



# AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

23 OCTOBER 2017

AT 7.00pm

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# AGENDA

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## **ACKNOWLEDGEMENT OF COUNTRY**

## **APOLOGIES**

## **PRESENT**

## **CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 25 SEPTEMBER 2017**

## **DECLARATION OF INTEREST**

## **COMMEMORATIONS AND ANNOUNCEMENTS**

## **PUBLIC FORUM**

## **PRESENTATIONS**

## **MAYORAL MINUTES**

## **STAFF REPORTS**

General Managers Reports  
Economic Development and Environment Reports  
Operation Reports  
Finance and Assets Reports  
Organisational Development and Community Reports

## **COUNCIL COMMITTEE MINUTES**

Strategic Land Use Planning Projects Steering Committee 12 September 2017  
Youth Council Minutes 20 September 2017  
Sports Advisory Committee Minutes - 26 September 2017  
Traffic Advisory Local Committee Minutes 31 August 2017  
Operations Committee Minutes 3 October 2017

## **NOTICES OF MOTION**

Heritage Listed Ten Tunnels – Councillor Coleman  
Restructuring Of Police Services In Regional Areas - Councillor Coleman  
Shared Agreement – Councillor Goodsell

## **BUSINESS OF GREAT URGENCY**

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

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## GENERAL MANAGERS REPORTS

### ITEM-1            GM - 23/10/17 - ACKNOWLEDGEMENT AND THANKS TO POLITICIANS REGARDING SPRINGVALE MINE

REPORT BY:    GENERAL MANAGER

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## SUMMARY

A number of politicians assisted the Mayor and Deputy Mayor in their advocacy on behalf of Council for Centennial Coal Ltd and the continued operation of Springvale Mine. The attached letters of thanks have been forwarded to the NSW Premier Gladys Berejiklian, Mr Luke Foley Leader of the Opposition, Mr Paul Toole Member for Bathurst and Mr Philip Donato, Member for Orange.

## COMMENTARY

The NSW Government on Monday 9<sup>th</sup> October 2017 announced its intention to legislate to provide certainty for the continuing operation of the Springvale mine and the employment of mining employees.

The Mayor has forwarded letters of thanks to those politicians who assisted in supporting the position of Centennial Coal Ltd to achieve this outcome.

## POLICY IMPLICATIONS

Potential for increased representation of Lithgow community interests.

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

NIL

## ATTACHMENTS

1. Letters of thanks to Politicians.

## RECOMMENDATION

**THAT** Council note the letters of thanks forwarded by the Mayor to:

- Gladys Berejiklian, MP – Premier of New South Wales
- Luke Foley, MP - Opposition Leader
- Paul Toole, MP - Member for Bathurst
- Philip Donato, MP - Member for Orange

**ITEM-2 GM - 23/10/17 - RETURNS UNDER SEC 449 - LG ACT 1993 DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS**

**REPORT BY: GENERAL MANAGER**

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## **SUMMARY**

To advise Council of returns lodged with the General Manager under Section 449 of the Local Government Act 1993 for Councillors & Designated Person for the period 1 July 2016 to 30 June 2017 and seek confirmation of the positions noted as designated persons.

## **COMMENTARY**

Section 449 of the Local Government Act requires Councillors and designated persons to lodge returns under Section 449 for the period 1 July 2016 to 30 June 2017.

At the due date for the returns being 30 September 2016, all designated persons and all elected Councillors have responded by supplying their completed return.

Section 449 states:

*Division 2 Disclosure of interests in written returns  
Table of Provisions*

*449 Returns disclosing interests of councillors and designated persons*

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

Section 450A requires the returns lodged under section 449 to be tabled at a meeting of Council and as such the returns are available at this meeting.

Section 441 defines designated persons as:

- *the general manager*

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

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

- Director Economic Development and Environment
- Director Operations
- Acting Chief Financial Information Officer
- Finance Manager
- Development Manager
- Water & Waste Water Manager
- Information Technology Manager
- Community & Culture Manager
- Tourism Manager
- Team Leader Building
- Team Leader Development Planning
- Team Leader Environment
- Strategic Land Use Planner
- Land Use Property Officer
- Works Manager
- Building & Development Officers (4)

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

1. Register of Disclosures by Councillors and Designated Persons Section 449 Local Government Act 1993 as at 29 September 2017

## RECOMMENDATION

### THAT

1. Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the period 1 July 2016 to 30 June 2017 from all designated persons and all Councillors
2. Reaffirm the following positions as 'designated persons' for the period 1 July 2016 to 30 June 2017:
  - Director Economic Development and Environment
  - Director Operations
  - Acting Chief Financial Information Officer
  - Finance Manager
  - Development Manager
  - Water & Waste Water Manager
  - Information Technology Manager
  - Community & Culture Manager
  - Tourism Manager
  - Team Leader Building
  - Team Leader Development Planning
  - Team Leader Environment
  - Strategic Land Use Planner
  - Land Use Property Officer
  - Works Manager
  - Building & Development Officers (4)

**ITEM-3            GM - 23/10/17 - TEN TUNNELS DEVIATION**

**REPORT BY:    GENERAL MANAGER**

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**SUMMARY**

Transport for NSW has released a “Review of Environmental Factors” (REF) for the Springwood to Lithgow Rail Corridor Modifications. Part of the proposed modifications relate to ten tunnels between Mt Victoria and Lithgow. On page 50 of the REF, it is stated that the proposed modifications to the ten tunnels are not included in the current project and will be subject to a “separate environmental impact assessment process”. Management is concerned that there is risk to the continuation of rail services to Lithgow as a result of this separate process.

**COMMENTARY**

There has been recent controversy surrounding plans to upgrade the Springwood to Lithgow Rail Corridor arising from the perception that the carriage width of the foreign constructed carriages is too wide for the existing rail and tunnel infrastructure in place on the Blue Mountains line to Lithgow. This oversight was never conveyed originally as a matter that had received conscious consideration in costings estimation and contract negotiations and consequently has resulted in a community perception that the modifications needed are an additional cost to rail carriage acquisition because of a mistake made. There has been an attempt to argue that the cost of necessary modifications can be covered in the savings achieved by having the items built overseas, however management believes that community perceptions remain cynical to this attempted explanation.

Unfortunately there have been significant cost blowouts in recent years for infrastructure projects undertaken by Transport NSW with the Light Rail project currently underway in Sydney CBD reported as over budget by \$500 million in the last 18 months. Such cost blowouts threaten staged project construction, particularly towards project end and in the context of the perceived mistake in cost estimation, represents a threat to the planned modification of the ten tunnels in managements view. This risk of non-completion is heightened because of the delayed and separate environmental impact assessment process relating to the “Ten Tunnel Deviation”. On page 50 of the REF, it is stated-

*“The Ten Tunnels Deviation which is listed on the State Heritage Register would not be impacted by this project. Proposed modifications to accommodate the New Intercity Fleet through the Ten Tunnels Deviation are currently being developed and will be subject to a separate environmental impact assessment process.”*

Management is concerned that any potential project cost blowout in concert with a separate and delayed environmental impact assessment process could be used to argue for the cessation of rail services beyond Mt Victoria, thereby affecting the quality and frequency of services to Lithgow and other regional rail destinations. Consequently, it would be appropriate to seek irrevocable guarantees of service levels to Lithgow and regional NSW from Transport NSW, the NSW Government and NSW Opposition.

**POLICY IMPLICATIONS**

Maintenance and improvement of rail passenger transport services to Lithgow and Regional NSW.

### **FINANCIAL IMPLICATIONS**

- Budget approved –N/A
- Cost centre –N/A
- Expended to date –N/A
- Future potential impact – access and cost for Lithgow customers.

