Lane Little Hartley. Below is the previously approved subdivision plan:



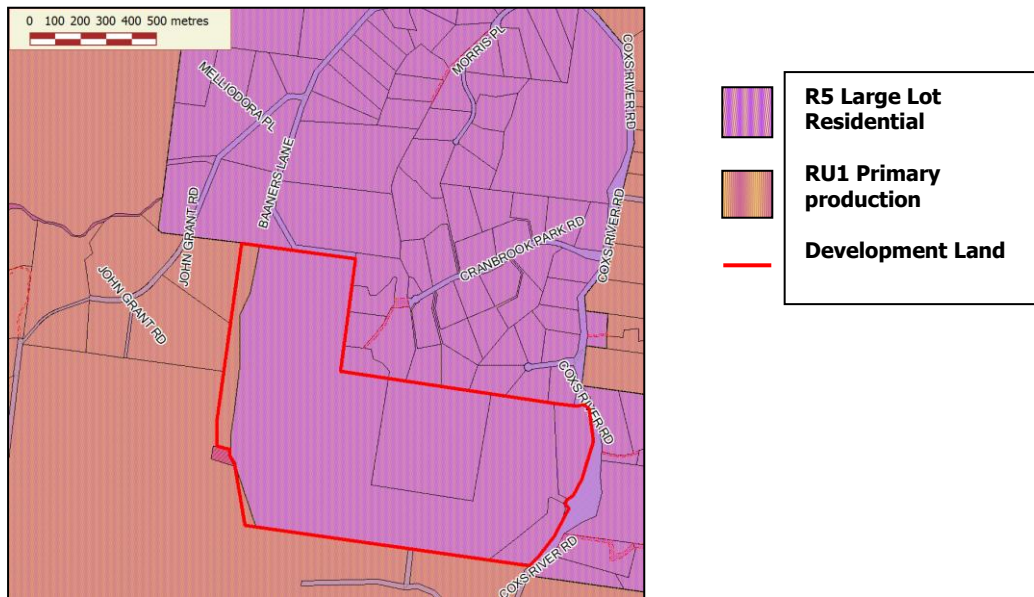
### Modification S96038/16:

Modification approved on 22 September 2016 to allow the following:

1. Lot layout amendment to move boundaries of lots 12, 13, 14, 15, 16, 17 and 18 to coincide with boundary of revegetation of the riparian zone. Also to renumber the allotments. The boundary between 14, 17 and 18 has been amended to include the existing dam within Lot 14 (was in Lot 17) (see plan below).
2. Stage the development to be as follows from 6 more stages to 3 (see below):
  - **Stage 2(A)** – Lot 101 & 102 DP1171374 (completed)
  - **Stage 2(1)** Lots 1 to 19 (previously Stages 2B, 2C & 2D)
  - **Stage 2(2)** Lots 20 to 32 (previously Stages 2E & 2F)
  - **Stage 2(3)** Lots 33 to 46 (previously Stage 2G)
3. Amend intersection in Stage 2(3) so that it is not an offset intersection and will improve safety and manoeuvrability. (see plan below)
4. Amend condition of consent 31 in relation to revegetation of Moyne Creek and other watercourses in a way that is not directly related to an area amount in hectares in each stage. It is considered that the hectare amount per each stage was calculated incorrectly and should be removed.



**5. PERMISSIBILITY:** Under Lithgow Local Environmental Plan 2014 (LEP2014), majority of the land is zoned R5 Large Lot Residential with a minimum lot size (MLS) of 2ha and some of the land is also zoned RU1 Primary Production with a MLS of 40ha as per the below mapping:



However, the development of a subdivision with an average lot size of 2ha (and not less than 1ha) was originally permissible in the 1(c) Rural Small Holdings zone under Clause 14 of Lithgow City Local Environmental Plan 1994. This permissibility is not proposed to change as part of this modification.

## 5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

### Policy 7.2 Subdivision – Release of Subdivision Plans

The development will be required to comply with the provisions of this policy given it is for a subdivision.

### Policy 7.5 Notification of Development Applications

This policy applies as per the below Clause:

#### **4. Notification of Section 96 Applications**

*4.2 Section 96(1A) modifications that involve minimal environmental impact will not be notified unless in the opinion of Council, the proposed modification has the potential to increase the impact of the development on adjoining land.*

*4.4 In the event that Council decides notification is necessary it will notify the application for modification in the same manner as the original development application and also notify those persons who previously made submission. Therefore the proposal was notified to surrounding landowners and placed on display for a period of 14 days and therefore complies with Council's Policy.*

Therefore the original application was sent to the surrounding area as the application has the potential to affect adjoining landowners. The application was placed on exhibition for a period of 14 days with an extension of time due to Easter Holidays. As a result of the submission period a total of 43 submissions were received.

Additionally, as the proposed S96 was amended prior to determination the following from the Policy applies:

#### **3. Notification of Amended Development Applications**

*3.1 If a development application is amended prior to being determined, the application will only be re-notified if the environmental impact is deemed by Council to be greater than that of the original development proposal.*



As the proposed amended Section 96 is of a less impact to the surrounding residents given the minor changes from the current approval, re-notification as not undertaken. However, Council did advise all public submissions of the amended proposal.

### **Policy 7.7 Calling In Of Development Applications by Councillors**

The original application was called into Council and approved at Council Ordinary meeting of 14 September 2009 and therefore the following Clause applies:

*4. This policy does not apply to applications to modify development consents unless the modification represents a significant departure from the original application; would involve issues the subject of an objection with the original application; or where the modification application itself has been called in under the processes outlined in this policy.*

The modification is considered to be a departure from the original application given the proposed changes to the use of Section 94 Contributions. Additionally, the application originally received 43 submissions in total and therefore, the modification is to be determined by the elected Council.

## **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

### **Section 94 Contributions**

A new Section 94A Development Contribution Plan 2015 has been adopted since the original consent in which Council could seek to negotiate a Voluntary Planning Agreement for subdivisions over 20 allotments. However, the Section 94 Contributions for Rural Roads and Rural Fire Services was assessed as part of the original Development Application in 2008 and imposed as conditions of consent.

This contribution is proposed to be amended as requested by the applicant as part of this modification. This is to allow the contributions for the rural roads to be dedicated to Baaners Lane upgrades only rather than used in an overall fund for the Lithgow Government Area. It is considered that as the amount payable will not change, that this change is acceptable subject to the following amended/ additional conditions of consent:

41. A contribution of \$4080 per new lot being paid towards the upgrading of roads to be paid prior to the issue of the Subdivision Certificate, in accordance with Council's adopted Section 94 Contribution Plan for rural roads for Stage A (creation of Lot 102 & 102 DP1171374).
- That a contribution of \$4080 per lot for Stages 1 to 3 (total of 46 lots) be payable for a work program towards the maintenance and renewal of Baaners Lane, Little Hartley. A works program for these contributions is to be developed by the Operations Manager and approved by the General Manager. Payment of this contribution will be for the total lots and prior to the Stage 2 Subdivision Certificate Release. (Stage 1 - \$77,520, Stage 2- \$53,040 & Stage 3- \$57,120)  
*Note: This contribution is in addition to any works undertaken as specified in condition of consent 20C.*

## **5.3 LEGAL IMPLICATIONS**

### **5.3.1 Environmental Planning and Assessment Act 1979- Section 96 (1A)**

**(1A) Modifications involving minimal environmental impact**

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with:
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

**Comment:** Council is satisfied that the proposed modification concerning road configuration, access and changes to the Section 94 contributions to be significantly the same development. The development is similar to what was previously approved being for 50 allotments, as the modification only relates minor allotments realignments and changes to the Section 94 Contributions condition.

The development was previously assessed by Water NSW (previously Sydney Catchment Authority), Rural Fire Service (RFS), Department of Primary Industries (DPI)- Water (previously NSW Office of Water), Council's Engineers and notified to surrounding landowners for consideration and submissions.

Council has undertaken the same referrals and notifications as part of the modification of consent with comments received detailed later in this report.

### **5.3.2 Environmental Planning and Assessment Act 1979- Section 96 (3)**

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*

#### Any Environmental Planning Instruments

#### **Lithgow City Local Environmental Plan 1994**

| LEP 1994 – Compliance Check |   |                   |
|-----------------------------|---|-------------------|
|                             | <b>Clause</b>   | <b>Compliance</b> |
| <b>9</b>                    | 1(c) zoning table                                     | Yes               |
| <b>11</b>                   | General Considerations for development in rural zones | Yes               |
| <b>14</b>                   | Subdivision in Zone 1(c)                              | Yes               |
| <b>30</b>                   | Land subject to bushfire hazards                      | Yes               |
| <b>Part 4</b>               | Heritage provisions                                   | Yes               |

**Comment:** The original application was assessed in accordance with the provisions of Lithgow's Local Environmental Plan 1994, and was found to be compliant. The modification does not require any further assessment under the LEP.

### ***Lithgow Local Environmental Plan 2014***

| <b>LEP 2014 – Compliance Check</b> |                                |                   |
|------------------------------------|--------------------------------|-------------------|
| <b>Clause</b>                      |                                | <b>Compliance</b> |
| <b>Land Use table</b>              | RU1 Primary Production         | Yes               |
| <b>Land Use table</b>              | R5 Large Lot Residential       | Yes               |
| <b>4.1</b>                         | Minimum subdivision lot size   | No                |
| <b>5.10</b>                        | Heritage conservation          | Yes               |
| <b>7.4</b>                         | Terrestrial biodiversity       | Yes               |
| <b>7.5</b>                         | Groundwater vulnerability      | Yes               |
| <b>7.6</b>                         | Riparian land and watercourses | Yes               |
| <b>7.7</b>                         | Sensitive lands                | Yes               |
| <b>7.10</b>                        | Essential Services             | Yes               |

**Comment:** Although the development was originally submitted under Lithgow Local Environmental Plan 1994, an assessment under LEP2014 has been undertaken as per below:

The development meets the requirements of the R5 Large Lot Residential zoning as it is providing for residential housing in a rural setting while preserving environmental factors. It will not hinder on future development of the land or surrounding lands and will not increase any land use conflicts. The development will also have a neutral or beneficial on water quality in accordance with *SEPP (Sydney Water Drinking Catchment) 2011*. In relation to the RU1 Primary production zoning the land is being utilised to provide for residential uses of land that has minimal resource usage.

The minimum lot size for subdivision as per the Lot Size Map is 2ha in which 32 of the allotments do not meet. Therefore, the proposal does not meet the requirements of Clause 4.1 of LEP2014.

The land has been previously assessed in relation to biodiversity and groundwater vulnerability along with sensitive lands. Reports have been supplied to Council under the original DA including a Vegetation Management Report, Water Management Report and reports that support the works on wetlands environments. It is considered that the development will meet the requirements of the LEP in this regard.

Essential services will be provided as part of the development with the allotments required to have water tanks for domestic use, availability of electricity and telecommunications services will be required prior to subdivision certificate release, and access will be provided to each allotment. Additionally, the stormwater drainage and onsite effluent disposal has been addressed and assessed by Water NSW.

The development generally complies with LEP2014 other than the minimum lot size requirements for subdivision. However, the lot sizes have not changed as a result of this modification and therefore approval and assessment under LEP1994 still applies.

### ***State Environmental Planning Policy No 55—Remediation of Land***

| <b>SEPP 55 – Compliance Check</b> |   |                   |
|-----------------------------------|---|-------------------|
| <b>Clause</b>                     |   | <b>Compliance</b> |
| <b>7</b>                          | Contamination and remediation to be considered in determining development application | Yes               |
| <b>17</b>                         | Guidelines and notices: all remediation work  | Yes               |

**Comment:** The site requires some remediation works as per conditions of consent from the original approval. These works are subject to change as a result of an amended Remediation Report. This will still achieve the required outcome of remediating the land to allow it to be suitable for residential use.

***State Environmental Planning Policy (Rural Lands) 2008***

| SEPP (Rural Lands) 2008 – Compliance Check   |            |
|--|------------|
| Clause   | Compliance |
| <b>8</b> Rural Subdivision Principles  | Yes        |
| <b>10</b> Matters to be considered in determining development applications for rural subdivisions or rural dwellings | Yes        |

**Comment:** The development was originally assessed under this SEPP with no changes requiring additional assessment as a result of the proposed modifications.

***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

| SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check                                       |            |
|--|------------|
| Clause   | Compliance |
| <b>10</b> Development consent cannot be granted unless neutral or beneficial effect on water quality | Yes        |
| <b>11</b> Development that needs concurrence of the Chief Executive                                  | Yes        |

**Comment:** The development was originally assessed under *Drinking Water Catchments Regional Environmental Plan 2008* which transferred into the abovementioned SEPP in 2011. Therefore, the development was forwarded to Water NSW for reassessment under the SEPP. Water NSW has advised that there is no objection to the modification subject to amended consent conditions. It is considered that the development complies with the provisions of the SEPP.

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

Any Development Control Plan

The original application was assessed in accordance with the provisions of the relevant DCP's, and was found to be compliant. The modification does not require any further assessment under any DCP.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

Any matters prescribed by the regulations that apply to the land

The original application was assessed in accordance with the provisions of the Regulations, and was found to be compliant. The modification does not require any further assessment under the Regulations.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Access & traffic:** The proposed amended modification is requesting that the Section 94 Contributions for rural roads be allocated to the upgrade of Baaners Lane. It is considered that the use of the contribution to Baaners Lane is a positive outcome and would assist Council in improving this road. Baaners Lane is known to have issues which require maintenance and upgrades and the contribution would allow for Council to undertake these works. The traffic and access is suitable for the development as assessed by Council's Engineers if appropriate conditions of consent are imposed.

**Bushfire:** The land is known to be bushfire prone and a reassessment of the proposal given the access changes was required by the RFS. The RFS have provided comments with no objection to the proposal subject to conditions of consent. It is considered that the bushfire risk will not change as a result of the modification.

**Adjoining Landuse:** The adjoining land uses are for rural residential and primary production such as land grazing and some cropping. The proposal does not seek to introduce a new land use to the area and is considered to be similar to that of surrounding development. Therefore the proposals will no impact on adjoining land uses.

**Water:** The proposed has been assessed by DPI-Water and Water NSW and found to be acceptable subject to amended conditions of consent. It was considered that the development will have minimal impact to water if conditions of consent are imposed on the development and therefore is satisfactory.

#### The Suitability of the site for the development

The original application was assessed in terms of site suitability and was found to be suitable. The modification does not require any further assessment of suitability.

#### Any submissions made in accordance with this Act or the Regulations

The modification was sent to Water NSW, Rural Fire Service, DPI- Water and Council's Engineers for commenting with the final recommendations on the amended proposal detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with an extension due to Easter Holidays with 43 submissions in total received. The concerns raised in these submissions are summarised below.

#### **WATER NSW**

I refer to your letter received 20 June 2017 regarding a Section 96 modification application to an existing consent. The amendment seeks to change the following:

- Design of cul-de-sacs heads on proposed Roads 5 and 6.
- Change the lot boundaries between proposed Lots 14 and 19, such that the existing contamination is contained within one lot, Lot 19.
- Remove the proposed positive covenant restriction on Lot 13 as the proposed wetland on Lot 16 is proposed to be entirely contained within that lot.

- Modify the Section 94 Contributions plan to focus entirely on the upgrade of Baaners Lane and not on infrastructure in the local government area more broadly.

It is noted that Water NSW has previously provided its advice in regard to the change in the design of the cul-de-sacs heads and the proposed change in boundaries between proposed Lots 14 and 19.

Water NSW has no comment on the proposed change to the Section 94 contributions plan.

The subject property, which has been previously inspected by Water NSW, is located within the Warragamba catchment which forms part of Sydney's water supply.

An amended Subdivision Site Layout Plan and explanatory letter from the applicant's surveyor along with previous documentation has been considered in the assessment of the application.

Based on the information provided including that previously provided, the proposed amendment to the modification has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW therefore does not object to the modification subject to Water NSW's previously provided Conditions 1 and 8 being replaced with the following. All other conditions in Water NSW's previous concurrence advices to Council (dated 25 August 2016 and 18 April 2017) are still applicable.

1. The lot layout and staging shall be as shown on the Moyne Farm Estate Stages 1, 2 and 3 General Layout Plan (Dwg. No. 4896\_s96; Issue 5; Rev B, dated 09/05/17) and Moyne Farm Estate – Stage 1 Lot 16- Plan Showing Location of Wetland (Plan No. 4896\_lot16\_WL; dated 9-6-17) prepared by CEH Survey Pty Ltd. No revisions to lot layout or staging of the subdivision that will impact on water quality, shall be permitted without the agreement of Water NSW.
8. There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over proposed Lot 16 requiring that the wetland shall be retained, maintained and protected and no development shall take place within one metre of the structure.

### **RURAL FIRE SERVICE**

The NSW Rural Fire Service (RFS) has no objection to the proposed amendment and the following is to supersede any existing bushfire safety authority for Modification of Development Application No 066/08DA (S96038/16) on Lot 2 DP1195860 at 308 Coxs River Road, Little Hartley, D16/2781 dated 21 April 2017.

1. Development shall conform with the proposed lot and road layout as shown in Moyne Farm Estate Stages 1, 2 & 3- General Layout, drawing No. 4896\_s96\_01- Issue-5, 21-3-2017, prepared by CEH Survey.

### ***Water and Utilities***

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and

electricity so as not to contribute to the risk of fire to a building. To achieve this, the following condition shall apply:

2. Water, electricity and gas are to comply with the requirements of Section 4.1.3 of Planning for Bushfire Protection 2006.

### ***Access***

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate an area.

3. Public road access shall comply with section 4.1.3(1) of Planning for Bushfire Protection 2006.
4. Property access roads shall comply with section 4.1.3(2) of Planning for Bushfire Protection 2006.

### ***General Advice- consent authority to note***

Any future development application lodged within this subdivision under section 79BA of the Environmental Planning & Assessment Act 1979 will be subject to requirements as set out in Planning for Bushfire Protection 2006.

The proposed offset turning heads are to comply with public road access section 4.1.3(1) of planning for Bush Fire Protection 2006, which states:

*Dead end roads are not recommended, but if unavoidable, dead ends are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead ends and direct traffic away from the hazard.*

### **DPI- WATER**

It is advised that the General Terms of Approval issued remained valid. The Controlled Activity Approval (CCA) for this site will have to update with the replacement plans.

### **COUNCIL'S ENGINEERS**

#### **Original proposed Modification Comments: 2 May 2017**

The new road configuration will result in an additional 14 lots being accessed from Baaners Lane, bringing the total lots accessed from Baaners Lane to 27 lots.

The submitted traffic impact study assessed the impact of the development on the level of service at the intersections of the Great Western Highway with Baaners Lane and Coxs River Road. These impacts are minimal and given the recent RMS upgrades there is a sufficient level of service at each intersection for this modification.

However, the traffic study doesn't fully address the impact of the development on the level of service on Baaners Lane and Coxs River Road. Baaners Lane has a substandard width and alignment in sections and in parts has insufficient width for 2 vehicles to comfortably and safely pass without on car pull over. The proposed upgrades to Baaners Lane to be undertaken as part of the current consent will help

improve this situation, however given the road constraints access from Coxs River should still be preferred.

As such it is recommended that no further lots obtain access from Baaners Lane.

Planning Comment: As a number of submissions were received, and Council staff did not support the proposal anyway, the applicant has amended the proposed modification removing the additional allotments proposing access from Baaners Lane.

### **Final Comments on amended proposal: 14 July 2017**

Engineering Conditions 9 to 20E do not need any modification as part of this S96 modification. Operations supports the inclusion of condition 41A which requires the S94 per lot contributions to be used for upgrades to Baaners Lane, additional to the upgrades required in Condition 20C.

### **PUBLIC SUBMISSIONS**

- Additional traffic on the road will further degrade the road surface.
- Traffic in the area will become noisy, intrusive and dangerous.
- The existing road surface is degraded and causes road noise which will be amplified with more traffic.
- The original consent was for all traffic to be down Coxs River Road due to issues raised in 2008 by Council and residents on Baaners Lane, this should not change now.
- If this modification is approved it will mean 60% additional traffic compared to the original consent from 2009, which will impact on the rural lifestyle and amenity.
- The figures used in the traffic study do not seem credible and previous traffic counters have been placed in locations that would not account for all traffic on Baaners Lane.
- A simple calculation of 2 to 3 vehicles per lot would mean an addition 80 vehicles for the subdivision and during peak times, the additional traffic volume will far exceed the indicated levels of the traffic study.
- The traffic study does not discuss the traffic associated with the construction phase of the development i.e. earthworks, structures, utility services, communications and then for the dwellings to be constructed on these allotments. This means some large and small construction plant will be common sight along Baaners Lane for some years to come.
- Baaners Lane is used by locals for various recreational pleasures, such as walking, riding horses and walking their animals. The lane proposal would turn the lane into a road like a thoroughfare and compromise the safety of the recreational activities and features currently undertaken.
- The Roads and Maritime Services upgrade to Baaners Lane and Great Western Highway would not have been able to consider the additional traffic as part of this subdivision.
- Residents have not been advised in relation to the road widening of Baaners Lane and this will significantly affect native trees and the landscape. This will also require moving the power poles and encroachments on private land.
- If the development was considered under the current Lithgow Local Environmental Plan 2014 it would not meet the current requirements of the minimum lot sizes.
- The road cannot be successfully upgraded without impacts to the surrounding area.



- The current access from Baaners Lane to the Great Western Highway is not ideal and requires vigilance on the part of motorists exiting to avoid safety issues.
- The increase in traffic would cost Council and ratepayers money to deal with the upgrades and increased maintenance of the road which should not be permitted.
- There are several places along the road where it is unsafe for two cars to pass each other safely. This problem is exacerbated by large power poles on one side of the road and an eroded drain on the other.
- The brow of the hill on Baaners Lane causes a blind spot and motorists can get quite close to pedestrians before they see them. This is similar to the two sharp bends to the south of Bonny Blink Drive.
- Coxs River Road is of a much higher standard of road and is wide enough for vehicles of all sizes and contains shoulders on both sides of the road.
- Baaners Lane has already been the site of many accidents and additional traffic will increase the risks.
- The road already has a number of trucks and large vehicles moving on it which currently cannot cope without increased developments.
- The proposal will cause destruction of the historical character of the Lane. It is called a lane and not a road.
- The development will impact on the rural nature of the area.
- What was once rural is now well and truly over capacity for the number of allotments that currently access off it. Some lots are still yet to be developed currently, without the proposed additional lots and any traffic report should consider the full capacity.
- The location of the power poles was carried out based on the constraints that existed and these poles are very close to the actual pavement of the lane. Increased traffic and/or increases in speed can make these poles extremely dangerous.
- The development would be at least 108 extra car movements a day which would cause significant safety and amenity issues to the area.
- Baaners Lane and Coxs River Road both need walking lanes to ensure safety of pedestrians.
- The application does not adequately address the impacts to local residents and infrastructure.
- Council should not allow this proposal on the fact that it will only benefit the developer financially.
- The traffic report does not adequately address the suitability of Baaners Lane to accommodate any increase in traffic volumes, environmental vandalism or safety of pedestrians.
- There are already issues with small businesses in on Baaners Lane with heavy vehicles and haulage that's without including trailers for horses and other recreational uses.

**Comment:** As the proposal no longer has a lot and road layout with additional allotments from Baaners Lane, the submissions are not relevant to the amended proposal.

#### The public interest

The original application was assessed in terms of the public interest. The proposed modification does not change whether the development is within the public interest.

However, a road extension and new road is required will service 50 allotments within the subdivision. As a result, this road extension will be dedicated to Council. Therefore, Council is required to be satisfied that this road will be at a standard acceptable as a roads authority. This is of public interest as the additional road extension will be required to be maintained by Council resulting in future costs to the community.

## 6. DISCUSSION AND CONCLUSIONS

The application has been assessed under Section 96 1(A) of the *Environmental Planning and Assessment Act 1979* and is appropriate for recommendation of approval subject to conditions.

## 7. ATTACHMENTS

Schedule A- Conditions of consent.

## 8. RECOMMENDATION

**THAT** the Section 96 Modification of Consent Application No.012/17 associated with 066/08DA be approved subject to amended and additional conditions as follows and as outlined in Schedule A:

### Amended

1. That the development be carried out in accordance with the modification application S96026/15, S96038/16, **S96012/17**, Statement of Environmental Effects, accompanying information, plans submitted with the application and/or as per the modification, and any further information provided during the process unless otherwise amended by the following conditions.
2. Remediation of land is to be undertaken in accordance with the Remedial Action Plan ~~by C.M. Jewell and Associates Pty Ltd (February 2008)~~ **dated October and December 2016 prepared by Consulting & Environmental Services Pty Ltd and associated Soil and Water Management Plan (dated 3 April 2017) prepared by CEH Survey Pty Ltd** prior to the identified contaminated area being used for a different purpose than general farming.
3. Development shall conform with the proposed lot and road layout as shown in Moyne **Farm Estate Stages 1, 2 & 3- General Layout** ~~Amended Staging,~~ drawing No. MF-LOT LAYOUT. ~~DWG, 4/4896~~ **4896\_S96\_01-Issue-5, 9/5/17**, prepared by CEH Survey, ~~amendment date 20-07-16.~~
11. No hammerhead cul-de-sac's will be permitted within the subdivision. The applicant shall ensure that the proposed cul-de-sac have adequate provision for manoeuvring of garbage trucks. This will include a 9.5m radius turning circle, for the adequate turning of trucks and buses, **however all cul-de-sac heads for Stage 2 and 3 are to have a minimum radius (to the edge of carriageway) of 12.5 metres.**

21. The lot layout and staging shall be as shown on the Moyne **Farm Estate Amended Staging Plan Stages 1, 2 & 3 General layout Plan** (CEH Ref. 4/4896; Dwg. No. MF LOT LAYOUT; Plan 3; dated 20 July 2016 **Dwg. No. 4896\_s96; Issue 5; Rev B, dated 9/5/2017**) and **Moyne Farm Estate- Stage 1 Lot 16- Plan Showing Location of Wetland (Plan No. 4896\_lot16\_WL; dated 9/6/17)** prepared by CEH Survey Pty Ltd. No revision to lot layout or staging of the subdivision that will impact on quality, shall be permitted without agreement of Water NSW.
24. The subdivision roads for each stage are to be constructed as specified in Section 3.2 of the Statement of Environmental Effects prepared by Clifton Projects Pty Ltd (dated November 2008). The construction of subdivision roads is **shall** otherwise to be consistent with Council's engineering standards and Rural Fire Service's specifications and requirements and as specified in the conditions below:
- Vegetated swales, as appropriate, for their entire length as specified in Section 4.1.4 of the Water Cycle Management Study prepared by Geolyse Pty Ltd (dated November 2008) with appropriately spaced cross drains, level spreaders, sills or mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Where the outlets of swales discharge into ~~Moyne's Creek~~, other watercourses or drainage depressions they must be stabilised by an energy dissipater.
  - All swales, batters and verges associated with the proposed subdivision roads ~~are to~~ **shall** be vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after construction. In steeper areas where the slope is in excess of 10%, the swales need to be armoured with coarse gravel, cobbles or rock underlain by geotextile fabric.
  - All drainage works associated with the proposed subdivision roads must be wholly included in the road reserve or have suitably defined easements.
  - All watercourse and drainage depression crossings of the subdivision roads shall be appropriately designed and sized concrete causeway, pipe or box culvert crossings that must consider specifications outlined in Section 4.1.5 of the Water Cycle Management Study prepared by Geolyse Pty Ltd (dated November 2008) and be consistent with the guidelines Environmental Practice Manual of Rural Sealed and Unsealed Roads (ARRB Transport Research Ltd. 2002). ~~The crossing of Moyne's Creek near proposed Lot 6 shall be bridge or box culvert crossing.~~ Any watercourse crossings shall also to be consistent with requirements for any Controlled Activities Approval under the *Water Management Act 2000* issued by DPI Water.
29. There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Water NSW, placed over proposed Lots ~~13 and~~ 16 requiring that the wetland is to be retained, maintained and protected and no development shall take place within one metre of the structure.
33. The decontamination and rehabilitation works of the existing sheep dip site on proposed Lot 14 shall be implemented as specified in ~~Section 9 of the Stage 2 Environmental Site Assessment and Remedial Action Plan prepared by C.M. Jewell & Associates Pty Ltd (dated February 2009)~~ **dated October and**

**December 2016 prepared by Consulting & Environmental Services Pty Ltd and associated Soil and Water Management Plan (dated 3 April 2017) prepared by CEH Survey Pty Ltd. and as specified below:**

- ~~A plan for additional soil sampling and testing to establish any arsenic migration towards Moyne Creek, and validation sampling of the base and sidewalls of the excavated site to ensure that is free of contamination. The plan shall be prepared and submitted to Council and Water NSW prior to Stage 2(1) subdivision works.~~
- ~~A separate Soil and Water Management Plan shall also to be prepared for the remediation works.~~

41. A contribution of \$4080 per new lot being paid towards the upgrading of roads to be paid prior to the issue of the Subdivision Certificate, in accordance with Council's adopted Section 94 Contribution Plan for rural roads **for Stage A (creation of Lot 102 & 102 DP1171374)**.

**Additional**

- That a contribution of \$4080 per lot for Stages 1 to 3 (total of 46 lots) be payable for a work program towards the maintenance and renewal of Baaners Lane, Little Hartley. A works program for these contributions is to be developed by the Operations Manager and approved by the General Manager. Payment of this contribution will be for the total lots and prior to the Stage 2 Subdivision Certificate Release. (Stage 1 - \$77,520, Stage 2- \$53,040 & Stage 3- \$57,120)  
*Note: This contribution is in addition to any works undertaken as specified in condition of consent 20C.*
- The proposed offset turning heads are to comply with public road access section 4.1.3(1) of planning for Bush Fire Protection 2006, which states:  
"Dead end roads are not recommended, but if unavoidable, dead ends are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead ends and direct traffic away from the hazard."

Report prepared by:.....Supervisor:.....

Dated:.....Dated:.....

Signed:.....Signed:.....

**REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## Schedule A

### Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### ADMINISTRATIVE CONDITIONS

- 1 That the development be carried out in accordance with the modification application S96026/15, S96038/16, **S96012/17**, Statement of Environmental Effects, accompanying information, plans submitted with the application and/or as per the modification, and any further information provided during the process unless otherwise amended by the following conditions.

*(Amended as per S96026/15 dated 14 /12/15)*

*(Amended as per S96038/16 dated 23/09/2016)*

***(Amended as per S96012/17 dated XX/XX/XXXX)***

#### **Site Remediation**

- 2 Remediation of land is to be undertaken in accordance with the Remedial Action Plan by ~~C.M. Jewell and Associates Pty Ltd (February 2008)~~ **dated October and December 2016 prepared by Consulting & Environmental Services Pty Ltd and associated Soil and Water Management Plan (dated 3 April 2017) prepared by CEH Survey Pty Ltd** prior to the identified contaminated area being used for a different purpose than general farming.

***(Amended as per S96012/17 dated XX/XX/XXXX)***

#### RURAL FIRE SERVICE

*(Removed as per S96026/15 dated 14 /12/15)*

3. Development shall conform with the proposed lot and road layout as shown in Moyne **Farm Estate Stages 1, 2 & 3- General Layout** ~~Amended Staging, drawing No. MF-LOT LAYOUT. DWG, 4/4896 4896\_S96\_01-Issue-5, 9/5/17), prepared by CEH Survey, amendment date 20-07-16.~~

*(Additional as per S96026/15 dated 14 /12/15)*

*(Amended as per S96038/16 dated 23/09/2016)*

***(Amended as per S96012/17 dated XX/XX/XXXX)***

#### **Water & Utilities**

- 4 Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bushfire Protection 2006*.

#### **Access**

- 5 Public Road Access shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*.
- 6 Property access roads shall comply with section 4.1.3 (2) of *Planning for Bush Fire Protection 2006*.

- 6A The proposed offset turning heads are to comply with public road access section 4.1.3(1) of planning for Bush Fire Protection 2006, which states:**

**“Dead end roads are not recommended, but if unavoidable, dead ends are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead ends and direct traffic away from the hazard.”**

***(Added as per S96012/17 dated XX/XX/XXXX)***

## **ROADS AND MARITIME SERVICE REQUIREMENTS**

- 7 All works associated with the development are to be at no cost of the Roads and Maritime Services.

