



AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

27 NOVEMBER 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 23 OCTOBER 2017**

**CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 30 OCTOBER 2017**

**CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 20 NOVEMBER 2017**

**DECLARATION OF INTEREST**

**COMMEMORATIONS AND ANNOUNCEMENTS**

**PUBLIC FORUM**

**PRESENTATIONS** - Chris Clayton of the Audit Office of NSW, Council's Auditors, to present a report to Council on the 2016-17 Financial Statements.

**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**

Community Development Committee Minutes 10 October 2017  
Youth Council Minutes 18 October 2017  
Sports Advisory Committee Meeting Minutes - 31 October 2017  
Operations Committee Meeting Minutes - 6 November 2017  
Economic Development Committee Minutes of 20 November 2017  
Sports Advisory Committee Meeting Minutes - 21 November 2017

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## **NOTICES OF MOTION**

Appeal against Adjustment of Water Account – Councillor Thompson  
Croquet Club – Councillor Coleman

## **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 - 27/11/17 - TRANSPORT NSW - BATHURST BULLET TRAIN SERVICE

REPORT BY:    GENERAL MANAGER

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## REFERENCE

Min 17 - 81:            Ordinary Meeting of Council 20 March 2017

## SUMMARY

To inform Council of the responses received from Transport NSW Trainlink on 31 October 2017 and the Minister for Transport and Infrastructure the Hon Andrew Constance MP on 10 November 2017.

## COMMENTARY

At the Ordinary meeting of Council held on 20 March 2017 Councillor Coleman put a Notice of Motion to Council in relation to the Bathurst Bullet Train Service. Council resolved:

### **17-81 RESOLVED**

**THAT** Lithgow City Council writes to NSW Train link to:

1. Request them to consider another two carriages be attached to the Bathurst bullet considering the high demand of the service.
2. Request to have the trains stop at Tarana, Westmead and Strathfield stations.

On The 15 September 2017 correspondence was sent to Transport NSW lobbying for two extra carriages to be added to the Bathurst Bullet train service to alleviate issues of overcrowding and seeking support for this initiative.

Council is now in receipt of a response from Transport NSW Trainlink received 31 October 2017 giving advice that:

*"From 26 November, when the new timetable is introduced, the Bathurst Bullet will make an extra stop at Westmead making public transport more convenient for people accessing health services. Unfortunately, it is not possible to include Strathfield as a stop as the train passes through that station during the very busy peak periods. We also have no current plans to stop the Bullet at Tarana as residents are able to board the Dubbo XPT to travel to Sydney.*

*I have noted the resolution for two additional carriages to be added to the Bullet. This is currently not possible as there is not enough rollingstock available without withdrawing the carriages from other services. The new regional fleet, which is expected to be delivered from*

*the early 2020s will provide us with more opportunities to improve our services.”*

Correspondence received from The Minister for Transport and Infrastructure, the Hon Andrew Constance MP on 10 November 2017 gave advice that the “more Trains, More Services” program:

*“is a \$1.5 billion capital investment to improve travel times, boost capacity and frequency of services. Customers will benefit from 24 new express services between Sydney and the Blue Mountains on weekends, dedicated eight car express trains, more than 25,000 additional seats every week, including 18,000 on weekends, and a new weekday Sydney to Lithgow return express service.*

*I am further advised that when the new timetable is introduced, Bathurst Bullet and new weekday Lithgow to Sydney CBD return express services will both include a stop at Westmead. Additionally, customers who travel on the morning Sydney to Lithgow express service will connect at Lithgow with coaches heading to Bathurst and Orange. Return Lithgow to Sydney services will connect with coaches arriving from destinations like Nyngan, Dubbo, Wellington, Molong, Orange, Lucknow and Bathurst.*

*Regarding Lithgow Council’s request for extra carriages on Bathurst Bullet services, I am advised that no extra carriages are available at this time. However, council’s feedback will be considered when more carriages become available.”*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

1. Response letter from Transport NSW Trainlink received 31/10/17.
2. Response letter from the Minister for Transport and infrastructure received 10/11/17.

#### **RECOMMENDATION**

**THAT** council note the responses from:

1. Transport NSW Trainlink received 31/10/17.
2. The Minister for Transport and Infrastructure, the Hon Andrew Constance MP received 10/11/2017.



**ITEM-2            GM - 27/11/17 - 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 following the by-election in April 2017 for the remainder of the 2016/17 period.

<b>Internal Committees</b>	<b>2016/17 Representative</b>
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Thompson Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin
Audit Committee	Councillor Goodsell Councillor McAndrew (Alternate)
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	Cr Coleman
CBD Revitalisation Action Plan Committee	The Mayor and the Chairs of TALC, EDAC, TAC and Operations committees.
Mining Taskforce	Councillor Lesslie Councillor Thompson Councillor McAndrew
Business and Industry Investment	Councillor Lesslie Councillor Thompson Councillor McAndrew
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring

<b>External Committees</b>	
Arts Out West Committee	Councillor Lesslie
Bells Line of Road Group	Councillor Goodwin Councillor Statham
NSW Rural Fire Service Senior Management Team	Councillor Lesslie
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Thompson Councillor Goodsell (alternate)
Upper Macquarie County Council	Councillor Thompson Councillor Lesslie
Centroc	Councillor Lesslie 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
Inglennook 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 and General Manager and Director of Economic Development and Environment are members.

Council has received notification that the Inglennook Exploration Community Liaison Committee has merged with the Charbon Colliery Community Consultative Committee to become the Inglennook Exploration & Charbon Colliery Community Consultative Committee.

## 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.

Internal Committees	2016/17 Representative
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Thompson Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin
Audit Committee	Councillor Goodsell Councillor McAndrew (Alternate)
Economic Development	All Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	Councillor Lesslie Councillor Coleman
Lithgow Crime Prevention	Cr Coleman
Mining Taskforce	Councillor Lesslie Councillor Thompson Councillor McAndrew
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring

<b>External Committees</b>	
Arts Out West Committee	Councillor Lesslie
Bells Line of Road Group	Councillor Goodwin Councillor Statham
NSW Rural Fire Service Senior Management Team	Councillor Lesslie
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Thompson Councillor Goodsell (alternate)
Upper Macquarie County Council	Councillor Thompson Councillor Lesslie
Centroc	Councillor Lesslie 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 & Charbon Colliery Community Consultative 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-3                    GM - 27/11/17 - CODE OF CONDUCT COMPLAINTS STATISTICS 1  
SEPTEMBER 2016 TO 31 AUGUST 2017**

**REPORT BY:    GENERAL MANAGER**

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## **REFERENCE**

Min No 13-50:            Ordinary Meeting of Council held on 25 February 2013  
Min No 14-462:        Ordinary Meeting of Council held on 17 November 2014  
Min No 15-327:        Ordinary Meeting of Council held on 14 December 2015  
Min No 16-263:        Ordinary Meeting of Council held on 12 December 2016

## **SUMMARY**

The Council's complaints co-ordinator is to report annually on Code of Conduct Complaints Statistics by 31 December each year.

## **COMMENTARY**

In accordance with *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013 Part 12*, the complaints coordinator is required to report to Council and the Office of local Government Code of Conduct details included in Attachment 1.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre - 63138
- Expended to date - The cost of managing the 12 Code of Conduct Complaints for 2016/17 was \$52,652.12.
- Future potential impact – N/A

## **LEGAL IMPLICATIONS**

In accordance with, *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013 Part 12*, the statistics must be reported to Council within 3 months of the end of September each year, and provided to the Office of Local Government.