### **LEGAL IMPLICATIONS**

NIL

### **ATTACHMENTS**

1. Review of Environmental Factors Volume 1 “New Intercity Fleet Springwood to Lithgow Rail Corridor Modifications”.

### **RECOMMENDATION**

**THAT** Council:

1. Request Transport NSW to present to Council on the Springwood to Lithgow Rail Corridor Modifications.
2. Write to local member Paul Toole requesting assistance in this matter.
3. Seek a guarantee from the NSW Government and Opposition, that notwithstanding construction delays, there will be no reduction in rail passenger service frequency and quality to and from Lithgow arising from the Springwood to Lithgow Rail Corridor Modifications or the Ten Tunnels Deviation project.

**ITEM-4            GM - 23/10/17 - COMMITTEES**

**REPORT BY:    GENERAL MANAGER**

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**SUMMARY**

The purpose of this report is for Council to consider the re-appointment of councillors to s355 committees of Council and delegates to external committees, organisations and other working groups.

**COMMENTARY**

The following councillors represent Council on S355 Committees and External Committees and Organisations for the 2016/17 period.

<b>Committees</b>	<b>2016/17 Representative</b>
Environmental Advisory Committee	Councillor Ring Councillor Coleman
Operations Committee	Councillor Ring Councillor McAndrew
Traffic Advisory Local Committee (TALC)	Councillor Lesslie
Sports Advisory Committee	Councillor Smith
Internal Audit Committee	Councillor McAndrew
Lithgow Tourism Advisory	Councillor Statham Councillor Ring
Economic Development Advisory	Councillor Coleman Councillor Statham
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	Councillor Lesslie Councillor Coleman
Lithgow Crime Prevention	Councillor Coleman
CBD Revitalisation Action Plan Committee	The Mayor and the Chairs of TALC, EDAC, "TAC and Operations Committees"
Mining Taskforce	Councillor Lesslie Councillor McAndrew Councillor Thompson
Business and Industry Investment	Councillor Lesslie Councillor McAndrew Councillor Thompson
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring

<b>External Committees</b>	<b>2016/2017 Representative</b>
Arts Out West Committee	Councillors Lesslie
Bells Line of Road Group	Councillor Statham
NSW Rural Fire Service Senior Management Team	Councillor Lesslie
Lithgow Information & Neighbourhood Centre Inc (LINC)	Councillor Thompson
Upper Macquarie County Council	Councillor Lesslie Councillor Thompson
Centroc	Mayor General Manager
Pine Dale Coal Mine Community Committee	Councillor Thompson
Cullen Valley Coal Mine Community Committee	Councillor Lesslie
Invincible Coal Mine Community Committee	Councillor Lesslie
Clarence Coal Mine Community Committee	Councillor Thompson
Centennial Coal Western Community Consultative Committee	Councillor Statham
Association of Mining Related Councils	Councillor McAndrew
Lithgow Correctional Centre Committee	Councillor Coleman
Airly Mine Community Consultative Committee	Councillor McAndrew
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglenook Exploration Community Liaison Committee	Councillor Thompson
Eskbank Rail Heritage Centre Committee	Councillor Ring
Wolgan Valley Wilderness Railway Committee	Councillor Coleman
Rural Fire Service Lithgow District Liaison Committee	Councillor Lesslie Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Smith
Skillset	Councillor Statham

Council resolved at its meeting of 25 September 2017 to merge the following committees:

- Tourism Advisory Committee
- Economic Development Advisory Committee
- CBD Revitalisation Committee
- Business Industry Investment Committee

And form one Economic Development Committee on which all Councillors are members.

#### **POLICY IMPLICATIONS**

Code of Meeting Practice

#### **FINANCIAL IMPLICATIONS**

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

## LEGAL IMPLICATIONS

Local Government Act 1993

Local Government (General) Regulations 2005

## RECOMMENDATION

**THAT** Council reconfirms the councillor appointments made to the s355 Committees of Council and External Committees and Organisations.

<b>Committees</b>	<b>2017/18 Representative</b>
Environmental Advisory Committee	Councillor Ring Councillor Coleman
Operations Committee	Councillor Ring Councillor McAndrew
Traffic Advisory Local Committee (TALC)	Councillor Lesslie
Sports Advisory Committee	Councillor Smith
Internal Audit Committee	Councillor McAndrew
Economic Development Committee	All Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	Councillor Lesslie Councillor Coleman
Lithgow Crime Prevention	Councillor Coleman
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring

<b>External Committees</b>	<b>2017/2018 Representative</b>
Arts Out West Committee	Councillors Lesslie
Bells Line of Road Group	Councillor Statham
NSW Rural Fire Service Senior Management Team	Councillor Lesslie
Lithgow Information & Neighbourhood Centre Inc (LINC)	Councillor Thompson
Upper Macquarie County Council	Councillor Lesslie Councillor Thompson
Centroc	Mayor General Manager
Pine Dale Coal Mine Community Committee	Councillor Thompson
Cullen Valley Coal Mine Community Committee	Councillor Lesslie
Invincible Coal Mine Community Committee	Councillor Lesslie
Clarence Coal Mine Community Committee	Councillor Thompson
Centennial Coal Western Community Consultative Committee	Councillor Statham
Association of Mining Related Councils	Councillor McAndrew
Lithgow Correctional Centre Committee	Councillor Coleman
Airly Mine Community Consultative Committee	Councillor McAndrew

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Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglenook Exploration Community Liaison Committee	Councillor Thompson
Eskbank Rail Heritage Centre Committee	Councillor Ring
Wolgan Valley Wilderness Railway Committee	Councillor Coleman
Rural Fire Service Lithgow District Liaison Committee	Councillor Lesslie Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Smith
Skillset	Councillor Statham

**ITEM-5 GM - 23/10/17 - FINANCE COMMITTEE**

**REPORT BY: GENERAL MANAGER**

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## **SUMMARY**

Council approval is sought for the establishment of a finance committee to meet monthly to consider reports and provide oversight to Council's financial position as it proceeds to implement strategies for "Fit for the Future".

## **COMMENTARY**

Council Administration has been developing a financial reporting capability for Executive, middle management and Council and initial "Traffic Light" financial reports were reported and noted by Council at its ordinary meeting on the 25<sup>th</sup> September 2017.

Additionally, Council Administration has been addressing the thirty one strategies developed with the assistance of Morrison Lowe and accepted by the Office of Local Government as a means to develop a "Fit for the Future" capability for Lithgow Council. Progress in this area is reported monthly to the OLG.

Council has to date undertaken a review of both the Organisation and Committee structures to ensure that its current priorities of Finance and Economic Development are focused and resourced appropriately. The establishment of a Finance Committee and Audit Committee are consistent with Council's initiatives in this area.

The responsibility of the finance committee in general terms will encompass the following-

- Monitoring at the aggregate level, MTD, YTD and Budget variances.
- Monthly Investment reports.
- Monitoring of External Audit recommendations and resolution.
- Examining different funding policies to be adopted by Council (eg Level of Debt funding).

## **POLICY IMPLICATIONS**

Increased oversight of Council Finances

New policies may be developed eg Level of Debt Funding.

## **FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Terms of Reference for Finance Committee

## RECOMMENDATION

**THAT** Council:

1. Agree to establish a Finance Committee
2. Adopt the draft Terms of Reference for the Finance Committee attached to this paper.
3. Appoint three Council representatives.

**ITEM-6 GM - 23/10/17 - INTERNAL AUDIT COMMITTEE**

**REPORT BY: GENERAL MANAGER**

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## **SUMMARY**

Council had established an Audit committee in partnership with Oberon and Mid West Councils some years ago, however the committee has remained dormant throughout 2016 and 2017. Lithgow and Oberon Councils' have revised the terms of reference for the Audit Committee to reflect the continuing partnership of those two Councils, and which now will include independent representation external to both LGA's consistent with the principles espoused by the Office of Local Government (OLG) relating to the establishment of the Audit Committee.