## **COUNCIL ENGINEERING REQUIREMENTS**

### ***Civil Construction***

- 8 That the applicant is to consult with Integral Energy and Telstra regarding the notification of arrangement of electricity and telephone services to each allotment. Notification of arrangement of such consultation is to be lodged with Council prior to release of the subdivision certificate.
- 9 All development to be constructed in accordance with Lithgow City Council’s “Subdivision and Development Code” adopted by Council 28 September 1992, Minute No. 1439.
- 10 Works as Executed Plans (WAE) to be lodged with Council prior to release of the Linen Plans. Effective erosion and sedimentation controls are to be installed prior to any construction activity (including earthworks for the dwelling and site access). The controls must prevent sediment entering drainage depressions and watercourses, and are to be regularly maintained and retained until works have been completed and groundcover established.
- 11 No hammerhead cul-de-sac's will be permitted within the subdivision. The applicant shall ensure that the proposed cul-de-sac have adequate provision for manoeuvring of garbage trucks. This will include a 9.5m radius turning circle, for the adequate turning of trucks and buses, **however all cul-de-sac heads for Stage 2 and 3 are to have a minimum radius (to the edge of carriageway) of 12.5 metres.**  
***(Amended as per S96012/17 dated XX/XX/XXXX)***
- 11A All cul-de-sacs/turning circles are to be surfaced with a minimum 40mm thickness of Asphaltic Concrete (AC)/hotmix laid upon a sprayed bituminous prime coat, designed in accordance with the RTA publication “Sprayed Sealing Guide”.  
*(Additional as per S96026/15 dated 14 /12/15)*
- 12 A Construction Certificate Application with appropriate fees and civil construction plans shall be lodged with Council prior to the commencement of any civil construction works. No works shall occur prior to the issue of the Construction Certificate.
- 13 The applicant shall submit a pavement design by an approved NATA registered soil testing laboratory or qualified engineer, for approval by the Manager Operations, Lithgow Council. All roads shall have a minimum of 150mm (subject to testing) or DGB-20 road base applied and compacted providing a smooth transitional surface. The roads shall have a formation width of 8 metres with a sealed width of 6 metres. The property accesses shall be sealed from the road to the property boundary. The road drainage shall be incorporated into the road design for approval.

*(Amended as per S96026/15 dated 14 /12/15)*

- 13A All new roads, intersections and property accesses are to be designed to the standard set in 'AUSTRROADS Guide to Road Design' and the RTA Supplement to AUSTRROADS Guide to Road Design'. When the RMS supplement and the Austroads guidelines differ, the RMS supplement guidelines are to be used.

*(Additional as per S96038/16 dated 23/09/2016)*

- 14 The entrance to each lot shall be 6 metres wide where it meets the road, tapering back to a minimum 4 metres wide at the property boundary. Each access shall also include an inset provision of at least 8 or 10 metres, allowing for safe vehicle propping.
- 15 Prior to sealing, roadbase compaction testing shall be undertaken by a registered NATA Laboratory and submitted to Councils Development Engineer for assessment, at full cost to the applicant. All roadbase used in the road construction shall be certified to as DGB-20.
- 16 The applicant shall provide suitable road signage, line marking and furniture as required by Councils Development Engineer, at full cost to the applicant.
- 17 A meeting shall be convened by the applicant with the Councils Development Engineer and the successful contractor doing the civil construction. The successful contractor shall arrange inspections by the Councils Development Engineer to inspect the subgrade, the compacted roadbase prior to sealing, and the sealed road and accesses.
- 18 A maintenance bond of 5% of final construction costs, to be paid to Council upon final inspection and approval of all civil works. The value of the maintenance bond shall be approved by Council after witnessing a certified copy of the contract documentation showing all civil construction costs. The Maintenance period will start from the date of final inspection for a period of 12 months. At the conclusion of the 12 month period a final inspection is to be undertaken by Council at the request of the Developer to determine if any defects have arisen during this time. All deficiencies are to be rectified by the Developer, should outstanding works remain Council reserves the right to expend bond monies on rectification works.
- 19 All roads and accesses shall be sealed with a minimum 14/7 two coat bituminous seal at full cost to the applicant.
- 20 The construction of the road shall start at the end of the seal and go through to the cul-de-sac. The access handles are not required to be sealed or compaction tested past the property boundary, however they are required to be constructed with a minimum 100mm roadbase and finished flush with the road.
- 20A As a minimum, the single lane bridge included as part of this development must exhibit a 4 metre traffic lane and two (2) 0.5 metre shoulders, one each side of the traffic lane (clearly marked). This will provide a clear deck span of 5 metres in total. Any parapets or guardrails are not to be included within this clear span. Appropriate indicative signage for the single lane bridge must also be installed as per guidelines contained within the Austroads publication, "Guide to Traffic management- Part 10: Traffic Control and Communication Devices" and Australian Standard 1742 - Manual of Uniform Traffic Control Devices.

*(Additional as per S96026/15 dated 14 /12/15)*

*(Amended as per S96038/16 dated 23/09/2016)*



- 20B That the bridge and intersection from Coxs River Road to the bridge is to be designed to accommodate all general access vehicles as per Roads and Maritime Services and Austroads specifications.  
*(Additional as per S96026/15 dated 14 /12/15)*
- 20C The road surface of Baaners Lane is to be upgraded to an 8m wide formation, wholly within the current road reserve. Shoulder widening shall consist of a minimum of 150mm (subject to testing) of DGB-20 road base compacted providing a smooth transitional surface. Widened shoulders are to be surfaced with a finished seal to 14/7 hot bitumen spray. Widening works shall occur to ensure that a minimum 0.5 metre wide verge/footpath area is maintained on both sides. Any widening is to be equally distributed over each side of the carriageway to ensure a consistent alignment. Table drains are to be provided as required. Existing road markers/ line marking is to be re-centred upon completion of the works. The widening is to occur from The Great Western Highway to the southern boundary Lot 105, DP846538, 163 Baaners Lane. These works are to be completed prior to subdivision certificate release of Stage 2{2}.  
*(Additional as per S96026/15 dated 14 /12/15)*  
*(Amended as per S96038/16 dated 23/09/2016)*  
***(Amended as per S96012/17 dated XX/XX/XXXX)***
- 20D A survey of the road reserve boundaries must be conducted prior to any road widening to determine correct carriageway placement. All residential encroachments onto the road reserve must be reported to Council's Operations Department.  
*(Additional as per S96026/15 dated 14 /12/15)*
- 20E Prior to the application of seal, an inspection must be organised with a Council engineer to ensure compliance with Development Conditions. The developer shall at all times give uninterrupted access and afford every facility for the examination for any works and materials requested by the Group Manager of Operations or his authorised delegate.  
*(Additional as per S96026/15 dated 14 /12/15)*

## **WATER NSW (PREVIOUSLY SYDNEY CATCHMENT AUTHORITY)**

### ***General***

- 21 The lot layout and staging shall be as shown on the Moyne **Farm Estate Amended Staging Plan Stages 1, 2 & 3 General layout Plan** (CEH Ref. 4/4896; Dwg. No. MF LOT LAYOUT; Plan 3; dated 20 July 2016 **Dwg. No. 4896\_s96; Issue 5; Rev B, dated 9/5/2017**) and **Moyne Farm Estate- Stage 1 Lot 16- Plan Showing Location of Wetland (Plan No. 4896\_lot16\_WL; dated 9/6/17)** prepared by CEH Survey Pty Ltd. No revision to lot layout or staging of the subdivision that will impact on quality, shall be permitted without agreement of Water NSW.  
*(Additional as per S96026/15 dated 14 /12/15)*  
*(Amended as per S96038/16 dated 23/09/2016)*  
***(Amended as per S96012/17 dated XX/XX/XXXX)***

### ***Wastewater Management***

- 22 There is to be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being the Water NSW, placed over each lot requiring that all wastewater generated on the lot be treated to a secondary standard as a minimum.  
*(Amended as per S96038/16 dated 23/09/2016)*

### **Water Cycle Management**

- 23 All management measures as specified in Section 2.5.2.4 of the Water Cycle Management Study (dated November 2008) except where modified by an addendum to this study (dated 29 April 2009) both prepared by Geolyse Pty Ltd, are to be implemented in particular as elaborated or varied in the conditions below.  
(Amended as per S96038/16 dated 23/09/2016)

### **Subdivision Road**

- 24 The subdivision roads for each stage are to be constructed as specified in Section 3.2 of the Statement of Environmental Effects prepared by Clifton Projects Pty Ltd (dated November 2008). The construction of subdivision roads is **shall** otherwise to be consistent with Council's engineering standards and Rural Fire Service's specifications and requirements and as specified in the conditions below:
- Vegetated swales, as appropriate, for their entire length as specified in Section 4.1.4 of the Water Cycle Management Study prepared by Geolyse Pty Ltd (dated November 2008) with appropriately spaced cross drains, level spreaders, sills or mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Where the outlets of swales discharge into Moynes Creek, other watercourses or drainage depressions they must be stabilised by an energy dissipater.
  - All swales, batters and verges associated with the proposed subdivision roads ~~are to~~ **shall** be vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after construction. In steeper areas where the slope is in excess of 10%, the swales need to be armoured with coarse gravel, cobbles or rock underlain by geotextile fabric.
  - All drainage works associated with the proposed subdivision roads must be wholly included in the road reserve or have suitably defined easements.
  - All watercourse and drainage depression crossings of the subdivision roads shall be appropriately designed and sized concrete causeway, pipe or box culvert crossings that must consider specifications outlined in Section 4.1.5 of the Water Cycle Management Study prepared by Geolyse Pty Ltd (dated November 2008) and be consistent with the guidelines Environmental Practice Manual of Rural Sealed and Unsealed Roads (ARRB Transport Research Ltd. 2002). ~~The crossing of Moynes Creek near proposed Lot 6 shall be bridge or box culvert crossing.~~ Any watercourse crossings shall also to be consistent with requirements for any Controlled Activities Approval under the *Water Management Act 2000* issued by DPI Water.

(Amended as per S96038/16 dated 23/09/2016)

**(Amended as per S96012/17 dated XX/XX/XXXX)**

- 25 (Removed as per S96038/16 dated 23/09/2016)

### **Stormwater Management for Proposed Lots**

- 26 All stormwater treatment and management measures for the proposed development are to be implemented for each stage of the subdivision as specified in Section 2.5.2.4 of the Water Cycle Management Study (dated November 2008) except where varied by the addendum report (dated 29 April 2009) prepared by Geolyse Pty Ltd, in particular as elaborated or further varied in the conditions below.

- 27 There shall be a public covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over all proposed lots requiring that each future dwelling is to have:
- Rainwater tanks with a minimum capacity of 45,000 litres above any volume required for fire fighting purposes, to collect roof runoff and to be used for internal and external purposes; and
  - A rain garden to treat all surface runoff from the developed part of the lot, with the rain garden to have a minimum filter area of 10 square metres, a filter depth of 0.5 metres, a loam filter media and extended detention depth of 0.3 metres.
  - The rain garden shall be protected from vehicular and other damage by posts, fences or similar permanent structures, and shall be retained, maintained and protected and no development shall be taken place within one metre of the structure.

*(Amended as per S96038/16 dated 23/09/2016)*

- 28 A wetland is to be constructed during Stage-2(1) of the development, along the ~~common~~ boundary of proposed Lots ~~13 and~~ 16, as specified in Section 2.5.2.4 of the Water Cycle Management Study (dated November 2008) except where varied by the addendum report (dated 29 April 2009) prepared by Geolyse Pty Ltd or the requirements specified or elaborated below:

- The general design of the wetland shall be consistent with Chapter 9 of WSUD Engineering Procedures: Stormwater (Melbourne Water 2005) and shall be designed to ensure that flow path is maximised, short circuits are avoided and retention time is optimised.
- An inlet pond with a minimum volume of 350 cubic metres.
- A main pond with a minimum surface area of 2000 square metres, a permanent pool volume of 1000 cubic metres and an extended detention depth of 500mm.
- The discharge from the wetland is to be directed to the watercourse, with the discharge point to be constructed and armoured in such a manner so as not to cause erosion.
- Macrophyte vegetation shall be established along the fringes of the wetland and fencing and signage provided advising of its water quality function.
- Where practical all runoff from the local catchment is to be directed to the wetland.
- The construction of the wetland and discharge point shall also to be consistent with the requirements of any Controlled Activity Approval under the *Water Management Act 2000* from DPI Water.

*(Amended as per S96038/16 dated 23/09/2016)*

***(Amended as per S96012/17 dated XX/XX/XXXX)***

- 29 There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Water NSW, placed over proposed Lots ~~13 and~~ 16 requiring that the wetland is to be retained, maintained and protected and no development shall take place within one metre of the structure.

*(Amended as per S96038/16 dated 23/09/2016)*

***(Amended as per S96012/17 dated XX/XX/XXXX)***

- 30 No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW.

*(Amended as per S96038/16 dated 23/09/2016)*

### ***Rehabilitation of Moyne Creek and other Watercourses***

31 Revegetation shall be undertaken along Moyne Creek and other watercourses and drainage lines, as specified in Section 2.1.3 of the Addendum to the Water Cycle Management Study prepared by Geolyse Pty Ltd. (dated 29 April 2009) and shown in Figure 9 of the Water Cycle Management Study (dated November 2008), both prepared by Geolyse Pty Ltd, and as elaborated below:

- The revegetation shall extend 25 metre either side of Moyne Creek and the watercourses and shall consist of a mixture of locally-native tree and shrub species planted at 3 metre spacings.
- The plants shall be tube stock and staked and protected to ensure a higher survival potential, and if six months after planting less than 50% of plantings have become established, a further round of planting will be required, and
- All revegetated areas along the Moyne Creek and watercourses must be fenced out with a stock-proof fence and delineated on the approved Plan of Subdivision as "native vegetation".

*(Amended as per S96038/16 dated 23/09/2016)*

32 There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being the Water NSW, placed over Lots 2 to 6, 11, 14 to 16, 19, 20, and 26 to 46 in relation to areas of fenced-out "native vegetation" as referred to in Condition 31 above, requiring that:

- The fences around the "native vegetation" areas shall be retained and maintained.
- No livestock grazing is permitted in these fenced-off "native vegetation" areas at anytime
- There be no clearing or harvesting of the vegetation in areas identified as "native vegetation" other than weed management without the written approval of the Water NSW, and
- There shall be no clearing of "native vegetation" associated with boundary fencing.

*(Amended as per S96038/16 dated 23/09/2016)*

### ***Remediation of Existing Sheep Dip Site***

33 The decontamination and rehabilitation works of the existing sheep dip site on proposed Lot 14 shall be implemented as specified in Section 9 of the ~~Stage 2 Environmental Site Assessment and Remedial Action Plan prepared by C.M. Jewell & Associates Pty Ltd (dated February 2009)~~ **dated October and December 2016 prepared by Consulting & Environmental Services Pty Ltd and associated Soil and Water Management Plan (dated 3 April 2017) prepared by CEH Survey Pty Ltd.** and as specified below:

- ~~A plan for additional soil sampling and testing to establish any arsenic migration towards Moyne Creek, and validation sampling of the base and sidewalls of the excavated site to ensure that is free of contamination. The plan shall be prepared and submitted to Council and Water NSW prior to Stage 2(1) subdivision works.~~
- ~~A separate Soil and Water Management Plan shall also to be prepared for the remediation works.~~

*(Amended as per S96038/16 dated 23/09/2016)*

***(Amended as per S96012/17 dated XX/XX/XXXX)***

### ***Other***

34 The overflow outlet of an existing dam on proposed 32 shall be stabilised and armoured so as to protect the dam integrity and prevent further erosion.

*(Amended as per S96038/16 dated 23/09/2016)*

### ***Staging of the Subdivision and Implementation of Conditions***

- 35 The following conditions shall be complied with prior to the issuance of a subdivision certificate for each stage of the development.
- The relevant aspects of Conditions 24 and 31 are to be implemented prior to Plan of Subdivision for each stage being certified by Council.
  - Condition 28 and 33 is to be implemented prior to Stage-~~2~~(1) Plan of Subdivision being certified by Council.
  - Condition 34 is to be implemented prior to Stage-~~2~~(2) Plan of Subdivision being certified by Council.

*(Amended as per S96026/15 dated 14 /12/15)*

*(Amended as per S96038/16 dated 23/09/2016)*

***(Amended as per S96012/17 dated XX/XX/XXXX)***

### **Construction Activities**

- 36 Soil and Water Management Plans (SWMP) are required for all works proposed for each stage of the subdivision and also for the sheep dip site remediation works. Each SWMP shall be prepared by a person with knowledge and experience in the preparation of such plans and is to be consistent with the requirements outlined in Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual – the "Blue Book". The SWMPs shall be prepared prior to commencing construction and be to the satisfaction of Council.

*(Amended as per S96038/16 dated 23/09/2016)*

- 37 Effective erosion and sediment controls shall be installed prior to any construction activity including earthworks for the subdivision roads, watercourse crossings, sheep dip remediation works and dwelling site access. The controls must prevent sediment entering Moyne Creek, watercourses and drainage depressions, and shall be regularly maintained and retained until works have been completed and groundcover established.

*(Amended as per S96038/16 dated 23/09/2016)*

- 38 *(Removed as per S96038/16 dated 23/09/2016)*

### **AMENITY**

- 39 All work on site shall only occur between the following hours:

|                            |                  |
|----------------------------|------------------|
| Monday to Friday           | 7.00am to 6.00pm |
| Saturday                   | 8.00am to 1.00pm |
| Sunday and public holidays | No work          |

- 40 The applicant shall comply with all reasonable requests from Council with regard to any complaints received during the construction works.

### **SECTION 94 CONDITIONS**

- 41 A contribution of \$4080 per new lot being paid towards the upgrading of roads to be paid prior to the issue of the Subdivision Certificate, in accordance with Council's adopted Section 94 Contribution Plan for rural roads **for Stage A (creation of Lot 102 & 102 DP1171374).**

***(Amended as per S96012/17 dated XX/XX/XXXX)***

- 41A. That a contribution of \$4080 per lot for Stages 1 to 3 (total of 46 lots) be payable for a work program towards the maintenance and renewal of Baaners**

**Lane, Little Hartley. A works program for these contributions is to be developed by the Operations Manager and approved by the General Manager. Payment of this contribution will be for the total lots and prior to the Stage 2 Subdivision Certificate Release. (Stage 1 - \$77,520, Stage 2- \$53,040 & Stage 3- \$57,120)**

***Note: This contribution is in addition to any works undertaken as specified in condition of consent 20C.***

***(Added as per S96012/17 dated XX/XX/XXXX)***

- 42 A contribution of \$269 per new lot being paid towards the provision of rural fire services to be paid prior to the issue of the Subdivision Certificate, in accordance with Council's adopted Section 94 Contribution Plan for rural fire services.

## **OTHER CONDITIONS**

- 43 Submission of a plan of survey and six copies by a registered surveyor, substantially in accordance with the application as submitted, prior to the issue of the Subdivision Certificate. The certificate is to be accompanied by the current linen release fee.  
*(Amended as per S96026/15 dated 14 /12/15)*

- 44 Prior to the issue of the Subdivision Certificate, Council is to be provided with a report from the Upper Macquarie County Council indicating:
- Noxious plants are under adequate management; or
  - Noxious plant management has been undertaken and adequate control measures are in place; or
  - Noxious plants are not a concern for the property.

- 45 The applicant is to consult with the Department of Primary Industries- Water (or equivalent) pertaining to the requirements for adequate provisions of a controlled activity. Council will be required to be furnished with evidence prior to the release of each stage that approvals from the Department of Primary Industries- Water (or equivalent) are not required, or have been approved.  
*(Amended as per S96026/15 dated 14 /12/15)*

- 46 Amended detail is to be provided to Council for approval indicating how public access is to be provided to the cemetery within the Moyne Farm allotment being Lot 7 DP 1195860. Such public access is to be subsequently provided in accordance with the detail approved by Council.  
*(Amended as per S96026/15 dated 14 /12/15)*

# **DEVELOPMENT ASSESSMENT REPORT – DA177/17 - PROPOSED AWNING, Lot 74 DP 237413, CLARENCE RURAL FIRE SHED, CHIFLEY ROAD CLARENCE NSW 2790**

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## **1. PROPOSAL**

Council is in receipt of Development Application DA177/17 for an awning on land known as Lot 74 DP 237413, Clarence Rural Fire Shed, Chifley Road Clarence.

The property contains the existing rural fire shed, water tank, access driveways and carparking area. The awning is proposed to go over the top of the existing concrete slab that adjoins the shed.

The awning is proposed to have a dimension of 7m x 10.5m with four structural support posts.

The property contains an area of 5476m<sup>2</sup> and has direct access from Chifley Road.

The Clarence Rural Fire Shed is shown in the photo below:



## **2. SUMMARY**

To assess and recommend determination of DA177/17 with recommendation for approval subject to conditions.

## **3. LOCATION OF THE PROPOSAL**

Legal Description: Lot 74 DP 237413  
Property Address: CLARENCE RURAL FIRE SHED, CHIFLEY ROAD CLARENCE  
NSW 2790

**4. ZONING:** The land is zoned E3 Environmental Management in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

**5. PERMISSIBILITY:** The development being an '*emergency services facility*', as defined below, is permissible under Lithgow Local Environmental Plan 2014, subject to development consent as per the E3 Zoning Table.

**Emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

Emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001,
- (h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.

## **5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)**

### **Policy 7.5 Notification Of Development Applications**

This policy applies to all applications as below:

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

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

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

Therefore no adjoining or adjacent landowners have been notified of the proposal as part of this process.

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

Development Applications on Council owned land requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

## **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

### **Section 94A Development Contributions Plan 2015**

The Section 94A plan **does not** apply to this development given it is for an awning to be attached to an existing shed at an estimated cost of \$15,000, using the below levies:

| <b>Estimated cost of development</b> | <b>Levy applicable</b> |
|--------------------------------------|------------------------|
| \$0 to \$100,000                     | 0%                     |
| \$100,001 to \$200,000               | 0.5%                   |



|                    |    |
|--------------------|----|
| \$200,001 and over | 1% |
|--------------------|----|

### 5.3 LEGAL IMPLICATIONS

#### Roads Act 1993

The development has a frontage to Chifley Road. Chifley Road is owned and maintained by the Roads and Maritime Services (RMS). As the Clarence Rural Fire Shed with the entry and exit not proposed to change, no referral to the RMS is required.

#### Environmental Planning and Assessment Act 1979

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*. These matters for consideration are as follows:

##### 5.3.1 Any Environmental Planning Instruments

#### *Lithgow Local Environmental Plan 2014*

| LEP 2014 – Compliance Check |                             |            |
|-----------------------------|-----------------------------|------------|
| Clause                      |                             | Compliance |
| Land Use table              | E3 Environmental Management | Yes        |
| 7.4                         | Terrestrial biodiversity    | Yes        |

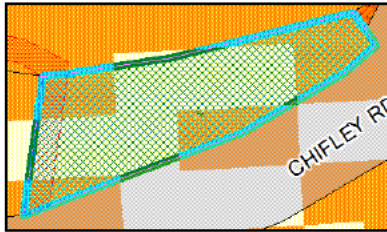
**Comment:** The proposed development is consistent with the zone objectives. The objectives of the zone are:

#### **1 Objectives of zone**

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To facilitate the management of environmentally sensitive lands and riparian areas.*
- *To protect and conserve the vegetation and escarpment landscape surrounding Lithgow.*
- *To maintain or improve the water quality of receiving water catchments.*

The development is located on a property that currently contains the existing rural fire shed. The size of the property is 5476m<sup>2</sup> and currently contains the Clarence Rural Fire Shed and access. Primary Production is not viable on the property due to the size of the property. The development is not expected to impact services or facilities in the area as all services exist within the vicinity of the property.

The property is identified as containing Biodiversity. The proposed development is not expected to have any adverse impact on ecological value or significant flora and fauna on the property. Biodiversity covers the large allotment as shown on the map below:



The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

**State Environmental Planning Policy 44 – Koala Habitat Protection**

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies. Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA.

**Comment:** Given that no trees are to be removed as part of the development, and the section of the subject site relevant to the application is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

**State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

| SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check                                       |            |
|--|------------|
| Clause   | Compliance |
| <b>10</b> Development consent cannot be granted unless neutral or beneficial effect on water quality | Yes        |

**Comment:** The application is required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool as below. Given the development satisfies this assessment the development complies with the SEPP.

NEUTRAL OR BENEFICIAL EFFECT ON WATER QUALITY ASSESSMENT TOOL

**General Information:**

|                   |  |
|-------------------|--|
| Council Name      | Lithgow City                           |
| Date              | 21 July 2017                           |
| DA Number         | DA177/17                               |
| Assessing Officer | Lauren Stevens                         |
| Development Class | Buildings/farm buildings no wastewater |

**Assessment Summary:**

|                        |                   |                     |                  |
|------------------------|-------------------|---------------------|------------------|
| NorBE Status:          | <b>Determined</b> | User Outcome:       | <b>Satisfied</b> |
| System Outcome:        | <b>Satisfied</b>  | Determination date: | <b>21/7/17</b>   |
| Determination outcome: | <b>Granted</b>    |                     |                  |

**Pre- Assessment Checklist:**

|   |     |
|---|-----|
| Located within Sydney drinking water Catchment                            | Yes |
| Is development consistent with any existing SCA 88B Instruments on title? | N/A |
| Crown perpetual leasehold land?   | No  |
| Water quality impact identifies?  | Yes |
| Concentration of flow of water?   | No  |
| Flow of water impeded?  | No  |
| Discharge of pollutants?  | No  |
| Any other matter?   | No  |
| Documentation is completed?   | Yes |
| Does Water Cycle management Study meet SCA/Council requirements?          | Yes |

### **Condition**

*Effective erosion and sediment controls shall to be installed prior to any construction activity and shall prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain. The controls shall be regularly maintained and retained until works have been completed and groundcover established.*

#### 5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

#### 5.3.3 Any Development Control Plan

None.

#### 5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

NA.

#### 5.3.5 Any matters prescribed by the regulations that apply to the land

The development has been forwarded to Council's Building Officer for assessment under appropriate regulations. It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

#### 5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

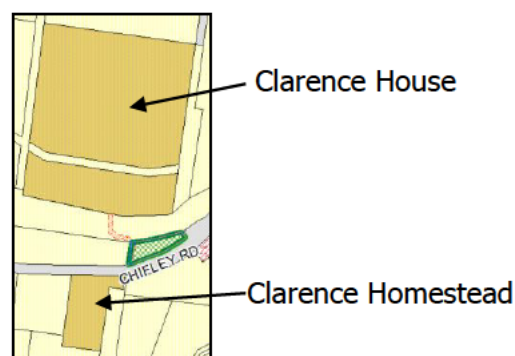
**Adjoining Landuse:** The surrounding area is a mixture of landuses including rural residential uses adjacent to the property, the zig zag railway, Clarence Coal Mine, Clarence sand quarry and forestry all surrounding the Rural Fire Shed. The proposal will not cause any land use conflicts and the development is permissible within the zone.

**Services:** Electricity services are currently connected to the existing rural fire shed. The proposed awning is not required to be connected to the services.

**Context and Setting:** The proposed development will be located within an established rural/residential area and will have no major impact on the context and setting of the area. The development has been designed to complement existing features of similar development in the area.

**Access:** The proposal will gain access from Chifley Road. The access exists and is not required to be upgraded for the development.

**Heritage:** The property is not heritage listed or contains heritage items. Heritage items within the vicinity of the development are Clarence House (The Oaks) and Clarence Homestead adjacent the property. The development is not expected to impact the heritage items as the development is located approximately 171m from Clarence Homestead and is also separated by Chifley Road, and approximately 300m from Clarence House. Dense vegetation separates Clarence House and the development. The development is considered to be minor in nature as it only contains an area of 73m<sup>2</sup> and will adjoin the existing fire shed. The heritage map is shown below:



**Flora and Fauna:** No proposed clearing is required and the development will have no impact on flora or fauna.

**Social and Economic Impact:** As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact.

**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

**Water:** The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore with appropriate conditions of consent it is considered that the development will have minimal impact on water.

**Air and Microclimate:** There will be no significant impact on air or microclimate.

**Natural Hazards:** The property is located within the bushfire prone area. As the development and existing building is not for habitable purposes, a bushfire report is not required. An existing water tank is located on the property and is found to be suitable for the development. The bushfire map is shown below:



**Noise and Vibration:** There are no nearby sources of noise or vibration that would impact detrimentally the proposal. The proposal is not expected to cause any noise issues in the surrounding area, given it is for an awning on an existing rural fire service shed.

**Other Land Resources:** The development will not impact on the value of the land in terms of agricultural potential or mining as it has been utilised for the Clarence Rural Fire Shed for many years and it is adjacent to an established rural residential area.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for a mixture of developments with the size and nature of the development to be consistent with those in the surrounding area. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity. Therefore, the site is considered to be suitable for the proposed development.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Council's Building Officer for commenting with recommendations detailed below.

#### **COUNCIL'S BUILDING OFFICER**

Reference is made to the development application in regard to Council's Planner's referral dated 11 July 2017.

Please be advised of the following:

- The Awning is a Class 10a building
- The slab for the awning has already been poured.
- The awning is designed for a 2kPa snow load

Therefore, there is no objection to the proposal given the following conditions of consent.

#### **General Requirements**

1. The development shall take place in accordance with the approved development

plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. The structure is to be located wholly within the confines of the property boundary and in accordance with approved site plan.

### **Stormwater**

3. That the rainwater drains are connected to a water tank and the overflow shall discharge to a point to the satisfaction of Council.

### **Requirements prior to commencement of works**

4. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

5. Prior to work commencing a structural engineer's certificate of adequacy for the existing concrete slab shall be submitted to Council, certifying that the slab is structurally adequate to support the proposed awning. Alternatively, the slab shall be cut and pad footings provided under the awning posts in accordance with the approved structural details.

### **Sediment controls**

6. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
- b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

### **Signage**

7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
- b. Stating that unauthorised entry to the work site is prohibited and
- c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

## **Requirements during Construction**

### **Construction work hours**

8. All work on site shall only occur between the following hours:

|                            |                  |
|----------------------------|------------------|
| Monday to Friday           | 7.00am to 6.00pm |
| Saturday                   | 8.00am to 1.00pm |
| Sunday and public holidays | No work          |

9. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

10. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

11. Prior to any building works commencing a suitable Waste Container with a lid for the deposit of all building rubbish and litter must be provided and emptied as soon as full. Building rubbish and litter must be contained on the building site.

### **Enclosure of Structure**

12. That the structure is not to be further enclosed without the prior approval of Council

### **Colour of external cladding**

13. That the roofing of the awning is of a natural tone, non-reflective condition.

### **Prior to the issue of an Occupation Certificate**

14. The conditions of consent must be complied with prior to the issue of an Occupation Certificate either by Lithgow Council or an accredited principal certifying authority. All necessary information to comply with the conditions of consent must be submitted prior to the occupation of the building.

## **Advisory Notes**

### **Compliance with Building Code of Australia**

AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

### **Building Inspection schedule**

AN2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes and reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
- b) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- c) Framing prior to internal linings and completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections**

5.3.9 The public interest

There have been no issues raised from the public regarding planning issues.

**6. DISCUSSION AND CONCLUSIONS**

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

**7. ATTACHMENTS**

Schedule A- Conditions of consent.

**8. RECOMMENDATION**

**THAT** development application DA 177/17 is approved subject to conditions set out in Schedule A.

Report prepared by: [REDACTED]

Signed:.....

Dated:.....



**REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. The structure is to be located wholly within the confines of the property boundary and in accordance with approved site plan.

#### ***Stormwater***

3. That the rainwater drains are connected to a water tank and the overflow shall discharge to a point to the satisfaction of Council.

#### ***REQUIREMENTS PRIOR TO COMMENCEMENT OF WORKS***

4. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
5. Prior to work commencing a structural engineer's certificate of adequacy for the existing concrete slab shall be submitted to Council, certifying that the slab is structurally adequate to support the proposed awning. Alternatively, the slab shall be cut and pad footings provided under the awning posts in accordance with the approved structural details.

#### ***Signage***

6. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b. Stating that unauthorised entry to the work site is prohibited and
  - c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### ***REQUIREMENTS DURING CONSTRUCTION***

##### ***Construction work hours***

7. All work on site shall only occur between the following hours:

|                            |                  |
|----------------------------|------------------|
| Monday to Friday           | 7.00am to 6.00pm |
| Saturday                   | 8.00am to 1.00pm |
| Sunday and public holidays | No work          |
8. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
9. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly

guarded and protected to prevent them from being dangerous to life or property.

10. Prior to any building works commencing a suitable Waste Container with a lid for the deposit of all building rubbish and litter must be provided and emptied as soon as full. Building rubbish and litter must be contained on the building site.

### ***Enclosure of Structure***

11. That the structure is not to be further enclosed without the prior approval of Council.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

12. The conditions of consent must be complied with prior to the issue of an Occupation Certificate either by Lithgow Council or an accredited principal certifying authority. All necessary information to comply with the conditions of consent must be submitted prior to the occupation of the building.

### **ADVISORY NOTES**

#### ***Building Code of Australia Compliance***

- AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### ***Building Inspection schedule***

- AN2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Pier holes and reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
  - b) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - c) Framing prior to internal linings and completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**



## **1. ACQUISITION AND DISPOSAL OF ASSETS**

Policy 1.1

LAND (COUNCIL) - LEASES - LEGAL COSTS

**Version 3**

# 1.ACQUISITION AND DISPOSAL OF ASSETS

## 1.1 LAND (COUNCIL) - LEASES - LEGAL COSTS

### OBJECTIVE:

To recover Council's costs in the investigation and/or the final preparation of lease agreements, or the sale of Council owned land to a third party upon the latter's request, ensuring the monetary benefit to Council of such lease agreements.