## **ATTACHMENTS**

1. Model Code of Conduct Complaints Statistics Lithgow City Council.

## **RECOMMENDATION**

**THAT** the report on the Code of Conduct complaints statistics for 2015/16 be noted.

**ITEM-4            GM - 27/11/17 - MODEL CODE OF CONDUCT REVIEW**

**REPORT BY:    GENERAL MANAGER**

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**SUMMARY**

This report provides Council with information regarding the Model Code of Conduct Consultation Draft currently on exhibition by the Office of Local Government (OLG).

**COMMENTARY**

The OLG is consulting with Councils on changes to the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures).

Phase 1 amendments to the Local Government Act 1993 (the Act) last year have resulted in the inclusion of pecuniary interest provisions of the Act and the Local Government (General) Regulation 2005 incorporated into the Model Code of Conduct. This will result in breaches of pecuniary interest obligations by councillors being treated as misconduct under the Act and will be subject to the “three strikes” misconduct rules.

OLG had previously sought the views of Council's and other stakeholders on the ethical standards supported by the current Model Code of Conduct and current requirements for disclosure of interests. Following review of those submissions, the consultative drafts of the new Model Code and Procedures have been developed.

Once finalised, Council will have a six month period in which to adopt the new Model Code of Conduct and Procedures and to update systems and procedures to align with the new requirements.

To allow for collation of responses, Councillors have been supplied copies of the consultation drafts and requested to provide comments by close of business Monday 27<sup>th</sup> November 2017.

**POLICY IMPLICATIONS**

Council will have a six month period to adopt the new Model Code of Conduct and Procedures once finalised by OLG.

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. Draft Model Code of Conduct for Local Councils in NSW
2. Draft Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW

## **RECOMMENDATION**

### **THAT**

1. Council notes the Draft Model Code of Conduct and Draft Procedures for the Administration of the Model Code of Conduct for Local Council's in NSW
2. Authorises the General Manager to provide a response on behalf of Lithgow City Council.

## **ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS**

### **ITEM-5            ECDEV - 27/11/17 - APPLICATION TO WAIVE HIRE FEES - COOK STREET PLAZA**

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

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## **SUMMARY**

To advise Council of a request by Women in Lithgow District (W.I.L.D) to waive Council fees for the hire of Cook Street Plaza.

## **COMMENTARY**

Council would be aware of the current promotion being conducted by W.I.L.D. of which Council is a major sponsor, whereby customers who spend over \$20 at a participating business receive a ticket in a draw to win a car.

To continue to promote the initiative and sell tickets, W.I.L.D. has booked Cook Street Plaza for 10 occasions on Saturday mornings. The hire fee for Community Groups is \$12.50 per hire and W.I.L.D. have requested that this fee be waived in this instance.

Whilst the fees are not significant, no objection is raised to waiving the fees in this instance as additional support to this initiative. It should also be noted that works in Cook Street plaza has commenced and whilst a space will be available during works, the hire venue will have some limitations. In fact use of the space may become limited to a point during the construction process where access may be difficult.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Council would forgo \$125 by waiving the hire fees.

## **LEGAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

**THAT** Council waive fees up to a maximum of \$125 for the hire of Cook Street plaza by Women in Lithgow District (W.I.L.D) for the shop local car promotion.



**ITEM-6                    ECDEV - 27/11/17 - LITHGOW HALLOWEEN 2017**

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

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**SUMMARY**

To provide an update on the wrap up of Lithgow Halloween 2017.

**COMMENTARY**

Following on from previous reports in relation to Lithgow Halloween 2017, a further update can be provided on estimated numbers attending the event.

Council would be aware that in previous years there has been some discussion and disagreement on attendance numbers. The 2017 event utilised a digital system employed by a firm, Business Analytics who also use the same system for other events including those involving Destination NSW. The system identifies mobile phone signals in the event area for the duration of the event. A calculation is then applied to estimate the number of children and others at the event to try and take into account those who may not have mobile phones. It is considered to be a conservative approach but is one that has been utilised for Destination NSW and is generally recognised as an accepted method at tracking crowd numbers for events that are not ticketed. The calculated numbers for the event this year were 11,345. This is considered to be a very good result and the method of calculation is creditable.

In relation to final budget expenditure there are still some outstanding invoices and wages costs to be allocated but at this stage it is looking like a small surplus is likely. This will be further reported when all figures are in.

It is also proposed that a debrief with Councillors occur and a date will be advised in the near future.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Budget approved – The budget approved by Council was \$90,000. With sponsorships and income from rides etc, the final event budget was \$133,817.50
- Cost centre - 600134
- Expended to date – With expenditure and budget commitments expenditure currently sits at \$122,093. However, with some wages and credit and receipts pending, this will increase.
- Future potential impact – It is anticipated that final expenditure for the event will indicate a small surplus.

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT**

1. Council note the report on the wrap up of Lithgow Halloween 2017.
2. A date for a debrief with Councillors be set prior to the Christmas break.

**ITEM-7                    ECDEV - 27/11/17 - ROCKY TRAIL ENTERTAINMENT - JET BLACK 24  
                                 HOUR MOUNTAIN BIKE RACE EVENT ATTRACTION APPLICATION**

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

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**SUMMARY**

To advise of an application under Council's Event Attraction package and recommend approval.

**COMMENTARY**

Rocky Trail Entertainment Pty Ltd has submitted an Event Attraction Package application for \$5,500 including GST for the managing and delivery of the Jet Black 24 Hour Mountain Bike race on 3<sup>rd</sup> of March 2018 at Rydal.

This will be the first time the Jet Black 24 Hour race will be held at Rydal. Rocky Trail Entertainment staged the Shimano Mountain Bike Grand Prix cross-country at the same venue in April 2017 as a test event for the Jet Black 24 Hour race in March 2018. The funding of \$5,500.00 (inc GST) will support the cost of venue hire, infrastructure including lighting, toilets first aid and State Forest fees.

The Jet Black 24 Hour race is the premier mountain bike endurance event in NSW. Rocky Trail Entertainment established the event in 2009 under the patronage of Jet Black Products Australia who have been supporters and naming rights sponsors of the event since its inception. The event is highly renowned in the Australian cycling industry and an established race on the national events calendar.

It is a niche sport and very specific type of mountain bike event, however, due to its extreme nature for solo riders, very popular with industry and news as it offers a team as well as short 6+6 hour race option (riders get a break overnight).

Rocky Trail Entertainment is one of Australia's leading private events promoters. Rocky Trail Entertainment business and team structure is well equipped to run such a race. Directors of the business are well experienced in strategic brand marketing in the tourism and cycling industries.

As lecturers overseas for Tourism and Leisure Management and consultants to several international cycling and mountain bike events they bring their experience into the business and provide their know-how to events partners. The business also has the marketing, media and promotional platforms to support the event.

The financial contribution will help to support and secure events that will help to bring an economic benefit to the Lithgow LGA.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Budget approved - \$15,000
- Cost centre -600100-EVENTS ATTRACTIONS
- Expended to date \$2,000 excluding GST
- Future potential impact – Approval will reduce the fund to \$7,500

## **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. Event Attraction Package Application
2. Forestry Corporation Permit
3. Support letter from Jet Black

## **RECOMMENDATION**

**THAT** Council allocate funding of \$5,000 (ex GST) under its Event Attraction Package to Rocky Trail Entertainment for the Jet Black 24 Hour Mountain Bike event in March 2018.