## **COMMENTARY**

Council has been engaging with the OLG at the end of each calendar month reporting progress on Council's "Fit for the Future" strategies and Council's Financial Management Maturity Assessment Response. An important Council Strategy in this context is the reactivation of Council's Audit Committee.

Oberon and Lithgow City Council's administrative staff have met and revised the terms of reference for the committee for the consideration of the respective Councils. Both Administrations agreed to place the matter before the October 2017 round of Council meetings, permitting Oberon Council to complete local elections and establish their new Council. Mid West Council has not been included in the proposed partnership but will be included on approach.

## **POLICY IMPLICATIONS**

Transparent and more efficient and effective financial oversight of Council's finances will be achieved with the reactivation of the committee and the participation of Independent committee members external to the participating Local Government areas.

## **FINANCIAL IMPLICATIONS**

- Budget approved - \$30,000 to be considered for reallocation at quarterly review from identified savings.
- Cost centre - 1019
- Expended to date – Nil
- Future potential impact – Budget provision for \$30,000 per annum.

## **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. Draft terms of reference agreed between the Administrations of the respective Council's

## **RECOMMENDATION**

**THAT** Council:

1. Agree to the establishment of an Audit committee in partnership with Oberon Council.

2. Agree to consider the reallocation of \$30,000 at its quarterly review meeting from Cost centre 1019 to meet the expenses of the committee and the Independent Members serving on that committee.
3. Adopt the draft terms of reference for the Audit Committee attached to this paper.

**ITEM-7 GM - 25/09/17 - CHRISTMAS NEW YEAR CLOSURE**

**REPORT BY: GENERAL MANAGER**

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## **SUMMARY**

This report advises Council of the closure of the administration office over the Christmas and New Year period and the essential service operations that will operate over this time.

## **COMMENTARY**

Council has in the past closed part or all of its business over the Christmas to New Year period, generally returning to full operations on the first business day following the New Year Public holiday.

Following advice from Council's Auditors to reduce the employee leave entitlement liability, management recommends a two week close down period over the 2017/18 Christmas/New Year to commence from close of business on Friday 22 December 2017 and resuming on Monday 8 January 2018.

Council's Auditors Crowe Horwath as agents for the Audit Office of NSW have raised concerns about the amount of annual leave accumulated by employees. In their correspondence to Council in August 2017, they stated:

*"Similar to Crowe Horwath's observations in their 2016 audit, as at 26 May 2017 thirty seven (37) staff had accrued annual leave in excess of 300 hours or 8 weeks equivalent leave. The accumulation of excessive annual leave:*

- may adversely impact the Council's cash position because liabilities for excessive annual leave generally increase over time as salary rates increase. This means that accrued leave will be paid at higher rates*
- can adversely affect workplace safety and staff performance because staff are not taking sufficient breaks during the year.*

*"Management should review its approach to managing excessive annual leave balances. It should project employees leave balances to the end of the financial year, for example on a monthly basis. Employees with leave balances projected to exceed 300 hours should be asked to provide a leave plan to reduce their excessive leave balances over an acceptable timeframe. Management should then approve the leave plans."*

## **Arrangements**

The following arrangements are proposed for the Christmas/New Year closure:

- Council administration areas and depots will close for business from close of business on Friday 22 December 2017 and will re-open on Monday 8 January 2018.
- Phone enquiries will be forwarded to Council's After Hours Call Centre who will escalate any urgent issues to the appropriate officers.
- Indoor staff will have similar arrangements as previous years for leave with two days concessional leave granted and the remaining days to be covered by their RDOs, and accrued leave.

- Outdoor staff will generally be required to use their RDO's, accrued leave to cover the closure period.
- An outdoor "skeleton" crew will be required to work during this period to attend to emergencies.
- A number of staff, supervisors and managers will be required to be on call/available during the period for emergency situations.

#### **POLICY IMPLICATIONS**

Leave policy to be developed to ensure that excessive leave balances are not accumulated.

#### **FINANCIAL IMPLICATIONS**

- Budget approved - NA
- Cost centre – 3059
- Expended to date - NIL
- Future potential impact –Reduced liability and cost for Council

#### **LEGAL IMPLICATIONS**

NIL

#### **RECOMMENDATION**

##### **THAT** Council Note:

1. That a close down period from close of business 22 December 2017 until 8 January 2018 will occur to facilitate the reduction of excessive leave balances accumulated by staff.
2. That an outdoor skeleton staff will be in place to respond to urgent issues.
3. That in circumstances where staff have insufficient leave balances, they will be required to remain at work.
4. That consultation with Unions has occurred.

## **ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS**

**ITEM-8            ECDEV - 23/10/17 - ECONOMIC DEVELOPMENT & ENVIRONMENT POLICY REVIEW**

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

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### **REFERENCE**

Minute 17-238:            Ordinary Council Meeting of 14 August 2017

### **SUMMARY**

To provide a number of policies to Council for approval as part of a comprehensive review of the Economic Development & Environment Department.

### **COMMENTARY**

As Council will recall a comprehensive policy review is currently underway with regard to the policies administered on behalf of Council by the Economic Development and Environment Department. Due to the number of policies involved it will be necessary to put these to Council in stages. The second “batch” of policies are now available for Council consideration and include the following:

- Policy 10.2 Smoke Free Environment
- Policy 11.1 Exemption to Wheelie Bin Service
- Policy 11.2 Waste Disposal Waste Depots Exemption From Charges
- Policy 11.3 Discharge of Liquid Trade Waste to the Sewerage System

Copies of the Policies are attached to the Business Paper with the proposed changes shown as “track changes” within each Policy. Most changes within the Policies are relatively minor.

As the majority of alterations proposed in this batch of policies is relatively minor, it is suggested that there is no need to publicly exhibit the revised policies prior to their adoption.

### **POLICY IMPLICATIONS**

Primarily the subject of this report.

### **FINANCIAL IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

Policies are prepared to assist and assist in decision making and may provide further guidance with regard to statutory obligations.

## ATTACHMENTS

1. Policy 10.2 Smoke Free Environment
2. Policy 11.1 Exemption to Wheelie Bin Service
3. Policy 11.2 Waste Disposal Waste Depots Exemption From Charges
4. Policy 11.3 Discharge of Liquid Trade Waste to the Sewerage System

## RECOMMENDATION

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

- Policy 10.2 Smoke Free Environment
- Policy 11.1 Exemption to Wheelie Bin Service
- Policy 11.2 Waste Disposal Waste Depots Exemption From Charges
- Policy 11.3 Discharge of Liquid Trade Waste to the Sewerage System

**ITEM-9 ECDEV - 23/10/17 - EMIRATES WOLGAN VALLEY RESORT PROPOSED  
MODIFICATION MP05\_0079 & MP06\_0310**

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

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## **SUMMARY**

To provide information on the proposed Emirates Wolgan Valley Resort MOD 2 (MP05\_0079 & MP06\_0310) request for the Concept Plan and the Project Approval.

## **COMMENTARY**

Emirates Hotels are seeking a modification to the Concept Plan and Project Approval for the existing Emirates Wolgan Valley Resort through the Department of Planning & Environment (DPE) under Part 3A of the *Environmental Planning & Assessment Act 1979*. The proposed modification seeks to:

- Relocate the helicopter pad further within the property, further from Wolgan Road and further from existing residents.
- Retain the existing helicopter pad for emergency services only (near Wolgan Road).
- Increase the existing number of helicopters landing at the site from 4 trips per week (8 movements) to 18 trips per week (36 movements).
- Increase peak time number of helicopters landing at the site to 36 trips per week (72 movements). Peak times would include over 14 weeks of the year:
  - Christmas/New Years- 6 weeks
  - 2 weeks in spring & 2 weeks in winter- 4 weeks
  - Easter school holidays – 2 weeks
  - Bathurst V8 and GT3 race – 2 weeks
  - Other weeks of significant tourism events in NSW that provides a substantial economic benefit to NSW and Lithgow region.
- Establish 6 beehives to produce local honey in the region.