### POLICY:

That where Council enters into an agreement particularly with respect to the leasing or sale of Council owned land or building, the Lessee and/or purchaser will be responsible for all reasonable legal costs and stamp duty, if any, incurred by Council associated with the investigation and/or the final preparation of such Agreement, together with an administrative charge to be reviewed annually and included in Council's Operational Plan and Delivery Program.

|                                  |   |                           |         |                        |   |
|----------------------------------|---|---------------------------|---------|------------------------|---|
| <b>Maintained by Department:</b> | <u>Corporate &amp; Community Economic Development &amp; Environment</u> | <b>Approved by:</b>       | Council |                        |   |
| <b>Reference:</b>                | Dataworks: Policy Register  | <b>Council Policy No:</b> | 1.1     | <b>Effective Date:</b> | 4 Nov 08  |
| <b>Min No:</b>                   | 06-349 V1<br>P08-136<br>V3 - 13-432                                     | <b>Version No:</b>        | 3       | <b>Reviewed Date:</b>  | October 2009<br>August 2013<br><u>June 2017</u> |
| <b>Attachments:</b>              |   |                           |         |                        |   |



## **5. COMPLIANCE**

Policy 5.2

**ENCROACHMENTS ONTO PUBLIC ROADS**

**Version 3**

## 5. COMPLIANCE

### 5.2 ENCROACHMENTS ONTO PUBLIC ROADS

#### OBJECTIVE:

To ensure that users of the footpaths and carriage ways are not obstructed, and to encourage uniformity of projections in relation to the streetscape.

#### POLICY:

Generally buildings will not be allowed to encroach onto the Road Reserve. However for buildings not the subject of normal building line requirements the following exemptions will apply:

#### Awnings:

- The height of the awning (ie the distance between the footpath and underside of the awning) shall be a minimum of 2.6 metres.
- If required to achieve uniformity with awnings on adjoining premises, Council will consider awnings of lesser height than 2.6 metres.
- If adjoining awnings are greater than 2.6 metres, Council may require the applicant for a new awning to match the awning height of those adjoining premises.
- Awnings must be set back a minimum of 600mm from the kerb line. Council may consider variations from this set back providing the proposed awning is not a post supported awning.

#### Awning Blinds:

The height above the footpath shall be a minimum of 2.6 metres.

#### Advertising Signs:

The height above the footpath shall be at least 2.6 metres and must be a minimum 600mm from the vertical projection of the kerb line or carriage way.

Pole signs shall not project further than 1.2 metres into the road reserve. The pole and footings must be within the property boundaries.

#### Eaves, Cornices, the Like:

The height above the footpath shall be a minimum of 2.6 metres.

|                                  |   |                           |         |                        |                                  |
|----------------------------------|---|---------------------------|---------|------------------------|----------------------------------|
| <b>Maintained by Department:</b> | <u>Economic Development &amp; Environment</u><br><u>Environment &amp; Development</u> | <b>Approved by:</b>       | Council |                        |                                  |
| <b>Reference:</b>                | Dataworks: Policy Register  | <b>Council Policy No:</b> | 5.2     | <b>Effective Date:</b> | 11/5/09                          |
| <b>Min No:</b>                   | V1 06-349<br>V2 09-189<br>V3 - 14-131   | <b>Version No:</b>        | 3       | <b>Reviewed Date:</b>  | October 2013<br><u>June 2017</u> |

|                     |  |
|---------------------|--|
| <b>Attachments:</b> |  |
|---------------------|--|





## 5. COMPLIANCE

Policy 5.3

FOOTPATH TRADING

Version 34

# 5. COMPLIANCE

## 5.3 FOOTPATH TRADING

### OBJECTIVES:

- i) To control the display of goods for sale/display on the footpath/road reserve areas.
- ii) To encourage the establishment of outdoor seating areas in accordance with clearly documented guidelines.

### POLICY:

Council may permit the use of public footpaths for the display of goods (including signage) by an adjacent shop or outdoor eating areas in association with an adjacent restaurant or food premises.

#### 1. General

- (i) Any person lawfully occupying a business premises adjacent to a Council footpath may apply to Council for approval to display goods, place advertising structures or place tables/chairs for dining subject to the terms of this policy.
- (ii) Council does not permit the obstruction of pedestrian accesses / crossings by goods displayed on footpaths, road reserves or other community/public areas unless Council has issued an approval in pursuant to this policy and/or any special conditions applied to any approval.
- (iii) Any approval issued under this policy is renewable annually and will expire on 30 June each year.
- (iv) Council will send a reminder notice to renew the approval at least one (1) month prior to the expiry of the approval ~~which~~.
- (v) An application to renew an approval shall be submitted to Council no later than two (2) weeks prior to expiration of the expiry date referred to in 1(iii).
- (vi) Applications submitted for renewal within the timeframe referred to in 1(iv) shall ensure, subject to compliance with 1(vi), that the approval ~~in~~ does not expire on 30 June but will remain in place until Council has determined the renewal application and informed the applicant of the decision.
- (vii) Applicants or persons benefiting from an approval under this policy are required to hold a Public Liability Policy of at least \$20,000,000. Council is to be supplied with a certified copy of the insurance policy with application for approval; ~~and any at least annually with the renewal application of insurance~~; within 7 days of the issuance of a new or replacement policy or upon request. Such a policy is to have Council's

interest noted. The applicant/proprietor must indemnify the Council from any liability arising from the agreement to a minimum of \$20,000,000.™

- (viii) An approval issued under this policy is invalid in the event that the public liability insurance referred to in 1(vi) expires and the approval remains invalid until such time as a copy of any new or replacement policy is supplied to Council, Council acknowledges receipt and confirms such insurance policy complies with the terms of this policy.
- (ix) The Council reserves the right to cancel or suspend any approval issued under this policy at any time should the terms of this policy and any approval be contravened; should any fees remain unpaid; or should access to the footpath or nearby area be required for construction or repair works.
- (x) Should the requirements of this policy be varied from time to time then persons with the benefit of an approval may be required to comply with the terms of any new or updated policy.
- (xi) Any fees payable for an application for approval, renewal or any other aspect of this policy shall be the subject of annual review by Council in consideration of its annual fees and charges.
- (xii) Should an applicant for approval or renewal under this policy wish to seek a variation from the terms of this policy, then they should clearly state the reasons why the variation is sought and provide justification as to why Council should allow a variation from the policy.
- (xiii) Variations will not be considered for the insurance requirement as outlined in 1(vii) above.
- (xiv) The General Manager or his delegate has the authority to consider variations in respect of any of the requirements of this policy relating to distances, measurements, clearances and dimensions. All other variations are to be considered by the elected Council.
- (xv) This policy does not apply to the use of footpaths in association with 'special events' (eg Celebrate Lithgow) which are subject to a separate process.

## **2. Goods on footpaths (including signage)**

- (i) There will be clear identification of the area in which goods are intended to be displayed with any application for approval or annual renewal that the applicant supplies to Council.
- (ii) All display areas, if approval is given, shall allow a minimum clearance for pedestrian traffic of at least 1.5m.
- (iii) Goods shall be placed in an area no more than 1.5 metres from the shop front.
- (iv) Notwithstanding 2(iii) goods on footpaths may be displayed on the 'kerb side' of the footpath providing the clearance for pedestrian traffic

referred to in 2(ii) is provided and a minimum clearance of 600mm from the kerb is provided. (NB – The 600mm clearance from the kerb may be reduced where adjacent street furniture is already less than 600mm)

- (v) All goods displayed on the footpath shall be of good quality construction and finishes and shall (if necessary) be secured so as not to cause a hazard in times of high wind.
- (vi) The applicant/proprietor shall be responsible for the goods and any insurance issue arising from goods obstructing access.
- (vii) The applicant/proprietor shall be responsible for the removal of all goods on a daily basis at the close of trading.
- (viii) Display of goods shall be confined to the area of footpath adjacent to the premises. Before consideration would be given to areas not adjacent to the premises, the written consent of the adjoining owner and tenant must be obtained by the proprietor (to use the adjoining footpath frontage).
- (ix) Advertising signs shall have maximum dimensions of 1000mm wide and 1100m high and shall only contain content associated with the adjacent business.

### **3. Restaurant Seating**

- (i) There will be clear identification of the area in which seating, tables and any associated items are intended to be displayed with any application for approval or annual renewal that the applicant supplies to Council.
- (ii) All restaurant seating, if approval is given, shall allow a minimum clearance for pedestrian traffic of at least 1.5m. Where seating is associated with a table this distance is to be measured with each chair setback 300mm from the table.
- (iii) Restaurant seating shall be placed in an area no more than 1.5 metres from the shop front.
- (iv) Notwithstanding 2(iii) restaurant seating on footpaths may be situated on the 'kerb side' of the footpath providing the clearance for pedestrian traffic referred to in 2(ii) is provided and a minimum clearance of 600mm from the kerb is provided. (NB – The 600mm clearance from the kerb may be reduced where adjacent street furniture is already less than 600mm)
- (v) All seating, tables and associated items to be situated on the footpath shall be of good quality construction and finishes and shall (if necessary) be secured so as not to cause a hazard in times of high wind.
- (vi) The applicant/proprietor shall be responsible for the seating, tables and associated items and any insurance issues arising from obstructing access.

- (vii) The applicant/proprietor shall be responsible for the removal of all seating, tables and associated items on a daily basis at the close of trading.
- (viii) The applicant/proprietor shall be responsible for the disposal of litter and cleaning of the footpath occupied by the outdoor eating area.
- (ix) Placement of chairs and tables shall be confined to the area of footpath adjacent to the restaurant premises. Before consideration would be given to areas not adjacent to the restaurant, the written consent of the adjoining owner and tenant must be obtained by the proprietor (to use the adjoining footpath frontage).
- (x) No advertisements will be permitted to be placed within the agreed outdoor eating area or in the adjoining footpath area unless it complies with the terms of this policy.
- (xi) Outdoor eating furniture shall not restrict the access to public seating facilities. The Council may in certain circumstances agree to the relocation of such facilities at the expense of the proprietor. No interference or use of the facilities will be permitted without the approval of the Council.

|                                  |   |                           |         |                        |  |
|----------------------------------|---|---------------------------|---------|------------------------|--|
| <b>Maintained by Department:</b> | <u>Economic Development &amp; Environment</u>           | <b>Approved by:</b>       | Council |                        |  |
| <b>Reference:</b>                | Dataworks: Policy Register                              | <b>Council Policy No:</b> | 5.3     | <b>Effective Date:</b> | 11/5/09  |
| <b>Min No:</b>                   | V1 - 06-349<br>V2 - 09-189<br>V3 - 12-476<br>V3- 14-131 | <b>Version No:</b>        | 3       | <b>Reviewed Date:</b>  | 14/5/12<br>26/11/12<br>24/3/14<br><u>June 2017</u> |
| <b>Attachments:</b>              |   |                           |         |                        |  |





## **5. COMPLIANCE**

Policy 5.4

ENFORCEMENT POLICY

**Version 3**

## 5. COMPLIANCE

### 5.4 COMPLIANCE – ENFORCEMENT POLICY

#### OBJECTIVE:

To establish clear guidelines for dealing with alleged or suspected unlawful activity or failure to comply with terms of conditions of approvals, consents or orders.

#### POLICY:

- The Policy applies to the investigation and enforcement of alleged or suspected unlawful activity or failure to comply with terms or conditions of approvals, consents or orders.
- **Unlawful activity** means any activity or work that has been or is being carried out:
  - a. Contrary to an environmental planning instrument that regulates the activity(ies) or work that can be carried out on particular land;
  - b. Contrary to the terms or conditions of a development consent or other approval under the control of council;
  - c. Contrary to a legislative provision regulating a particular activity or work
  - d. Without a required development consent or other approval.
- The policy covers, but is not limited to, compliance issues in areas such as regulation of development activity, pollution control, regulation of parking, regulation of food premises and control of animals.

#### 1. COMPLAINTS REGISTRATION<sup>1</sup>

- All alleged unlawful activity complaints are to be registered in the Action Request system.
- Every complaint is to be assigned to one officer for consideration and determination if further investigation is required. Many complaints received by Council have neighbourhood disputes at their origin and therefore establishing the initial facts is essential before determining if further investigation is needed;
- If further investigation is required, the officer may recommend another department to undertake the task and nominate who is to become the responsible officer or continue with the process themselves;
- The responsible officer should conduct investigations into alleged unlawful activity in accordance with this policy;
- As a complaint proceeds, -the responsible officer must complete the Action Request item by providing details of the actions and conclusion of the investigation throughout the processes undertaken;
- Responses to the complainant will be in writing with the exception of minor items specifically listed in Appendix 2.
- Where a verbal response is given to a complainant, the officer providing the information is to record the date, their name and the content of the advice in the Action Request system including specifically identifying the advice was given verbally.

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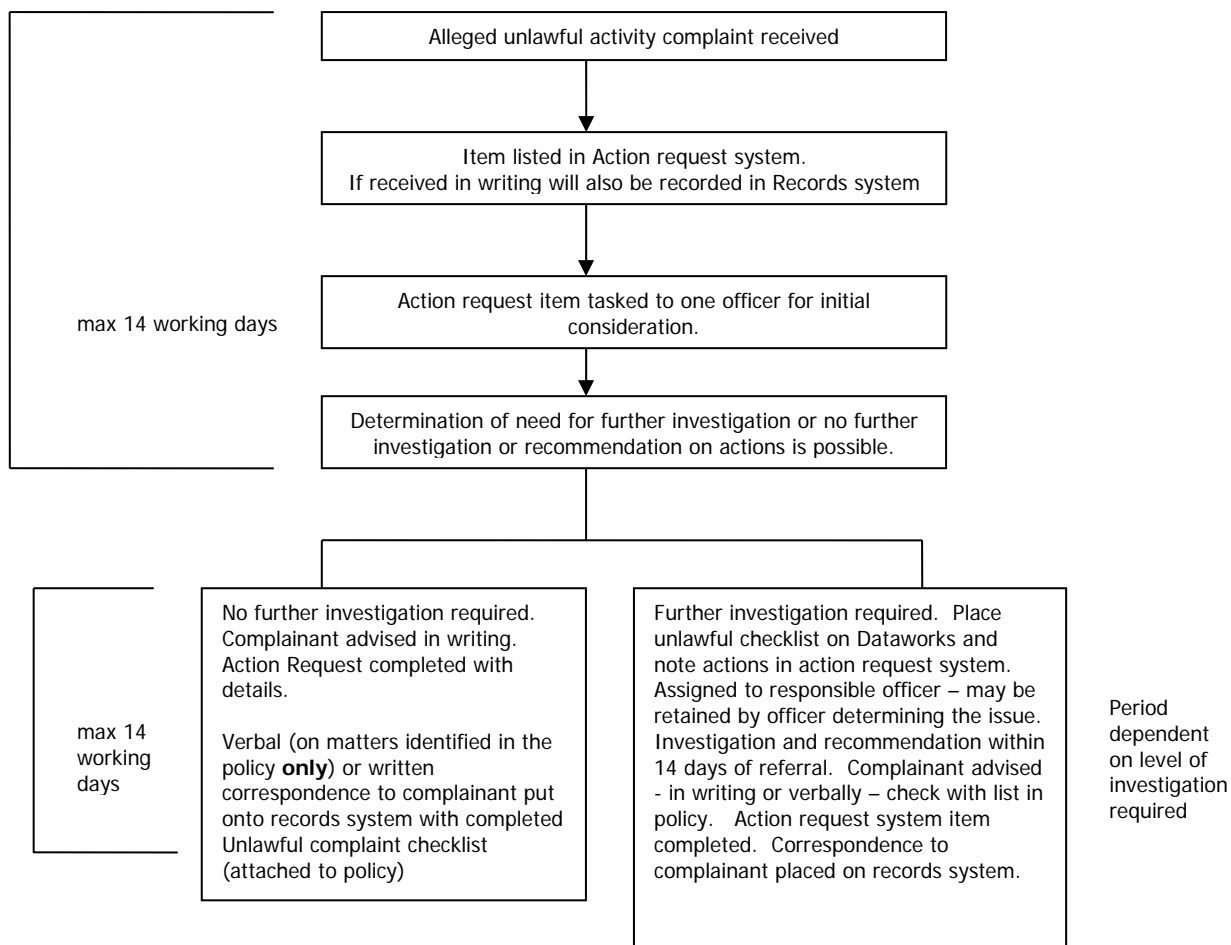
<sup>1</sup> In instances where investigation into a matter is triggered by a complaint or customer request  
Lithgow Council Policy



- At all times Council must observe privacy and not provide information to any party that could identify another party.
- Responses are to be noted in the Action Request system identifying the content;
- Where letters are sent confirming actions, a full copy or all correspondence is to be placed on the Records management system by the responsible officer.
- Response times will be in accordance with Council's levels of service, however, matters of a serious nature may be escalated for priority treatment.

## 2. INVESTIGATION PRINCIPLES AND REPORTS

- The checklist attached is to be completed when investigating unlawful activity to determine the next step and if further investigation is needed.
- The complainant will be responded to within 14 days of the reporting of unlawful activity indicating the actions to be undertaken – i.e. if further investigation will occur or not;
- The responsible officer shall provide a report to their immediate supervisor within 14 days of the report of alleged unlawful activity and this report shall include their recommendation on actions, if any are to be taken, – regarding the alleged unlawful activity and the need for further investigation if required.
- Council will establish if there is a need for further investigation after the initial consideration of an allegation of unlawful activity. –Council may seek an external body's comments but will not rely solely on those comments without satisfying itself of the facts in the issue.
- Anonymous complaints/action requests will not be investigated unless matters of public health or safety are alleged.
- Conflicts of interest will be considered in investigation processes.
- Privacy and confidentiality will be considered in the investigation processes used.
- The principle of procedural fairness will be observed and applied to ensure those who allegations are made against are made aware of the allegations and full investigation and establishment of facts are pursued.



### 3. ACTIONS AVAILABLE TO COUNCIL IN CASES OF ALLEGED UNLAWFUL ACTIVITY

Consideration of the principles of reasonableness will be at the heart of the actions taken – options include:

- A warning may be given prior to the issuing of any enforcement action in some situations. Appendix 2 lists such instances;
- Matters where actions without warning will be taken are listed in Appendix 3;
- Referral to an external agency for further investigation or prosecution;
- Taking no action on the basis of a lack of information or evidence;
- Counselling the person or persons subject of the investigation to educate them on the relevant council requirements;
- Negotiating a course of actions to address the areas of concern;
- Advising of the processes of seeking a modification to the development consent conditions;
- Issuing a letter advising the work to be done or the activity to cease in lieu of more formal action;
- Issuing a notice of intention to serve an order or notice under relevant legislation followed by the serving of that notice;
- Issuing a notice requiring work to be done under various legislation;
- Recommendations may include starting legal action such as proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulations;

- Seeking an injunction from the Land and Environment Court or the Supreme Court;
- Issuing a summons in the Local Court;
- Issuing a penalty infringement notice;
- Taking proceedings for an offence against the relevant Act or Regulation;
- Carrying out the works specified in an order under the Local Government Act, Environmental Planning and Assessment Act; notice under the Protection of the Environment Operations Act; notice or order under the Food Act at the cost of the person served with the notice or order;
- All enforcement actions will be monitored and a decision made in relation to non-compliance within a 2 week period of any deadline imposed.

#### 4. TAKING ENFORCEMENT ACTION

When taking enforcement action. Council will consider the circumstances of the case, including these issues:

- Has the Council created an estoppel situation? <sup>2</sup>
- Council will consider the reasonableness and proportionality of actions and consider the issue in terms of the public interest;
- The effects of the unlawful activity will be considered with regard to the local area taking into consideration the impact on amenity, health, safety, environmental issues for example.
- Is the breach a technical one only? For example a minor or inconsequential change to the plans done during construction.
- If considering prosecution action, Council will consider if there is admissible evidence that establishes the offence beyond all reasonable doubt, is there a reasonable prospect of conviction and are there discretionary factors to consider?
- If consent had been sought, would it have been given? This would be a particular consideration if the owner has sought approval of their own volition.
- Are there particular circumstances of hardship which should be considered?
- Does the person who is the subject of the complaint show due contrition?
- Council will consider if an educative process would yield better results, however, will continue to monitor the situation to ensure it is satisfied with the case.
- If there is a draft local environmental plan or other planning instrument on exhibition that would allow the activity the Council will consider deferring any actions giving the owner time to lodge an application that would be compliant with the new instrument.

#### 5. DELEGATIONS

Delegations of Council staff are reflected in their individual delegations and authorities.

---

<sup>2</sup> Estoppel prevents a person from later denying conduct or words which have been relied upon previously. For example, if Council had previously advised no action would be taken, or despite being advised of the issue no action was taken.

|                                  |   |                           |               |                        |  |
|----------------------------------|---|---------------------------|---------------|------------------------|--|
| <b>Maintained by Department:</b> | <a href="#">Economic Development &amp; Environment</a><br><del>Environment and Development</del>  | <b>Approved by:</b>       | Council       |                        |  |
| <b>Reference:</b>                | Dataworks: Policy Register  | <b>Council Policy No:</b> | 5.4           | <b>Effective Date:</b> | 11/5/09  |
| <b>Min No:</b>                   | V1 - 07-542<br>V2 – 09-189<br>V3 - 14-131   | <b>Version No:</b>        | <del>34</del> | <b>Reviewed Date:</b>  | Oct 2013<br>March 2014<br><del>June 2017</del> |
| <b>Attachments:</b>              | <ol style="list-style-type: none"> <li>1. Unlawful Activity Complaint checklist</li> <li>2. Offences where a warning may be given</li> <li>3. Offences where a warning will not be given</li> </ol> |                           |               |                        |  |

# UNLAWFUL                      ACTIVITY                      COMPLAINT CHECKLIST

Issue: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Officer investigating: \_\_\_\_\_

Date: \_\_\_\_\_

DA number: \_\_\_\_\_

Property number: \_\_\_\_\_

Customer Acton request number: \_\_\_\_\_ Dataworks doc number: \_\_\_\_\_

| Issue   | Y/N – circle one               | Response/comments   |
|---|--------------------------------|---|
| Is the matter within the jurisdiction of the Council?   | Y / N                          | If <b>yes</b> proceed with investigation checklist.<br><br>If no note and ensure complainant is advised in writing and if possible identify for them who is the appropriate authority.  |
| Is the complaint premature – eg does it relate to some unfinished aspect of work that is still in progress? | Y / N                          | If yes, –identify is premature note on Action Request system. It may highlight the need for a follow up inspection and the officer should note that for future action and schedule in their diary. The complainant is to be notified in writing and a copy of the correspondence placed in the Council's records system.<br><br>If not premature proceed with investigation assessment. |
| Is the activity or work permissible with or without consent?  | With consent / without consent | If permissible without consent note on the Action Request system and provide written confirmation of this to the complainant File on Council's Records system a copy of the correspondence.<br><br>If requires consent check to determine if consent has been given.  |
| Is the complaint frivolous, –vexatious or trivial?  | Y / N                          | If yes identify as such noting on the Action Request system and providing written confirmation of this to the complainant. A copy of the written correspondence needs to be authorised by the departmental manager and placed on the Records system. Actions are to be completed with 7 days of complaint.  |
| How much time has elapsed since the events the subject of the complaint took place?                         | Note number of days/weeks      | _____ days / weeks have elapsed   |
| Is the activity having a significant detrimental environmental effect?                                      | Y / N                          | If yes review in terms of relevant legislation to determine appropriate action and immediacy  |
| Is the activity causing a risk of public safety?  | Y / N                          | If yes review in terms of relevant legislation to determine appropriate action and immediacy  |
| Does the complaint indicate one of a series of complaints on the same or similar matters?                   | Y / N                          | If yes, this may establish a pattern of conduct that requires immediate attention by the officer depending on the issues involved.  |

|  |       |  |
|--|-------|--|
| Is there a public interest to investigate the complaint? | Y / N | <p>If yes proceed with investigation.</p> <p>Even if the answer to this is no, there may be a Council priority or policy that indicates this is an area of focus and the investigation should proceed.</p> |
|--|-------|--|

**RECOMMENDATION:**

Is further Investigation needed? YES    NO

If    yes,                      Who    will    undertake    the    further    investigation?

\_\_\_\_\_

Date issue tasked to the officer: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

If no, What reason(s) is (are) noted for not proceeding:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_ Position: \_\_\_\_\_

**ACTION REQUEST SYSTEM FILES COMPLETED:**

Date: \_\_\_ / \_\_\_ / \_\_\_                      Officer completing: \_\_\_\_\_

**CORRESPONDENCE TO COMPLAINANT:**

If verbal advice given:    Date:    \_\_\_ / \_\_\_ / \_\_\_                      Noted on Action Request:

\_\_\_\_\_

Letter sent: Date \_\_\_ / \_\_\_ / \_\_\_                      Datworks Doc number: \_\_\_\_\_

Action request system item completed: Date \_\_\_ / \_\_\_ / \_\_\_

\_\_\_\_\_

## Offences which may result in prior warning being given before enforcement action is taken.

Council **may** determine to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

Advice to the **Complainant** on the actions Council will take/has taken will be in writing except in the following circumstances, which are of a minor nature, where advice may be given verbally. All verbal advice is to be noted (date, time, officer advising, advice given) in the Council's Action Request system:

- Advertising signs without approval or that are unsightly
- Air pollution – smoky chimney
- Barking/Roaming/Unregistered dog
- Commercial swimming pool not properly maintained
- Erosion or sediment control matters
- Noise pollution arising from air conditioner, intruder alarm, musical instruments or sound equipment, power tools, motor vehicles on residential premises or the use of refrigeration equipment fitted to a motor vehicle –each requires a warning to be issued.
- Obstruction of a public place/road where is a minor matter
- Residential swimming pool issue – not serious (example – failure to display resuscitation chart)
- Deposit litter from a vehicle
- Deposit litter/ Dumping rubbish
- Dilapidated building
- Fire hazard threatening an asset
- Land clearing of a minor nature
- Littering
- Not complying with condition of development consent/ approval to operate
- Open burning without approval or not in accordance with an approval or cause excessive smoke
- Pollute waters
- Parking offences
- Remove and or damage trees
- Swimming pool fence/gate open
- Street trading without consent
- Minor hygiene or cleanliness non-compliance for Skin Penetration Premises
- Minor food premises matter.

With regard to the person alleged to have been acting unlawfully, Council **may** determine to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

- Annual Fire Safety Statement – non-submission by owner – subject to submission within 7 days of request
- Advertising signs without approval or that are unsightly – subject to lodgement of DA within 7 days and/or removal
- Air pollution – smoky chimney
- Barking/Roaming/Unregistered dog
- Commercial swimming pool not properly maintained – subject to compliance in 7 days

- Development/Activity without consent or not in accordance with consent conditions where there is minor development or an old unauthorised development or where there is a minor breach of conditions
- Erosion or sediment control matters (owner/builder/ no prior warning ) – subject to compliance in 14 days
- Fire hazard of a minor nature
- Noise pollution arising from air conditioner, intruder alarm, musical instruments or sound equipment, power tools, motor vehicles on residential premises or the use of refrigeration equipment fitted to a motor vehicle –each requires a warning to be issued
- Non compliance with an Order/Notice/Direction where works partially completed and demonstrated mitigating circumstances can be specified which have caused delay in completion
- Obstruction of a public place/road where is a minor matter
- Residential swimming pool issue – not serious (example – failure to display resuscitation chart)
- Revocation of approval – example footpath dining/ public place entertainment – subject to compliance in 7 days
- Minor non-compliance with Food Standards Code provided no previous warning given
- Failure to have wastewater system serviced in accordance with approval to operate – subject to service report received with 7 days of requests and no previous warning.
- Onsite wastewater system not registered.\
- Minor hygiene or cleanliness non-compliance for Skin Penetration Premises

Note : this list is indicative – all offences will be considered on the merits established in the policy.



## Offences where no warning will be given

Council **may** determine not to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

- Dangerous Dog Order/ Attacking Dog/Restricted Dog
- Dangerous awning/building
- Dangerous waterhole
- Deposit litter from a vehicle
- Development not in accordance with consent that gives cause to a risk to safety, health, bush fire protection compromise or where notice of intention is issued by PCA
- Deposit litter/ Dumping rubbish
- Dilapidated building
- Environmental damage of a significant nature
- Erosion and sediment control matters
- Fire hazard threatening an asset
- Food safety matters of a serious nature
- Failure to pay clean up fee/ Prevention Notice fee
- Failure to comply with notice/order/cease use of premises/ failure to comply with order regarding development consent/ demolish remove unlawful building/ threatening life/ public safety/ environment/ amenity protection/ fence land/ keeping of birds and animals/ remove object from public place/ contravene noise control notice/ noise pollution.
- Land clearing of a significant nature
- Littering
- Noise abatement direction
- Noise pollution generally after prescribed mandatory warning
- Not comply with condition of development consent/ approval to operate
- Nuisance Dog Order
- Obstruction of road/ public places – involving safety
- Obstruction/ intimidation/ assault of a council officer
- Open burning without approval or not in accordance with an approval or cause excessive smoke
- Pollute waters
- Parking offences
- Pollution incident – failure to notify
- Remove and or damage trees
- Swimming pool fence/gate open
- Street trading without consent/ approval

Note : this list is indicative – all offences will be considered on the merits established in the policy.



## **5. COMPLIANCE**

Policy 5.5

Companions Animals Policy

Version 2

## 5. COMPLIANCE

### 5.5 COMPANIONS ANIMALS POLICY

#### OBJECTIVE:

Council's objectives in relation to the management of companion animals are to:

- Manage companion animals in partnership with the community and in accordance with the Companion Animals Act 1998 (NSW).
- Ensure a balanced approach to the effective management of domestic pets recognising the benefits, including improved health and quality of life, as well as the responsibilities of pet ownership.
- Use community education and behavioural change in preference to enforcement.
- Enforce the Companion Animals Act 1998 when necessary.
- Encourage microchipping, registration, picking up of litter and community safety.
- Take proactive measures to ensure that owners of Restricted Breeds and Dangerous Dogs comply with all relevant provisions of the Companion Animals Act and to strictly enforce sanctions when owners of Restricted Breeds and Dangerous Dogs allow dogs to enter prohibited areas such as playgrounds and childcare facilities or cause repeated damage to private property.
- Identify and promote suitable and sufficient off-leash parks and open space areas for dog exercise.
- Install and maintain clear signage and convenient dog-tidy stations in off-leash areas.
- Reduce the number of lost and wandering cats and dogs.
- Educate non-pet owners and children on animal behaviour and how to interact with other people's pets.

#### Background

Companion animals such as cats and dogs have significant social and health benefits for their owners. Pets teach responsibility to children, give love, comfort and companionship to their owners and provide security, particularly for older people and those who live alone.

Lithgow City Council values pet ownership and is committed to encouraging responsible pet ownership to benefit the whole community, as well as the welfare of the pets.

This Policy is consistent with the aims of *The Companion Animals Act 1998 (NSW)*, which contains regulations relating to pets that must be enforced by Council.

**This plan does not apply to parks and open spaces not managed and controlled by Lithgow City Council.**

## **POLICY:**

### **2.1 Community Education**

Education and awareness are the keys to achieving responsible pet ownership and community harmony. There is growing recognition that enforcement of laws will not on its own result in lasting voluntary changes in human behaviour.

Council will undertake a number of key actions in relation to community education on responsible pet ownership including providing educative material, regularly monitoring parks and effectively promoting off-leash areas.

### **2.2 Legislation – Companion Animals Act**

The Companion Animals Act 1998 is designed to benefit pets, their owners and the wider community.

The permanent identification and lifetime registration system which came into effect on 1 July 1999 assists Council in returning lost and injured animals to their owners.

Since 1 July 1999 all dogs and cats in NSW must be microchipped at the point of sale, change of ownership or by 12 weeks of age, whichever occurs first. If a puppy, kitten, dog or cat is purchased in NSW, under the Companion Animals Act 1998 it must be microchipped first.

#### **Council's Key Regulatory Roles under the Act**

|                                  | <b>Cats</b>   |
|----------------------------------|---|
| Section 31                       | The issuing of a nuisance notice or order - issued where a cat persistently makes a noise or the noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise or where a cat repeatedly damages anything outside the property on which it is ordinarily kept.   |
| Sections 92;30; 10A              | Issuing of penalty infringement notices - Cats found in prohibited places such as food preparation / consumption areas and designated wildlife protection areas. Note: Roaming cats are not regulated other than in these areas. A notice can also be issued where a cat has not been microchipped, registered or is not properly identified while away from the property on which it is ordinarily kept. Council does not have regulatory powers to restrict roaming cats, unless clear evidence is available that shows the cat is causing a nuisance to neighbours and wildlife. |
|                                  | <b>Dogs</b>   |
| Section 34                       | Declaration of a dangerous dog - Council can declare a dog as dangerous where it displays unreasonable aggression or is kept for hunting.   |
| Section <u>32A</u> <sup>21</sup> | The issuing of a nuisance notice or order - issued where a dog is habitually at large, persistently barks or makes a noise that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in another premise; repeatedly defecates outside the property; repeatedly chases or runs at any person or vehicle; endangers the health of any person and / or repeatedly causes substantial damage to anything outside the property on which it is kept.   |
| Sections 18;57                   | Seizure of an attacking and / or biting dog and where control requirements associated with restricted breeds are not complied with.   |
| Sections 92;14;12A;              | Issuing of penalty infringement notices - Dogs found in prohibited places such as child care centres, children's play areas, food preparation and consumption   |

13:20:57A;  
10A

areas (unless in a road reserve), public bathing areas and parks / recreational areas so indicated as prohibiting dogs; and designated wildlife protection areas. Dogs not being contained within a property and not on a leash whilst in a public place other than a designated off leash area; as well as fines for dogs defecating in public place; the sale of a restricted dog or proposed restricted dog; where a dog has not been microchipped and registered.