**ITEM-8                    ECDEV - 27/11/17 - DA283/16 PROPOSED MULTI DWELLING  
DEVELOPMENT AT 37 ATKINSON STREET LITHGOW**

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

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**REFERENCE**

Min No. 16-260            Ordinary Meeting of 12 December 2016

**SUMMARY**

To allow Council to consider Development Application (DA283/16) lodged for the demolition of existing units and a proposed multi dwelling development (18 mixed storey dwellings) on land known as Lot 1 DP 787040, 37 Atkinson Street Lithgow NSW 2790.

**COMMENTARY**

A previous report to Council on 12 December 2016 advised of the proposed original Development Application for 20 double storey dwellings on 37 Atkinson Street Lithgow due to the application being 'called in' under Council's Policy 7.7 Calling in of Applications by Councillors.

**Original proposal**

Council was originally in receipt of Development Application DA283/16 for multi dwelling development of 20 two storey dwellings at Lot 1 DP 787040, 37 Atkinson Street Lithgow NSW 2790.

The proposal included the removal of the existing four dwellings onsite to construct 20 two storey terrace type dwellings with private open spaces, car spaces, visitor carparking, garbage area and an upgraded driveway. The terraces were all of a similar design and all contained 3 bedrooms, bathroom (one with ensuite), kitchen/ dining/ living area, laundry, balcony and a single garage.

The original proposal for 20 two storey dwellings was notified to landowners within the area and a site meeting held with residents, the applicant, Council officers and Councillors on 10 March 2017. Attending the onsite meeting were 15 residents, the applicant, four Council Officers and Mayor Stephen Lesslie. Most concerns raised at the meeting were detailed in the 11 public submissions received for the original application (see Attachment 2 for summary of original submissions).

As a result of submissions and concerns raised by Council for the original 20 two storey dwelling proposal, the applicant amended the proposal for Council consideration.

**Amended proposal**

The amended proposal (see Attachment 1 for comparison of original and amended site plans):

- Reduced to 18 units all containing 3 bedrooms
- Changes the design to three types of units with varied rooflines as below:
  - T4, T10, T12, T16, T17 & T18 = Type A (two storey)
  - T3, T5, T9 & T11 = Type A2 (two storey)
  - TW, T8, T13, T15 = Type A3 (two storey- dormer windows)
  - T1 & T2 = Type B (two storey)
  - T7 & T14 = Type C (single storey)
- Changes parking locations
- Changes setbacks
- Changes the garbage area

### **Permissibility**

The development, being multi dwelling housing (defined below), is permissible under Lithgow Local Environmental Plan 2014 zone R1 General Residential, subject to development consent.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note.** Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

### **Submissions**

The proposal was sent to Water NSW, Department of Primary Industries Water, Rural Fire Service, Mine Subsidence Board, Council's Building Officer, Water & Wastewater Officer and Engineers for comment with no objections raised subject to conditions of consent if approved.

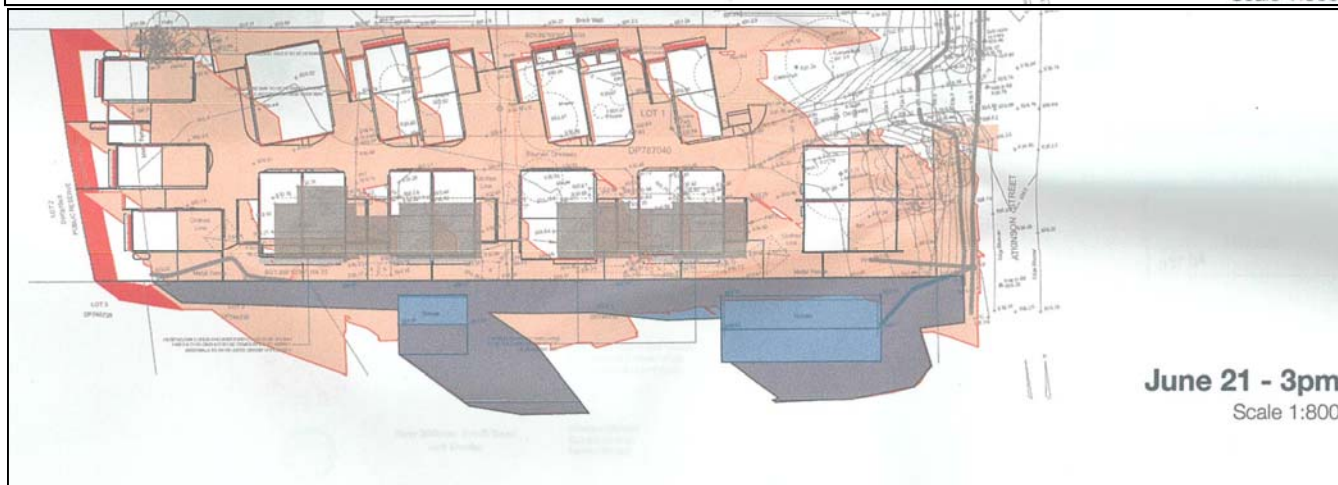
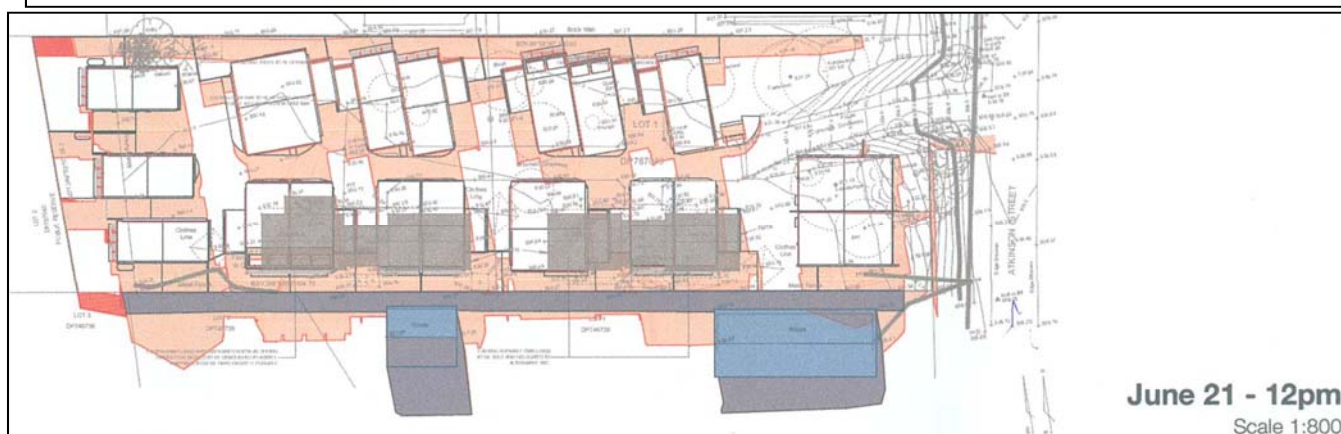
The amended proposal for 18 dwellings was notified to adjoining landowners and placed on exhibition, with 8 submissions received. The concerns raised within these submissions are summarised below with an accompanying planning assessment:

### **Design:**

- *The overall footprint of the development has not changed.*
- *The project will still impose overshadowing concerns regardless of the changes to roof lines.*
- *Adjoining gardens will still be in the shade for the majority of the year.*
- *Maintenance issues of the development have still not been addressed. This is a current issue with four units and will be increased with 18 dwellings.*
- *There is minimal landscaping proposed and will significantly impact on the character of the area and environmental quality of the area. How will the proposed landscaping be maintained (individual owners?). Additionally, there is no information on how the steep slopes will be remediated to ensure erosion and sedimentation removal are not an issue.*
- *The proposal is overdevelopment of the site given the existing character and streetscape in the area.*
- *The development will still impact the quiet lifestyle and is not in character with the area.*