The proposal is on exhibition by DPE, online and in Council's Administration Building, from 11 October 2017 to 24 October 2017. After the exhibition period Emirates Hotels will be provided the opportunity to respond to submissions and a determination by DPE will be undertaken.

### **Council Assessment**

Council Officers have assessed the proposal with the following comments:

- The closest receiver (residence) in relation to potential noise impacts from the new helicopter pad location is over 3km. This improves the existing impacts of the helicopter pad located on Wolgan Road. See Attachment 1 for location of receivers and helicopter pad locations.
- The submitted noise assessment shows that there will be an improvement for noise impact on nearby receivers given the location change. The noise indicated within the assessment indicated a less than measurable impact during take-off, landing and fly over.
- The proposed flight paths have improved and will not be over any residential properties of the Wolgan Valley, further reducing current impacts to the area.
- The beehive proposal is minimal and is expected to have nil impact to the surrounding area.

In conclusion, although there is a significant proposed increase in helicopters landing at the Emirates Wolgan Valley Resort, the flight paths and new location of the helicopter pad will improve current noise impacts to nearby residences. Therefore, no objection to the proposed modification is raised.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Budget approved - Nil
- Cost centre – Nil
- Expended to date - Nil
- Future potential impact - Nil

**LEGAL IMPLICATIONS**

The application will proceed with the appropriate assessment process by the Department of Planning & Environment as per the *Environmental Planning & Assessment Act 1979* for a Part 3A Modification.

**ATTACHMENTS**

1. Helicopter pad locations and nearby residences.

**RECOMMENDATION**

**THAT** Council note the information on the Emirates Wolgan Valley Resort MOD 2 (MP05\_0079 & MP06\_0310) and the Department of Planning & Environment be advised Council has no objection to the proposal.

**ITEM-10 ECDEV - 23/10/17 - HALLOWEEN BUDGET**

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

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**SUMMARY**

To advise Council of the current expenditure position of Lithgow Halloween 2017.

**COMMENTARY**

At its Ordinary Meeting of 14 August 2017 the Council resolved to seek a monthly report of expenditure on the 2017 Lithgow Halloween event.

As at 12 October 2017, \$22,743.00 had been expended and \$76,106.00 committed through orders placed providing total expenditure of \$98,849.00. With confirmed sponsorship and anticipated income the overall budget for the event is projected at \$133,037.00.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Budget approved - \$90,000.
- Cost centre - 600134
- Expended to date - \$22,743.00 Actual & \$76,106.00 committed. Total of \$98,849.00.
- Future potential impact - The total budget with sponsorship and income is now projected to be \$133,037.00. At this stage the budget is tracking well but potential for over expenditure exists.

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT** the information on current expenditure for Lithgow Halloween 2017 be noted.

**ITEM-11 ECDEV - 23/10/17 - STRATEGIC PROPERTY MANAGEMENT**

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

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## **REFERENCE**

Minute 17-280: Ordinary Meeting of Council 25 September 2017  
Minute 17-288: Ordinary Meeting of Council 25 September 2017

## **SUMMARY**

This report has been prepared in response to the matters raised in the Notice of Motion – 25/9/17 – Land Bank (NOM) brought forward by Councillor Ring.

The general principle in the Notice of Motion is supported and in fact Council officers have for some time been undertaking preliminary research and analysis work to better understand and manage both its current and future property portfolio needs and to meet its legislative requirements.

The purpose of this report is to provide Council with a brief overview of a program of work that has commenced and is ongoing in relation to the management of Council's property portfolio.

## **COMMENTARY**

### **BACKGROUND**

The introduction of the Integrated Planning and Reporting Framework in 2010 required all Councils to take a more proactive approach to resourcing and long term financial planning and reporting functions. This focus has forced Councils to systematically review the way they conduct business in order to improve efficiencies in terms of economic and service delivery outcomes.

Stemming from this process, there has been an ongoing strategic review of Council's property management framework since 2010. This has resulted in significant progress in relation to meeting legislative parameters required for public land management. These areas of compliance include:

- Preparation of a S.53 Land Register. – This Register is now publically available on Council's website and identifies all public land, both community and operational, which is owned or in the care and control of Council, including land under lease. The Register also contains Crown land that is controlled by Council.
- Adoption of Generic Community Lands Plan of Management (2013).
- Reclassification of public land via Lithgow Local Environmental Plan 2014.

This preliminary work provided the building blocks for further review and analysis of Council's property portfolio and led to the strategic co-ordination and administration of Council's leasing/licencing, acquisition and disposal functions being transferred to the Strategic Planning arm of Council in 2014. This structure enabled the proper integration of Council's property portfolio with wider land use planning directions and strategies.

## PRELIMINARY REVIEW OF PROPERTY PORTFOLIO

### OPERATIONAL LAND

A preliminary review of all Council's public land portfolio classified as "operational" under the Local Government Act, 1993 has been undertaken to identify:

- the functional use of the land;
- why and how the land was acquired;
- if there are any likely future operational needs for the land
- if the land represents potential for higher economic benefit and return.

This review has highlighted a number of parcels of land surplus to identified needs for further investigation for potential disposal in the short, medium and longer term via land sale in the private market.

A preliminary market appraisal has been obtained for those parcels identified for potential disposal in the short term that suggests Council could make significant returns on these parcels. At this stage it would not be appropriate to identify the individual parcels publicly as it may impact on Council's commercial position.

### COMMUNITY LAND

Any review of Council's public land portfolio classified as "Community" is more complex as it involves established built assets and provision of sporting, recreational, community and cultural facilities and services.

To date, a preliminary review of current user groups and patterns of usage/hire for recreational and community lands and buildings has been undertaken. This work establishes a base from which to carry out further investigation and consultation to identify community need, expectation and service level agreements for the use of these lands.

### NEXT STEPS

- Review and develop new property management policies
- Prepare disposal strategy
- Obtain independent market valuation report for lands identified for disposal in the short term
- Conduct a thorough due diligence of lands identified for disposal in the short term
- Obtain Council resolution to implement disposal strategy
- Continue to investigate remaining medium to longer term opportunities to rationalise Council's land portfolio including both "community" and "operational" land assets.

### COMMUNITY STRATEGIC PLAN AND FIT FOR THE FUTURE IMPROVEMENT PLAN AND STRATEGIES

The ongoing work in this area consistent with Council's Community Strategic Plan 2030 (adopted on 26 June 2017) Strategy **GL2 Moving towards a sustainable Council: GL2.1 Revenue opportunities, costs savings and/or efficiencies are achieved.**

As identified in the FTF Improvement Plan and Council's 17-21 Delivery Program Council will be undertaking the following service level reviews:

- Property and Commercial
- Halls and Community Facilities.

These service reviews will further inform sustainable property management practices into the future.

## **ESTABLISHMENT OF A LAND BANK/FUND**

The principle of establishing a land bank and fund is supported.

Whilst Council has identified and zoned appropriate land for new residential, industrial and business development through Lithgow Local Environmental Plan 2014, it is now evident that Council needs to take a more proactive initiative to provide greater economic development opportunities for its own business model but also to provide incentive for private sector economic development and opportunity. One way of doing this is to acquire and service appropriate lands to “kick start” development investment.