---

## 2.3 Control of Dogs

Under the *Companion Animals Act 1998 (NSW)* dogs must always be under the effective control of their owners including when they are let off the leash in designated off-leash areas. A dog is not considered to be under the effective control of a person if that person has more than four dogs under his or her control.

Council will encourage all dog owners to enrol their dogs in a training course if they feel they are not able to effectively control their dog.

Council will also encourage education for non-pet owners (in particular children and their parents) on how to approach other people's dogs and in animal behaviour.

## 2.4 Off-Leash Areas

Dogs are required to be restrained while in a public place with the exception of prescribed dog exercise areas. These areas include the designated fenced areas of:

- Endeavour Park, Lithgow
- Montague St , Lithgow
- Lake Wallace, Wallerawang
- Williwa St, Portland

Dog owners need to have control over their dogs and it is required by law that dog droppings must be removed and disposed of correctly.

## 2.5 Prohibited Areas

Council considers that people should be able to move freely in the community without loss of amenity due to cats and dogs not being under effective control. Likewise, cats and dogs are important companions to their owners and the rights of owners to enter public places with their pets needs to be protected.

Under Section 14 of the *Companion Animals Act* dogs are prohibited at all times in the following public places:

- food preparation or eating areas,
- school or childcare grounds (unless prior permission from the Principal is granted),
- wildlife protection areas,
- recreation and public bathing areas where signage prohibits,
- within 10 metres of children's play equipment,
- shopping arcades / complexes where animals are prohibited unless secured in a vehicle, or with the permission of the person controlling the place or going to or from a vet or pet shop.

Under the Act, cat owners must also ensure that their cat stays out of restricted areas including food preparation and wildlife protection areas.

## **2.6 Dog Litter**

Owners have a legal and social responsibility to pick up after their dogs.

Uncollected faeces pose a potential health risk and can impact on creeks and waterways. This is particularly a problem in playgrounds, on sports fields, on neighbour's properties, and on public footpaths.

Lithgow City Council provides dog tidy stations (including dog litter bags) at all off-leash parks and other suitable locations. Council Rangers work to ensure dog owners meet their social and legal responsibility to clean up after their dogs by promoting awareness of these responsibilities, including:

- to take a plastic bag with them when they take their dog for a walk, and
- that it is an offence not to put their dog litter in the bin.

Dog litter bags are also available at Council's Customer Service Centre 180 Mort Street, Lithgow.

## **2.7 De-Sexing**

Lithgow City Council strongly recommends that pets be de-sexed unless they are intended for breeding purposes. Council receives hundreds of unwanted, abandoned, and stray cats and dogs each year. The majority of these animals are the result of uncontrolled breeding and, unfortunately, many must be euthanased because homes cannot be found for them.

A desexed cat or dog is cheaper to register and can save more than two-thirds of the cost of registration.

## **2.8 Lifetime Registration and Microchipping**

Under *The Companion Animals Act 1998 (NSW)* cat and dog owners must take two steps to provide their pet with lifetime protection; permanent microchip identification and lifetime registration.

This two-step system greatly assists Lithgow City Council and other councils in returning pets to their owners in the event that it is lost, hurt or stolen. It also provides Council with a more effective means of keeping track of cats and dogs for the benefit of the wider community.

The Act requires cats and dogs to be identified by microchip by the age of 12 weeks and lifetime registered by the age of 6 months.

### **Registration Exemptions**

The only allowable registration exemptions are provided for in Section 17 of the Companion Animals Regulation 2008:

There is an exemption from payment of a registration fee for the registration of the following:

- (a) any animal the Director-General is satisfied is in the service of a public authority,
- (b) a working dog.

**Note:** A working dog is defined in [the Act](#) as a dog used primarily for the purpose of droving, tending, working or protecting stock.

## **2.9 Lost, Seized and Surrendered Animals**

Lithgow City Council will seek to return all unaccompanied pets safely home to their owners.

Where this is not practicable, or where a dog is found straying on more than one occasion, the animal will be taken to Council's Animal Holding Facility. Once at the facility the owner will be given 14 days to claim a registered dog or cat or seven days to claim an unregistered animal, before the animal becomes the property of Council.

Animals will not be released from the pound until all appropriate fees and charges are paid and the animal is microchipped and registered.

The only exception to not charge a registration fee is if the owner agrees to have animal desexed within 28 days of leaving the Animal Holding Facility. The owner can then pay the lower registration fee immediately there afterwards.

An animal can be surrendered to Council by filling in a Surrendered Animal form and submitting this to Council with the appropriate fee. Drop off cages are also available at Council's Animal Holding Facility where stray animals, or animals seized by the Police or other agencies, can be taken outside of the facility opening hours.

Under the Companion Animals Act, once an animal becomes the property of Council, Council Rangers will make an assessment of the animal and decide whether the animal is suitable for rehousing or passing onto a welfare agency. Otherwise, the animal will be euthanased by a Veterinarian.

Council will seek to rehouse or foster animals to accredited animal welfare agencies where applicable.

Rangers will only rehouse animals when they can be assured that the applicant can adequately care and house the animal and that the animal won't impact on neighbourhood amenity.

The euthanising of animals at Council's Animal Holding Facility is completed by a qualified Veterinarian and this and all other activities at the facility are completed in accordance with Council's Standard Working Procedure for the facility.

## **2.10 Cat Management**

Under the Companion Animals Act, cats are required to be identified in the form of a microchip or collar and tags that provides the name of the cat and the address and telephone number of the owner.

Cats are prohibited from wildlife protection areas and food preparation areas, and can be declared nuisance cats if they persistently make noise that unreasonably interferes with the wellbeing of neighbours or if they repeatedly damage the property of others.

Council makes a distinction between domesticated pet cats and feral or stray cats (which don't have an owner). If there are feral cats in built areas, they may be trapped and removed by the Council or by residents with consent from the Council.

If a Council Ranger believes a cat to be a feral or stray animal, and not a companion or domestic animal, the animal can be euthanased immediately.

## **2.11 Maximum Number of Companion Animals**

### **Urban or Residential Areas**

To maintain the amenity of residential and urban areas and the health and safety of neighbourhoods, Council may restrict the number of companion animals per residential property to reasonable levels when it is considered that companion animals are impacting on residential amenity, eg continual barking dogs, odour issues associated with poor hygiene, or poor management of animal wastes.

When this is demonstrated Council may restrict the number of companion animals over the age of six months per residential property. Whilst each situation will be assessed on its merits Council will use as a guide a maximum of 3 companion animals per residential property with an average residential property being 800 square metres in area. Where there are continuing impacts on residential amenity from companion animals on a particular premise, Council may enforce a further reduction in the number of adult and juvenile companion animals.

To enforce this Council will utilise Order number 18 of section 124 of *the Local Government Act 1993* that stipulates that Council can issue an Order to:

*Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order*

Council can issue this Order to the occupier of the premises in the following circumstances:

*(a) in the case of any premises (whether or not in a catchment district)—of an inappropriate kind or number or are kept inappropriately, or  
(b) in the case of premises in a catchment district—birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs*

### **Companion Animals Outside of Residential or Urban Areas**

Kennels, catteries, breeding facilities or facilities for Animal Welfare Agencies all require development approval by Council.

In considering development applications for kennels, catteries etc, Council will give consideration to the "Animal Welfare Code of Practice – Breeding Dogs and Cats" produced by Industry & Investment NSW.

Where companion animals are impacting on rural amenity Council will use all necessary powers under the Local Government and Companion Animals Acts to address this.

## **2.12 Barking Dogs**

Persistent dog barking can be a neighbourhood nuisance and a major source of community complaint. Persistent barking may be caused by boredom, lack of exercise and stimulation, or confinement to an inappropriately small space.

To address dog barking Council will pursue positive and proactive approaches such as:



- Providing off-leash areas for dogs to socialise
- Providing community education and training for dog owners'
- Providing a citronella collar for residents to hire

Council Rangers will issue a Nuisance Dog Order where persistent barking is considered to be nuisance behaviour. In serious cases, dog owners may be liable to prosecution.

### **2.13 Dog Attacks**

Dog attacks have been shown to have serious consequences.

Lithgow City Council together with the Department of Local Government and RSPCA will work with residents to educate them about animal behaviour and how to avoid attacks. Council Rangers will work with school children in particular to teach them how to safely interact with pets, especially dogs.

Council will also continue to enforce its responsibilities in regard to, "dangerous dogs" and "restricted breeds."

Council Rangers will follow up all serious complaints of dog attacks immediately.

### **2.14 Restricted Breeds**

It is an offence in New South Wales to sell, acquire or breed dogs on the restricted dog list including the offspring of restricted dogs:

- (a) American Pitbull terrier or Pitbull Terrier
- (b) Japanese tosa
- (c) Dogo Argentino (Argentinean fighting dog)
- (d) Fila Brasileiro (Brazilian fighting dog)
- (e) Any dog declared by a Council under Division 6 of the Act to be a restricted dog<sup>##</sup>
- (f) Any other dog of a breed kind, or description prescribed by the Regulation for the purposes of this section

<sup>##</sup>This means any dog where the Council is of the opinion that a dog is of a breed or kind of dog on the restricted dog list or a cross-breed of any such breed or kind of dog.

Owners of restricted breeds (and dogs declared 'dangerous') must ensure:

- The dog is desexed.
- The dog is kept in a child proof enclosure.
- A 'dangerous dog' warning sign is clearly displayed on their property.
- The dog at all times wears a distinctive collar and tag.
- The dog is always leashed and muzzled when in public and under the control of a person over the age of 18 years.
- The dog's registration details are up to date.
- Council is immediately notified if the dog attacks or injures a person or animal.

### **2.15 Dangerous Dogs**

A dog is "dangerous" if it has, without provocation, attacked or killed a person or animal, or, repeatedly threatened to attack or repeatedly chased a person or animal.

“Dangerous dogs” in NSW are dogs that are the subject of a declaration under the Act by a council or a court that the dog is considered dangerous. Council must give notice to the owner of a dog of the Council’s intention to declare the dog to be dangerous.

Police and Council Rangers are empowered to impound dogs declared as dangerous. Owners of dogs declared dangerous must comply with all the conditions for restricted breeds listed above and must not be sold to a person under the age of 18 years.

|                                  |  |                           |         |                         |  |
|----------------------------------|--|---------------------------|---------|-------------------------|--|
| <b>Maintained by Department:</b> | <a href="#">Economic Development &amp; Environment Environment</a> | <b>Approved by:</b>       | Council | <b>Exhibition Date:</b> | 18 February 2010                             |
| <b>Reference:</b>                | Policy Register  | <b>Council Policy No:</b> | 5.5     | <b>Effective Date:</b>  | 12 April 2010                                |
| <b>Min No:</b>                   | V1 - 10-142<br>V2 - 14-202   | <b>Version No:</b>        | 2       | <b>Reviewed Date:</b>   | October 2013<br>May 2014<br><b>June 2017</b> |
| <b>Attachments:</b>              |  |                           |         |                         |  |



## **5. COMPLIANCE**

Policy 5.6

**CONTROL OF OPEN BURNING POLICY**

Version 1

## 5. COMPLIANCE

### 5.6 CONTROL OF OPEN BURNING POLICY

#### OBJECTIVE:

To establish guidelines for the safe burning on land with minimal health and environmental impact.

#### POLICY:

##### 1. BACKGROUND

The Protection of the Environment Operations (POEO) (Clean Air) Regulation (2010) allows Councils to approve open air burning of material in certain instances and in certain areas. The POEO (Clean Air) Regulation (2010) clause 12 states that:

- (1) A person must not burn anything:
  - (a) in the open, or
  - (b) in an incinerator,  
in a local government area specified in Part 1 of Schedule 8 except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

- (2) A person must not burn any vegetation:
  - (a) in the open, or
  - (b) in an incinerator,  
in a local government area specified in Part 2 of Schedule 8 except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

- (3) A person must not burn anything (other than vegetation):
  - (a) in the open, or
  - (b) in an incinerator,  
in a local government area specified in Part 3 of Schedule 8 except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

Lithgow City Council is listed in Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation (2010) Part 2: Areas in which burning of vegetation is prohibited except with approval; and, Part 3: Areas in which all burning (other than vegetation) is prohibited except with approval or in relation to certain domestic waste.

## 2. AIM

The aim of this policy is to ensure the protection of the public health and the environment.

Further, this policy aims to reduce actions that may impact upon the quality of air and/or increase the risk of wildfire.

NOTE: This document outlines the procedure to gain approval to conduct a burn outside the declared Bush Fire Danger Period (usually 1 Oct. to 31 March). During the Declared Bush Fire Danger Period a permit to burn is required from the NSW Rural Fire Service. To determine if the activity you are proposing is exempt from the Council approval process, see Section 6. Burning activity where approval is not required

## 3. LAND TO WHICH THIS POLICY APPLIES

This policy applies to all land within the Lithgow Local Government Area.

## 4. BURNING ACTIVITIES FOR WHICH APPROVAL IS REQUIRED

The following information outlines the type of burning for which this policy applies. Other burning activities may require a separate approval from the Rural Fire Service.

- a) General burning for which Council approval is required:

The open burning of dry and dead vegetation that is not easily disposed of at Council Waste Management Facilities. This applies to any vegetation matter. A Permit to Burn must be obtained from the Rural Fire Service during the Bush Fire Danger Period (usually 1 Oct. to 31 March)

- b) Notification to the Rural Fire Service is required:

Before burning for any purpose (except for a fire for cooking or recreational purposes), notice must be provided to all adjoining landowners/occupiers as well as the Rural Fire Service 24 hours prior to burning.

- c) Burning which is classed as prohibited.

The burning of domestic, business, building, industrial and hazardous waste is classed as a prohibited activity and may have adverse impact upon the community and the environment. This type of material is not to be burnt unless through a licensed incinerator and must be disposed of through the appropriate waste facility.

## 5. BURNING ACTIVITY WHERE AN APPROVAL FROM LITHGOW CITY COUNCIL IS NOT REQUIRED

Open burning is allowed without the need for approval on property greater than 4,000m<sup>2</sup> on land zoned RU1, RU2, RU3, RU5 and R5 under Council's Local Environmental Plan 2014. Open burning is permitted only during the Approved Open

Burning Period (generally April-September) and only under the following circumstances:

1. A fire is conducted as part of a routine agricultural management activity (eg: burning stubble, orchard pruning's, diseased crops, weeds or pest animal habitats, pasture for regenerative purposes or any other legitimate agricultural activity). See 12. Glossary for a full definition of this activity,
2. The disposal of certain types of dry and dead vegetation,
3. An easily controlled fire for cooking or barbequing, with the fire area covering 1m x 1m or less,
4. To conduct an easily controlled fire for recreational purposes (eg: camping, scouting, and picnicking), excluding bonfires, with the fire area covering 1m x 1m or less,
5. To conduct training in methods of fire fighting by an authorised person,
6. In a licensed incinerator meeting the requirements of the Environment Protection Authority,
7. To carry out bush fire hazard reduction work under and in accordance with the Rural Fires Act (1997), however it should be noted that, the hazard reduction certificate is not providing permission to burn; it may only state that burning can be conducted as part of this activity,

NB. You may need an environmental approval, if:

- You are modifying native vegetation,
  - The activity could threaten endangered species and or result in air or water pollution and or soil erosion,
8. To destroy, by burning, of any prohibited plant or drug under the Drug Misuse and Trafficking Act (1985),
  9. To burn an animal that has died or is suspected to have died of a disease proclaimed under the Stock Diseases Act (1923) or the Exotic Diseases of Animals Act (1991).

Note: A permit may be available for other zones subject to approval from the Rural Fire Service and Lithgow City Council. During the Fire Danger Period on days of Total Fire Ban and/or Extreme Fire Danger all burning activities are suspended.

Note: Before burning for any purpose (except for a fire for cooking or recreational purposes), notice must be provided to all adjoining landowners/occupiers as well as the Rural Fire Service 24 hours prior to burning.

## **6. RESTRICTED MATERIALS**

The following materials must not be burnt at any time within the Lithgow City Council area and must be disposed of or recycled in the appropriate manner at a licensed waste facility:

- General or domestic waste
- Tyres
- Coated wires
- Paint containers and residues
- Solvent containers and residues
- Timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP)
- Any material that may cause an explosion

## **7. OPEN BURNING REQUIRING APPROVAL**

Those wishing to conduct an open burn other than those indicated in Section 6, must apply to Council for approval to open burn. -If approved, the landowner will receive the Approval to Burn designating a period of up to twenty-one days (21 days) during which the burn may occur. —The following conditions will be imposed on any approval:

All non-agricultural burning may be approved subject to the following conditions:

1. The burning activity must not be dangerous or present a risk to any building or land.
2. The burning must be prepared and conducted in line with the published NSWRFSS document “Standards for Pile Burning”.
3. Only dry and dead vegetation which grew on the premises may be burnt on the premises.
4. The material to be burnt is greater than five (5) metres from a designated watercourse or water body. Where this is not possible, appropriate erosion control and revegetation measures should be implemented as part of the activity.
5. Only vegetation which cannot be easily disposed of through Council’s Waste Management Facilities may be burnt.
6. The fire must be attended by a competent person for the duration of the activity and have sufficient fire-fighting resources on-hand to safely maintain the fire.
7. For tree waste, all combustible material must be removed at least two (2) metres radius of the material to be burnt.
8. Burning should only take place when weather conditions are calm and predicted to remain so.
9. The NSWRFSS may determine that the nominated date for burning is not suitable for burning due to weather conditions/fire activity.
10. The burning does not cause nuisance conditions or a smoke hazard outside the property of the burn.

11. Land owners/managers must notify the Rural Fire Service, Lithgow City Council and adjoining neighbours at least 24 hours prior to lighting.
12. Land owners/managers must obtain written approval from Lithgow City Council at least two (2) weeks prior to burning.
13. The provisions of the Protection of the Environment Operations (Clean Air) Regulation (2010) must be fully complied with.
14. The provisions of the Rural Fires Act (1997) must be fully complied with.
  - a) For burning outside the nominated Open Burning Period, written approval must be gained from the Rural Fire Service.
  - b) Even with written approval, fires must not be lit on declared days of Total Fire Ban.

Note: Before burning for any purpose (except for a fire for cooking or recreational purposes), notice must be provided to all adjoining landowners/occupiers as well as the Rural Fire Service 24 hours prior to burning.

## 8. GLOSSARY

Approval to Burn: An approval granted by Council as per the Protection of the Environmental Operations (Clean Air) Regulation (2010), generally granted outside the designated Fire Danger Period.

Approved Open Burning Period: generally from April through to September but may be restricted or extended depending upon current environmental conditions. To confirm this period, contact the Rural Fire Service on 1800 679 737.

Asset Protection Zone (APZ): The APZ is listed in the Rural Fire Service Planning for Bushfire Protection 2006 guide (Dictionary, p72). It is described as the “area surrounding a development managed to reduce the bush fire hazard to an acceptable level” . The APZ is only relevant to new Council Development Applications. For Hazard Reduction Burning, a permit to burn is required through the Rural Fire Service.

Designated watercourse/water body: includes any river, creek, stream, drain, drainage reserve, stormwater drain, brook, rivulet, dam, lake, pond, channel, gutter, billabong, oxbow lake or any other are, wet or dry, that contains or is likely to contain or receive or pass rainwater, floodwater or any other water.

Dry and dead vegetation: is defined as vegetation that does not have any living tissue or foliage present, i.e. does not contain any green leafy or woody material.

Easily disposed vegetation: includes material that by their size and nature can be transported to Council’s Waste Management Facility. This includes grass clippings, small loads of tree waste and chipped tree waste.

Extreme Fire Danger: is caused by a combination of dry vegetation and hot, dry, windy weather and is monitored and declared by the NSW Rural Fire Service.



General or domestic waste: includes any waste produced through normal activities. This includes but is not limited to plastics, metals, paper and paper products, food and food wrapping (including plastic, paper and metal), chemicals and chemical containers, aerosol cans, electrical items, household appliances, computers and computer accessories, and any other waste item associated with domestic, business and industry activities.

Material that may cause an explosion: includes any material that by its contents or construction may result in an explosion when heat or flame is applied. For example, ammunition, aerosol cans, petroleum, paint, solvent and chemical containers and sealed food items.

Open burning: the act of burning material in open air, outside of a purposefully built area such as an internal domestic fire place or stove.

Permit to Burn: A permit granting permission to burn by the Rural Fire Service as per the Rural Fires Act (1997) and applicable to the Fire Danger Period.

Routine Agriculture Management Activity: includes

- i. The burning of vegetation for the purposes of clearing\* (other than for construction), or
- ii. The burning of stubble, orchard pruning's, diseased crops, weeds or pest animal habitats on farms, or
- iii. The burning of pasture for regenerative purposes, or

\*Other permits may be required through the appropriate authority in respect to the burning for clearing.

Total Fire Ban Day: a day/s when fires are likely to escape and be difficult to contain. These days are declared by the Rural Fire Service. More information can be gained by calling the RFS on 1800 679 737 or going to [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

|                           |  |                    |                      |                  |                           |
|---------------------------|--|--------------------|----------------------|------------------|---------------------------|
| Maintained by Department: | <a href="#">Economic Development &amp; Environment</a> | Approved by:       | Lithgow City Council | Exhibition Date: |                           |
| Reference:                | Policy Register  | Council Policy No: | 5.6                  | Effective Date:  | 9/2/15                    |
| Min No:                   | 15-12  | Version No:        | 1                    | Review Date:     | <a href="#">June 2017</a> |
| Attachments:              |  |                    |                      |                  |                           |



APPLICATION TO OPEN BURN

Control of Open Burning

Promoting “*Safe burning on private land with minimal health and environmental impacts*”

| Date  |  | Council check list |
|---|--|--------------------|
| Date proposed for burning                                     |  |                    |
| Applicant's details<br>Name                                   |  |                    |
| Address for burning   |  |                    |
| Mapping Zone  |  |                    |
| Address for correspondence (if different to above)            |  |                    |
| Daytime phone/ mobile   |  |                    |
| Email address   |  |                    |
| <i>Type of vegetation / materials to be burned</i>            |  |                    |
| <i>Approximate size of burn area</i>                          |  |                    |
| Notification to the Rural Fire Service 24hrs prior to burning |  |                    |

|  |  |  |
|--|--|--|
| Notice given to all adjoining landowners/occupiers |  |  |
|--|--|--|



## 10. PROPERTY MANAGEMENT

Policy 10.14

PROPERTY LEASES

Version **21**

# 10. PROPERTY MANAGEMENT

## 10.14 Property Leases

**OBJECTIVE:**

To ensure that leases for Council properties are executed in a timely manner.

**POLICY:**

~~The Council delegates authority to the General Manager to negotiate and execute leases. Each financial year, Council shall consider a report on all Council owned property which is leased or is available for leasing. Council shall by resolution, set the rental amount for available properties having regard to the following:~~

- The market rent;
- The outgoings on the property;
- An assessment of the condition of the property;
- Advice from Council's appointed property agent;

~~The Council delegates authority to the General Manager to execute leases in accordance with the rental amount resolved by Council.~~

Requests to vary rental amounts by greater than 10% of the assessed market rental or market opinion provided by Council's nominated property agent shall will be reported to Council ~~to obtain a variation with the identification of the budget area from which the shortfall in revenue will be allocated for its determination.~~

Applications to lease any property for any period of time must be made to and considered by the General Manager ~~in line with the annual resolution of Council.~~ If approved, a standard lease or agreement will be executed by the lessee and the General Manager prior to the occupation of the property.

Compliance with Council's Policy – Land (Council) – Leases – Legal Costs must also be achieved.

~~Any requests for a variation in the rental amount shall be reported to Council for consideration and must demonstrate how the undertaking of the activity in the property will assist Council in achieving actions identified in Council's corporate planning documents including but not limited to the Strategic Plan, Management Plan, Social Plan and State of the Environment Report~~

|                                  |   |                           |         |                               |        |
|----------------------------------|---|---------------------------|---------|-------------------------------|--------|
| <b>Maintained by Department:</b> | Planning and Policy<br>Economic<br>Development &<br>Environment | <b>Approved by:</b>       | Council | <b>Exhibition:</b><br>Feb2007 |        |
| <b>Reference:</b>                | Dataworks: Policy Register                                      | <b>Council Policy No:</b> | 10.14   | <b>Effective Date:</b>        | 2/6/14 |

|                     |             |                    |                   |                       |                               |
|---------------------|-------------|--------------------|-------------------|-----------------------|-------------------------------|
| <b>Min No:</b>      | V1 - 14-244 | <b>Version No:</b> | 1<br><del>2</del> | <b>Reviewed Date:</b> | June 2014<br><u>June 2017</u> |
| <b>Attachments:</b> |             |                    |                   |                       |                               |



## **10. PROPERTY MANAGEMENT**

Policy 10.3

**NAMING OF COUNCIL FACILITIES**

Version 2

# 10. PROPERTY MANAGEMENT

## 10.3 NAMING OF COUNCIL FACILITIES

### OBJECTIVE

To provide a consistent and standard procedure for naming Council facilities.

### POLICY

That Council adopt the following Guidelines when considering the naming of a Council facility.

### GUIDELINES FOR THE NAMING OF COUNCIL FACILITIES

#### 1 NAMING – General

When submitting a recommendation to Council for the naming of a facility the following information is required:

- (i) Proposed name;
- (ii) Reason for choice of name.

In considering the name submitted for the facility Council will use the following criteria:

- (i) Names will be appropriate to the physical, historical and cultural character of the facility;
- (ii) Duplication of names within the City area is not permitted;
- (iii) Names of an historic nature, Aboriginal significance, local cultural significance, local flora and fauna are preferred;  
and
- (iv) Names considered offensive or likely to give offence shall not be used.

As a rule, names of living persons will only be assigned to facilities where the person is of great eminence.

However, if considered appropriate, the names of eminent local persons, now deceased, may be perpetuated, particularly those of early explorers, settlers and naturalists.

#### 2 NAMING – After People

If naming after a person, details are to be given including:

- (i) the person's name;
- (ii) a brief biography including other facts that might add to the justification for commemorative naming.

The following could be relevant to the justification process:



The person will:

- (i) have made a significant contribution to the activity/sport/cultural/community pursuit for which the facility has been built/constructed/provided;
- (ii) have been nominated by the peer group/committee/administrative body of the relevant activity/sport/cultural/community pursuit which is the major user (historically and currently) of the facility;
- (iii) have made a considerable personal contribution to the eventual outcome of the building/construction/provision of the facility which is to be named. This contribution will relate to management/fundraising/organisational efforts of the individual in the development of the facility;
- (iv) be the most appropriate person to have the facility named after; and
- (v) be a resident of the Local Government Area or surrounding district, or, if deceased, have been a resident of the Local Government Area or surrounding district.

The naming shall not be solely on the basis of the person's:

- (i) political persuasion;
- (ii) personal financial contribution;
- (iii) status/position within an organisation; or
- (iv) standing in the community.

## THE PROCESS

1. The initial proposal will be reported to the Community Development Committee which will report a recommendation to Council.
2. Should Council resolve to proceed with a proposed name it will be advertised for community comment for a minimum of 14 days.
3. Results of the consultation process will be reported to Council.
4. Council will resolve as it sees appropriate which may include acceptance of a naming proposal, rejection of the proposal, further advertising or no further action.

|                                  |  |                           |         |                        |  |
|----------------------------------|--|---------------------------|---------|------------------------|--|
| <b>Maintained by Department:</b> | <u>Economic Development &amp; Environment</u><br>Environment & Development | <b>Approved by:</b>       | Council |                        |  |
| <b>Reference:</b>                | Dataworks: Policy Register   | <b>Council Policy No:</b> | 10.3    | <b>Effective Date:</b> | 16/10/2006   |
| <b>Min No:</b>                   | V1 - 06-349<br>V2 - 14-211   | <b>Version No:</b>        | 2       | <b>Reviewed Date:</b>  | Oct 2007<br>Nov 2013<br>May 2014<br><u>June 2017</u> |

|                     |  |
|---------------------|--|
| <b>Attachments:</b> |  |
|---------------------|--|



## **10. PROPERTY MANAGEMENT**

Policy 10.10

ADDRESSING, ROAD NAMING & LOCALITY NAMING

**Version 1**

## **10. PROPERTY MANAGEMENT**

This policy is to supersede:

- Policy 10.8 Rural Addressing
- Policy 10.9 Street Naming
- Policy 10.10 Street Numbering – Outside Numerical Sequence

### **OBJECTIVE:**

To ensure that all addresses provided are conforming address in accordance with AS/NZS 4819: Rural and Urban Addressing Standard and the NSW Geographical Names Board Addressing User Manual (AUM).

### **POLICY:**

#### **1. Numbering**

- a) That all numbering be provided in accordance with the AUM.
- b) That Council apply as a condition of development consent to all subdivisions and dwellings, a requirement for the provision of a number.
- c) The numbers shall be clearly affixed to the property access and shall be visible from a public road.
- d) The fee for the provision of a Rural Addressing Number shall be in accordance with Council's adopted scale of the current Fees & Charges.
- e) A request for a new number/ address can be requested by the landowner if the current address does not conform to the AUM. This numbering/ addressing will not incur a fee.
- f) A record shall be kept of the allocation of all Addressing Numbers.
- g) That Council may provide a number from a private road, if that private road has been officially named and would meet the requirements of a conforming address as per the AUM.
- h) Council is to ensure that where appropriate secondary and alternative addresses in accordance with the AUM are recorded and advised to landowners wherever a new address is allocated.
- i) Address numbers can be allocated by a delegated staff member.

#### **2. Road Naming**

- a) That all road naming be undertaken in accordance with the AUM and the Online Road Naming System.
- b) Proposals for road naming of private roads or crown roads can be submitted to Council for consideration. The private road to be named is to meet one of the requirements below for Council to consider the naming:

- i. Be over 1km from a public road to the place of address; or
- ii. Have three or more places of address accessing from this road; or
- iii. If not named, would cause issues with emergency services navigation to a place of address. In this instance a case is required to be put forward and Council reserves the right to consult emergency services on this road.

Council may signpost the road once named with statements such as 'private road', 'crown road' and or 'Council's maintenance obligations stop here' for clarity that the road being named is not a Council controlled road.

- c) Prior to a road name being processed within the Online Road Naming System a report be presented to Council submitting a the name for consideration.
- d) Should the name be considered appropriate under c) the Online Road Naming process be commenced and if accepted by the Geographical Names Board, a twenty-eight (28) day public notification procedure be undertaken. All affected landowners are to be advised in writing of the notification period. It will be Council's discretion to advise surrounding landowners in writing of the proposed road name where they are not directly affected.
- e) If no objections are received as a result of d), the name be adopted through the Online Road Naming System and placed in the New South Wales Government Gazette.
- f) If objections are received or alternative names are suggested as a result of d), the matter be further reported to Council and re-advertised as per d) above if an alternative name is supported.
- g) Requests for re-naming of an existing road will only be accepted for assessment if it meets the criteria of 6.7 of the AUM and an alternative name is provided for consideration. All re-naming proposals, if accepted to be assessed by Council, will require notification calling for submissions to all affected landowners.

### **3. Locality Naming**

- a) That all locality naming be undertaken in accordance with the AUM and guidance of the Geographical Names Board.
- b) Any proposed locality name changes or new localities are to be reported to Council for consideration prior to any further action.
- c) If the proposal is accepted by Council under b) above, a twenty-eight (28) day public notification procedure is to be undertaken and all affected landowners are to be advised in writing of the notification period calling for submissions.
- d) Once the notification period has finished as per c) above, a reported be furnished to Council for adoption/amendments and sent to the Geographical Names Board for consideration and approval if accepted.