### **Planning Comments:**

- The footprint of the proposal has not changed greatly, however the overall bulk and density has been amended to be of a less impact than previously proposed.
- Below is the shadow diagram submitted by the applicant in relation to overshadowing on the winter solstice for the amended development:

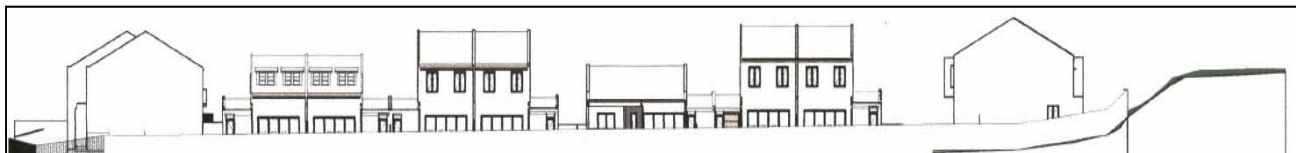


The Australian Model Code for Residential Development -AMCORD- A National Resource Document for Residential Development by Commonwealth of Australia - Housing & Regional Development guidelines specify that:

*A8.4 In temperate and cool-temperate climate zones, sunlight to at least 50% (or 35m<sup>2</sup> with minimum dimension 2.5m, whichever is the lesser area) of the principle area of ground level private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21. Where existing overshadowing by buildings and fences is greater than this, sunlight is not further reduced by more than 20%.*

The shadow diagrams indicate sunlight at 9am, 12pm and 3pm on 21 June. Therefore, the proposed development easily meets the above requirements.

*South Boundary elevation- showing articulation and building breaks*



For comparison, under the Complying Development Guidelines (by the NSW Department of Planning) the minimum setback for buildings is 2.5m (max wall height 8.5m). The proposal is designed to be set back 4m from the southern boundary to help minimise potential overshadowing impacts. Whilst there is some overshadowing impact to the southern properties, it is only a minor impact given the width of adjoining properties as shown by the shadow diagrams for the shortest day of the year. More than 50% of the allotments will remain in sunlight on the shortest day of the year (worst case) at all times of the day which is suitable overshadowing with solar access still available.

- The maintenance of the proposed unit development is not a consideration for Council and will be the responsibility of the landowner(s). This is similar to any proposed development including single dwellings.
- If approved conditions of consent will be recommended to ensure that the landscaping is implemented prior to interim occupation and established prior to final occupation of the development. Landscaping onsite will be the responsibility of landowners and is to be maintained in perpetuity. Sedimentation and erosion controls will be implemented by proposed conditions of consent, to ensure that steeper slopes are maintained and revegetated as soon as possible.
- The existing streetscape of the area is set behind the embankment of Atkinson Street. The proposal will be set down from the existing street and of greater density than existing in the area. However the multi-dwelling development is permissible and the zoning promotes housing variety. Each unit has sufficient room for individual carparking and courtyards. The proposal will have minimal conflict given the proposal is for residential development in an established residential area. There will be an increase in traffic; however noise will be similar to existing residential uses of the area. The redesign has allowed for varied roof heights which reflect that of adjoining properties in the area.

#### **Traffic:**

- *There is insufficient space internally to allow driving in a forward direction which will cause safety issues. There has been no indication on how the development complies with Australian Standards for carparking.*
- *Noise from the development will impact on all adjoining neighbours with traffic and general residential noises of 18 dwellings in one area.*
- *The location of the visitor carpark will impact adjoining landowners with headlights and noise from vehicles. The plans show no screening or fencing for this area.*
- *Reduced carparking will further congest the narrow street of Atkinson Street when there are visitors or residents with more than one vehicle per dwelling. A truck would not be able to access the site regularly and if it does will cause more noise issues.*
- *The development will still increase traffic in the area especially on weekends. The road is unmarked and in poor condition with the speed and bends dangerous at times with care veering onto the wrong side. The increase traffic will further impact the road and may cause an increased hazard.*
- *The absence of a footpath for pedestrians to access along Atkinson Street will have people walking on the narrow road.*
- *Access and egress to the development is of concern due to the slope and sight line is not suitable. A slope of 1:8 is proposed and places the nose of an existing vehicle higher than if the car were on level ground thus making it difficult to safely exit the property. A 'no parking' area needs to be considered for this road to make it safer for vehicles.*

- *There is no kerb and gutter for Atkinson Street which causes issues with overland flow and maintenance of the road.*
- *The issues with school children and pedestrians has not been addressed as they will be forced onto the road for the bus service. This development will add to the issue of safety.*

**Planning Comments:**

- The internal driveway is not a public road and there will be sufficient areas to allow for vehicles to turn and enter/ exit in a forward direction from the site. The proposed parking onsite will comply with Australian Standards.
- The noise from the development will be similar to that of any residential use. Construction hours will be limited to ensure minimal impact on adjoining landowners.
- If approved a condition of consent will be recommended as follows to ensure the visitor carpark is screened from the adjoining neighbouring properties:
  - *That screening be undertaken for the main visitor carparking area to minimise impact on adjoining landowners. This is to be provided and approved by Council prior to Construction Certificate.*
- There will be minimal reasons for a truck to access the site regularly other than for a waste contractor, which it has been agreed with the contractor that the proposal will be suitable to allow a waste truck to enter for waste retrieval. The proposal includes one enclosed garage for each unit and 16 visitor spaces around the development being a total 34 spaces. Therefore, the proposed development will provide 2 additional spaces than that required under the Development Control Plan (still in force when the application was submitted) which is acceptable.
- Traffic will be increased in the area as a result of the proposal, however Atkinson Street is a public road and is subject to Council maintenance schedules. The road will be repaired in accordance with Council's existing maintenance schedule and concerns raised by residents. Council's Engineers have assessed the application and found that Atkinson Street can cater for the additional traffic. The speed limit of the road is 50km/hr and speeding on this road cannot be controlled by Council and is a matter for the NSW Police. Council cannot consider illegal actions as impacts to the assessment of a Development Application.
- With the absence of a footpath within this location, this will be a matter for Council to consider potential upgrades.
- Council's Engineers have assessed the proposal in relation to the driveway slope and it meets Council's requirements. There is enough room to allow a car to safely exist the development onto Atkinson Street. There are appropriate carparking spaces onsite for the size of the development.
- Kerb and guttering of the existing road system is to be addressed by Council's Operations Department and is a separate matter to the proposed development.
- Council's Operations Department will investigate a proposed bus shelter for school children in the area.