Council at its meeting of 25 September 2017 resolved (17-280 (3)-(5)) the following:

- Allocate \$3,626,130.30 of these funds for the establishment of an internally restricted reserve for the purpose of a Land fund.
- Proceeds from future sales of land assets to be placed in this fund.
- Land fund reserves are only to be expended on other fixed assets with income generating capability (or potential in the long term).

Whilst some land has been identified, it would not be appropriate to publicly identify that land at this stage as it could prejudice Council's commercial position.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

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

An allocation of \$3.626 million will be held in restricted reserves and funds will be brought into the budget from such as required.

Similarly this will be the proposed process for the proceeds of any land disposal into the future.

## **LEGAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

**THAT** Council notes the report on Strategic Property Management.

**ITEM-12            ECDEV - 23/10/17 - WESTERN COAL SERVICES PROJECT STATE  
SIGNIFICANT DEVELOPMENT (SSD5579) MODIFICATION 2**

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

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## **REFERENCE**

Min No 17-29: Ordinary Meeting of Council held on 6 February 2017- Western Coal Services State Significant Development (SSD 5579) Modification 1.

## **SUMMARY**

To advise Council of a modification to a State Significant Development that has been submitted to the Department of Planning and Environment (the Department) for the Western Coal Services Project, Lot 501 DP825541, 980 Castlereagh Highway Lidsdale.

## **COMMENTARY**

The State Significant Development Consent SSD 5579 was issued on 4 April 2014 and approved the operation and construction of infrastructure to facilitate the receipt, handling and processing of coal from the Springvale Mine, Angus Place Colliery and other Centennial Coal Operations. The approval also allowed the transportation of coal to the power stations and to Lidsdale Siding. The project life was approved for 25 years.

### **Proposal**

The modification proposal is seeking approval to SSD 5579 to allow for:

- An increase in the amount of coal received from Springvale Mine on the overland conveyor from 4.5 Mtpa to 5.5 Mtpa.
- The establishment of a dedicated product coal stockpile of 80,000 tonne capacity in the vicinity of the coal preparation plant.
- An increase in employment from 18 full time equivalent personnel to 25 full time equivalent personnel.
- A revision of noise criteria in SSD 5579 to the project components.

The SSD 5579 consent boundary for the Project remains unchanged. The surface infrastructure and operations will remain unchanged.

A summary of the key environmental impacts are outlined below:

#### Noise

The modification proposes to amend the current noise criteria in SSD 5579 (Schedule 3, Condition 7) to Springvale Coal Services Site operations only and to preclude their application to the other project components such as the overland conveyor system, located on the Mount Piper Haul Road, Wallerawang Haul Road and the Kerosene Vale Stockpile Area.

The modification proposes fixed and mobile plant. This is considered to be feasible mitigation measures to achieve compliance with the *Draft Industrial Noise Guidelines* (EPA, 2015).

The implementation of noise controls on both fixed and mobile plant, in conjunction with the implementation of operational controls and strategies within the project will reduce noise levels in the surrounding communities.

#### Traffic and Transport

The development proposes minimal impact to traffic due to the slight increase in the workforce from 18 to 25 full time equivalent personnel. The assessment was based on travel to and from the Springvale Coal Services Site and not from other project components that are only accessed via private haul roads.

The increase in workforce will result in approximately 7 vehicle trips to and from the site in the morning and afternoon. This is considered to be minimal with no impact to the Castlereagh Highway.

#### Air Quality

Predicted results for air quality show that the modification activities are unlikely to cause any exceedances to the relevant ambient air quality criteria at the identified receptors.

#### Social

The Statement of Environmental Effects states that Springvale Coal will continue to monitor and respond to environmental impacts that could potentially affect the community over time. Monitoring data will be undertaken on a regular basis to ensure that management strategies are adhered to and that the potential cumulative impacts are identified, monitored and managed.

#### **Status**

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 3 October 2017. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Environment.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

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

#### **RECOMMENDATION**

**THAT** the information in the report on the Western Coal Services Project State Significant Development 5579 Modification 2 be noted and the Department of Planning and Environment be advised that Council has no objection to the proposal based on the information in the Statement of Environmental Effects and proposed mitigation measures.

## OPERATION REPORTS

### ITEM-13 OPER - 23/10/17 - WATER REPORT

**REPORT BY: DIRECTOR OPERATIONS**

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## REFERENCE

Min No 17-276: Ordinary Meeting of Council 25/09/17

## SUMMARY

This report provides an update on various water management issues.

## COMMENTARY

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

Farmers Creek No. 2 Dam capacity on Monday 9th October 2017 was 45.3%. Oberon Dam capacity on Monday 9th October 2017 was 82.6%.

### Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Water NSW (Fish River Scheme) for 2017/2018.

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

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	119.4	0	79.3
August	141.5	0	59.3
September	143.6	0	58.4
<b>TOTAL</b>	<b>404.5</b>	<b>0</b>	<b>197.0</b>

### Clarence Water Transfer Scheme

The Clarence Water Transfer Scheme was commissioned in 2014. It has been transferring water since 5 October 2017 and has pumped 38.6 M/l of water into Lithgow No. 2 Dam to 10 October 2017. Regular water Quality Monitoring is ongoing with no exceedance of ADWG values for the water being transferred.

### Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow and was supplying water to the villages for a number of periods. No health-based ADWG values were exceeded for the period 16/09/17 to 13/10/17.

**Treatment Plants Monitoring Results**

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 27/09/17 and forwarded to Sydney Water for testing. There were three non-compliances recorded at Council’s treatment plants for the month of September 2017. There was one (1) non-compliance at Lithgow STP and two (2) at Portland STP as detailed in Table 2. All test results are published on the Lithgow City Council website as required by the Protection of the Environment Operations Act 1997.

**Table 2 – Treatment Plants Monitoring Results**

<b>Plant</b>	<b>Non Compliance</b>	<b>Licence Limit</b>	<b>Date Sampled</b>	<b>Cause of Non Compliance</b>	<b>Action Taken to Mitigate Adverse Effects of the Non Compliance</b>	<b>Action Taken to Prevent Future Reoccurrence Of Non Compliance</b>
Lithgow STP	Faecal Coliforms 1,800 units/ 100mL	200 units/ 100mL	27/09/17	Bulking Sludge in the IDEA reactor	Discharge diverted to tertiary lagoons, Nil discharge to Environment	Contractors engaged to treat excessive sludge volumes
Portland STP	Faecal Coliforms 3,400 units/ 100mL	600 units/ 100mL	27/09/17	Removal of Tricking Filter During Plant Upgrade	Increase Cleaning to Reduce load On Remaining Filter	Augmentation of Portland Sewerage Treatment Plant

**Fish River Water Scheme Water Quality Summary**

Fish River Water Supply supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 16/09/17 to 13/10/17, however further interruptions to the FRWS are anticipated.

**Current Water Restrictions Update**

Level 3 restrictions are effective from Tuesday, 26th September 2017.

**Water Saving Schemes or Processes Update**

Council’s Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving one (1) application for a household appliance rebate and receiving no applications for a water tank rebate for the period 16/09/17 to 13/10/17.

**Water Reticulation Complaints**

Council received no complaints during the period 16/09/17 to 13/10/17 concerning water quality issues.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**  
NIL

**RECOMMENDATION**

**THAT** Council note the water report.

**FINANCE REPORTS**

**ITEM-14            FIN - 23/10/17 - EXCESSIVE WATER ACCOUNT - PROP 58720**

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

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**SUMMARY**

To provide a report on a request from the owner of the property 58720 seeking financial consideration for excessive water account. This excess water account is being considered under the previous version of the Policy 8.1 'Excessive Water Usage Allowance for Breakages' as it was received prior to adoption of current policy.

**COMMENTARY**

Council is in receipt of a request from the property owner seeking relief for water accounts totalling \$3,294.11, with legal fees applied and interest accruing. This is due to an unconcealed leak which was not noticeable under the driveway on the property.