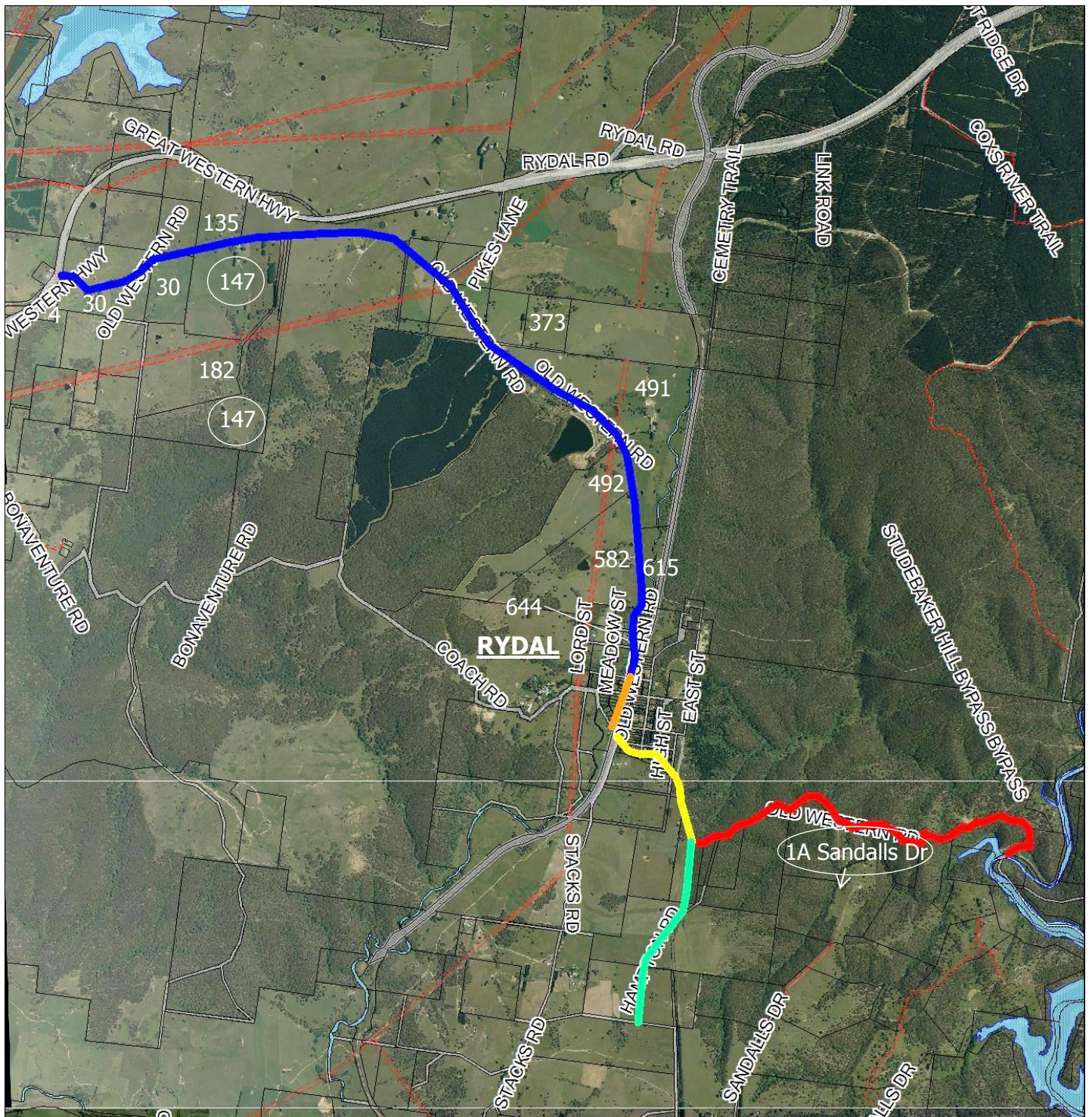
#### 4. Notifications

For any new address, road name or locality name adopted the following authorities will be notified if not notified by Geographical Names Board:

- NSW Spatial Services
- NSW Valuation Services
- Ambulance Service NSW
- Australia Post
- Endeavour Energy
- NSW Police
- Australian Electoral Commission
- Telstra
- Essential Energy
- Fire & Rescue NSW
- Fire NSW
- State Emergency Services
- Rural Fire Service

|                                  |                                      |                           |         |                        |          |
|----------------------------------|--------------------------------------|---------------------------|---------|------------------------|----------|
| <b>Maintained by Department:</b> | Economic Development and Environment | <b>Approved by:</b>       | Council |                        |          |
| <b>Reference:</b>                | ECM: Policy Register                 | <b>Council Policy No:</b> | 10.10   | <b>Effective Date:</b> | XX/XX/XX |
| <b>Min No:</b>                   | XXXXXXXX                             | <b>Version No:</b>        | 1       | <b>Reviewed Date:</b>  |          |
| <b>Attachments:</b>              |                                      |                           |         |                        |          |

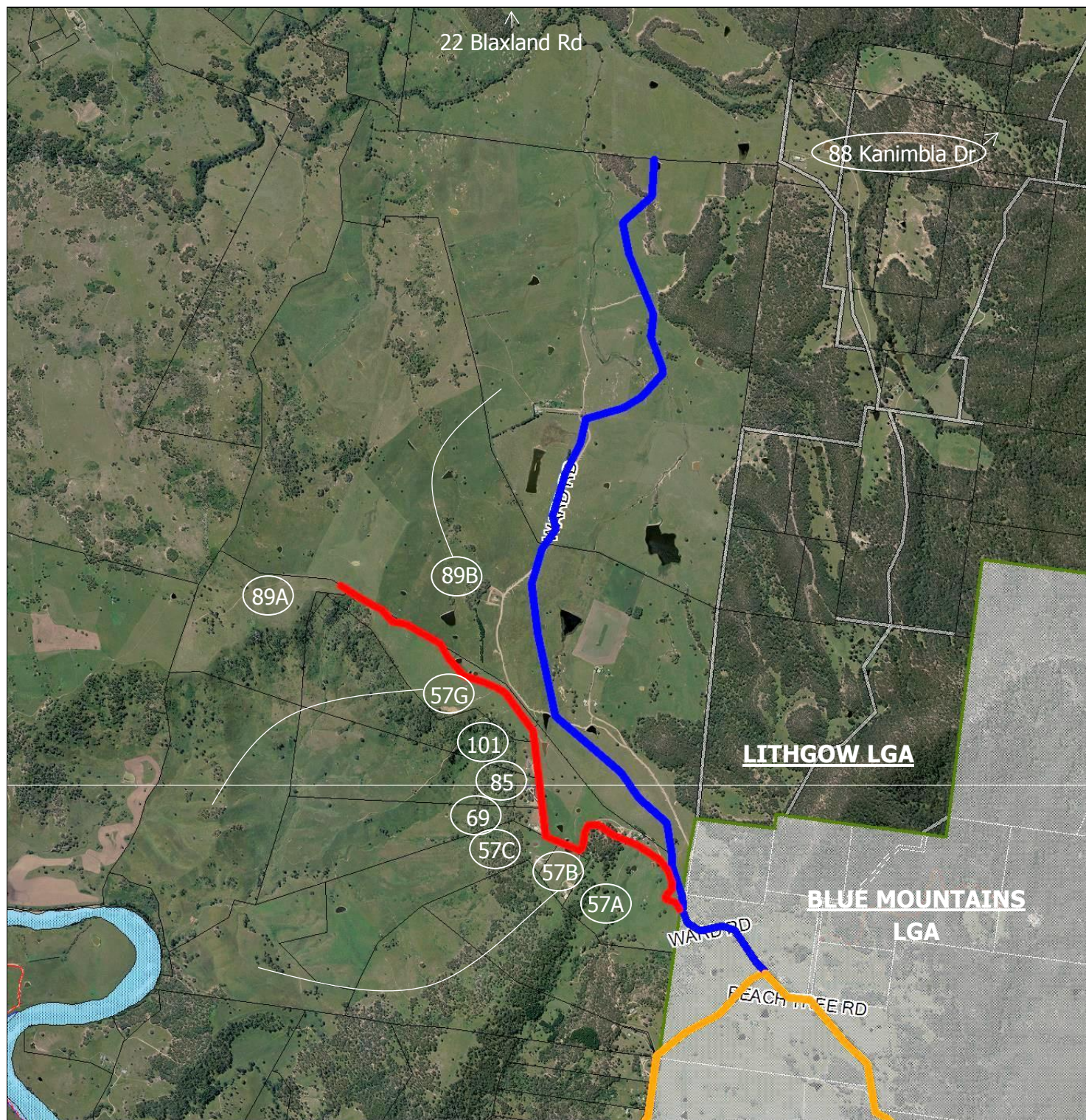
**Map 1 – Proposed Road Renaming and Address Renumbering – Old Western Road Rydal NSW 2790**







**Key**

|  |                                    |
|--|------------------------------------|
|  | Old Western Road – Northern Extent |
|  | Railway Street                     |
|  | Sydney Road                        |
|  | Old Western Road – Southern Extent |
|  | Hampton Road                       |
|  | Potential Address Change Required  |

**Map 2 – Proposed Road Renaming and Address Renumbering – Right of Carriageway (ROW) off Wards Road  
Megalong Valley NSW 2785**



**Key**

|   |                                       |
|---|---------------------------------------|
|  | Wards Road                            |
|  | Right of Carriageway – Off Wards Road |
|  | Peach Tree Road                       |
|  | Potential Address Change Required     |



Margaret D. Combs

Lithgow City Council

Scanned

20 JUL 2017

Doc Set ID .....

GA Ref .....

Years .....

The General Manager  
Lithgow City Council  
PO Box 19  
LITHGOW NSW 2790

Attention: Mrs. Sherilyn Hanrahan

Dear Sir

Re: Lithgow Local Heritage Advisory Committee

I would like to apply for consideration for appointment to the above Committee as advertised in the Lithgow Mercury on 7 July last.

Attached for your information is a list of my environmental and heritage experience through my roles on various committees both within the District and Statewide.

Having been born in this area I have a deep understanding and love of this region and have been active in managing areas to conserve for future. This region has areas of wonderful beauty which needs to be cared for in order that future generations have the same opportunity to enjoy them.

I would welcome the opportunity to work with likeminded people to ensure that every aspect of the local area is assessed for its environmental and heritage conservation with a view to their protection.

If you require any further information please do not hesitate to contact me.

Kind regards



MARGARET D. COMBS OAM

10 July, 2017

## MARGARET D COMBS

### HARTLEY VALE MOUNT BLAXLAND RESERVE TRUST

- Secretary/Treasurer for the Crown Reserve since the formation of this reserve approximately 1987. Includes contact with relative organizations i.e. National Trust, Heritage Office, Cemetery Committee, Department of Lands, etc.
- Preparation of Management Plan and grant applications for heritage maintenance and restoration work at the Hartley Vale Historic Cemetery; as well as for the protection of the natural environment and the threatened species of *Eucalyptus pulverulenta* at the surrounds of Mount Blaxland.

### HARTLEY HISTORIC SITE (NPWS)

- Secretary since 1978 including part of special committees to look at Business Plan, Plan of Management, Marketing Plan, Back to Hartley Celebrations and other liaison work.
- Member of the PCG Committee which is overseeing the project work being completed at the Historic Site and has included site inspections and discussions pertaining to heritage items. There is a representative from the Heritage Council on this committee.

### NSW NPWS ADVISORY COUNCIL TO MINISTER FOR ENVIRONMENT

- Appointed by Cabinet to Minister for Environment's State Advisory Council for NPWS from 1996 – 2004 my position on the Council was in the heritage field.
- Part of the special committee that visited the Thredbo disaster looking at both the environmental and the heritage aspects for reporting to the Minister with our recommendations.
- Part of the special committee that overseen the development and passing into law of the NSW Aboriginal Land Act.
- Part of the delegation that overseen and was present at the Mutawintji National Park handback to the traditional owners. Also worked with Indigenous Groups concerning handback of Arakwal National Park to traditional owners and was privileged to be invited to visit a Woman's only site.

- Was a member of the Plan of Management Subcommittee that visited National Parks each month and assessed all aspects of the Plan in line with public consultation to ensure that areas of conserved natural beauty and both European and Indigenous heritage were recognised and conserved.
- Member of the Acquisition and reservation Subcommittee that looked at areas of the state in need of conserving, often inspecting and ascertaining priorities, in line with budgetary constraints.
- Part of the special committee authorised by the Minister to look at political issues i.e. culling horses in Kosciuszko National Park; cabins in Royal National Park and wilderness areas (Wollemi) that had caused widespread concern by the public.
- Members of the special committees included people like Rob Pallin (renown naturalist from Paddy Pallin dynasty) and Meredith Walker (who wrote the ICOMOS Charter) part of our role was to ensure that members of the general public were able to visit and enjoy the beauty of National Parks whilst at the same time balancing the environmental constraints, ensuring that our heritage was conserved. Issues often arose from 4 Wheel Drive and horse users which, necessitated looking at the park area to define areas for each specific groups activities thereby ensuring that the Park was conserved and that park users had areas to enjoy.
- Travelled to South America to inspect heritage areas (Machu Pichu, Easter Island) to analyse how they manage visitor numbers and the impact on the sites from the visitors; as well as to looking at environmental changes occurring with rainforest regrowth following extensive logging in areas like Iguazu and the Biosphere Region of the Amazon River at Manu National Park reporting back to the Director General of NPWS Mr. Brian Gilligan on my findings.

# Le Fevre & Co.

## Solicitors & Attorneys

Incorporating Thompson and Le Fevre. Est. 1907

Our Ref: TJL:29216

10 July 2017

The General Manager  
Lithgow City Council  
PO Box 19  
Lithgow NSW 2790

Dear Sir,

**RE: T.J. AND F.M. LE FEVRE –  
PROPOSED PARTIAL ROAD CLOSURE AND PURCHASE FROM COUNCIL  
PROPERTY: 158 OLD BATHURST ROAD, SOUTH BOWENFELS NSW 2790**

We refer to our clients' letter to you of 7<sup>th</sup> April last and understand that Council has approved the road closure and sale on the basis that the purchasers pay the value of the land to Council plus all costs and expenses associated with the closure and purchase.

Enclosed herewith is a valuation report dated 26<sup>th</sup> June, 2017 prepared by Opteon Property Group. You will note that the subject land has been valued at \$1,000.00.

Would you please advise if Council is now prepared to proceed with the closure and sale on the basis of the purchaser price being \$1,000.00 as determined by the valuation report, plus all costs and expenses. Subject to your confirmation, we will prepare and submit the appropriate road closure application for signature on behalf of Council.

Yours faithfully  
**LE FEVRE & CO.**



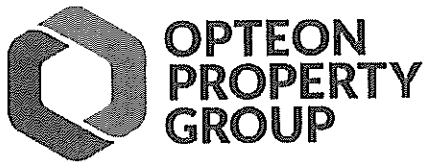
Per:  
T.J. Le Fevre

Encl.

*Principal: Allan J. Lindsay*

**City Chambers**  
**108 Main Street, Lithgow NSW 2790**  
P.O. Box 67, Lithgow NSW 2790  
DX 3151 Lithgow  
ABN: 27 759 019 416  
Telephone: (02) 6352 2699 Facsimile: (02) 6352 1351  
Hours: 9a.m. to 5 p.m. Monday to Friday

*Consultant: Tim Le Fevre*



**VALUE MADE VISIBLE**

[www.opg.net](http://www.opg.net)

## Valuation Report

---

Lot 1 Old Bathurst Road  
South Bowenfels, New South Wales 2790

Opteon Ref: 8028566  
Client Ref: TJL 29216

## VALUATION REPORT

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View of Lot 57 and improvements on adjoining land

---

### **Lot 1 Old Bathurst Road South Bowenfels, New South Wales 2790**

|                         |                                      |
|-------------------------|--------------------------------------|
| <b>Prepared For</b>     | Le Fevre & Co Solicitors & Attorneys |
| <b>Report Purpose</b>   | Proposed Sale purposes               |
| <b>Valuation Date</b>   | 26 June 2017                         |
| <b>Our Reference</b>    | 8028566                              |
| <b>Client Reference</b> | TJL:29216 / Lithgow City Council     |

Opteon Property Group  
Opteon (Central West NSW) Pty Ltd  
ABN 50 606 224 677  
1/29 Sale Street, Orange, NSW 2800

P (02) 6392 0999 E [orange.info@opteonsolutions.com](mailto:orange.info@opteonsolutions.com)  
F (02) 6362 5116 W [www.opteonsolutions.com](http://www.opteonsolutions.com)

#### **VALUE MADE VISIBLE**

Liability limited by a scheme approved under Professional Standards Legislation

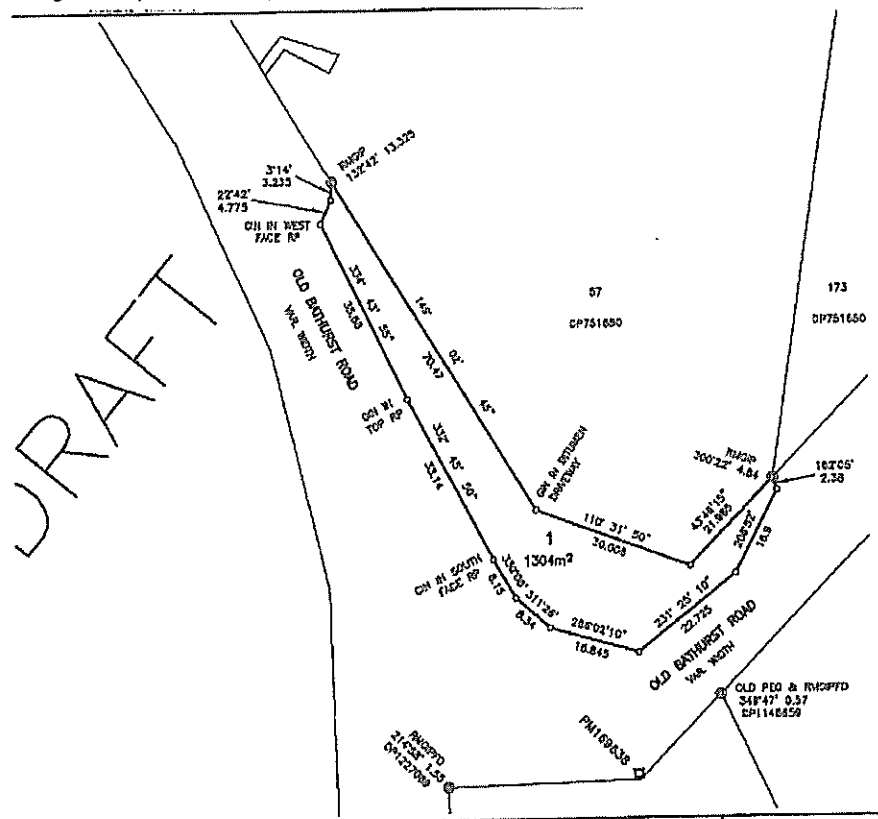
# 1.0 Valuation Summary

## 1.1 Instructions

|                           |   |
|---------------------------|---|
| Instructing Party         | T J Le Fevre, Le Fevre & Co Solicitors & Attorneys  |
| Client / Authorised Party | Le Fevre & Co Solicitors & Attorneys and Lithgow City Council   |
| Client Reference          | TJL:29216 / Lithgow City Council  |
| Valuation Purpose         | Proposed Sale purposes - <i>Please note, this report does not meet Practice Standards for valuations for mortgage/finance purposes and is specifically not suitable for this purpose.</i> |

## 1.2 Property Details

|                      |   |
|----------------------|---|
| Property Address     | Lot 1 Old Bathurst Road, South Bowenfels, New South Wales 2790  |
| Property Description | Lot 1 in unregistered plan of survey being closed road and proposed to be sold by Lithgow City Council.                       |
| Title Reference      | Lot 1 in unregistered plan of survey as illustrated in the following extract from unregistered plan of survey dated 17/3/2017 |



|                       |   |
|-----------------------|---|
| Tenure Type           | Freehold  |
| Registered Proprietor | Lithgow City Council  |
| Encumbrances          | None apparent   |
| Zoning                | The land is zoned Part R5 Large Lot Residential and Part RU2 Rural Landscape pursuant to Lithgow LEP 204. |

### 1.3 Assumptions and Recommendations

---

|                                |  |
|--------------------------------|--|
| Key Assumptions                | <ul style="list-style-type: none"><li>The instructions and information supplied contain a full disclosure of all information that is relevant;</li></ul> |
| Recommended Documents to Sight | None recommended   |

### 1.4 Valuation Details

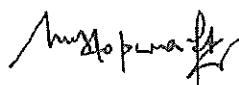
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Market Value As Is \$1,000 (One thousand dollars)

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|                       |  |
|-----------------------|--|
| Interest Valued       | Freehold Vacant Possession   |
| Date of Inspection    | 8 June 2017  |
| Date of Valuation     | 26 June 2017   |
| Date Issued           | 29 June 2017   |
| Currency of Valuation | 90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. |
| Pecuniary Interest    | We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property.     |

#### Signatories



Mark Hopcraft  
Consultant Valuer  
FAPI, CPV  
API No: 67630  
Inspecting Valuer

|                           |  |
|---------------------------|--|
| Important                 | <i>This Executive Summary must be read in conjunction with the remainder of this report. The Executive Summary is only a synopsis designed to provide a brief overview and must not be acted upon in isolation to the contents of the valuation report.</i>  |
| Third Party Disclaimer    | <i>This report has been prepared for the private and confidential use of our client, Le Fevre &amp; Co Solicitors &amp; Attorneys and Lithgow City Council for the specified purpose. It should not be reproduced in whole or part without the express written authority of Opteon (Central West NSW) Pty Ltd or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.</i> |
| Digital Copies of Reports | <i>Where a report has been provided in digital copy and has not been received directly via our firm, the report contents, especially the valuations and critical assumptions, should be verified by contacting the issuing office to ensure the contents are bona fide. In particular if the reader of this report has suspicions that the report appears to be tampered or altered then we recommend the reader contact the issuing office.</i>   |
| Reliance on Whole Report  | <i>This valuation should be read in its entirety, inclusive of any summary and annexures. The valuer and valuation firm does not accept any responsibility where part of this report has been relied upon without reference to the full context of the valuation report.</i>   |



## 2.0 Location

The regional town of Lithgow is located about 140 kilometres west of the Sydney CBD and within the eastern part of the Central West Region. Lithgow City is bounded by the Mid-Western Regional Council area and the Singleton Council area in the north, Hawkesbury City in the east, Blue Mountains City and the Oberon Council area in the south, and the Bathurst Regional Council area in the west. Lithgow is approximately 4,551 sq km of land, and has a population of 21,118.

The Lithgow LGA is made up of one large urban centre called Lithgow, two townships called Portland and Wallerawang and numerous villages, hamlets and rural localities of varying proximity to Lithgow. Lithgow is best known for its industrial heritage, and it's exquisitely beautiful area boasting six national parks and rare flora and fauna.

Lithgow's big industry sectors are retail, mining and health care. In combination these three industries employed 2,387 people in total or 31.3% of the employed resident population. The Mining sector with a location quotient significantly greater than one highlights the potential competitive advantages of this sector in the Lithgow area.

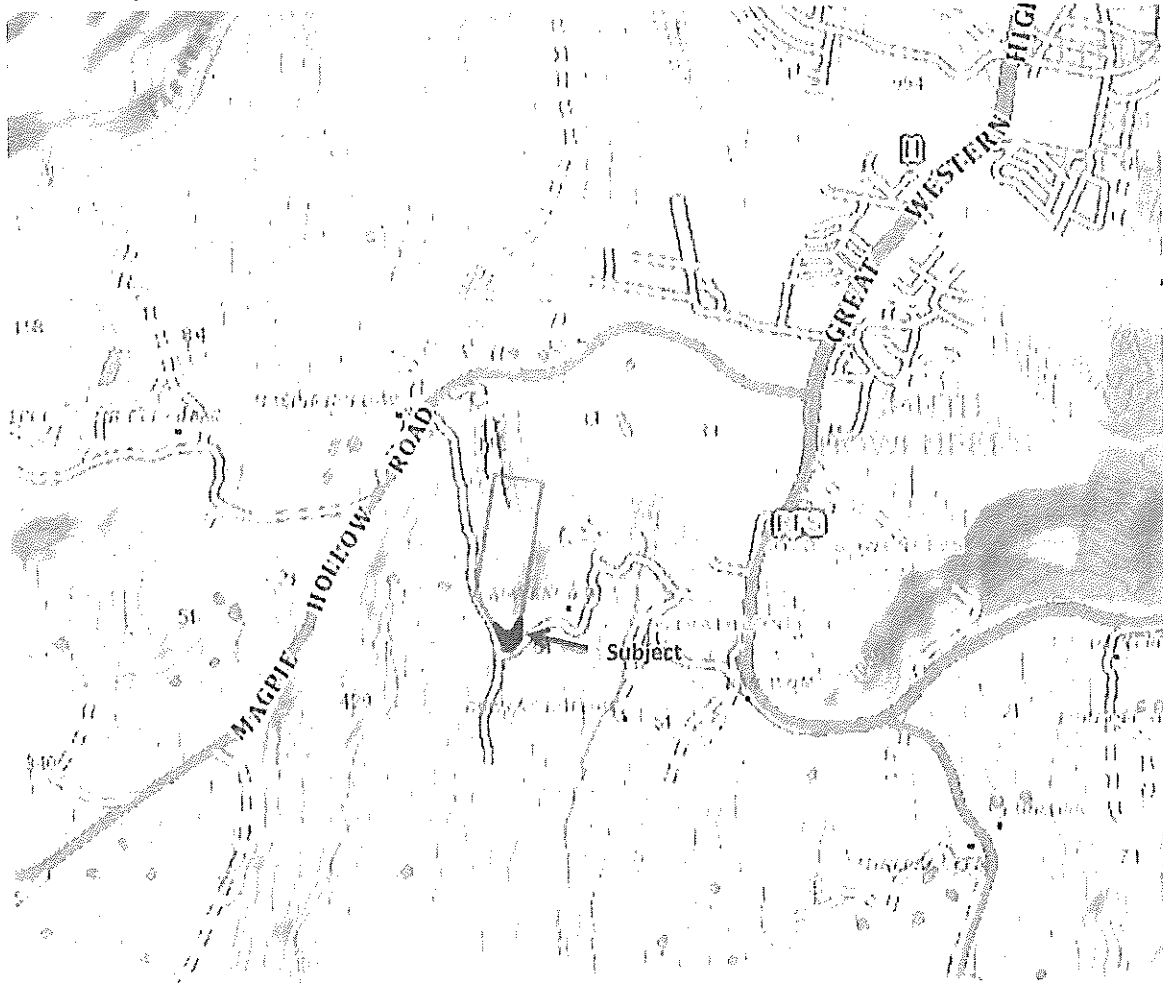
Lithgow City Council recently adopted the Economic Development Strategy 2010 – 2014. The Strategic Plan commits Council to communicating with the community, developing an economic development strategy, strengthening brand awareness, and continuing to develop tourism opportunities across LGA boundaries.

Lithgow Attractions:

- Zig Zag Railway
- Glow Worm Tunnel
- Secret Creek Sanctuary
- Newnes in the Wolgan Valley
- Glen Davis in the Capertee Valley
- Lithgow Ironfest
- Lithgow Small Arms Factory
- Jenolan Caves
- Wollemi National Park
- Hartley Historic Site
- Rydal Daffodil Festival

The subject land is located on the northern side of Old Bathurst Road about 5.5km south west of the Lithgow CBD.

### Location Map



## 3.0 Planning

---

|                       |  |
|-----------------------|--|
| Local Government Area | Lithgow City Council   |
| Planning Scheme       | Lithgow LEP 2014   |
| Current Zoning        | Part R5 Large Lot Residential, Part Lot RU2 Rural Landscape  |
| Overlays              | Minimum lot size R5 Z – 2ha; RU2 AB3 – 40ha. The land has no subdivision potential nor does it have the benefit of a dwelling entitlement. |
| Existing Use          | Vacant land / landscaped area.   |
| Zoning Effect         | No further subdivision potential.  |
| Heritage Issues       | Not applicable   |

## 4.0 Site

---

|                |  |
|----------------|--|
| Site Area      | 1,304 sqm  |
| Topography     | Moderately steep rising from Old Bathurst Road to its northern boundary.                                   |
| Access         | Direct from Old Bathurst Road  |
| Identification | The land has been identified from survey plan, topographical mapping and onsite inspection of survey pegs. |

## 4.1 Services

---

|          |                                      |
|----------|--------------------------------------|
| Services | Electricity and telephone available. |
|----------|--------------------------------------|

## 5.0 Improvements

The land is devoid of any significant structural improvements, save for paving and landscaping.

## 6.0 Photography



View of dwelling from Old Bathurst Road on adjoining Lot 57



View looking north west over land proposed to be sold indicated to right of survey pegs



View looking north west over land proposed to be sold showing existing landscaping incorporated to adjoining lands



View looking east over land proposed to be sold indicating landscaping included within adjoining lands

## 7.0 Environmental Issues

Environmental Issues      None apparent.

## 8.0 General Comments

The land comprises an irregularly shaped parcel incorporated within adjoining lands as a landscaped area.

The land is 1,304 sqm in area and not capable of development in its own right. Furthermore, the land is only suitable for use / amalgamation with adjoining land immediately to the north defined as Lot 57 DP 751650.

## 9.0 Market Evidence

### 9.1 Sales Evidence

In forming our opinion of value we have had regard to various sales transactions, a selection of which are detailed below.

| Address  | Sale Date   | Sale Price |
|--|-------------|------------|
| 135 Megalong Place, Kanimbla   | 25 Aug 2016 | \$310,000  |
| Comments: An 8.978ha rural residential parcel situated about 10km south west of the Little Hartley Village and accessed from tar sealed Megalong Place.  |             |            |
| 212 Megalong Place, Kanimbla   | 16 Jun 2016 | \$340,000  |
| Comments: A 10ha rural residential parcel transacted between parties known to each other and without the benefit of intervention of an agent, however considered to be transacted at market value. Tar sealed road access. Usual rural services available. |             |            |
| 371 Cox's River Road, Little Hartley   | 22 Dec 2016 | \$605,000  |
| Comments: A 10.12ha rural residential holding incorporating nominal improvements indicating an analysed land value of \$425,000.   |             |            |

### Sales Evidence Commentary

The sales evidence indicates that values rise slightly from smaller approximate 9ha parcels to larger 10.12ha parcels, however the increment in value is driven largely by location, aspect and availability of services.

The added value of extra land to say a 10ha parcel is limited given the majority of value is encapsulated with the single dwelling entitlement attaching to a 10ha parcel and variations in sale price driven by location, amenity and configuration.

## 10.0 Valuation Methodology

**Methodology Comment** In assessing the value of the subject land proposed to be sold, we have had regard to the available market evidence. The adjoining land has a smaller cleared section to its southern boundary which supports the existing dwelling and curtilage, however the residue area being in the majority is heavily timbered, steeper country rising to the north.

The sales evidence indicates that additional land over and above a base, say 10ha site value, does not necessarily add materially to the overall value of the site with the main drivers of value being the proximity to amenity, tar sealed road access, availability of services and proximity to Lithgow / Little Hartley.

In assessing the value of the subject land, we have had regard to the existing zoning of R5 Large Lot Residential and RU2 Rural Landscape and the minimum lot sizes for subdivision.

In this regard the parcel of land lacks significant market appeal and has no development potential except as an adjunct with adjoining land.

We conclude that the only practical purchaser of the land would be the adjoining owner to the north.

On this basis we conclude that the value of the subject land is nominal and adopt a figure of say \$1,000.