**Other Concerns**

- *Views from windows will compromise privacy for adjoining dwellings and private open space.*
- *There is no information on how the garbage area will be screened from neighbouring properties.*
- *The proposed location of garbage next to adjoining property is unacceptable and will lead to spread of rubbish to those properties, including rubbish and vermin issues close to the boundary.*
- *There is no information on impacts to water pressure as a result of the proposed 18 dwellings.*



- *Nothing has been done to reduce the effects to the creek when filling for dwellings 16, 17 & 18. No hydrological study has been provided to alleviate concerns in relation to the effects due to flooding and changes to the creek as a result of the development.*
- *The proposal has not reduced concerns on impacts to the overloaded sewer system. The sewer regularly overflows at 7 Pillans Road due to blockages in the system. This situation is unacceptable and will become worse as a result of the development. This is also costly for Council to fix each time and is unhealthy for people living in this area with raw sewerage overflows.*

**Planning Comments:**

- Given the setbacks from the adjoining neighbouring boundaries, there will be acceptable privacy impacts to adjoining neighbours. All windows facing adjoining landowners which are on second storey levels are for bedrooms only and not living areas. Mature landscaping and fencing once established will further reduce potential impacts.
- If approved a condition of consent will be recommended to ensure that screening is addressed by the developers and approved by Council prior to Construction Certificate as below:
  - *The waste location is to be screened to adjoining properties with a design provided to Council prior to issue of a Construction Certificate and implemented prior to issue of an Occupation Certificate.*
- If rubbish is not being captured onsite via a waste disposal, this is regarded as a pollution incident and can be dealt with as such. It is considered that the waste disposal will be appropriate and screening will minimise potential for waste to exit the site. Vermin control will be the responsibility of all landowners.
- Council's Water & Wastewater Officers have assessed the application and advise that the development will achieve adequate water pressure with minimal impact to existing systems in the area.
- When the application was submitted to Council the land was not identified within a flood prone area as per the Kinhill Study 1992. Council's most recent flood study Lithgow Flood Study Review (Lyll and Associates 2017), shows the Flood Planning Area in red in the below map for this allotment:



The flood level for this site is 928AHD and adding a 0.5m freeboard to the required flood planning area is shown in red. No structure will be erected within this area and the finished floor levels for Units 16, 17 and 18 are above 931AHD. Open pool type fencing is also proposed which will minimise the impact of flood waters. The proposed development will not impact on the flood waters subject to the following condition of consent:

- *To ensure the development will not have impact on flood waters, the proposed fill at the west of the property is not to extend past 3m from the western boundary of the allotment and is not to impact on the flow of water at any time. The finished grade is to fill to the existing ground levels within 3 metres from the boundary rather than at the boundary, being the flood area of the allotment. Batters are to be appropriate for the area, utilising existing slope and revegetation undertaken as soon as practicable.*

**Note:** If any sedimentation leaves the site, Council may issue a Penalty Infringement Notice for a pollution incident under the Protection of the Environment Operations Act 1997.

- Council's Water & Wastewater Officers have assessed the proposed development and have provided appropriate conditions of consent to ensure the proposal will be undertaken to satisfy Council requirements. Council's Water & Wastewater Officer considers that the development will not impact on existing sewerage systems of the area.

### **Conclusion**

Concerns raised by public submissions will be minimised through appropriate conditions of consent if the application is to be approved. The proposal is permissible under current legislation and the planning scheme and meets the requirements of the R1 General residential zoning.

### **POLICY IMPLICATIONS**

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

This application was previously called in by former Councillor M Ticehurst on 28 November 2016 pursuant to Policy 7.7 "Calling in of Applications by Councillors" Item 3 that states:

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

Therefore, the application must be determined by the elected Council.

### **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – If the application is approved, the developer will be required to pay contributions to Council in relation to the two items as below:

#### **1. Water Management Act 2000**

Council's Section 64 Contributions under *Local Government Act 1993* for water and sewer connections will be required to be paid prior to the release of the Final Occupation Certificate.

These contributions are calculated using *Water Directorate Section 64 Determinations of Equivalent Tenements (ET) Guidelines- May 2009*. Currently, if approved the following

chargers would be applicable under 2017/2018 Fees & Charges, which are subject to review and to CPI increases in accordance with the applicable Fees & Charges adopted by Council at the time of payment.

**Clause 7- Standard ET Figures – residential user categories**

Category	Standard Unit	Suggested Values	
		Water ET	Sewer ET
Residential Units 3 Bedroom (or more)	dwelling	0.80	1.00

Therefore the following calculations will be applied to the development:

$$\begin{array}{rclclcl}
 \text{Water} & = & 0.80 & \times & 18 & = & 14.4 \text{ E.T} \times \$3,105.00 & = & \$ 44,712.00 \\
 \text{Sewer} & = & 1.00 & \times & 18 & = & 18 \text{ E.T} \times \$2,587.50 & = & \$ 46,575.00 \\
 & & & & & & \text{TOTAL} & = & \$ 91,287.00
 \end{array}$$

**2. Section 94A Development Contributions Plan 2015**

The Section 94A plan applies to this development given it is for a multi dwelling development at an estimated cost of \$4,515,013.00 as part of the original submission. Therefore, the following condition of consent should apply to the development, if approved, to allow a variation to the Section 94A contribution using the estimated cost calculated by a Quantity Surveyor for the amended proposal.

- Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. A Quantity Surveyors Report shall be supplied to Council to provide an estimate cost of the development. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

**LEGAL IMPLICATIONS**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. The full report is provided as per Attachment 2.

**ATTACHMENTS**

1. Comparison of Site Plans from original proposal (20 dwellings) to amended proposal (18 dwellings)
2. 79C Assessment Report

**RECOMMENDATION**

**THAT**

1. That Development Application DA283/16 for 18 dwellings at 37 Atkinson Street, Lithgow be approved by Council in accordance with the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-9                    ECDEV - 27/11/17 - DA228/17 PROPOSED REMOTE AREA FIRE FIGHTING TRAINING FACILITY**

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

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## **REFERENCE**

Min No. 16-34:            Ordinary Meeting of Council held on 29 February 2016  
Min No. 16-74:            Ordinary Meeting of Council held on 18 April 2016  
Min No. 16-172:           Ordinary Meeting of Council held on 18 July 2016  
Min No. 16-215:           Ordinary Meeting of Council held on 29 August 2016

## **SUMMARY**

To assess and recommend determination of DA XX/XX Recommendation will be for approval subject to conditions/refusal on Lots 26-31 DP 14100, 16 Noon Street, Blackmans Flat.

## **COMMENTARY**

Council is in receipt of a Development Application DA228/17 from the NSW Rural Fire Service for a remote area fire fighting training centre on land known as Lots 26-31 DP 14100, 16 Noon Street, Blackmans Flat.

The site for the proposed development is currently vacant. It was previously occupied by dwellings until a coal mining company acquired the land and demolished the dwellings within the Blackmans Flat area. Each individual lot contains an area of approximately 761.74m<sup>2</sup> each. The land is relatively flat with access from Noon Street.

The proposal is to construct and provide a remote training facility for fire fighting purposes. The remote facility will allow training to be conducted and includes access to fire trails and remote access areas via the use of helicopters and trail bikes. The centre is proposed to be fitted with a mock-up helicopter and other equipment.

The centre will include a shed for the mock-up helicopter, a training room and amenities. The facility is proposed to be utilised a couple of times throughout each month for example, a training session could run over a weekend and be attended by anywhere between 10 to 30 attendees.

The shed is proposed to be located on Lot 26 and 27 while the septic system, access and carparking are proposed to be located on Lots 28 to 30. The shed is proposed to consist of two stories and have a height of 7.5m. The total ground floor area will be approximately 300m<sup>2</sup>.

## **POLICY IMPLICATIONS**

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

This policy applies to the development, however the following clause does not require Council to notify this particular application:

#### **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.*

The development is surrounded entirely by properties owned by Centennial Coal. 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**

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

Although the development was submitted by the Rural Fire Service (RFS) with the application signed by the current owner at time of lodgement being Centennial Coal, a process is occurring whereby the land of which the facility is to be situated, will end up in Council ownership.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

The application must be assessed in accordance with the heads of consideration of Section 79C of the *Environmental Planning & Assessment Act 1979*. A full assessment under Section 79C is attached.