The meter for the above property was read by Council staff on 24 October 2016 and this showed a reading of 2,200. On reviewing the readings this showed as an high consumption and Council attended the property again to re-read the meter on 11 November 2016 and the read was 2,346, an additional 146KLS in a period of 8 days, the Council Meter Reader advised the property owner there appeared to be a problem. This resulted in those 146 KLS carrying onto the following billing period.

The meter for the property was read by Council and as a result shows the below information breakdown;

DATE	METER READING	QUARTERLY CONSUMPTION	AMOUNT	READING DAYS	DAILY AVERAGE
24/10/2016	2,200	502 KLS	\$1,954.34	102	4.922
31/01/2017	2,394	194 KLS	\$905.98	99	1.960
<b>TOTAL</b>			<b>\$2,860.32</b>		

The four water accounts issued on the property prior to the leak were for;

DATE	METER READING	QUARTERLY CONSUMPTION	AMOUNT	READING DAYS	DAILY AVERAGE
19/10/2015	1,568	59 KLS	\$183.49	103	0.573
13/01/2016	1,622	54 KLS	\$167.94	86	0.628
24/07/2016	1,665	43 KLS	\$133.73	105	0.410
14/07/2016	1,698	33 KLS	\$102.63	78	0.423
<b>TOTAL</b>			<b>\$587.79</b>		

When averaged using the previous four readings prior to when the leaks occurred in 2016, an estimate of what the account for the property would have be as shown in the table following.

DATE	METER READING	CONSUMPTION CHARGD	AMOUNT	ESTIMATE CONSUMPTION	ESTIMATE AMOUNT
24/10/2016	2,200	502 KLS	\$1,954.34	47 KLS (T1)	\$146.17
31/01/2017	2,394	194 KLS	\$905.98	44 KLS (T1)	\$136.84
		<b>TOTAL</b>	<b>\$2,860.32</b>		<b>\$283.01</b>

This is a difference in \$2,577.31. A maximum allowance of \$200.00 was provided on 5 April 2017 as per Policy 8.1 'Excessive Water usage Allowance for Breakages' (Version 3), making the difference in charges \$2,377.31.

The breakage occurred on a private property in 2016 and the account was sent to the owner in which they repaired as soon as they were notified. However Council officers have investigated this request and denied reducing the account as the policy only allows the \$200.00 which has already been applied.

The property has also been charged with an additional \$613.00 in legal fees due to no payments or actions being made on the account. There is currently a total outstanding balance of \$3,294.11. Each account since the leak has since been paid.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

- Budget approved - Nil
- Cost centre – Nil
- Expended to date - Nil
- Future potential impact – Possible write off of \$2,377.31, interest and legal fees of \$613.00. Write-offs have not been included in the current budget.

### **LEGAL IMPLICATIONS**

Nil

### **RECOMMENDATION**

#### **THAT**

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

**ITEM-15            FIN - 23/10/17 - INVESTMENTS HELD 30 SEPTEMBER 2017**

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

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**REFERENCE**

Min No 17-278:    Ordinary meeting of Council held on 25 September 2017

**SUMMARY**

To advise Council of investments held as at 30 September 2017

**COMMENTARY**

Council's total investment portfolio, as at 30 September 2017 when compared to 31 August 2017, has increased by \$600,000.00 from \$30,750,000.00 to \$31,350,000.00. While cash in Council's bank account decreased by \$58,028.69 from \$275,348.77 to \$217,320.08.

There is an overall increase in cash and investments of \$541,971.31 since 31 August 2017. The increase in cash and investments is due to the ongoing operations of Council in September 2017.

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

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

Opening Balance of cash and investments as 01 September 2017	\$31,025,348.77
Plus New Investments – September 2017	\$5,000,000.00
Less Investments redeemed – September 2017	\$4,458,028.69
Closing Balance of cash and investments as at 30 September 2017	\$31,567,320.08

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

**POLICY IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 27 October 2017 Council adopted a draft of the Investment Policy as Policy 8.7 which includes the Minister's Investment Order of 12 January 2011.

**FINANCIAL IMPLICATIONS**

- Budget approved - \$175,206
- Cost centre - 3259
- Expended to date - \$172,237
- Future potential impact – Nil

Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the

budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

### **LEGAL IMPLICATIONS**

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

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

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

### **ATTACHMENTS**

1. Investment Register 2016/17

### **RECOMMENDATION**

**THAT** Investments of \$31,350,000.00 and cash of \$217,320.08 for the period ending 30 September 2017 be noted.

**ITEM-16            FIN - 23/10/17 - POLICY REVIEWS**

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

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**REFERENCE**

MIN 17 – 245: Ordinary Meeting of Council held on 14 August 2017

**SUMMARY**

The purpose of this report is to seek Council adoption for the policies following a period of 28 days public exhibition.

**COMMENTARY**

At the Ordinary meeting of Council held on 14 August 2017. Council resolved:

1. Endorse Polices 8.4 Debt Recovery, 8.5 Pensioner Rebate, 8.6 Hardship, 8.7 Investment and 9.8 Records Management for public exhibition and comment for 28 days.
2. Following the exhibition period that policies 8.4 Debt Recovery, 8.5 Pensioner Rebate, 8.6 Hardship, 8.7 Investment and 9.8 Records Management be returned to Council for adoption.

The policies were placed on public exhibition that closed on 29 September 2017. No submissions were received on any of the policies.

**POLICY IMPLICATIONS**

- 8.4 Debt Recovery V3 will replace 8.4 Debt Recovery V2 adopted 08/09/14 Minute No 14-367
- 8.5 Pensioner Rebate V4 will replace 8.5 Pensioner Rebate V3 adopted 08/09/14 Minute No 14-367
- 8.6 Hardship V3 will replace 8.6 Hardship V2 adopted 08/09/14 Minute No 14-367
- 8.7 Investment V5 will replace 8.7 Investment V4 adopted 27/10/14 Minute No 14-428
- 9.8 Records Management V5 will replace 9.8 Records Management V4 adopted 24/03/14 Minutes No 14-140

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Policies as exhibited.

## RECOMMENDATION

**THAT** Council adopt the following policies as exhibited:

- Policy 8.4 Debt Recovery
- Policy 8.5 Pensioner Rebates,
- Policy 8.6 Hardship,
- Policy 8.7 Investments
- Policy 9.8 Records Management

**ITEM-17            FIN – 23/10/17 – WALLERAWANG WAR MEMORIAL RESTORATION  
COMMITTEE**

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

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**SUMMARY**

Council to authorise the release of \$11,354.05 externally restricted cash held in trust for the Wallerawang War Memorial Restoration Committee.

**COMMENTARY**

On the 24 October 2013 Council externally restricted and held in trust \$11,354.05 for the Wallerawang War Memorial refurbishment project on behalf of the Wallerawang War Memorial Restoration Committee. Council received correspondence from the Chairman, Mr D J Whitty, of the Wallerawang War Memorial Restoration Committee on the 14 September 2017 requesting Council release the \$11,354.05 and make payment in favour of the Wallerawang ANZAC Day March Committee.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Budget approved - Nil
- Cost centre - Nil
- Expended to date - Nil
- Future potential impact - \$11,354.05 decrease in externally restricted cash.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Wallerawang War Memorial Restoration Committee

**RECOMMENDATION**

**THAT** Council authorise the release from externally restricted cash the amount of \$11,354.05 and make payment to the Wallerawang ANZAC Day March Committee.