## 11.0 Valuation

### 11.1 Market Value - As Is

|              |                                |
|--------------|--------------------------------|
| Market Value | \$1,000 (One thousand dollars) |
|--------------|--------------------------------|

|                 |                            |
|-----------------|----------------------------|
| Interest Valued | Freehold Vacant Possession |
|-----------------|----------------------------|

|                    |             |
|--------------------|-------------|
| Date of Inspection | 8 June 2017 |
|--------------------|-------------|

|                   |              |
|-------------------|--------------|
| Date of Valuation | 26 June 2017 |
|-------------------|--------------|

|             |              |
|-------------|--------------|
| Date Issued | 29 June 2017 |
|-------------|--------------|

|             |   |
|-------------|---|
| Signatories |  |
|-------------|---|

Mark Hopcraft  
 Consultant Valuer  
 FAPI, CPV  
 API No: 67630  
 Inspecting Valuer

|           |  |
|-----------|--|
| Important | <i>This valuation is subject to the definitions, qualifications and disclaimers and other comments contained within this report.</i> |
|-----------|--|

## 12.0 Assumptions, Conditions and Limitations

### Condition/Structural Disclaimer

*This report is not a condition or structural survey and no advice is given in any way relating to condition or structural matters. Any opinion given as to the condition of the structure or improvements on the property is not given in the capacity as an expert. A condition or structural report on the building and/or its plant and equipment has not been sighted, and nor have we inspected unexposed or inaccessible portions of the premises. Therefore we cannot comment on the structural integrity, any defects, rot or infestation (or damage from pest infestation) of the improvements, any use of asbestos or other materials now considered hazardous or areas of non-compliance with the Building Code of Australia, other than matters which are obvious and which are noted within this report. This valuation assumes the building is structurally sound; that building services are adequate and appropriately maintained; the building complies with applicable Council, building, fire, health and/or safety regulations, laws, rules, licences, permits, rulings and/or bylaws; and is free of asbestos or other defects, unless specified otherwise. Should an expert's report establish that there are any defects of this kind then we reserve the right to review this valuation.*

### Digital Copies of Reports

*Where a report has been provided in digital copy and has not been received directly via our firm, the report contents, especially the valuations and critical assumptions, should be verified by contacting the issuing office to ensure the contents are bona fide. In particular if the reader of this report has suspicions that the report appears to be tampered or altered then we recommend the reader contact the issuing office.*

### Environmental Disclaimer

*This report is not an environmental audit and no advice is given in any way relating to environmental matters. Any comment given as to environmental factors in relation to the property are not given in the capacity as an expert. This assessment of value (unless specified otherwise) is made on the basis that the property is free of contamination or environmental issues affecting the property not made known to the valuer. In the event the property is found to contain contamination the matter should be referred to this office for comment. Given contamination issues can have a significant impact on the Market Value of the property, we reserve the right to review and if necessary vary our valuation if any contamination or other environmental hazard is found to exist.*

### Full Disclosure Disclaimer

*Whilst we have attempted to confirm the veracity of information supplied, the scope of work did not extend to verification of all information supplied or due diligence. Our valuation and report has been prepared on the assumption the instructions and information supplied has been provided in good faith, is not in any way misleading or deceptive, contains a full disclosure of all information that is relevant, and that there are no undisclosed agreements in place that affect the property. The valuer and valuation firm does not accept any responsibility or liability whatsoever in the event the valuer has been provided with insufficient, false or misleading information.*

### Future Value

*Any comments are made in relation to future values are based on general knowledge and information currently available. These comments should not be construed as a prediction of future value levels or a warranty of future performance as the property market is susceptible to potential rapid and unexpected change caused by multiple factors. Ultimately current expectations as to trends in property values may not prove to be accurate.*

*Due to possible changes in the property market, economic conditions, occupancy status and property specific factors, we recommend the value of the property be reassessed at regular intervals.*

### Geotechnical Assumption

*We have not sighted a geotechnical engineers' survey of the property. We are not experts in the field of civil or geotechnical engineering and we are therefore unable to comment as to the geotechnical integrity of the ground and soil conditions. It is specifically assumed that there are no adverse geotechnical conditions that compromise the utility of the property for the current or highest and best use. In the event there is found to be adverse ground conditions we recommend the matter be referred to this Company for comment.*

### GST

*Valuations of residential property are undertaken on the basis that GST is not applicable. This valuation is prepared on the assumption that the subject property does not constitute a 'new residential premises' as defined under ATO Ruling GSTR 2003/3. Further it is assumed that the subject property will transact as a residential property between parties not registered (and not required to be registered) for GST. The market valuation herein reflects a market transaction to which GST may not be applicable. The client should satisfy themselves of the GST position of the parties involved.*

### Heritage Disclaimer

*Our valuation has been assessed having regard to the nature of any buildings on the property and any known heritage listings. However we have not obtained formal confirmation of heritage listings beyond what is available in the public domain and identified in this report. Our valuation assumes, unless otherwise specified, that any heritage issues (including Aboriginal) do not impact on the continued and/or highest and best use of the property. If there is doubt in relation to such issues we recommend written application be made to the relevant authorities.*

### Inconsistencies in Assumptions

*If there is found to be any variance, inconsistency or contradiction in any of the above assumptions then there may be a variation in the valuation assessed.*

|   |  |
|---|--|
| <b>Information Availability (Market Evidence)</b> | <i>In preparing this valuation we have undertaken those investigations reasonably expected of a professional valuer having regard to normal industry practice so as to obtain the most relevant, available, comparable market evidence. Whilst we believe the market evidence information and any other information provided to be accurate, not all details can and have been formally verified. Due to privacy laws, confidentiality agreements and other circumstances beyond our control, the valuer may not have had access to: personal details of parties involved in transactions (including the relationship of the parties); information on recent transactions that are yet to become public knowledge; and copies of leases or contracts to confirm rents or prices and to ascertain whether or not rents or prices are inclusive or exclusive of GST.</i> |
| <b>Land and Building Area Disclaimer</b>          | <i>In the event actual surveyed areas of the property are different to the areas adopted in this valuation the survey should be referred to the valuer for comment on any valuation implications. We reserve the right to amend our valuation in the event that a formal survey of areas differs from those detailed in this report.</i>   |
| <b>Market Change Disclaimer</b>                   | <i>This valuation is current as at the Date of Valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 90 days from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.</i>   |
| <b>Market Value</b>                               | <i>The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.</i>  |
| <b>Native Title Assumption</b>                    | <i>We are not experts in native title or the property rights derived there from and have not been supplied with appropriate expert advice or reports. Therefore, this valuation is made assuming there are no actual or potential native title interests affecting the value or marketability of the property.</i>   |
| <b>Planning Disclaimer</b>                        | <i>Town planning and zoning information was informally obtained from the relevant local and State Government authorities and is assumed to be correct. This information does not constitute a formal zoning certificate. Should the addressee require formal confirmation of planning issues then we recommend written application be made to the relevant authorities to obtain appropriate current zoning certificates.</i>  |
| <b>Professional Standards</b>                     | <i>Our valuation has been assessed in accordance with applicable International Valuation Applications and Technical Information Papers of the International Valuation Standards Committee and the Australian Property Institute Practice Standards and Guidance Notes.</i>   |
| <b>Publication of Report</b>                      | <i>The publication of the valuation or report in whole or any part, or any reference thereto, or the names and professional affiliations of the valuers is prohibited without the prior written approval of the valuer as to the form and context in which it is to appear.</i>  |
| <b>Reliance on Whole Report</b>                   | <i>This valuation should be read in its entirety, inclusive of any summary and annexures. The valuer and valuation firm does not accept any responsibility where part of this report has been relied upon without reference to the full context of the valuation report.</i>   |
| <b>Scope of Work Undertaken</b>                   | <i>The scope of work undertaken by the valuer in completing the valuation has included:</i> <ul style="list-style-type: none"><li>• Collation of information from relevant parties regarding the subject property;</li><li>• Undertaking our own research regarding the subject property;</li><li>• An inspection of the property and measurement of buildings where required;</li><li>• Undertaking market research in terms of values and/or costs of similar properties;</li><li>• Preparation of valuation calculations; and</li><li>• Preparation of this report.</li></ul>   |
| <b>Site Survey Disclaimer</b>                     | <i>This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert, however, are based on our inspection of the property and review of the Certificate of Title plans. Should the addressee require absolute certainty in relation to site area, dimensions or possible encroachments we recommend that a surveyor be engaged to provide appropriate advice and a survey of the property if considered necessary. In the event there are any fundamental inconsistencies between any site survey undertaken and site detail adopted in this valuation, the survey should be referred to the valuer for comment on any valuation implications (including amendment of our valuation if considered necessary).</i>                              |

**Third Party Disclaimer**

*This report has been prepared for the private and confidential use of our client, Le Fevre & Co Solicitors & Attorney and Lithgow City Council s for the specified purpose. It should not be reproduced in whole or part; or any reference thereto; or to the valuation figures contained herein; or to the names and professional affiliation of the Valuer(s) without the express written authority of Opteon (Central West NSW) Pty Ltd or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.*

**Title Assumption**

*Our valuation assumes the property would be offered for sale subject to encumbrances noted on the Title but otherwise unencumbered by mortgages, caveats, or priority notices etc which would prevent transfer of the property.*

**Unregistered Instruments**

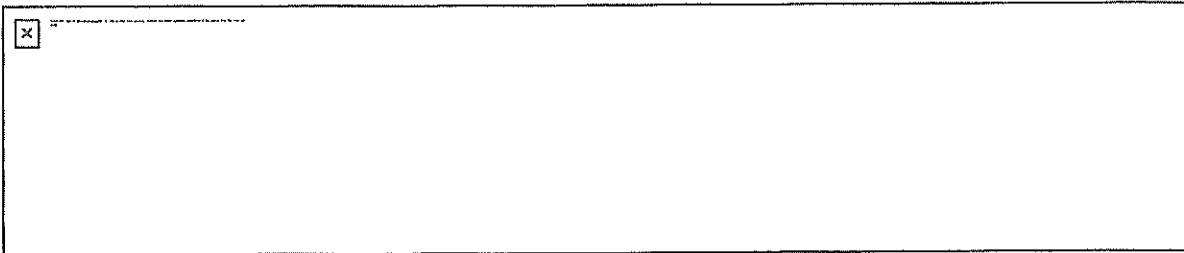
*If there are any encumbrances, encroachments, restrictions, leases or covenants which are not noted in this report, they may affect the assessment of value. If any such matters are known or discovered, we should be advised and asked as to whether they affect our assessment of value.*



**Tim Le Fevre**

---

**From:** orange.info@opteonsolutions.com  
**Sent:** Thursday, 29 June 2017 4:02 PM  
**To:** Tim Le Fevre  
**Subject:** Send Report And Invoice: (Client Ref: TJL:29216) Lot 1 Old Bathurst Road South Bowenfels. Requested by: T J Le Fevre  
**Attachments:** Report.pdf; Invoice.pdf



**REPORT COMPLETE**

**Our Reference:** 8028566  
**Your Reference:** TJL:29216  
**Address:** Lot 1 Old Bathurst Road, South Bowenfels, NSW, 2790

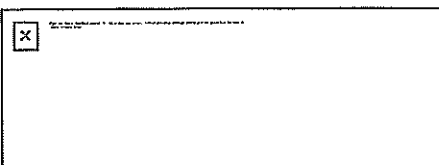
Dear T J Le Fevre,

Please find attached a completed report for the above property together with our invoice for your attention.



We look forward to being of service to you in the future.

Kind regards,

**Stacey Peate**  
Administration Assistant



D. (02) 6392 0999  
E. stacey.peate@opteonsolutions.com  
A. Level 1/29, Sale Street, Orange, NSW, 2800

 02 63920999  OPTEONSOLUTIONS.COM

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**Please consider the environment before printing**

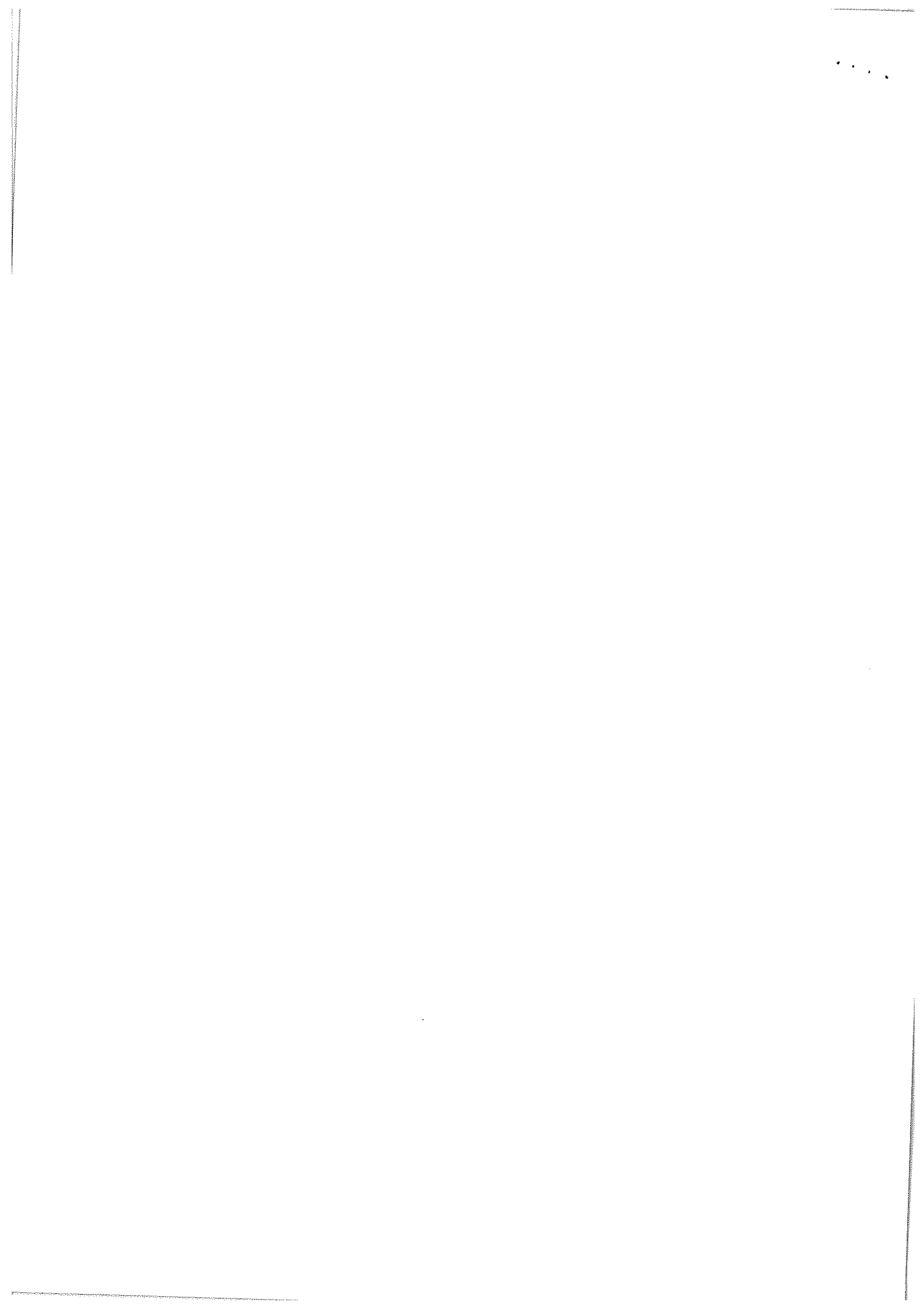
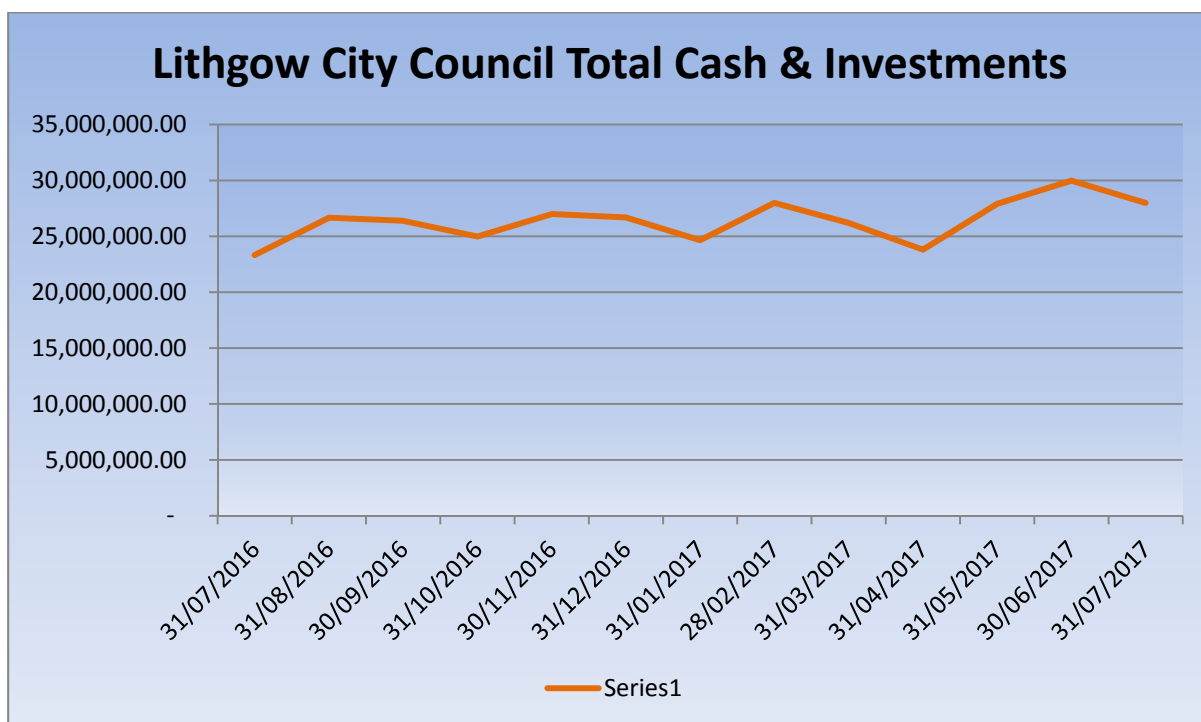


Figure 1

| INSTITUTION                       | AMOUNT SPENT           | Institution % |
|-----------------------------------|------------------------|---------------|
| AMP                               | \$5,000,000.00         | 18.02%        |
| Auswide Bank Ltd                  | \$4,000,000.00         | 14.41%        |
| Beyond Bank Australia             | \$6,500,000.00         | 23.42%        |
| MEMBERS EQUITY BANK               | \$5,500,000.00         | 19.82%        |
| MYSTATE BANK LIMITED              | \$2,000,000.00         | 7.21%         |
| Rural Bank                        | \$2,000,000.00         | 7.21%         |
| ST GEORGE                         | \$1,000,000.00         | 3.60%         |
| <b>Total Investment</b>           | <b>\$26,000,000.00</b> |               |
| CBA                               | \$1,992,348.32         | 6.31%         |
| <b>Total Cash and Investments</b> | <b>\$27,992,348.32</b> | <b>100%</b>   |
|                                   |                        |               |

Figure 2





## **8. FINANCE**

Policy 8.4

DEBT RECOVERY

**Version 3**

## 8. FINANCE

### 8.4 DEBT RECOVERY

#### Objective of this Policy

The objective of this Debt Recovery Policy is to ensure consistency, fairness, integrity and confidentiality of all proceedings for both Council and the relevant debtor as well as to maximize the collection of outstanding debts and optimize Council's cash flow.

Council's aim is to be sympathetic and helpful to debtors suffering genuine financial hardship.

Council at all times will comply with relevant legislation, including the *Local Government Act 1993 (NSW)* ("the Act").

#### Scope of this Policy

This policy relates to all parties that owe monies to Council (debtors), including but not limited to:

- Ratepayers (including other charges linked to the property); and
- Sundry Debtors

Some aspects of the debt recovery procedure will differ according to the type of debtor so they are treated separately in this policy.

#### Rates and Charges

##### Payment of Rates and Charges

Council will levy rates and charges by service of a rates notice in accordance with section 546 of the Act. Council will endeavour to serve those rates notices in the month of July of every year.

If the rates notice is served in July, under section 562(3) of the Act ratepayers have the option of making payment of the amounts owing in those rates notices by one lump sum (which is to be paid by 31 August) or by four quarterly instalments due on the last day of the following months:

- August
- November
- February
- May

If Council serves the rates notice after 1 August then the provisions of section 562(4) of the Act apply.

## **Instalment Reminder Notices**

Under section 562(5) of the Act, Council must send instalment reminder notices to each person who is paying their rates and charges by instalment on or before 31 October, 31 January and 30 April.

## **Final Notice**

A Final Notice (in a form to be approved) is to be sent to any ratepayer who has not, within fourteen days of the due date:

- (a) Paid the amount of any instalment; or
- (b) Come to an arrangement for payment of the instalment by instalments; or
- (c) Made written application for waiver, credit or reduction of the instalment; or
- (d) Taken some action to dispute that the amount is payable.

The Final Notice will:

- (a) Set out the amount of the instalment;
- (b) Demand payment of the instalment within fourteen days of the date of the notice (though fourteen days will actually be allowed);
- (c) Urge the ratepayer to contact Council if they believe that the instalment has been paid or is not payable; and
- (d) Urge the ratepayer to contact Council to come to a suitable arrangement if they are unable to make payment of the instalment amount within the time allowed.

## **Demand Letter**

A Demand Letter is to be sent to any ratepayer who has not, within fourteen days of the Final Notice:

- (a) Paid the amount of any instalment; or
- (b) Come to an arrangement for payment of the instalment by periodical payments; or
- (c) Made written application for waiver, credit or reduction of the instalment; or
- (d) Taken some action to dispute that the amount is payable.

As Council has retained the services of an external law practice to assist them with the debt recovery function that law practice is to prepare and send the Demand Letters on their letterhead.

The Demand Letter will:

- (a) Set out the amount of the instalment;
- (b) Demand payment of the instalment within seven days of the date of the notice;

- (c) Urge the ratepayer to contact Council's external law practice if they believe that the instalment has been paid or is not payable; and
- (d) Urge the ratepayer to contact Council's external law practice to come to a suitable arrangement if they are unable to make payment of the instalment amount within the time allowed.

### **Commencement of Legal Action**

Council is to instruct the external law practice to commence legal action with the issue and service of a statement of claim against any ratepayer who is not a pensioner, with an instalment (or instalments) unpaid and owing greater than \$500.00 (including any accrued interest); and who has not:

- (a) Come to an arrangement for payment of the instalment by periodical payments; or
- (b) Made written application for waiver, credit or reduction of the instalment; or
- (c) Taken some action to dispute that the amount is payable.

### **Service of Statements of Claim**

Council's lawyers are to be instructed to serve statements of claim by post where possible. If postal service is unsuccessful for any reason personal service is to be attempted.

### **Costs of Legal Action**

Council is to ensure that the costs of any legal action taken are legally recoverable as a charge on the property pursuant to section 550 of the Act and to upload those costs to the property as required.

### **Obtaining Judgement**

Council is to instruct their external law firm to make application for judgment if, within the time allowed by the relevant legislation (currently twenty-eight days after service of the statement of claim), the ratepayer has not:

- (a) Paid the debt and costs claimed; or
- (b) Filed a defence; or
- (c) Filed an acknowledgement of claim; or
- (d) Come to an arrangement to pay by instalments; or
- (e) Taken any other action that means Council is unable to apply for judgment.

### **Enforcing Judgement**

Council is to instruct their external law firm to enforce any judgment obtained by one or more of the following methods as advised by their external law firm:

- (a) Writ against property;



- (b) Examination;
- (c) Garnishee of bank accounts;
- (d) Garnishee of wages or other debts;
- (e) Bankruptcy;
- (f) Winding up of companies;
- (g) "Rent for Rates" under section 569 of the Act; or
- (h) Such other method as Council is advised.

### **Duplicate Matters**

As ratepayers who have not paid instalments as required will be referred for action quarterly, in the interest of keeping the costs they have to pay should legal action be required to a minimum, Council adopts the following:

1. If legal action has already commenced to recover the previous instalment then no further legal action is to be taken on later instalments until such time as the amount claimed in those legal proceedings (including costs) have been paid.
2. If legal action has not already commenced to recover the previous instalment then the amount of any later instalment is to be added to the earlier instalment for the taking of that legal action.

### **Payment of Debt and not Costs**

If, after the commencement of legal proceedings, a ratepayer makes payment of the instalment claimed but not the costs of those proceedings, Council's external law firm is to send the relevant ratepayer a letter setting out the amount payable for costs and demanding payment of same within seven days (though fourteen days will be allowed).

If the ratepayer does not make payment of those costs within fourteen days of the sending of the letter legal action is to be continued for the recovery of those costs.

### **Arrangements**

Under section 564 of the Act Council is able to come to an arrangement for the payment of amounts owing by way of periodical payment.

Council is to negotiate such arrangements with the aim to be that, where possible, all arrears (including any costs incurred in legal proceedings) are to be paid within the current rating year – together with the current year's rates and charges. Where the calculated arrangement payment would cause the ratepayer to suffer hardship, the arrangement payments should be calculated over the 12 month period from the date of the arrangement, with the arrangement period not to exceed 24 months from the date of the arrangement.

Any arrangement is to be confirmed in writing to the address for service of the ratepayer. The confirmation is to:

1. Set out the amount payable under the arrangement;

2. Confirm that the arrangement only applies to that amount payable;
3. Set out the arrangement itself;
4. If applicable, confirm that it is a condition of the arrangement that all future rates and charges will be paid when due;
5. Urge the ratepayer to contact Council prior to the due date for payment should they be unable to comply with the arrangement; and
6. Advise that Council reserves the right to continue action without notice should the ratepayer default on the arrangement.

Council is to send the confirmation letter on its letterhead - unless the matter has already been referred to its external law firm for action, in which case the external law firm is to send the confirmation letter.

Council is to record the arrangement in the System and Property file for each relevant property.

### **Defaulted Arrangements**

Should a ratepayer default on a payment arrangement then:

- (a) If the ratepayer has not been referred to the external law firm for action, recovery action will continue from the last stage it reached; and
- (b) If the ratepayer has been referred to the external law firm for action, that external law firm will send a letter demanding payment of the missed instalment within seven days and if it is not complied with, unless the ratepayer has taken some step that delays the process, recovery action will be continued from the last stage it reached.

### **Hardship**

The Act provides a number of circumstances where a discretion is available to Council to release ratepayers from some (or all) of their obligations due to what has come to be termed hardship. The sections include:

- Section 567 – writing off accrued interest
- Section 577 – concessions for pensioners
- Section 582 – waiver or reduction of amounts owing by pensioners

Any application by a ratepayer on the grounds of hardship, which must be written, are to be referred to the Chief Financial and Information Officer (CFIO) following a recommendation from the Financial Services Manager for consideration by Council in accordance with Council's adopted procedures.

### **Sale of Land for Rates**

Council is to avail itself of the procedure for sale of land for rates and charges provided by Part 2 Division 5 of the Act where appropriate.

## **Interest**

In accordance with section 566 of the Act, interest will accrue daily on any overdue rates and charges at the maximum allowable rate.\

## **Sundry Debtors**

### **Invoicing & Statements**

Council will issue invoices to sundry debtors weekly.  
Council will provide a monthly statement to sundry debtors.

### **Due Date for Payment**

Invoices sent to sundry debtors are due for payment thirty days from the date of issue of the invoice.

### **Reminder Letter**

A Reminder Letter is to be sent to any sundry debtor who has not made payment of any invoice within fourteen days of the due date for payment. The Reminder Letter, which is to be on Council letterhead, will set out the amount owing and demand payment of same within seven days.

### **Demand Letter**

A Demand Letter is to be sent by Council's legal firm to any sundry debtor who has not made payment of the amount owing within fourteen days of the date of the Reminder Letter. The Demand Letter will demand payment within seven days and advise that Council may take legal action to recover the amount without further notice if it is not paid within that time.

### **Commencement of Legal Action**

Council is to instruct its external law practice to commence legal action with the issue and service of a statement of claim against any sundry debtor with an amount owing greater than \$500.00 and who has not:

- (a) Come to an arrangement for payment of the debt; or
- (b) Made written application for waiver, credit or reduction of the debt; or
- (d) Taken some action to dispute that the amount is payable.

### **Service of Statements of Claim**

Council's lawyers are to be instructed to serve statements of claim by post where possible. If postal service is unsuccessful for any reason personal service is to be attempted.

## **Obtaining Judgement**

Council is to instruct their external law firm to make application for judgment if, within the time allowed by the relevant legislation (currently twenty-eight days after service of the statement of claim), the ratepayer has not:

- (a) Paid the debt and costs claimed; or
- (b) Filed a defence; or
- (c) Filed an acknowledgement of claim; or
- (d) Come to an arrangement to pay by instalments; or
- (e) Taken any other action that means Council is unable to apply for judgment.

## **Enforcing Judgement**

Council is to instruct their external law firm to enforce any judgment obtained by one or more of the following methods as advised by their external law firm:

- (a) Writ against property;
- (b) Examination;
- (c) Garnishee of bank accounts;
- (d) Garnishee of wages or other debts;
- (e) Bankruptcy;
- (f) Winding up of companies;
- (g) Such other method as Council is advised.

## **Arrangements**

Council is able to come to an arrangement with any sundry debtor for payment of the amount owing (including any costs and interest).

Any request for an instalment arrangement from a sundry debtor must be in writing and Council will not consider any request until it has been submitted in writing.

Whether or not Council agrees to any arrangement proposal is entirely at the discretion of Council and the following should be taken into account:

- (a) The debt size;
- (b) The debt age;
- (c) The time it will take to pay;

- (d) The conduct of the debtor, including any previous arrangements and their outcome;
- (e) The amount of costs incurred;
- (f) The financial circumstances of the debtor, to the extent that Council is aware of them; and
- (g) Any other matter Council considers relevant.

If Council accepts a proposal from a sundry debtor for payment of a debt by instalments, that acceptance is to be confirmed in writing. The confirmation is to:

1. Refer to the written offer to pay by instalments received;
2. Set out the amount payable under the arrangement;
3. Confirm that the arrangement only applies to that amount payable;
4. Set out the arrangement itself;
5. Urge the debtor to contact Council prior to the due date for payment should they be unable to comply with the arrangement; and
6. Advise that Council reserves the right to continue action without notice should the debtor default on the arrangement.

Council is to send the confirmation letter on its letterhead - unless the matter has already been referred to its external law firm for action, in which case the external law firm is to send the confirmation letter.

### **Defaulted Arrangements**

Should a sundry debtor default on a payment arrangement then recovery action is to continue from the last stage it reached prior to the arrangement being entered into.

### **Interest**

If the agreement by which Council provided the services that led to the sundry debt being incurred does not provide for interest to be charged, Council is to claim interest in any legal proceedings taken as allowed under relevant legislation at the applicable rate.

If the agreement by which Council provided the services that led to the sundry debt being incurred provides for interest to be charged, Council is to charge the interest under the agreement to the sundry debtor. However, Council at its discretion may choose to alternatively claim interest in any legal proceedings taken as allowed under relevant legislation at the applicable rate.

## Inbound Contact

To avoid confusion, double-handling and adverse legal issues, once a matter has been referred to Council's external law firm for collection all inbound contact from debtors is to be handled by them. Council staff are to advise such debtors to deal directly with Council's external law firm and, if necessary, provide appropriate contact details for same.

## Delegation of Authority

Council hereby expressly authorises its General Manager, CFIO, Financial Services Manager or such person as any of them delegates such authority to take such action as they deem fit to achieve the purposes of this policy with the adherence to same.

|                                  |   |                           |         |                        |   |
|----------------------------------|---|---------------------------|---------|------------------------|---|
| <b>Maintained by Department:</b> | Corporate & Community                   | <b>Approved by:</b>       | Council |                        |   |
| <b>Reference:</b>                | Dataworks: Policy Register              | <b>Council Policy No:</b> | 8.4     | <b>Effective Date:</b> | 21 Oct 2008                               |
| <b>Min No:</b>                   | V1- 06-349<br>V2-008-165<br>V3 - 14-367 | <b>Version No:</b>        | 3       | <b>Reviewed Date:</b>  | Oct 2009<br>August 2013<br>September 2014 |
| <b>Attachments:</b>              |   |                           |         |                        |   |





## **8. FINANCE**

Policy 8.5

PENSION REBATES

Version 4



## **8. FINANCE**

### **8.5 PENSION REBATES**

#### **OBJECTIVE**

To provide assistance to eligible pensioners with the payment of their rates and charges.

#### **POLICY**

Council will provide a rebate of rates to eligible pensioners under Section 575 of the Local Government Act 1993.

##### **1. Guidelines**

For the purpose of the Local Government Act (1993) and consequently, this policy an eligible pensioner is defined as;

- (a) persons who receive a pension, benefit or allowance under Chapter 2 of the Social Security Act 1991 of the Commonwealth, or a service pension under Part III of the Veterans' Entitlements Act 1986 of the Commonwealth, and who are entitled to a pensioner concession card issued by or on behalf of the Commonwealth Government,
- (b) persons who receive a pension from the Commonwealth Department of Veterans' Affairs as:
  - (i) a war widow or war widower within the meaning of the Veterans' Entitlements Act 1986 of the Commonwealth, or
  - (ii) the unmarried mother of a deceased unmarried member of the Australian Defence or Peacekeeping Forces, or
  - (iii) the widowed mother of a deceased unmarried member of the Australian Defence or Peacekeeping Forces, and does not have income and assets that would prevent them from being granted a pensioner concession card (assuming they were eligible for such a card),
- (b1) persons who have received a lump sum mentioned in section 234 (1) (b) of the Military Rehabilitation and Compensation Act 2004 of the Commonwealth or are receiving a weekly amount mentioned in that paragraph, and do not have income and assets that would prevent them from being granted a pensioner concession card (assuming they were eligible for such a card),
- (c) persons who receive a general rate of pension adjusted for extreme disablement under section 22 (4) of the Veterans' Entitlements Act 1986 of the Commonwealth, or a special rate of pension under section 24 of that Act,
- (d) persons who receive, or who at some point in their life have been eligible for, a Special Rate Disability Pension under the Military Rehabilitation and Compensation Act 2004 of the Commonwealth."

The rebate available to eligible pensioners is set out in Section 575(3) of the Local Government Act (1993). The total amount by which:

- (a) all ordinary rates and charges for domestic waste management services levied on any land for the same year are reduced is not to exceed \$250, and
- (b) all water supply special rates and charges so levied are reduced is not to exceed \$87.50, and
- (c) all sewerage special rates or charges so levied are reduced is not to exceed \$87.50

An application for pensioner rebates is to be made on a form approved by the Director General of the Office of Local Government.

The rebate will be shown on the Rates and Charges notice and will be deducted from the total amount payable.

On land that is jointly owned and the liability for payment of the rates is shared with ratepayers who are not eligible pensioners, the rebate amount will be calculated proportionally according to the ratio that the eligible pensioners bears to the total number of owners. There will be an exception where a legal agreement exists that makes the eligible pensioners solely liable for payment of the rates. In this case the full rebate will apply.

If an eligible pensioner becomes ineligible for any reason, the Council rebate will be written back proportionally according to the number of full quarters left in the rating year (Section 58 of the Local Government Act 1993).

## 2. Hardship

Eligible pensioners can apply to Council for assistance at any time within the current rating year if they are suffering financial hardship and are having difficulty paying their rates and charges. The procedure to apply is set out in the Council's Hardship Policy.

|                                  |   |                     |         |                        |                                   |
|----------------------------------|---|---------------------|---------|------------------------|-----------------------------------|
| <b>Maintained by Department:</b> | Finance                                   | <b>Approved by:</b> | Council |                        |                                   |
| <b>Reference:</b>                | Dataworks:<br>Policy Register             | <b>Policy No:</b>   | 8.5     | <b>Effective Date:</b> | 21 Oct 08                         |
| <b>Min No:</b>                   | V1 - 06-349<br>V2 - 008-165<br>V3- 14-367 | <b>Version No:</b>  | 4       | <b>Review Date:</b>    | Oct 2009<br>Aug 2011<br>Sept 2014 |
| <b>Attachments:</b>              |   |                     |         |                        |                                   |



## **8. FINANCE**

Policy 8.6

HARDSHIP POLICY

**Version 3**

## **8. FINANCE**

### **8.6 HARDSHIP POLICY**

#### **OBJECTIVE:**

To provide assistance to ratepayers suffering financial hardship, with outstanding debts due to council and to provide an administration process to determine applications promptly.