#### **ATTACHMENTS**

1. Complete 79C Planning Report under separate cover.

#### **RECOMMENDATION**

##### **THAT**

1. That Development Application DA228/17 be supported by Council in accordance with the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-10            ECDEV - 27/11/17 - DA2941/7 PROPOSED SHELTER AT LITHGOW GOLF CLUB**

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

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## **SUMMARY**

To determine Development Application DA294/17 for a shelter at the Lithgow Golf Club on Lot 1 DP840412, Great Western Highway, Marrangaroo.

## **COMMENTARY**

Council is in receipt of a Development Application DA294/17 from Lithgow Golf Club for a shelter on land known as Lot 1 DP 840412, Great Western Highway Marrangaroo, owned by Lithgow City Council.

The proposed shelter is to be placed on a slab, constructed of steel components and colourbond roofing. The proposal is 4m x 3.5m at a maximum height (peak) of 2.7m and total floor area of 14m<sup>2</sup>.

The site is Community Land used for a public recreation facility comprising a golf club house, associated outbuildings and 18 hole golf course. The golf club house is listed under Lithgow Local Environmental Plan 2014 with the Heritage Inventory Sheet (B106) identifying that the club house has been extensively altered and extended unsympathetically. However, the important architectural and aesthetic features are the front brickwork façade and decorated brick walls. As the proposed shelter is small and located at the rear of the club house, it will have no impact on the heritage significance of the building including the architectural and aesthetic features of the front façade.

The site is flood prone on the eastern boundary and the development is not expected to be impacted by flood or impact on the flood waters of the area. Stormwater will be controlled by way of a condition of consent if approved and disposed to Council's satisfaction.

## **POLICY IMPLICATIONS**

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

This policy applies to the development; however the following clause does not require Council to notify this particular application:

#### **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, as the proposal is for a shelter behind the existing building with minimal impact on the surrounding area, 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 shall be reported to Council for determination.

### **Other Matters**

It should be noted that approval of a development application does not extend to approval to actually allow construction of the facility on the land in a landowner /lessee sense. This is separate to the Development Application process.

### **FINANCIAL IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

#### **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*. A full 79C assessment is provided in Attachment 1.

#### **Local Government Act 1993**

The Lithgow Golf Course Plan of Management applies to the Community Land described as Lithgow Golf Course, categorised as a sportsground and contained within Lot 1 DP 840412. It is considered that the proposed shelter will improve the quality of the recreational facility and is ancillary to the golf course and complies with the objectives of the plan.

### **ATTACHMENTS**

1. 79C Assessment report

### **RECOMMENDATION**

#### **THAT**

1. The Development Application DA294/17 for a shelter be approved subject to conditions of consent as detailed in the attached Section 79C report.
2. A division be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.



**ITEM-11            ECDEV - 27/11/17 - PROPOSED RE-NAMING OF OLD WESTERN ROAD  
RYDAL AND WARDS ROAD MEGALONG VALLEY**

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

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## **REFERENCE**

Minute 17-240:            Ordinary Meeting of Council held 14 August 2017

## **SUMMARY**

To advise Council of an update on the proposed renaming of Old Western Road Rydal and Wards Road Megalong Valley.

## **COMMENTARY**

### **Background**

Council received requests from NSW Spatial Services and a private landowner to allocate new addresses to properties located off Wards Road Megalong Valley and Old Western Road Rydal (refer to Attachments 1 & 2). Investigations undertaken by Council identified that each of the existing road names and associated addressing were non-compliant with the *NSW Addressing User Manual (AUM) 2016* (a document created by the NSW Geographical Names Board (GNB) to complement the *NSW Addressing Policy No. 2, 2015*).

Accurate addressing information in NSW is required for adequate navigation, emergency services response, service delivery and statistical analysis. As many emergency responses and other public services are determined by the clarity of road names and road extents, the matter was referred to the Ordinary Meeting of Council held on 14 August 2017 and the following was resolved:

### **17 – 240 RESOLVED**

#### **THAT:**

1. Council undertake an expression of interest for a period of twenty eight (28) days (through advertising in the local newspaper and written notification to residents and authorities) calling for submissions on the proposed renaming of the southern extent of "Old Western Road" and the Right of Carriageway (ROW) extending off "Wards Road" and the associated review of address numbering for the full extent of each existing road.
2. Any submissions (including objections and proposed road names) be reported back to Council for consideration, prior to commencing the online road naming process.

The call for expressions of interest (through advertising in the local newspaper and written notification to residents and authorities) requested submissions on the proposed renaming of the southern extent of "Old Western Road" and the Right of Carriageway (ROW) extending off "Wards Road" and the associated review of address numbering for the full extent of each existing road

The notification process has now been completed and as a result, Council received a number of expressions of interest as detailed below.

### **Old Western Road Rydal**

Four submissions were received with no objections or other comments made by the public in relation to the proposed road renaming. However, the following recommendations were provided:



Proposed Road Name	Reasoning	Council Comments
Solitary Creek Road	When the Rydal village was originally settled it was called Solitary Creek. This road originally crossed Solitary Creek on the northern side of the Rydal village. The northern section of the Old Western Road still crosses Solitary Creek today.	<p>Further research has indicated that Solitary Creek runs through the village of Rydal under the northern portion of Old Western Road, as indicated on the <i>Village of Rydal and Suburban Lands Map</i> held by Council dated 1953.</p> <p>Further, the following information is provided on the "Rydal Village" website:</p> <p style="padding-left: 40px;">When Major Mitchell the Surveyor General of NSW passed this way in 1832 he thought that where he crossed at Solitary Creek would be a good site for a village and the area was known by this name for a time. However, when a plan was laid before Governor Sir George Gipps and approved by him on 31 May 1843 he decided that that the village should be called Rydal.</p> <p>The name "Solitary Creek Road" is supported by primary sources and therefore complies with all requirements of the AUM.</p> <p>However, with the creek running across only the northern portion of "Old Western Road", the proposed naming of the southern portion may result in confusion. Therefore, it is considered the name may not be suitable.</p>
Commissariat Road	The Commissariat for the Mount Walker Stockade was on the western side of Cocks River on this road.	<p>The very end of the southern portion of "Old Western Road" is located beneath the waters of Lake Lyell. Further research has indicated that the "Cocks River Convict Stockade", a State Heritage Item, is located within the vicinity of the road and similarly, the associated Commissariat is located beneath Lake Lyell.</p> <p>The following information is provided on the NSW Office of Environment and Heritage (OEH) website:</p> <p style="padding-left: 40px;">The No. 2 stockade is little known outside a small number of local individuals, one of the reasons it has survived relatively undisturbed to the present day but due to inundation by the dam little is to be seen of the commissariat area. The place cannot be said to have demonstrated social significance for a particular community or group, though this value may develop as knowledge of the history of the site develops over time.</p> <p>It is considered that the naming of the southern portion as "Commissariat Road" will provide recognition of the heritage value of the area. The road name complies with the requirements of the AUM and therefore, it is <b>recommended it be adopted</b>.</p>
Deedes Road	George Deedes was the Commanding Officer of the Stockade in 1834 and had a land grant of 20 acres on the western side of Cocks River.	<p>No additional information was provided with the submission and no further information could be found by Council to support the road name proposal.</p> <p>Accordingly, it could not be demonstrated that the proposed name is supported by primary sources (as required by Clause 6.7.5 of the AUM) and complies with the requirements of Clause 6.7.6 of the AUM, as below:</p> <p><b>6.7.6 Commemorative Road Names</b> Naming often commemorates an event, person or place. The names of people who are still alive shall not be used because community attitudes and opinions can change over time.</p>