## COMMUNITY AND ORGANISATIONAL DEVELOPMENT

### ITEM-18            COMM - 23/10/17 - REFUGEE WELCOME ZONE

**REPORT BY:    MANAGER COMMUNITY AND CULTURE**

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## REFERENCE

Min 17-281:            Ordinary Meeting of Council 25 September 2017

## SUMMARY

This report discusses a request from the Lithgow Asylum Seeker and Refugee Support (LASARS) group that Lithgow City Council make a declaration of Lithgow being a welcome town for refugees.

## COMMENTARY

Council will recall that a report was submitted to the meeting of 25 September 2017 however a resolution was not reached and further information was requested to be presented to Council.

The Attachment to this item contains a frequently asked questions information sheet produced by the Refugee Council of Australia.

The Refugee Welcome Zone Declaration does not confer any formal obligations and Refugee Welcome Zones are not required to uphold any statutory responsibilities or financial commitments.

The signing of the Declaration is a way of demonstrating broad support for the principles it contains. Any actions or activities undertaken by Refugee Welcome Zones to implement the Declaration are entirely voluntary.

While signatories to the Refugee Welcome Zone Declaration are not required to undertake any specific activities, any initiatives which help to create a welcoming atmosphere and assist the settlement of refugees and their communities are welcomed and encouraged.

As per Council's Community Strategic Plan (CSP) CC1.1 – "We feel connected and supported", Council supports refugees and new arrivals in the following ways:

- Council hosts multiple citizenship ceremonies throughout the year, including on Australia Day.
- Council organises events and festivals to celebrate Harmony Day, Refugee Week and Social Inclusion each year.
- Council provides funding to community organisations through its Financial Assistance Scheme to support refugees and emerging communities.
- Works in partnership with community organisations to deliver local services that support the multicultural community in Lithgow.

LASARS has proposed that Lithgow become a welcome town for refugees. This is a program where councils make a declaration that refugees are welcome in the area. This program is run by

the Refugee Council of Australia and has already been implemented by Bathurst, Mid-Western, Blue Mountains and Cowra Councils as well as others.

Becoming a Refugee Welcome Zone is a way to formally acknowledge and recognise the work that is currently being delivered by Council and the local service network, and is another step towards growing and diversifying the local community.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

1. Refugee Council of Australia Refugee Welcome Zone Factsheet.

#### **RECOMMENDATION**

**THAT** Council:

1. Note the report on Refugee Welcome Zones
2. Sign the Refugee Welcome Zone Declaration.
3. Develop a policy relating to refugees and asylum seekers.

**ITEM-19            ORG - 231017 - WORK HEALTH AND SAFETY POLICY 9.13**

**REPORT BY:        MANAGER ORGANISATIONAL DEVELOPMENT & COMMUNITY**

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## **SUMMARY**

To provide Council with a revised Policy 9.13 “Work Health and Safety” and seek endorsement to place on exhibition for 28 days for public comment.

## **COMMENTARY**

The Draft Policy 9.13 Work Health and Safety (Attachment 1) is a revised policy to provide an improved framework for Council’s management of workplace health and safety and associated workplace roles. The policy objectives are to:

- Ensure that Council complies with the ‘reasonably practical’ standard which is intended to be a very high threshold
- Give the highest level of protection from hazards and risks arising from work so far as is ‘reasonably practicable’
- Provide for consultation, co-operation and co-ordination between all ‘persons conducting a business or undertaking’ (PCBUs) and workers and others at the workplace
- Ensure that any workplace under Council management or control is, as far as is reasonably practicable, without risk to the health and safety of any person.

The Policy was formulated to be consistent with Council’s legislative obligations and within the scope of Council’s powers. The Policy must be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation is applicable.

## **POLICY IMPLICATIONS**

Following exhibition, ‘Policy 9.13 Work Health and Safety’ will be returned to Council for adoption.

## **FINANCIAL IMPLICATIONS**

- **Budget Approve** - Budget to be identified for individual projects through the development of the Operational Plan.
- **Cost Centre** - Costed to individual operational/capital projects as required.
- **Expended to Date** - Nil.
- **Future Potential Impact** - Work health and safety management procedures are already in place. The Policy reinforces the required safe work practices and procedures and will have limited future potential impact.

## **LEGAL IMPLICATIONS**

The Policy is consistent to guide Council to meet its legislative obligations for the management of work health and safety.

## **ATTACHMENTS**

1. Draft Policy 9.13 Work Health and Safety

## RECOMMENDATION

### THAT:

1. Council endorse Draft Policy 9.13 Work Health and Safety for Lithgow City Council for public exhibition and comment and display for 28 days.
2. Following the exhibition period the policy and Management Plan be returned to Council for adoption.

## COUNCIL COMMITTEE MINUTES

### ITEM-20            ECDEV - 23/10/17 - STRATEGIC LAND USE PLANNING PROJECTS STEERING COMMITTEE MEETING MINUTES 12 SEPTEMBER 2017

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

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## REFERENCE

Minute 16-261:            Ordinary Meeting of Council 10 October 2016  
Minute 17-196:            Ordinary Meeting of Council 26 June 2017

## SUMMARY

This report details the minutes of the Strategic Land Use Planning Projects Steering Committee held on 12 September 2017.

## COMMENTARY

At the Strategic Land Use Planning Projects Steering Committee meeting of 12 September 2017, there were two key items on the agenda being an update and presentation on the Marrangaroo Masterplan/DCP Project and an update on the Rural and Rural Residential Strategy Review Project as summarised in the attached minutes.

No items require a Council resolution.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

Nil

## ATTACHMENTS

1. Minutes of the Strategic Land Use Planning Projects Steering Committee – 12 September 2017

## RECOMMENDATION

**THAT** Council notes the minutes of the Strategic Land Use Planning Projects Committee of 12 September 2017.

ITEM-21            COMM - 23/10/17 - YOUTH COUNCIL MINUTES 20 SEPTEMBER 2017

REPORT BY:    COMMUNITY DEVELOPMENT OFFICER

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## REFERENCE

Min No 17- 247            Ordinary Meeting of Council held on 14 August 2017.

## SUMMARY

This report details the minutes of the Youth Council meeting held on 20 September 2017.

## COMMENTARY

At the 20 September 2017 Youth Council meeting, various items were discussed, including:

- Batyr Mental Health Group
- Draft Work Program 2017/18
- Youth Scholarship Program
- New members
- Youth Week 2018

## POLICY IMPLICATIONS

NIL

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

Local Government Act 1993

## ATTACHMENTS

1. Minutes of the Youth Council Meeting held on 20 September 2017.

## RECOMMENDATION

**THAT** Council:

1. Notes the minutes of the Youth Council meeting held on 20 September 2017.
2. Appoints Katie Coleman as an official member of the Youth Council.

**ITEM-22            OPER - 23/10/17 - SPORTS ADVISORY COMMITTEE MEETING MINUTES -  
26 SEPTEMBER 2017**

**REPORT BY: DIRECTOR OPERATIONS**

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**SUMMARY**

This report details the Minutes of the Sports Advisory Committee Meeting held 26<sup>th</sup> September 2017.

**COMMENTARY**

At the Sports Advisory Committee held on 26<sup>th</sup> September 2017, the following items were discussed:

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

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes of the Sports Advisory Committee Meeting held 26<sup>th</sup> September 2017.

**RECOMMENDATION**

**THAT** Council note the Sports Advisory Committee Meeting Minutes.

**ITEM-23            OPER - 23/10/17 - TRAFFIC ADVISORY LOCAL COMMITTEE MEETING  
MINUTES 31 AUGUST 2017**

**REPORT BY: DIRECTOR OPERATIONS**

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## **SUMMARY**

This report details the Minutes of the Traffic Advisory Local Committee Meeting held 31<sup>st</sup> August 2017.