#### **POLICY:**

A debtor who cannot pay a debt due to Council for the reason of financial hardship can apply for assistance at any time.

Each individual case will be considered on its merits. The criteria for assessment is contained in the Hardship Application form, attachment 1, including but not limited to, the following:

- The amount of any rate increase when compared to the average rate increase for the rate category
- Income from all sources
- Living expenses
- Reason for financial hardship
- Length of occupancy

The assistance provided will be determined under the legal requirements of the Local Government Act 1993.

#### **DEFINITIONS**

- LGA, 1993 - refers to the Local Government Act 1993.
- Pensioner - means an eligible pensioner as defined in clause 135 of the Local Government (General) regulations 2005.
- Hardship Application form will be used for the purpose of applying for assistance under this policy.
- Hardship Committee will review hardship applications and will include the Finance Manager and a Rating Officer.
- The workgroup will make recommendations to the Chief Financial and Information Officer (CFIO) and prepare reports to Council if amounts exceed the General Manager's delegations.

#### **HARDSHIP PROVISIONS**

The Local Government Act 1993 provides Council with three (3) options for providing assistance to ratepayers who are finding it difficult to pay their rates and charges because of financial hardship. A summary of the options is as follows:

### **Section 601 LGA 1993**

Any ratepayer who incurs a rate increase in the first year following a revaluation of land values can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.

Council has discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable.

Council can set the period of time for when applications can be made under this Section.

Applications under Section 601 LGA 1993 must be made during the first year a new land value is used for rating purposes. Where an application is made in the first year, an application can also be made in subsequent years of the valuation base date.

### **Section 582 LGA 1993**

Council can provide assistance to pensioners under this Section. Council may defer payment of all or part of the rates and charges payable after rebates have been deducted.

### **Sections 564 and 567 LGA 1993**

Council can enter into payment agreements with rate payers, who cannot meet their normal instalment payments as provided by the LGA 1993.

- Council will provide an application form for the purpose of applying for assistance
- The Hardship Committee will review the application and recommend to the CFIO any offer of assistance as provided by the Local Government Act 1993 having regard to the circumstances of the applicant
- The CFIO can approve or not approve the Committee's recommendation
- The ratepayer will be informed of Council's decision in writing and if not satisfied with the outcome can request the Council to reconsider its decision
- After the Council considers the application and makes a decision the ratepayer has no further right to appeal.

Delegated Officers of Council can enter into payment agreements with ratepayers (Sections 564 and 567 LGA 1993).

Accrued interest on rates and charges may be written off where payment of the accrued interest would cause the person hardship. The Hardship Committee may request the ratepayer to come to an interview if it is necessary to understand the issues causing hardship.

### **HARDSHIP RESULTING FROM A GENERAL REVALUATION GOVERNMENT AREA**

In accordance with Section 601 of the Local Government Act a rate payer that suffers substantial hardship as the consequence of the making and levying of a rate on the most recent valuation, may apply to Council for relief. Assistance is only available in the first year new valuations are used to calculate rates. The criteria used to determine eligibility are:

- The rates payable must be more than 5% of the gross household income
- The applicant must be an owner and an occupier of the property to which the rates relate and the dwelling must be the applicants sole or principle place of living

- The ordinary rate increase must be more in percentage terms than the amount determined by Council at each revaluation. The ordinary rate increase is calculated as the ordinary rates payable for the new rating year (being the first year in which revaluations are used) minus the ordinary rates payable in the previous rating year increased by the allowed rate pegging increase for the year
- The maximum amount of assistance in aggregate for all ratepayers is \$20,000.

Only applications on the approved Hardship Application form, attachment 1, with certified supporting documentation will be considered. Applications with insufficient documentation will be referred back to the applicant. Completed applications will be assessed within 10 working days from lodgement with Council. Applications will be considered by the Hardship Committee. A ratepayer dissatisfied with a decision of the CFIO- may have that decision reviewed by the General Manager . If an application is refused, the applicant will be provided with reasons for such refusal by the CFIO. Applicants may appeal, in writing, to the General Manager.

### PRIVACY

Privacy in relation to any consideration of hardship will be preserved in accordance with Council's Privacy Management Plan.

### ATTACHMENTS

- 1 Hardship Application Form

|                                  |  |                           |         |                        |   |
|----------------------------------|--|---------------------------|---------|------------------------|---|
| <b>Maintained by Department:</b> | Corporate & Community                                    | <b>Approved by:</b>       | Council |                        |   |
| <b>Reference:</b>                | Dataworks: Policy Register                               | <b>Council Policy No:</b> | 8.6     | <b>Effective Date:</b> | 21 Oct 2008   |
| <b>Min No:</b>                   | V1 - 06-349<br>V2 - 008-165<br>V3 - 12-49<br>V4 - 14-367 | <b>Version No:</b>        | 4       | <b>Review Date:</b>    | Oct 2009<br>Aug 2011<br>Feb 2013<br>Oct 2013<br>Sept 2014 |
| <b>Attachments:</b>              |  |                           |         |                        |   |

Business Address: 180 Mort Street Lithgow  
Postal Address: PO Box 19 Lithgow NSW 2790  
Phone: (02) 63549999  
Fax: (02) 63514259  
Email: council@lithgow.nsw.gov.au  
Web: www.council.lithgow.com  
ABN: 59 986 092 492



## **RATES & CHARGES HARDSHIP APPLICATION**

I (Ratepayer Name)  
of (Ratepayer Address)

hereby make application to council for relief from payment of rates and charges upon the basis of hardship with respect to the following property:

Property Address:

Property Assessment Number:

The relief I seek is as follows (set out the specific relief sought – examples include extension of time to pay and waiver/deferral of interest for a specified period):

The grounds relied upon for this application are:

- Financial (in which case complete the Financial Questionnaire that follows and provide council with supporting documents);
- Non-financial (in which case provide the relevant information on the following page and provide council with supporting documents);
- Both financial and non-financial (in which case provide the information and documents for both categories above).

### **SIGNATURE OF RATEPAYER**

The information contained in this application is true. I understand that information provided in this application will be better supported if I provide documents to council proving same and I have attached copies of all documents I want council to consider to this application.

Signature

Date of signature

Telephone

Email Address

**Pensioner Allowance Information (if applicable)**

Do you have a current Pensioner Concession Card (PCC) issued by the Commonwealth Government?

Yes

No

If 'Yes', type of pension or benefit

If 'Yes', PCC Number (attach copy)

Date of Grant

Have you claimed a Pension Concession on any other property this year in any other local government area?

Yes

No

If 'Yes', state the address of the property

**Information for Non-financially Based Applications (if applicable)**

I put forward the following information for Council's consideration

(if there is not enough space please attach further information as desired)



**Financial Questionnaire for Financially Based Applications (if applicable)**

**INCOME (weekly unless otherwise stated)**

|  |           |
|--|-----------|
| Your average weekly income after tax from salary or wages                                    | \$        |
| Social security benefits/pensions (include family payments etc)                              | \$        |
| All other income (eg self-employed income, interest, dividends, rent or trust distributions) | \$        |
| <b>TOTAL</b>   | <b>\$</b> |
| Income of your spouse or partner   | \$        |

**EMPLOYMENT DETAILS**

What is the name of your principal employer?

What is the address of your principal employer?

SUBURB POSTCODE

What is the institution name, branch, BSB and account number of the account into which your salary or wage is paid by your employer (if applicable)?

**PROPERTY OWNED BY YOU**

|   |   |                      |
|---|---|----------------------|
| <b>Home</b>   | Property Address                            | <b>CURRENT VALUE</b> |
|   |   | \$                   |
|   | Value of equity, if any                     | \$                   |
| <b>Other property</b>   | Property Address                            | \$                   |
|   | Value of equity, if any                     | \$                   |
| <b>Funds in banks/<br/>financial<br/>institutions,<br/>including funds<br/>held in off-set<br/>accounts</b> | Institution, branch, BSB and account number | \$                   |
|   | Institution, branch, BSB and account number | \$                   |
| <b>Investments</b>  | Name and type of investment                 | \$                   |
| <b>Motor vehicle</b>  | Year Make                                   | \$                   |
|   | Model Registration                          | \$                   |
| <b>Household<br/>contents</b>   | Description                                 | \$                   |
| <b>Other<br/>personal<br/>property</b>  | Description and location                    | \$                   |
| <b>TOTAL VALUE OF PROPERTY OWNED BY YOU</b>   |   | <b>\$</b>            |

## LIABILITIES

Average weekly expenses:

| ITEM  | WEEKLY AMOUNT |
|---|---------------|
| Food  | \$            |
| Household supplies  | \$            |
| Mortgage/rent   | \$            |
| Gas   | \$            |
| Electricity   | \$            |
| Heating fuel  | \$            |
| Rates/levies  | \$            |
| Telephone   | \$            |
| Motor vehicle   |               |
| • Petrol  | \$            |
| • Maintenance   | \$            |
| • Registration/insurance  | \$            |
| Medical/hospital funds  | \$            |
| Other insurance (specify)   | \$            |
| Fares   | \$            |
| Clothing and shoes  | \$            |
| Entertainment/hobbies   | \$            |
| Education/childcare expenses, including fees and levies   | \$            |
| Medical/chemist /pharmaceutical   | \$            |
| Hire purchase payments  | \$            |
| Credit cards  | \$            |
| Other necessary commitments, including weekly payments on other liabilities, listed above (specify) | \$            |
| <b>TOTAL WEEKLY EXPENSES</b>  | <b>\$</b>     |

Other liabilities:

| LIABILITIES                 | NAME OF BANK/INSTITUTION | TOTAL AMOUNT OWED |
|-----------------------------|--------------------------|-------------------|
| Home mortgage               |                          | \$                |
| Other loans                 |                          | \$                |
| Credit cards                |                          | \$                |
| Credit cards                |                          | \$                |
| Other liabilities (specify) |                          | \$                |
| <b>TOTAL</b>                |                          | <b>\$</b>         |

Does anyone contribute to paying these liabilities (eg your spouse/partner)? If yes, give the person's details:

Name of person

Amount of contribution per week

Do you have any dependants? If yes, give details:

**ADDITIONAL QUESTIONS REGARDING FINANCIAL CIRCUMSTANCES**

Do you have any income, assets or liabilities not disclosed in this financial questionnaire?

Yes

No

If you answered yes to the previous question, give details of the other income, assets (including their location) or liabilities.

What arrangements are you prepared to make to pay council?

Additional Information for consideration by council

**PRIVACY AND PERSONAL INFORMATION PROTECTION NOTICE**

By completion of this form you may be providing Council with personal information. Council will collect the information only for a lawful purpose directly related to the function of Council. Information provided to Council may be used in conjunction with any of Council's business operations. We will take reasonable care not to disclose personal information. Exempt documents may come under the Government Information (Public Access) Act 2009.



## **8. FINANCE**

Policy 8.7

INVESTMENT POLICY

Version 5

## **8. FINANCE**

### **8.7 INVESTMENT POLICY**

#### **OBJECTIVE**

1. To undertake investment of surplus funds.
2. To maximise earnings from authorised investments.
3. To ensure the security of Council funds.

#### **POLICY**

##### **1. AUTHORITY FOR INVESTMENT**

All investments are to be made in accordance with:

- a) Local Government Act 1993 – Section 625
- b) Local Government Act 1993 – Order (of the Minister) dated 12 January 2011
- c) The Trustee Amendment (Discretionary Investments) Act 1997
- d) Local Government (General) Regulation 2005.

##### **2. DELEGATION OF AUTHORITY**

The General Manager is given delegated authority under the Local Government Act to invest temporary surplus funds in accordance with Council policy.

This authority may be sub-delegated by the General Manager.

##### **3. AUTHORISED INVESTMENTS**

All of the Council's investments must be denominated in Australian Dollars. The council may only invest money in the forms of investments, as taken directly from the Local Government Act 1993 – Order (of the Minister) Circular No: 11-01 gazetted on 11 February 2011.

- (a) Any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory
- (b) Any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW))
- (c) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations
- (d) Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority (APRA)

- (e) A deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include principal and investment income (interest).

### **Prohibited Investments**

This investment policy prohibits any investment carried out for speculative purposes including, but not limited to:

- i. Derivative based instruments
- ii. Principal only investments or securities that provide potentially nil or negative cash flow and
- iii. Stand-alone securities issued that have underlying futures, options forward contracts or swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an instrument. However, nothing in this previous paragraph will limit the grandfathering clause pertaining to already purchased investments.

## **4. GUIDELINES**

### **Diversification**

Deposits with any one financial institution shall be limited to 50% of Council's total portfolio, with investments held with a minimum of three financial institutions.

The Diversification limit above shall be assessed at the time of making a new investment. Any subsequent reduction in portfolio size shall be disregarded in relation to assessing diversification limits of existing investments where there are likely to be significant costs or losses for terminating or disposing of an investment.

## Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

| Maturity Profile            | Minimum Percentage | Maximum Percentage |
|-----------------------------|--------------------|--------------------|
| Maturity < 1 year           | 40%                | 100%               |
| Maturity > 1 year < 3 years | 0%                 | 50%                |
| Maturity > 3 year < 5 years | 0%                 | 50%                |
| Maturity > 5 year           | 0%                 | 10%                |

### 5. REPORTING

A monthly report shall be provided to Council, detailing the investment portfolio including individual amounts invested, financial institution name, maturity date, interest rate, percentage exposure within the total portfolio and current market value. The report is to include a certificate as to whether or not the investments have been made in accordance with the Act, regulations and Council's investment policy.

For audit purposes certificates must be obtained from banks and investment brokers confirming the amounts of investments held on Council's behalf and their current market value as at 30 June each year.

### 6. VARIATION TO POLICY

The General Manager be authorised to approve variations to this policy if the investment is to Council's advantage and/or due to revised legislation.

All changes to this policy are to be reported to Council.

### 7. REVIEW

This Policy will be reviewed as required and at a minimum at least once during the term of Council.

|                                  |  |                           |         |                        |   |
|----------------------------------|--|---------------------------|---------|------------------------|---|
| <b>Maintained by Department:</b> | Finance  | <b>Approved by:</b>       | Council |                        |   |
| <b>Reference:</b>                | Dataworks: Policy Register                               | <b>Council Policy No:</b> | 8.7     | <b>Effective Date:</b> | 21 Oct 2008                                     |
| <b>Min No:</b>                   | V1 - 06-349<br>V2 - 008-165<br>V3 - 12-49<br>V4 - 14-428 | <b>Version No:</b>        | 4       | <b>Reviewed Date:</b>  | Oct 2009<br>Aug 2011<br>13 Feb 2012<br>Oct 2014 |
| <b>Attachments:</b>              |  |                           |         |                        |   |



# LITHGOW CITY COUNCIL

## 9. GOVERNANCE

### Policy 9.8

### RECORDS MANAGEMENT POLICY

### Version 5

|                                  |   |                         |              |                         |  |
|----------------------------------|---|-------------------------|--------------|-------------------------|--|
| <b>Maintained by Department:</b> | Finance   | <b>Approved by EMT:</b> | 23 July 2012 | <b>Approved by CMT:</b> |  |
| <b>Reference:</b>                | ECM Policy Register   | <b>Council Date:</b>    |              | <b>Effective Date:</b>  |  |
| <b>Min No:</b>                   | V1:Min 06-349<br>V2:Min 07-542<br>V3:Min O 08-165<br>V4: Min 13-64<br>Min 13-132<br>V5: | <b>Version No:</b>      | 5            | <b>Review Date:</b>     |  |
| <b>Attachments:</b>              | Nil   |                         |              |                         |  |



## **9. GOVERNANCE**

### **9.12 RECORDS MANAGEMENT POLICY**

#### **OBJECTIVES:**

- To establish the framework for, and accountabilities of, Lithgow City Council's Records Management Program;
- To ensure compliance with relevant legislative requirements.

#### **RELATED REFERENCES, POLICIES & PROCEDURES**

Lithgow City Council's:

- Records Strategic Plan
- Access to Information Held Policy 9.17
- Various Recordkeeping Standard Working Procedures/SWPs
- Code of Conduct
- ECM User Manual
- ECM Procedures
- Legal Documents Manual
- Appendices A and B of the Records Management Policy

#### **AUTHORITY OF THIS POLICY**

This policy has been authorised by Council and is available to all staff. It has been developed in consultation with staff and will be revised as required and at a minimum at least once during the term of Council. Ownership of the policy rests with the delegated Corporate Records Manager/s, being the Group Manager Corporate and Community and the Finance Manager, who are responsible for Council's Records Management Program, ensuring compliance with legislative requirements and recordkeeping standards.

All staff must comply with this policy, and associated Records Management Procedures, in their conduct of official business for Council. This policy applies to records in all formats, including electronic records.

#### **RECORDS AS A RESOURCE**

Lithgow City Council recognises that records are a vital asset to:

- facilitate information accessibility, and enhance business by supporting program delivery, management and administration
- deliver customer service in an efficient, fair and equitable manner
- provide evidence of actions and decisions and precedents for future decision making, and
- protect the rights and interests of Government, Council and its clients and citizens.

A small percentage of Council's records will become archives, part of the cultural resources of the State.

## **PROCEDURE:**

### **1. GENERAL**

#### **RECORDS MANAGEMENT PROGRAM**

##### **OBJECTIVES OF THE RECORDS MANAGEMENT PROGRAM**

A records management program is a planned, co-ordinated set of policies, procedures, people, systems and activities that are required to manage records.

Lithgow City Council's Records Management Program seeks to ensure that:

- it has the records it needs to support and enhance ongoing business and customer service, meet accountability requirements and community expectations
- these records are managed efficiently and can be easily accessed and used for as long as they are required
- records are stored as cost-effectively as possible and, when no longer required, they are disposed of in a timely and efficient manner
- all staff are educated in their responsibilities under legislation and Government directives.
- this policy applies across a number of corporate systems (e.g. those used for storing property and finance information) and to information in applications such as email and faxes. The changing nature of the corporate information systems requires the ability to deliver records management in an adaptive manner.
- as a significant part of Lithgow City Council's corporate memory, records enable informed decisions based on precedents and organisational experience. Records management principles support consistency, efficiency and productivity in program delivery, management and administration.
- the Council is committed to managing its records effectively and efficiently to promote informed decision-making, better performance of business activities, improved customer service, and protection and support in litigation and management of risk.
- Council complies with all requirements concerning records and records management practices including the NSW Government's objectives for recordkeeping (see Appendix A)
- records of longer term value are identified and protected for historical and other research.

A goal of particular note is that the organisation is committed, through its Records Management Program, to maintaining digital and other technology dependent records in authentic and accessible form for as long as they are required in accordance with s.14 of the State Records Act 1998 (NSW).

##### **ELEMENTS OF THE RECORDS MANAGEMENT PROGRAM**

###### **Creation and Capture**

Council has endorsed the use of a number of standard, open source file formats outlined in the ECM User Manual. These formats have been chosen to streamline the ongoing management of Council's records and should be the only formats used for the creation of records.

Staff should ensure that they create official records of all decisions and actions made in the course of their official business. For example, if business is transacted by telephone, file notes of the key points in the conversation should be documented. Official meetings should include the taking of minutes.

To assist in promoting the responsible creation of records, the capture of essential information and the management of records over time, Council has developed the following:

- paper and electronic templates
- definition of recordkeeping requirements and business rules

- procedures, standard creation rules and other guidelines

All records defined by the organisation as important to create should be captured into ECM, Council's electronic recordkeeping system, so they can be managed appropriately. The information required to be recorded about each record on capture is described in the *ECM User Manual*.

Records are registered in ECM and automatically assigned a unique number. They are indexed to the relevant subject/s and the document is assigned a meaningful précis.

### **Storage**

Current hardcopy records scanned in ECM are filed in day boxes and stored in the Records Office while older hard copy ECM records are stored in the locked Archives Room in day boxes. Other current hard copy records are filed on Development Application, Building Application and Septic Tank Application Files.

State Archive, Confidential and Legal documents are stored in the Hartley Building strongroom.

Digital records should be stored and maintained in ECM until they can be disposed of. Records of short term value will be disposed of regularly by the Senior Records Officer. Records of long term or archival value should be retained online wherever possible and managed in accordance with the *Records Management Procedures*.

Removable media should be forwarded to the Senior Records Officer when rarely or no longer used for official purposes.

### **Maintenance and Monitoring**

The location of each record needs to be recorded and updated at every movement of the record. This ensures that records, as assets, can be accounted for in the same way that the other assets of Council are. Staff members should notify a Records Officer when passing hard copy files on to another officer.

The Senior Records Officer is responsible for ensuring that records and environmental conditions are monitored regularly to protect records. This includes checking temperature and humidity levels in dedicated records storage areas for paper records and ensuring that digital records are refreshed or replicated when scheduled, when new storage devices and media are being installed or when degradation is detected.

Maintenance of digital records can also entail the migration of data. Migrations must be authorised by the Corporate Records Manager/s and must produce authentic, complete, accessible and useable records. For more information on procedures for migration, see the State Records NSW *General Retention and Disposal Authority – Source Records that have been Migrated* (GA33)

Council has implemented a number of security and counter disaster measures for safeguarding its information assets. Staff should abide by these measures at all times.

### **Disposal**

Council has authorised Retention and Disposal Authorities (GA39 - *General Authority for Local Government and GA 36 – Imaged Records*) covering records relating to its core functions and activities. Council recommends that disposal actions are assigned to records in all formats on creation to ensure they are managed appropriately.

No Council records can be disposed of unless in accordance with GA39. Any sentencing of records must be supervised by the Senior Records Officer. Approval and signed authorisation for destruction of records must be sought from the General Manager before any disposal takes place.

### **Transfer**

The transfer of records required as State archives in GA39 to State Records NSW when no longer in use for official purposes will be managed by the Senior Records Officer.

In the event of administrative change, e.g. the transfer of functions from Council to another organisation, the Senior Records Officer will advise staff on transfer procedures for records.

## **Access**

Records must be available to all authorised staff that require access to them for business purposes. All access to Council's records by members of the public, including Government Information (Public Access) or GIPA requests, will be in accordance with Lithgow City Council's Policy 9.17 - Access to Information Held and State Records Access Directions.

## **Contractors and Outsourced Functions**

All records created by contractors performing work on behalf of Council belong to Council and are State records under the *State Records Act 1998 (NSW)*. This includes the records of contract staff working on the premises as well as external service providers.

Contracts should clearly state that ownership of records resides with Council, and instructions regarding creation, management, and access to the records created. The Corporate Records Manager/s should be consulted during the formulation of the contract.

## **2. ACCOUNTABILITY REQUIREMENTS**

- Lithgow City Council records are *state records*.
- The requirements and regulations of the State Records Act 1998 (NSW), which set out specific practices with which we must comply and will be audited against, bind Council.
- Other standards and legislation, such as the Evidence Act 1995, Government Information Public Access Act 2009 (commonly referred to as the GIPA Act), etc, will be complied with.
- A corporate standard will be set for records management that can be monitored and audited throughout Council that complies with AS ISO 15489 – Records Management.

## **3. RESPONSIBILITIES**

### **GENERAL MANAGER**

- Ensures that Council complies with the requirements of the State Records Act 1998 (NSW) and the standards and requirements issued under the Act. This includes the requirement for the public office to ensure that any records requiring technology to be read and understood remain readable and available for as long as they are required.
- Authorises disposal of records, in accordance with legislation.

### **CORPORATE RECORDS MANAGER/S ( Chief Financial and Information Officer & Finance Manager)**

- Has ownership of the Records Management Policy
- Develops strategic and operational plans for the Records Management Program
- In liaison with the IT Manager, ensures that the essential characteristics of digital records are identified prior to any preservation process taking place
- Provides support and infrastructure to ensure that records kept in electronic form are managed so that they are accessible, readable, inviolate, complete, comprehensive, and authentic for as long as required

### **FINANCE MANAGER**

- Ensures the overall management of the Records Department

- Holds the role of Senior Responsible Officer for records management matters, including responding to requests for information on conformity with legislative requirements (i.e. responding to State Records records management surveys)
- Ensures that Council complies with the State Records Act 1998 (NSW) and other legislation relating to records management and recordkeeping
- Ensures that Records Management is adequately resourced
- Reports to the Executive on Records Management

## **COUNCILLORS**

- All Councillors must comply with the Records Management for Councillors Standard Working Procedure in their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of the office of Councillor. The Standard Working Procedure applies to records in all formats, including electronic records.

## **SENIOR RECORDS OFFICER**

- Provides leadership, supervision and co-ordinates Council's Records Unit and reports to the Finance Manager
- Provides strategic focus for recordkeeping and monitors/audits compliance with legislative requirements that impact upon the management of the Records Unit, including Equal Opportunity and WHS, whilst keeping abreast of new developments and technologies in the records and archives field
- Responsible for the conduct of records management operations, supervising the efficient and effective day to day management of records and daily work tasks to ensure that performance standards are met
- Oversees the effective operation, administration and development of Council EDRMS whilst maintaining the capture, retention, storage, retrieval, disposal, protection and preservation of Council Records and archives in a timely, confidential and accurate manner, in accordance with the State Records Act NSW 1998, other legislative requirements and best practice
- Develops policies, procedures, plans and standards in relation to all aspects of records management
- Acts as the Appropriate Person to manage the process of ensuring Tenders are placed in the Tender box and that the process to open Tenders is conducted in accordance with the Local Government Act and its associated Regulation(s)
- Maintains the functional disposal schedule to ensure that is up to date and reflects Council business needs
- Ensures preservation of confidentiality at all times
- Ensures that systems are in place to provide adequate security for and the appropriate access to, current and archived records
- Ensures the preservation of digital records is addressed in policy, planning and implementation of the public office's records management program
- Ensures levels of customer service for the Records Unit are met and maintained whilst overseeing effective team based philosophy to promote an effective service environment
- Ensures provision for the education/training of all Council officers in relation to recordkeeping responsibilities and when necessary, co-ordinates and delivers records management training
- Efficiently responds to requests for information, assistance and files to promote support for the recordkeeping system and to demonstrate its efficiency
- In conjunction with IT staff, establishes and maintains a customised recordkeeping metadata schema and business rules regarding how metadata is to be managed
- Provides reports and undertakes audits requested by management
- Organises the disposal of records, in liaison with relevant authorising manager
- Formulates and maintains vital records lists and counter disaster plans
- Coordinates and when necessary, delivers the records management training program

- Maintains ECM administration security
- Assists other Records officers as workload and/or special projects dictate
- Assists the Group Manager Corporate and Community, in ensuring robust governance systems related to the processing of requests for information under GIPA legislation, providing advice and recommendations in relation to the release of information
- Coordinates and delivers the records management training program
- Ensures that all staff are aware of their recordkeeping responsibilities
- Ensures preservation of confidentiality at all times
- Maintains GA39 specifically for Lithgow City Council
- Maintains Council's Legal Documents
- Minutes Index entry for both current and older Council meeting minutes
- Regularly check, capture or distribute emails from Council
- Efficiently responds to customer requests for information, assistance and files, to promote support for the recordkeeping system and to demonstrate its efficiency
- Creates new customers in Customer Index
- Undertakes allocated ECM audits which include: To be indexed, Pending items, Note headings, Personnel Classifications, Confidential Classifications, incorrect Index level links, spell check and End of day audit
- Link all documents to the functional Subject Index, including Council Meeting reports
- Prepare acknowledgement letters for complaints and submissions

## **RECORDS OFFICER**

- Contributes to the development of Council's records management policies, procedures, plans and standards
- Makes recommendations for the improvement or modification of practices
- Supports and contributes to the efficient and effective provision of consistently high quality records information management services, in the capture, maintenance, storage and distribution of records in a timely, confidential and accurate manner.
- Undertakes the accurate opening, sorting, coding, scanning, registering, summarising, tasking, storing, distributing incoming correspondence and internal emails and facsimiles
- Ensures preservation of confidentiality at all times
- Ensures and assists in monitoring of compliance with legislative requirements for recordkeeping within Council and other legislation, policies and practices that impact upon the management of the Records Unit, including Equal Opportunity and WHS
- Ensures levels of service for the Records Unit are met and maintained
- Maintains Council's Legal Documents
- Regularly check, capture or distribute emails from Council
- Maintains Council's Electronic Document and Records Management System (EDRMS), ECM.
- Undertakes allocated ECM audits which include: To be indexed, Pending items, Note headings, Personnel Classifications, Confidential Classifications, incorrect Index level links, spell check and End of day audit
- Link all documents to the functional Subject Index, including Council Meeting reports
- Minutes index entry for both current and older Council meeting minutes
- Creates new customers in Customer Index
- Prepare acknowledgement letters for complaints and submissions
- Efficiently responds to customer requests for information, assistance and files, to promote support for the recordkeeping system and to demonstrate its efficiency
- Assists other Records officers as workload and/or special projects dictate
- When required, undertakes position/duties of Senior Records Officer
- When required, assists in delivering the records management training
- When required, files documents in day boxes

## **MANAGERS**

- Ensure that records are created and managed within their program in a way which complies with the Records Management Policy and Procedures.
- Provide feedback on the successful migration processes to help ensure that records remain authentic, complete, accessible and useable
- Ensure that staff are trained in how to create and manage records
- Determine legislative requirements for records relating to their specific activities. E.g. Environmental Planning and Assessment Act 1979, Food Act 2003, etc.
- Ensure that contracts with service providers contain records management clauses in accordance with this Records Management Policy

## **IT STAFF**

- Network management
- Management of Council's recordkeeping systems to ensure Council can deliver its programmed activities in an optimal manner
- Manages data integrity management including back ups and internal audit procedures
- Maintenance of Council's hardware ensuring it meets all of Council's recordkeeping needs
- Management, maintenance and control of all peripherals (printers, scanners, photocopiers)
- Management and optimisation of remote access to improve performance and timeliness of officers working external to main administration building

## **ALL STAFF**

- Comply with Records Management Policy and Procedures
- Create full and accurate records of their business activities, including records of all decisions and actions made in the course of their official business
- Ensure that all business related records are saved into the organisation's business recordkeeping systems. (e.g. ECM, GIS, T1 Property, T1 Financials)
- Prioritise and complete allocated recordkeeping activities within specified time frames

## **CONTRACTORS**

- Manage records that they create on behalf of Council according to the terms of their contract

## **REVIEW**

This Policy will be reviewed as required and at a minimum at least once during the term of Council.

# APPENDIX A

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## Legislative and Government Requirements for Recordkeeping

- State Records Act 1998 (NSW) – including standards and retention and disposal authorities issued under the Act
- Government Information (Public Access) Act 2009
- Privacy and Protection of Personal Information Act 1998
- Evidence Act 1995
- Electronic Transactions Act 2000
- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Public Sector Employment and Management Act 2002
- Public Finance and Audit Act, 1983
- Commonwealth Copyright Act 1968
- NSW Public Sector Code of Conduct
- NSW Treasurer's Directions
- Good Conduct and Administrative Practice: Guidelines for Public Authorities and Officials (NSW Ombudsman)
- Premier's Memoranda and Circulars, including M1998-16, C2003-17, M2004-14, M2007-08

Note: This list is not exhaustive. It is the responsibility of managers to examine legislation and government directions which govern their activities, and ensure that records arising from these activities conform with recordkeeping requirements.



# APPENDIX B – GLOSSARY OF TERMS

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This glossary has been compiled from the *State Records Glossary of Recordkeeping Terms*. Sources of terms include Australian and international standards on records management.

## **Access**

Right, opportunity, means of finding, using or retrieving information. *AS ISO 15489 Part 1 Clause 3.1*

## **Appraisal**

The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept, to meet business needs, the requirements of organisational accountability and community expectations. *AS 4390 Part 1 Clause 4.3*

## **Archives**

Those records that are appraised as having continuing value. *AS 4390 Part 1 Clause 4.5*

## **Classification**

Systematic identification and arrangement of business activities and/or records into categories according to logically structured conventions, methods and procedural rules represented in a classification system. *AS ISO 15489 Part 1 Clause 3.5*

## **Counter Disaster Plan**

A plan for measures to be taken for disaster prevention, disaster response and recovery and vital records protection.

## **Disposal**

A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records. *AS 4390 Part 1 Clause 4.9*

## **Recordkeeping**

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information. *AS 4390 Part 1 Clause 4.19*

## **Recordkeeping Requirements**

Requirements arising from regulatory sources, business needs and community expectations that identify the types of records that should be created and the management framework needed in order to have, and accountably manage, all the business information that is necessary for an organisation.

## **Recordkeeping Systems**

Recordkeeping systems are business information systems capable of capturing, maintaining and providing access to records over time.

## **Records**

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. *AS ISO 15489 Part 1 Clause 3.15*

Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. State Records Act 1998 (NSW)

### **Records Management**

Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records. *AS ISO 15489 Part 1 Clause 3.16*

### **Records Management Program**

A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.

### **Retention and Disposal Authority**

Documents authorised by the Board of State Records NSW that set out appropriate retention periods for classes of records. There are two main types:

- **Functional retention and disposal authorities** authorise the retention and disposal of records unique to a specific organisation.
- **General retention and disposal authorities** authorise the retention and disposal of records common to more than one organisation. Such records may include general administrative records, common records that relate to unique functions and records relating to the unique functions of like organisations such as local councils, universities and public health services.