		<p>Acts of bravery, community service and exceptional accomplishments are typical grounds for this recognition. The name of persons who gave their lives in service for their country are often used as commemorative names. The person commemorated should have contributed significantly to the area.</p> <p>Ownership of land that has been developed is not considered as a significant reason for naming purposes.</p> <p>Local Government shall make every effort to gain consent from family members of the person who is being commemorated. Supporting evidence that shows attempts by a Local Government to consult with family members should be provided during the lodgement of the proposal, but it is acknowledged that some names may be from an era for which this is not possible.</p> <p>Therefore, it is recommended the name not be adopted.</p>
Backwaters Road	It is commonly known by locals and regular visitors alike that this road leads to the "backwaters" of Lake Lyell.	Although the proposed road name is descriptive of the area, the land adjoining Lake Lyell is privately owned and could encourage recreationalists onto the land, to access Lake Lyell. This may also result in additional unsealed road maintenance burdens on Council. Therefore, it is recommended the name not be adopted.
The River Road	This name [has been] used by locals over the years, especially when it was open and lead to Lithgow.	<p>The proposed name does not comply with the requirements of Clause 6.7.2(g) of the AUM, which states:</p> <p><b>6.7.2 Language</b> g. Road names shall not include the definite article (the) as the sole name element of a road name e.g. <i>The Esplanade</i> is not acceptable.</p> <p>The proposed road name starts with "the" and therefore, should not be adopted.</p>
Hunter Road	Jack Hunter was historically the land owner which adjoined this road from the top to the river.	<p>The proposed name does not comply with the requirements of Clause 6.7.4 of the AUM, which states:</p> <p><b>6.7.4 Uniqueness, Duplication</b> Uniqueness is the most essential quality to be sought in proposing a new road name. A road name will be regarded as a duplicate if it is the same or similar in spelling or sound to an existing name, regardless of the road type. Road names shall not be duplicated:</p> <ul style="list-style-type: none"> <li>• Within the same locality.</li> <li>• Within an adjoining locality.</li> <li>• Within the following radius as applicable, <ul style="list-style-type: none"> <li>○ within 10 kilometres in a metropolitan urban area</li> <li>○ within 20 kilometres in a regional urban area</li> <li>○ within 30 kilometres in a rural area</li> <li>○ within 50 kilometres in remote areas.</li> </ul> </li> <li>• Within a duplicated locality anywhere in NSW. Refer to list in AUM Chapter 6 - Section 6.11 - Duplicated Localities.</li> </ul> <p>There is currently a road known as "Hunters Lane" located within the rural locality of Hartley Vale in the Lithgow Local Government Area. Although it is not directly adjoining the rural locality of Rydal, the two</p>
		<p>roads are located within 30 kilometres of each other.</p> <p>Therefore, this name should not be adopted.</p>

The proposed road name of "Commissariat Road" is most-compliant with the AUM and relevant to the history of the area. Therefore, it is recommended it be adopted.

## Wards Road Megalong Valley

Two submissions were received from the public in relation to the proposed road name, with comments outlined as below:

Objection/Comment	Council Comments
<p>The provision of a new road name and the associated installation of signage is likely to encourage trespassers onto the land which will diminish the security of properties and livestock.</p> <p>Members of the public, including shooting parties and others have argued that it is their right to enter the ROW.</p>	<p>The ROW is for the benefit of landowners only and is not an open public access road. Trespassing issues could further be prevented by contacting Police and/or the installation of gates (if not existing).</p> <p>To further increase the security of the land and reduce existing trespassing issues, it is recommended, in accordance with Clause 2(b) of Council Policy 10.10 <i>Addressing, Road Naming and Locality Naming</i>, that the following signage be installed at the intersection.</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: fit-content;"> <p><b>ROAD NAME</b> <b>PRIVATE ROAD</b> <b>NO PUBLIC ACCESS</b></p> </div>
The ROW is for the benefit of the landowners only and is not a public road.	
Clear signage should be erected with the road name sign to indicate that the ROW is a private road, not for public use.	
If the erection of signage was to encourage trespassers onto the land, the landowners will be burdened with the extra cost of maintaining the ROW as a result of additional traffic.	The ROW is a private road maintained by landowners. The installation of the above signage will work to reduce existing trespassing issues. Council is not responsible for the maintenance of the road, regardless of any naming.
Council should make sure that the NSW Geographical Names Board record it as a private road and when mapping is released to third party mapping services, it is clearly identified as such.	The ROW is not a public road and will not be registered as a Council asset (public road) following any naming.
The greater community has no reasonable right to name the ROW since it is constructed on private land and is used by a very specific few.	Council Policy 10.10 requires that all road naming proposals be publicly notified for a period of 21 days.

<p>The ROW is not used for the provision of services. The land is used for the grazing of livestock.</p>	<p>A number of the lots with access off the ROW contain residential dwellings. Accurate addressing information is required for adequate navigation, emergency services response, service delivery (such as electricity and telecommunications) and statistical analysis.</p> <p>Emergency services may also be required to visit sites that are not occupied for residential purposes (e.g. as a result of a farm accident).</p>
<p>The requirement for renumbering properties can be addressed without the formal naming of the ROW.</p>	<p>The AUM requires that ROWs that provide access to more than five properties be given an individual road name, as below:</p> <p><b>6.2.3 Use of Suffixes</b></p> <p>Address sites that share access should be treated as sub-address sites and numbering assigned accordingly. Refer to Principles Section 6.5 - Sub-Address Numbering. Shared access could be through common property or easements (except where the common property or easement is a private road, in which case it should be named).</p> <p><b>6.7.3 Roads to be Named</b></p> <p>All formed roads, including private roads (roads for which the care and maintenance is not the responsibility of a Local Government) that are generally open to the public or to services shall be named in accordance with these principles.</p> <p>Roads with five or less address sites need not be named if the address sites within the road can be assigned numbers within the adjoining road.</p> <p>The existing address numbering for the nine (9) properties (approximately) currently located off the ROW is non-sequential. Accordingly, the properties are to be renumbered with the allocation of a new road name.</p> <p>Distance based addressing (from the start of the road (the intersection)) is used in rural areas to assist emergency services in locating properties. If the properties were to be renumbered without the allocation of a new road name, the numbers for properties located past the ROW and directly off Wards Road (the public section) would be too large and not true to the correct distance.</p>

To ensure adequate emergency response and the provision of services to the land, it is recommended that Council install suitable signage to reduce existing trespassing issues and proceed with the road naming proposal by adopting the following recommendation. It should be noted that the following was the only recommendation received by Council and was supported by all individuals who made a submission. In accordance with the AUM, Council is required to consult with the Aboriginal Land Council for approval, prior to commencing the online road naming process.