## **COMMENTARY**

At the Traffic Advisory Local Committee meeting held on 31<sup>st</sup> August 2017, the following items were discussed by the Committee:

- Lithgow CBD Revitalisation – Traffic Control Devices
- Zig Zag Public School Bus Zone
- No Stopping Signage – Kirkland Link/Lithgow Street Intersection and Hassans Walls Road/Main Street Intersection
- Local Government Area Crash Statistics

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Traffic Advisory Local Committee Meeting held 31<sup>st</sup> August 2017.

## **RECOMMENDATION**

### **THAT**

1. Council note the minutes of the Traffic Advisory Local Committee held on 31 August 2017
2. Extend the existing raised pedestrian threshold on Main Street and;
3. Relocate existing No Stopping signage adjacent to the existing raised pedestrian crossing and;
4. Extend West bound bus stop to 30m and;
5. Relocate East bound bus stop to the opposite side of the crossing and extend to 30m and;
6. Construct new raised threshold treatment at intersection of Cook St, Cook St Plaza and Burns Lane and;

7. Replace the existing 'No Parking' signs with 'No Parking – 8.30am to 9.30 am SCHOOL DAYS' signs and;
8. Install 'No Stopping' signs at the end of Victoria Avenue and in front of the school entrance and;
9. Install 'No Stopping – 8.30am to 9.30 am and 2.30pm to 4.00pm SCHOOL DAYS' signs at the end of Victoria Avenue opposite the school entrance and;
10. Consult with Zig Zag Public School and the Police regarding on-going compliance with the parking restrictions and;
11. Installs 'No Stopping' signs on the East side of Hassans Walls Road at the intersection with Main St (10m parking restriction) and;
12. Installs 'No Stopping' signs on the West side of Kirkland Link at the intersection with Lithgow St (10m parking restriction) and;
13. Installs 'No Parking' signs on the West side of Kirkland Link from the intersection with Valley Drive to the No Stopping signs proposed in 2.

**ITEM-24 OPER - 23/10/17 - OPERATIONS COMMITTEE MEETING MINUTES 3  
OCTOBER 2017**

**REPORT BY: DIRECTOR OPERATIONS**

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## **SUMMARY**

This report details the Minutes of the Operations Committee Meeting held 3 October 2017.

## **COMMENTARY**

At the Operations Committee Meeting held 3<sup>rd</sup> October 2017, the following items were discussed:

- An update on 16 Lockyer Street, Lithgow.
- Wallerawang Overbridge Pedestrian and Vehicular Traffic Issues
- Water Restrictions
- Cullen Bullen Sewerage Upgrade
- Bells Road Bank Erosion.
- McKanes Falls Road & Cox's River Road Upgrades
- Curtin Place Sewerage Problem
- Mobile Depot Remediation Works
- Willowvale Lane Completion
- Drainage at La Salle Academy
- McKanes Falls Road Bridge
- Roadkill on Highways

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Operations Committee Meeting held 3<sup>rd</sup> October 2017.

## **RECOMMENDATION**

**THAT** Council note the Operations Committee Meeting Minutes and;

1. The proposal to increase the pumping capacity at Tweed Mills Pump Station during wet weather, be implemented with the installation of an appropriate diesel stand by pump to reduce surcharge at 16 Lockyer Street, Lithgow and;

2. The continuation of the feasibility and associated costs with providing a pedestrian walkway on the western side of the bridge be the subject of further reports to future Operations Committee meetings and;
3. Council's General Manager raise the lack of continuity of supply from the Fish River Scheme with appropriate authorities and;
4. A timeframe be presented to the next Operations Committee outlining the events associated with the project and the submission of the draft deed for Cullen Bullen Sewerage Upgrade and;
5. A meeting be held to advise the Cullen Bullen community of the appropriate milestones for the project following finalization of the Draft Deed of Agreement and;
6. Appropriate actions and reporting be undertaken in relation to the items raised during general business.

## NOTICE OF MOTION

ITEM-25 NOTICE OF MOTION - 23/10/17 - HERITAGE LISTED TEN TUNNELS

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

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## COMMENTARY

On the Transport for NSW website it is mentioned on the 31 August 2017 that modifications are needed along the rail corridor from west of Springwood Station to Lithgow Station to accommodate the new and existing trains. The State Member for Bathurst recently announced a new City-Lithgow express service with limited stops. If the ten tunnels, which are listed on the State Heritage Register, are unable to accommodate the new intercity fleet, won't this have an impact on the newly announced service?

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

Nil

## RECOMMENDATION

**THAT** Lithgow City Council write to Transport NSW and ask them to provide a briefing to Council on the ten Heritage Listed railway tunnels, the Springwood to Lithgow Rail Corridor modifications, and how they will relate to the New Intercity Fleet Program.

**ITEM-26 NOTICE OF MOTION - 23/10/17 - RESTRUCTURING OF POLICE SERVICES  
IN REGIONAL AREAS**

**REPORT BY: COUNCILLOR CASSANDRA COLEMAN**

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## **COMMENTARY**

In the Daily Liberal on the 6 October 2017 it was rumoured that 11 country Local Area Commands (LACs) will be merged into 7. These rumours are of great concern, especially in relation to community safety, with possible reduced police services, and the potential loss of jobs in the area.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

**THAT** Lithgow City Council write to the State Member for Bathurst expressing our concerns about the restructuring of police services in regional areas and ask that his Government reassure the Lithgow community that police numbers in our Local Area Command will not be reduced. Also that the local community be consulted about and briefed on any planned.

**ITEM-27 NOTICE OF MOTION - 23/10/17 - SHARED AGREEMENT**

**REPORT BY: CR DEANNA GOODSSELL**

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**REFERENCE**

Min 17 – 257: Ordinary Meeting of Council 25 September 2017.

**COMMENTARY**

The lack of a unified approach by Council and other parties in their recent support for Centennial Coal and the continuing operation of Springvale Mine has resulted in community confusion and a breakdown in some relationships necessary for the Lithgow community to advance.

The overall approach in the Springvale matter consisted of a flurry of activity by different parties to both Government and Opposition, and should in my view have been more organised based on the good intent of the parties involved who I believe had only the welfare of mining employees and their families at heart.

There is now an opportunity for us as Councillors to reach a shared agreement between us that we will adhere to the conventions and protocols in place to achieve Council's objectives whilst maintaining unity and the confidence of the Lithgow community. That shared agreement could include the following matters:-

1. That Councillors will abide by their own policies and requirements,
2. That Council will follow accepted protocol in its contact with Local Members of Parliament when seeking assistance from the Government of the Day.
3. That there should be transparency in all our actions and discussion so no miscommunication or misunderstanding can occur.

**RECOMMENDATION**

**THAT** Lithgow Council agree with my request to enter into this Shared Agreement.

## **BUSINESS OF GREAT URGENCY**

*In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:*

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

**CLOSED COUNCIL**

**ITEM-28            CONFIDENTIAL COUNCIL - ECDEV - 23/10/17 - PROVISION OF LOCAL  
LEGAL SERVICES**

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

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**Reason for Confidentiality**

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

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

**SUMMARY**

To advise Council of the response to quotations sought for local legal services.

**RECOMMENDATION**

**THAT** Council consider the report Provision of Local Legal Services in Closed Council in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

**ITEM-29            CONFIDENTIAL - CLOSED COUNCIL - OPER - 23/10/17 - PURCHASE OF  
TANKER FILLING STATION**

**REPORT BY: DIRECTOR OPERATIONS**

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### **Reason for Confidentiality**

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

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

### **SUMMARY**

Council officers have been investigating the replacement of the current water tanker filling station and have only been able to source one suitable replacement supplier.

### **RECOMMENDATION**

**THAT** Council resolves to purchase 6 tanker filling stations from Abberfield Industries pursuant to the Local Government act 1993 section 55 (3) (i) Due to the unavailability of alternative suppliers of this equipment.