### **State Archive**

A State record that State Records Authority NSW has control of under the State Records Act, 1998 (NSW).

### **Vital Records**

Those records that are essential for the ongoing business of an agency, and without which the agency could not continue to function effectively. The identification and protection of such records is a primary object of records management and disaster planning. Ellis (ed), *Keeping Archives*, p. 480.

*Councillors, this submission is still in draft and will be finalised with further input from Councillors and the Mayor's Mental Health Taskforce members before submission to the NSW Parliament by the 31 August 2017 closing date.*

**Parliament of NSW**  
**Committee on Children and Young People**  
[childrenyoungpeople@parliament.nsw.gov.au](mailto:childrenyoungpeople@parliament.nsw.gov.au)

### **DRAFT Submission by Lithgow City Council to the Inquiry into current approaches at preventing youth suicide in NSW**

Lithgow City Council welcomes the opportunity to make a submission to this inquiry and commends the NSW Parliament for establishing an inquiry into this serious and widespread issue.

#### **Lithgow Mental Health Summit**

The Lithgow community has been deeply affected in recent times by the tragic suicide of a growing number of local people, and young people in particular. Community concerns were so great that a number of local people approached Lithgow City Council in late 2016 seeking its help in addressing the situation.

Council, in partnership with other agencies and individuals, then held a Mental Health Summit in December 2016 facilitated by local GP John Dearn and Head of School of Medicine, University of Notre Dame and with a panel of experts in the field of mental health and suicide prevention and people living with mental illness in some way.

The summit provided an important opportunity for the community to raise its concerns about living with or being affected by mental illness and suicide and to enable the community, in partnership with local services, to identify local needs and future strategies to address these issues.

This then led to the establishment of the Mayor's Mental Health Taskforce which seeks to better understand and address mental health and suicide in the community.

#### **Suicide**

Actual numbers of suicide are difficult to quantify however Council and local agencies have been advised of a recent significant spike in suicides by young men in particular. This situation has been of such concern, that local initiatives have been undertaken including a "Mates Walk and Talk" program and "Out of the Shadows walks".

Our community is deeply affected by the rising levels of suicide but unsure of how to best respond. This is a matter for government to show leadership, offer help, resources and funding.

### **Self-Harm**

Lithgow LGA has high rates of self-harm. NSW Health statistics on *Intentional self-harm: Hospitalisations* shows that women in Lithgow intentionally self-harm at a rate of over 300 per 100,000 population, more than double the NSW rate. This rate has been climbing rapidly in recent years. Lithgow men intentionally self-harm at a rate of over 150 per 100,000 population, which is 50% higher than the NSW rate.

This is a serious problem that points to elevated rates of suicide risk.

### **Service Access**

A recurring theme being raised with Council has been the difficulties people face in accessing and navigating the service network. People in crisis do not necessarily know what services are available, where and how.

Services can be complex and not available at the times people need them, especially for acute services. A number of so called “Lithgow” services are in reality outreached from a service hub elsewhere, with limited opening hours and capacity. There is often a marked difference therefore between the official network of services and what people find on the ground, especially in a crisis. The level of services that people in larger centres take for granted are just not available here. So people either travel or go without, sometimes with devastating consequences.

There is no Headspace service providing early intervention mental health services for young people in Lithgow, with the nearest located in Bathurst (45 minutes by car) and Penrith (1.5 hours by car). Neither of these is readily accessible to young people.

Other local services are under-funded and under-resourced. For example, the Access to Allied Psychological Services (ATAPS) for Suicide Specific service is not currently referred to widely across Lithgow as there is a lack of awareness of this service in the community.

There are also gaps in the aftercare services provided after people leave hospitals – there is a need to support people to transition back to GPs or other psychological services.

A further concern is that Lithgow Hospital has no dedicated mental health beds.

### **Stigma**

There is still a lot of stigma and lack of awareness in the community around mental health issues - funds to support community campaigns and school programs are essential

### **Special Groups**

- Young LGBTI people are not adequately supported - the system often either doesn't properly acknowledge their situation or has a lack of understanding of

their unique circumstances. This group also faces additional stigma and discrimination issues. Young people need to feel safe in their schools, e.g. with LGBTI-friendly promotion through schools.

- Many young Aboriginal and Torres Strait Islander people face a large range of challenges, including systemic discrimination - they need to be equitably supported to access services, as well as supported to access connection to culture, which is shown to be a protective factor against suicidality.
- Young men are particularly at risk. We need to dispel myths around their lack of help-seeking behaviours, and instead support programs that find unique ways to listen to them and provide services that will adequately support their needs.

### **School Programs**

The education system can play a big part in suicide prevention by addressing stigma, considering the needs of marginalised young people and developing peer support programs. Mental health and suicide prevention should be included in school curriculums and become part of the conversation with young people about their development.

The Get Growing Program is a mental health wellness pilot running at Lithgow High School. Programs such as this need support and ongoing funding.

### **Community Hub**

The University of Notre Dame Rural Clinical School in Lithgow has proposed the establishment of a Community Hub in Lithgow due to the considerable shortage of mental health services in the area.

This is an important strategic initiative to help reduce suicide and self-harm through the creation of a "safe space " for young people to connect in a welcoming environment.

The University is also willing to provide epidemiological support for the project. The University takes the responsibility of being part of the local community very seriously in its commitment to social engagement and nurture.

Initiatives such as this require government support and funding.

### **Opportunities**

There is a strong connection between economic opportunity and access to training, jobs, apprenticeships on the one hand and social and mental well-being on the other. Economic changes and structural changes in the workforce are impacting everywhere, but no-where more so than in regional areas. Young people need to have an expectation of a job and a belief in a positive future.

*More detail required here on economic/industry changes*

Finally, Lithgow City Council is committed to working in partnership with other agencies in building community resilience and response to the current crisis in mental health services and levels of suicide. Council can't do this however without the dedicated and ongoing commitment of the State Government. Council further believes that the NSW Parliamentary Inquiry would benefit from a first-hand look at what is happening in regional areas and therefore invites the Inquiry to hold a hearing in Lithgow.

Yours sincerely

**Stephen Lesslie**  
MAYOR



# MINUTES

Youth Council  
Tuesday 6 June 2017  
Lithgow City Council  
Council Chambers  
4.00 – 5.00 pm

| Youth Council |                              |
|---------------|------------------------------|
| Item Number   | Agenda                       |
| 1             | Welcome, Present & apologies |
| 2             | Committee Terms of Reference |
| 3             | Meeting Schedule             |
| 4             | Work program                 |
| 5             | Youth Opportunities Grant    |
| 6             | Youth Scholarships           |
| 7             | General Business             |
|               |                              |

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**ITEM: 1 WELCOME, PRESENT AND APOLOGIES**

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**Present:** Cllr Lesslie, Cllr Coleman, Oliva Corney, Lauren Corney, Meg Benson, Leanne Walding

**Apologies:** Kalvein Zimmer

**Officers:** Kristy Lenon, Ally Shelton

**Declaration of Interests:** None

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**ITEM: 2 COMMITTEE TERMS OF REFERENCE**

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**SUMMARY**

Youth Council discussed the Terms of Reference and nominated a Chairperson and Deputy-Chairperson in accordance with the Terms of Reference.

**COMMENTARY**

Youth Council determined that meetings be held monthly (every 4 weeks) instead of every 6 weeks as currently shown in Terms of Reference.

Cllr Coleman was appointed Chairperson and Lauren Corney was appointed Deputy Chairperson.

**RECOMMENDATION TO COUNCIL**

**THAT**

1. Council amend the Terms of Reference to allow for meetings to be held every 4 weeks.
2. Council note that Councillor Coleman was appointed Chairperson and Lauren Corney appointed as Deputy Chair.

**MOVED:** Cllr Coleman                      **SECONDED:** Ally Shelton  
**Carried**

**ITEM: 3 MEETING SCHEDULE**

---

**SUMMARY**

Youth Council discussed a suitable meeting day for future meetings.

**COMMENTARY**

Youth Council determined that meetings be held on a Wednesday at 4:30 pm.

**ACTION**

**THAT**



**Minutes  
Youth Council  
6 June 2017**

The CDO will consult with other Council staff about moving the meeting day to a Wednesday and report back to Youth Council at next meeting.

**MOVED:** Lauren Corney  
**Carried**

**SECONDED:** Clr Coleman

**ITEM: 4 WORK PROGRAM**

---

**SUMMARY**

Youth Council considered the issues within the Terms of Reference that it would like to focus on in 2017 taking into account:

- What are the things that matter most to young people in Lithgow at the moment?
- What do the youth and youth work professionals want to get out of the committee/ similarly what do they want to give to the committee?
- What ideas do people have for common projects or how to strengthen the youth voice in Lithgow?

**COMMENTARY**

There was general discussion regarding the hopes and aspirations of Youth Council members, with a general theme of wanting to improve Lithgow for all young people in terms of recreational and employment opportunities. Youth Council wants to further consider the Youth Strategy before setting a work program. The following ideas were discussed:

- More markets in the Lithgow LGA (offering greater clothing choice)
- Clothes shops with more options for fashion
- Girls skateboard demonstration and workshop
- Recreation opportunities – bowling or flip-out
- Engage Young People with a disability – Leanne to invite a representative to join Youth Council.
- Providing opportunities for young people to obtain certificates/experience for their resumes.
- Reflections Day (Similar to that held at La Salle)

**ACTION**

**THAT:**

1. This item be further discussed at the next meeting.
2. Youth Council will review the Youth Strategy.

**MOVED:** Clr Coleman  
**Carried**

**SECONDED:** Leanne Walding

**ITEM: 5 YOUTH OPPORTUNITIES GRANT**

---

**SUMMARY**

Youth Council reviewed the draft *Youth Opportunities Program* grant application.

**COMMENTARY**

**Minutes  
Youth Council  
6 June 2017**

There was positive discussion on the proposed leadership and business workshops/forum with the young people noting the lack of career guidance and sense of loss that many young people face when considering their future and career. They stated that the initiative would be good as it may provide some direction to young people.

Clr Coleman was particularly supportive of the Youth Leadership forum and the idea to involve Councillors in the "Think Tank" process of consultation with Young People.

The Youth work professionals were supportive of the initiative as it would provide opportunities for young people to gain skills and certificates, important for their portfolio and career building. It was suggested that the Beehive may be worth approaching to consider their workshops and if they are youth appropriate.

**ACTION**

**THAT:**

Youth Council support the proposal being submitted to the *Youth Opportunities Program* grant.

**MOVED:** Meg Benson      **SECONDED:** Olivia Corney  
**Carried**

**ITEM: 6      YOUTH SCHOLARSHIPS**

---

**SUMMARY**

Youth Council discussed the Youth Scholarship program.

**COMMENTARY**

Formerly known as PCYC Sporting Scholarships, the new Youth Scholarships (\$300-\$400 each) are not restricted to sporting opportunities. Youth Council was asked to consider what the scholarships should be for and how they should be promoted.

Youth Council agreed that the scholarships should be open to any youth opportunities, not just sport. These could include but would not be limited to: art, drama, music, carpentry, design, sewing, sport; etc.

The distribution of the scholarships is to be based on merit and a fair allocation across specific categories.

**ACTION**

**THAT:**

A list of options regarding the distribution of the scholarships be developed by Council staff and presented to the next meeting.

**MOVED:**      Clr Coleman      **SECONDED:** Lauren Corney  
**Carried**

---

Minutes  
Youth Council  
6 June 2017

**ITEM: 7      GENERAL BUSINESS**

---

**SUMMARY**

Youth Council discussed whether young people are aware of the various committees across Lithgow that they could participate in.

**COMMENTARY**

There was general agreement that young people are not aware of the available committees that they could participate in.

**ACTION**

**THAT:**

A road map to committees that young people can get involved in will be presented to next Youth Council meeting.

**MOVED:** Clr Coleman  
**Carried**

**SECONDED:** Meg Benson

**Meeting Closed 5.00pm**

---

**NEXT MEETING**  
**To be determined**

Minutes  
Youth Council  
19 July 2017



# MINUTES

Youth Council  
Wednesday 19 July 2017  
Lithgow City Council  
Council Chambers  
4.30 – 5.30 pm

| Youth Council |                                 |
|---------------|---------------------------------|
| Item Number   | Agenda                          |
| 1             | Welcome, Present & apologies    |
| 2             | Confirmation of Minutes         |
| 3             | Business Arising                |
| 4             | Draft Meeting Schedule for 2017 |
| 5             | Work Program                    |
| 6             | Youth Scholarships              |
| 7             | General Business                |
| 8             | Next Meeting                    |

**Minutes  
Youth Council  
19 July 2017**

**ITEM: 1 WELCOME, PRESENT AND APOLOGIES**

---

**Present:** Clr Lesslie (Acting Chairperson) Lauren Corney (Deputy Chairperson) Oliva Corney (Member) Meg Benson (Family Counsellor LINC), Leanne Walding (Ability Linker Uniting) Chloe Hosa (Guest), Jessica Alexander (Guest).

**Apologies:** Clr Coleman (Chairperson)

**Officers:** Viktoria Gulabovski (Executive Officer and representative of the General Manager).

**Declaration of Interests:** None

**ITEM: 2 CONFIRMATION OF THE PREVIOUS MINUTES**

---

**SUMMARY**

Confirmation of the minutes for the meeting held on 6 June 2017.

**COMMENTARY**

The minutes for 6 June Youth Council meeting were ratified by members on 14 July 2017 and will be tabled at the next Council meeting for endorsement on 14 August 2017.

**ACTION**

**THAT**

Youth Council note that the minutes of the 6 June meeting will be reported to Council on 14 August 2017.

**MOVED:** Olivia Corney  
**Carried**

**SECONDED:** Lauren Corney

**ITEM: 3 BUSINESS ARISING**

---

**SUMMARY**

Youth participation on Council Committees.

**COMMENTARY**

In accordance with the Terms of Reference and the Local Government Act, there are no exclusions in place prohibiting a young person from participating in any section 355 Council Committee. However, all members of Council Committees need to be aware they have specific obligations under the Code of Conduct. A list of Council Committees that young people can join was circulated to members at the meeting.

**ACTION**

**THAT**

The discussion on youth participation on Council committees is noted.

**MOVED:** Lauren Corney  
**Carried**

**SECONDED:** Meg Beson

**ITEM: 4      DRAFT MEETING SCHEDULE FOR 2017**

---

**SUMMARY**

A draft meetings schedule was developed for 2017 and tabled for discussion and agreement.

**COMMENTARY**

Members reviewed the draft meetings schedule for 2017 and agreed to the following dates:

- 23 August 2017
- 20 September 2017
- 18 October 2017
- 15 November 2017

**ACTION**

**THAT:**

The discussion on the draft meetings schedule be noted.

**MOVED:**      Lauren Corney  
**Carried**

**SECONDED:**      Leanne Walding

**ITEM: 5      WORK PROGRAM**

---

**SUMMARY**

Youth Council discussed ideas and planning for Youth Projects in 2017.

**COMMENTARY**

Youth Council considered the ideas discussed at the previous meeting and highlighted their interest in the following:

Work to include fashion and jewellery stalls as part of Lithglo and Halloween and commence work to organise a market-based event for Youth Week 2018.

Include a rock-climbing wall or an art space as part of the grant application for the local skate parks at Portland and Wallerawang to attract more females to these facilities.

Keep Youth Council updated on the success of the Youth Opportunities grant to improve employment opportunities for young people in Lithgow.

Chloe Hosa attended the meeting as a guest and has expressed her interest in being a member of Youth Council. Chloe will work to ensure that the needs and voice of young people with disability is heard.

The provision of certificates to young people can be issued via the Youth Scholarship Program, Youth Opportunities Grant (if successful), and through the participation on Youth Council.

**Minutes  
Youth Council  
19 July 2017**

**ACTION**

Develop a draft work program and further consider the Youth Strategy before finalising the work program.

**THAT:**

That the discussion on the work program be noted.

**MOVED:** Meg Benson      **SECONDED:** Olivia Corney  
**Carried**

**ITEM: 6      YOUTH SCHOLARSHIPS**

---

**SUMMARY**

Youth Council discussed the Youth Scholarship program.

**COMMENTARY**

There was discussion around possible projects that Youth Council can undertake and the following was agreed:

Given that the Youth Council budget for this year is \$8,500, a total of \$4,000 should be allocated for Youth Scholarships to assist young people with a range of further education in areas of their choosing (for example, arts, drama, music, sport, sewing, carpentry, design etc).

Scholarships will be open and based on merit with a fair allocation across various categories. Youth Council agreed to provide anywhere between \$300-\$500 per scholarship, depending on level of expenses required to undertake specific scholarships.

**ACTION**

Youth Council to develop and implement the new Youth Scholarship Program.

**THAT:**

The discussion on the Youth Scholarships be noted.

**MOVED:**      Leanne Walding      **SECONDED:** Lauren Corney  
**Carried**

**ITEM: 7      GENERAL BUSINESS**

---

**SUMMARY**

Various items were discussed under general business, including the:

- Stronger Country Communities Fund
- Skate Park Survey
- Ability swing at Queen Elizabeth Park
- New members

**Minutes  
Youth Council  
19 July 2017**

**COMMENTARY**

**7.1 Stronger Country Communities Fund**

Youth Council was advised that Lithgow has received a \$1.7 million boost over two years to build local sporting and community facilities. Council will be submitting an application in year 1 to construct an adventure playground in Endeavour Park Lithgow.

**7.2 Skate Park Survey**

Youth Council reviewed the draft survey prepared as part of a broader consultation process for the development of the skate parks at Portland and Wallerawang. Youth Council members will complete the online survey and promote it within their network systems.

**7.3 Ability swing at Queen Elizabeth park**

Youth Councillors discussed the usage levels of the ability swing at QE Park. To increase usage, Youth Councillors advised that it may be better to remove the ability swing and replace it with a more accessible swing that blends into the environment. There was agreement that the key to the current ability swing should be made available at Club Lithgow in the interim so users can access it on weekends. Subsequently, however, it has been discovered that Council does not hold the key to the ability swing. Anyone can open the swing, provided they have a MLAK key, which is issued to families or people with disability upon application.

**7.4 New Members**

Chloe Hosa and Jessica Alexander attended the meeting as guests and expressed their interest in being members of the Youth Council. As per Council governance procedures, Chloe and Jessica will need to provide Council with an expression of interest, which will then go to Council for endorsement.

**ACTION**

1. That interested Youth Councillors prepare a plan/ submission for the Adventure Playground or any other facilities they would like to see upgraded as part of the Stronger Communities Fund and bring it to the next meeting.
2. Youth Council members to complete the online skate park survey and promote it within their networks.
3. Chloe Hosa and Jessica Alexander to draft an expression of interest and email it to the Executive Officer or Council for processing.

**THAT:**

That the discussion under general business be noted.

**MOVED:** Clr Lesslie  
**Carried**

**SECONDED:** Meg Benson



**Minutes  
Youth Council  
19 July 2017**

---

**NEXT MEETING  
23 August 2017  
Upstairs Council Committee Room, 180 Mort St, Lithgow.**



# Minutes

## Operations Committee

24<sup>th</sup> July 2017

4.00pm

| Operations Committee |   |
|----------------------|---|
| Item Number          | Agenda  |
| 1                    | Welcome/Present/Apologies                                 |
| 2                    | Confirmation of Minutes                                   |
| 3                    | Business Arising From The Minutes                         |
| 4                    | WaterNSW Greater Sydney Customer Advisory Group 2017/2019 |
| 5                    | General Business  |
| 6                    | Next Meeting  |

**ITEM 1: PRESENT AND APOLOGIES**

---

**PRESENT:** Clr S Lesslie, Clr R Thompson, GM G Faulkner

**APOLOGIES:** Clr W McAndrew, Clr S Ring

**OFFICERS:** N Derwent, R Brownlow, J Edgecombe, I Stewart, E Trudgett

**DECLARATION OF INTERESTS: NIL**

**ITEM: 3 CONFIRMATION OF THE MINUTES FROM THE PREVIOUS MEETING**

---

Minutes from the previous meetings held on the 3<sup>rd</sup> July 2017 were presented to Council on 17<sup>th</sup> July 2017.

**ACTION**

**THAT** the Minutes from the meeting of 3<sup>rd</sup> July 2017 be taken as read and confirmed.

**MOVED:** Clr S Lesslie

**SECONDED:** Clr R Thompson

**ITEM 4: BUSINESS ARISING FROM THE MINUTES**

---

NIL

**ITEM: 4 WATERNSW GREATER SYDNEY CUSTOMER ADVISORY GROUP 2017-2019**

---

**SUMMARY**

WaterNSW Operating Licence has recently been reviewed by IPART (Independent Pricing and Regulatory Tribunal) to amalgamate the former Sydney Catchment Authority & State Water Corporation Licenses to reflect the newly formed WaterNSW business.

One of the main changes that impacts Lithgow City Council is the cessation of the Fish River Water Supply Customer Council of which Lithgow has had representatives since the inception of the Fish River Water Supply Scheme. This required council to nominate a primary and alternate delegate for positions on the newly formed Greater Sydney Customer Advisory Group. The two Nominees put forward by Lithgow were Rhys Brownlow (Primary) and Iain Stewart (alternate).

Notification was received from WaterNSW that these nominations for delegates were successful and Councils nominees Rhys Brownlow (Primary) and Iain Stewart (alternate) have been appointed positions on the Greater Sydney Customer Advisory Group for the period 2017-2019.

The first meeting is scheduled to be held in Parramatta on Friday 8 September 2017.

#### **FINANCIAL IMPLICATIONS**

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

#### **ATTACHMENTS**

NIL

#### **ACTION**

**THAT** Operations Committee notes the appointment of delegates to the Greater Sydney Customer Advisory Group.

**MOVED:** Clr R Thompson

**SECONDED:** GM G Faulkner

#### **ITEM 5: GENERAL BUSINESS**

---

#### **SUMMARY**

##### **1. 16 LOCKYER STREET LITHGOW**

The owner of 16 Lockyer Street has vacated the property due to multiple sewerage issues. It was discussed that two separate issues occurred at the affected property. It was advised that the issues were not related and both incidents were attended and rectified by Council the appropriate response times.

#### **FINANCIAL IMPLICATIONS**

NIL

#### **ACTION**

**THAT** the General Manager facilitate an inspection by Council Officers in conjunction with the owner of 16 Lockyer Street, Lithgow.

**MOVED:** Clr R Thompson

**SECONDED:** GM G Faulkner

#### **ITEM 6: NEXT MEETING:**

---

**Next Meeting:** Monday 28<sup>th</sup> August 2017 at 4:00pm  
Committee Room, Administration Building,  
180 Mort Street LITHGOW NSW 2790

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**There being no further business the meeting closed at 4.20pm**



# Minutes

Sports Advisory Committee  
25<sup>th</sup> July 2017  
5.00pm

| Item | Agenda  |
|------|---|
| 1    | Welcome/Present/Apologies                                   |
| 2    | Confirmation of Minutes                                     |
| 3    | Business Arising From The Minutes                           |
| 4    | Financial Assistance Requests                               |
| 5    | 2017 LJ Hooker Reg Cowden Sports Star<br>Of The Year Awards |
| 6    | Booking Requests  |
| 7    | New Members   |
| 8    | White Ribbon Walk   |
| 9    | General Business  |
| 10   | Next Meeting  |

**ITEM 1: PRESENT AND APOLOGIES**

---

**PRESENT:** Clr J Smith, Clr D Goodwin, Clr S Lesslie, R Whitty, D Whitty, C Hawkins, G Ryan, J Kearney, D Fardell, L Stevens, J Lamborn, P Glasson, O Kay, T Della Bosca

**APOLOGIES:** R Marjoram

**OFFICERS:** T Nolan, I Stewart, E Trudgett

**ITEM 2 CONFIRMATION OF THE MINUTES FROM THE PREVIOUS MEETING**

---

The minutes were endorsed by one member of the Committee being:

D. Fardell

The minutes were presented to the Council on 17<sup>th</sup> July 2017.

**ACTION**

**THAT** the Minutes of the meeting of 27<sup>th</sup> June 2017 be taken as read and confirmed.

**ITEM 3: BUSINESS ARISING FROM THE MINUTES**

---

General Business – ITEM 2 – TONY LUCHETTI

J Lamborn asked for clarification in relation to Junior Rugby League games being held on Westfund No.1 field. Clr J Smith confirmed that Juniors are able to play on this field and this was amended in the Council minutes. Clr J Smith reiterated that it is up to the Rugby League clubs to liaise together to resolve next seasons schedule before it begins.

**ACTION**

**THAT** permission to use the Westfund No.1 field for junior rugby league games until the end of the season be noted.

**MOVED:** J. Lamborn

**SECONDED:** R. Whitty

**ITEM 4: FINANCIAL ASSISTANCE REQUESTS**

---

**SUMMARY**

A request for financial assistance has been received from Alma Magus after Lithgow Croquet Club's selection for the National Gateball Championships. It is recommended that Council provide Lithgow Croquet Club with \$500.00 toward the cost of participating in the National Gateball Championships, as participation will see six players representing Lithgow in the Central Coast during their involvement in the championships.

## RECOMMENDATION

**THAT** Council provide Lithgow Croquet Club with \$500.00 toward the cost of participating in the National Gateball Championships.

**MOVED:** Clr S. Lesslie

**SECONDED:** Clr D. Goodwin

## ITEM 5: 2017 LJ HOOKER REG COWDEN MEMORIAL SPORTS STAR OF THE YEAR AWARDS

---

### SUMMARY

Junior nominations for the month of June 2017 were received from:

- Ryan O'Donnell (Boxing) – Ryan won gold in the 15to 16years (80kg) division at the NSW novice championship knockout competition held on the 15<sup>th</sup> to 17<sup>th</sup> June 2017. This is a very impressive result as Ryan has only been training in boxing for less than 12 months.
- Sam Lane, Lachlan Taylor & Cooper Nunan (Rugby League) – Sam, Lachlan and Cooper were selected to represent in the Group 10 under 14's at the Country Championships held in Wollongong on the 17<sup>th</sup> & 18<sup>th</sup> June 2017, where they made it to the grand final but unfortunately lost. These boys should be very proud being selected to play amongst group 10's best.

Senior nominations for the month of June 2017 were received from:

- Lithgow Open Women's Hockey Team (Hockey) – Won the Division 1 of the NSW Open Women's State hockey championships held in Moorebank on the weekend of the 10<sup>th</sup> -12<sup>th</sup> June 2017.

| MONTH            | JUNIOR RECIPIENT(S)                                 | SENIOR RECIPIENT(S)   |
|------------------|---|---|
| December/January | Ethan Corney (Downhill) & Emmerson Banning (Tennis) | Richard Forbes (Table Tennis, Lawn Bowls, Darts, Petanque and Archery) & Roxanne Van Veen (Cricket) |
| February         | Lucy Green (Tennis)                                 | Cheryl Schram (Bowls) & Lesley Townsend (Bowls)   |
| March            | Morgan Watts (Triathlon)                            | Lithgow Lightning (Cricket)   |
| April            | Brenna Crocker (Hockey)                             | Andrew Burton (Golf)  |



|                  |   |  |
|------------------|---|--|
|                  | Rylee Miller ( Hockey)  |  |
| <b>May</b>       | Sara Lane (Baseball)<br>Lithgow U15 Girls<br>Hockey Team (Hockey) | No Nominations Received                      |
| <b>June</b>      | Ryan O'Donnell (Boxing)   | Lithgow Open Women's Hockey<br>Team (Hockey) |
| <b>July</b>      |   |  |
| <b>August</b>    |   |  |
| <b>September</b> |   |  |
| <b>October</b>   |   |  |
| <b>November</b>  |   |  |

**ACTION**

**THAT**

1. The 2017 LJ Hooker Reg Cowden Memorial Junior Sports Star of the Year Award for June 2017 be awarded to Ryan O'Donnell for Boxing;
2. The 2017 LJ Hooker Reg Cowden Memorial Senior Sports Star of the Year Award for June 2017 be awarded to Lithgow Open Women's Hockey Team;  
and
3. Merit certificates to be awarded to all other nominees.

**MOVED:** G. Ryan

**SECONDED:** D. Whitty

## ITEM 6: BOOKING REQUESTS

---

### SUMMARY

The following bookings were received between 27<sup>th</sup> June 2017 and 25<sup>th</sup> July 2017, and do not conflict with any other approved bookings.

| <b>Conran Oval, Lithgow</b>                |  |                                |   |
|--|--|--------------------------------|---|
| <b>User</b>                                | <b>Dates / Times</b>   | <b>Purpose</b>                 | <b>Comments</b>                         |
| Greg McManus                               | Between 12.00pm on Friday, 12 <sup>th</sup> October 2018 to 4.00pm on Sunday, 14 <sup>th</sup> October 2018. | RESILIENCE 2018                | Approved subject to standard condition. |
| <b>Lake Wallace, Wallerawang</b>           |  |                                |   |
| <b>User</b>                                | <b>Dates / Times</b>   | <b>Purpose</b>                 | <b>Comments</b>                         |
| Ray Tang                                   | Between 8:00am & 9:00pm on Sunday 15 <sup>th</sup> October 2017  | DPI gone fishing NSW           | Approved subject to standard condition  |
| <b>Tony Luchetti Sportsground, Lithgow</b> |  |                                |   |
| <b>User</b>                                | <b>Dates / Times</b>   | <b>Purpose</b>                 | <b>Comments</b>                         |
| Greg McManus                               | Between 12.00pm on Friday, 12 <sup>th</sup> October 2018 to 4.00pm on Sunday, 14 <sup>th</sup> October 2018. | RESILIENCE 2018                | Approved subject to standard condition. |
| <b>Jim Monaghan Oval</b>                   |  |                                |   |
| <b>User</b>                                | <b>Dates/ Times</b>  | <b>Purpose</b>                 | <b>Comments</b>                         |
| Christina Wren                             | Between 9.00am and 3.00pm on Friday 4 <sup>th</sup> August 2017.   | Lithgow PSSA District Carnival | Approved subject to standard condition. |

The approved bookings calendars are updated after each Sports Advisory Committee meeting, and can be viewed and / or downloaded from Council's website <http://www.council.lithgow.com/recreationFacilities.html>

### CANCELLATIONS NIL

**ACTION**

**THAT**

1. All bookings detailed in Item 7 be approved, subject to satisfactory arrangement being made between Resilience and the Cricket Association for bookings at the Tony Luchetti Sportsground and Conran Oval.

**MOVED:** D. Whitty

**SECONDED:** Clr S Lesslie

**ITEM 7: NEW MEMBERS**

---

**NIL**

**ITEM 8: WHITE RIBBON WALK**

---

**SUMMARY**

Clr D Goodwin asked the local sporting bodies for their support for the annual White Ribbon Walk which raises awareness about domestic violence and asks men to stand up and say no to violence against women. The walk will be held on Friday 24<sup>th</sup> November 2017 commencing at 4:00pm and will start from the Queen Elizabeth Park through the Main Street to the Workmen's Club.

**ACTION**

**THAT** the proposed White Ribbon walk be noted.

**MOVED:** Clr D. Goodwin

**SECONDED:** Clr S Lesslie

**ITEM 9: GENERAL BUSINESS**

---

**SUMMARY**

**1. GRANDSTAND PROPOSAL**

Clr J Smith advised that there is an Extra-Ordinary meeting of Council being held on **Wednesday, 2<sup>nd</sup> August 2017 at 7pm**. This will be open to the public to put forward their submissions for future community and infrastructure development for the local sporting region. Clr S Lesslie raised the importance of the local community attending and expressing their ideas for the future of local sport.

**ACTION**

**THAT** the Extra Ordinary meeting of Council to be held on Wednesday, 2<sup>nd</sup> August be noted.

**MOVED:** Clr S. Lesslie

**SECONDED:** Clr D. Goodwin

**2. IRONFEST PARKING**

I Stewart advised that the parking area on Glanmire Oval will be approved for Ironfest 2018, with entry from Albert Street. It was noted that the Conran Oval will not be available due to the local cricket competition.

**ACTION**

**THAT** the approval to use the western section of Glanmire Oval for parking in conjunction with Ironfest be noted.

**MOVED:** D. Whitty

**SECONDED:** P. Glasson

### **3. TONY LUCHETTI SCOREBOARD**

P Glasson commended Council on the new scoreboard installed at Tony Luchetti Sportsground.

#### **ACTION**

**THAT** the installation of the new scoreboard at Tony Luchetti Sportsground be noted.

**MOVED:** P. Glasson

**SECONDED:** D. Whitty

### **4. WESTFUND NO.1 FIELD**

P Glasson then advised that junior rugby league have been looking into alternative ovals to use for training to give the Westfund No.1 field a break. It was suggested that training be held at Glanmire Oval and rugby league work with the cricket association on this option. The possibility of using the oval at the jail is to be researched further in conjunction with Corrective Services. It was advised that Wallerawang Oval could be another option, reinforcing that the oval would be a suitable venue for the entire district if the grandstand receives its proposed upgrade.

#### **ACTION**

**THAT** the options to use other locations for training be noted.

**MOVED:** P. Glasson

**SECONDED:** D. Whitty

### **ITEM 10: NEXT MEETING**

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**Next Meeting:** 5.00pm on Tuesday, 29<sup>th</sup> August 2017  
Council Chambers, Administration Building,  
180 Mort Street LITHGOW NSW 2790

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**There being no further business the meeting closed at 5.31pm**