Proposed Road Name	Reasoning	Council Comments
Caloola Halt Road	<p>This is the name of the original property from which the lots were subdivided. The entrance of the ROW prominently bears this signage. Caloola Halt is a known area within the Megalong Valley. All the properties, although having individual names, are identified as part of Caloola Halt.</p> <p>Thus, the name Caloola Halt Road would maintain a historical association with the affected land, be in conformity with the known geographical location of the ROW, and utilise a name that is part of the common heritage of all the properties concerned.</p> <p>The name Caloola Halt derives from the Aboriginal word "Caloola" and therefore, maintains a connection with Indigenous heritage and the traditional owners of the land. The use of any other name would destroy that connection.</p> <p>The name Caloola Halt Road conforms to the requirements of Section 6.7 of the NSW Addressing User Manual and would be the least disruptive choice for the property owners.</p>	<p>The proposed road name is believed to be an Aboriginal name and therefore, prior to Council proceeding with the online road naming process, concurrence should be sought from the Aboriginal Land Council, as required by Clause 6.7.5 of the AUM, as below:</p> <p><b>6.7.5 Acceptable Road Names</b> Names of early settlers, war servicemen and women and other persons who have contributed to the heritage of an area, local history themes, flora, fauna, ships etc. are usually most suitable for applying to roads.</p> <p>Gender diversity in the selection of names is encouraged, as are names reflecting NSW multicultural heritage. Aboriginal names are also supported and shall be in a local language chosen in consultation with the Local Aboriginal Land Council.</p> <p>When selecting road names, the following shall be considered:</p> <ul style="list-style-type: none"> <li>• Road names shall not be offensive, racist, derogatory or demeaning (refer to NSW Anti-Discrimination legislation).</li> <li>• Road names shall not be misspelt. In particular, the spelling of personal names shall be able to be validated by reference to primary sources.</li> <li>• Commercial and business names shall not be used, particularly where the name can be construed to be promoting the business. However, business names no longer in use and which promote the heritage of an area are acceptable.</li> </ul>

### POLICY IMPLICATIONS

To ensure that the addressing of properties and road naming within the Lithgow Local Government Area complies with the requirements of Council Policy 10.10 "Addressing, Road Naming and Locality Naming" and the *New South Wales Addressing Policy No.2, 2015*.

### FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Road naming signage.

### LEGAL IMPLICATIONS

To ensure that the addressing of properties and road naming within the Lithgow Local Government Area complies with the requirements of the *Roads Act 1993*.

### ATTACHMENTS

1. Map 1 – Proposed Road Renaming and Address Renumbering – Old Western Road Rydal NSW 2790.
2. Map 2 – Proposed Road Renaming and Address Renumbering – Right of Carriageway (ROW) off Wards Road Megalong Valley NSW 2785.

## RECOMMENDATION

### THAT:

1. That Council notify affected landowners, the Local Aboriginal Land Council and any relevant authorities of the proposed road names (including “Commissariat Road” and “Caloola Halt Road”) and accept public submissions for a period of twenty-eight (28) days.
2. Any submissions (including objections and proposed road names) be reported back to Council for consideration, prior to commencing the online road naming process. If no submissions against the proposal are received, Council proceed with the online road naming process and gazette the road names of “Commissariat Road” and “Caloola Halt Road” accordingly. Council is then to notify appropriate landowners and authorities of the new address changes.

**ITEM-12            ECDEV - 27/11/17 - PROPOSED REHABILITATION OF BELL QUARRY  
WASTE FACILITY**

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

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**REFERENCE**

Min No. 17-28:            Ordinary Meeting 6 February 20017

**SUMMARY**

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

**COMMENTARY**

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

The applicant, Bell Quarry Rehabilitation Project Pty Ltd, proposes to fill the former Bell Quarry through the importation of approximately 1.5 million tonnes of Excavated Natural Material (ENM), Virgin Excavated Natural Material (VENM) and other clean fill from Sydney, with a vehicle haulage rate of up to 140,000 tonnes per annum.

The next stage will be for the applicant to obtain an Environmental Impact Statement (EIS) in accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg) to be submitted as a Development Application for assessment.

The prime issue that will need to be considered is the proposal to import waste material to rehabilitate the Bell Quarry. Council has previously had concerns with the importation of waste material from outside its area. Details of truck movements and traffic impacts will also be an issue. No details have been provided at this stage of the origin or composition of the waste. This proposal, although not submitted as an application at this stage, has already received media attention in the Blue Mountains Gazette and Lithgow Mercury regarding concerns from the public. Additional information will be reported to Council in the future once the application is submitted.

Additionally, the applicant has provided detail to advise the proposal will not be a State Significant Development (as first thought) and assessment will be undertaken by Council through a Development Application under Part 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). This is due to the development not being of putrescible waste, is not in an environmentally sensitive area of State Significance, nor does it meet other thresholds as per Clause 23 of Schedule 1 under *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP) (see attached).

However, the proposal is designated development for a waste management facility under Clause 32 of the EP&A Reg, which is also defined as regional development under Clause 8 of Schedule 4A of the EP&A Act. This means the Development Application will be assessed by Council and determined by the Joint Regional Planning Panel (JRPP). Lithgow Council's representatives on

the JRPP currently are Andrew Muir- Director Economic Development & Environment and Mayor- Stephen Lesslie.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

Assessment of the Development Application will be by Council under the *Environmental Planning & Assessment Act 1979*. The determining authority will be the Joint Regional Planning Panel as per the *State Environmental Planning Policy (State and Regional Development) 2011*.

### **ATTACHMENTS**

1. Clause 23 of Schedule 1 under State Environmental Planning Policy (State and Regional Development) 2011.

### **RECOMMENDATION**

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



**ITEM-13            ECDEV - 27/11/17 - CHANGES TO THE MINE SUBSIDENCE  
                          COMPENSATION SYSTEM IN NSW**

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

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**SUMMARY**

To advise Council of changes to the Mine Subsidence Compensation system in NSW.

**COMMENTARY**

Council has received advice from Subsidence Advisory NSW (SA NSW) informing Council of upcoming changes to the Mine Subsidence Compensation system which will take effect from January 2018. Following the passage of the Coal Mine Subsidence Compensation Bill 2017 in NSW Parliament. (A copy of the correspondence from SA NSW is attached the business paper)

The new legislation is proposed to streamline development regulation within Mine Subsidence Districts. Exemption from referral to SA NSW will be provided for certain low risk development. Also under the new legislation coal mine operators can be financially accountable for subsidence damage resulting from mining activity. SA NSW will be conducting training sessions for relevant Council building and assessment staff to provide an understanding of the legislative changes.

**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**

Substantially the subject of this report.

**ATTACHMENTS**

1. Subsidence Advisory NSW correspondence.

**RECOMMENDATION**

**THAT** the advice on the changes to the Mine Subsidence Compensation system in NSW be noted.

**ITEM-14            ECDEV - 27/11/17 - WALLERAWANG POULTRY FARM UPDATE**

**REPORT BY:    DIRECTOR OF ECONOMIC DEVELOPMENT & ENVIRONMENT**

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## REFERENCE

Min No 16-122:        Ordinary Meeting of Council held on 6 June 2016  
Min No 16-147:        Ordinary Meeting of Council held on 27 June 2016  
Min No 17-33:         Ordinary Meeting of Council held on 6 February 2017  
Min No 17-156:        Ordinary Meeting of Council held on 29 May 2017

## SUMMARY

This report is provided in accordance with the following Council resolution of 11 May 2015:

**15-101 RESOLVED**

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

## COMMENTARY

### Odour Survey Results

Council's previously trained odour specialist has recently left Council's employment. Until training can be arranged, one of Council's Rangers is continuing ongoing monitoring.

Council received a complaint from a member of the public on Saturday 21 October 2017, which stated that a strong odour was coming from the Wallerawang Poultry Farm.

As part of ongoing routine odour monitoring, an odour intensity level of 2 was detected by Council's Ranger on Wednesday 25 October 2017, which may be described as:

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

The results of Council's odour survey undertaken on Wednesday 25 October 2017 are described below. Refer to Attachments 1 and 2 for the associated Site Map and Odour Intensity Scale.

Location on Site Map	Time	Odour Intensity Detected		Comments/Odour Characterized
		Maximum Level	Minimum level	
1	12:11pm to 12:16pm	0	0	25°C and windy.
2	12:04pm to 12:09pm	0	0	
3	11:36pm to 11:41pm	0	2	
4	11:42pm to 11:47pm	0	0	
5	11:48pm to 12:03pm	0	0	

Follow-up monitoring was also undertaken on Friday 27 October 2017 from which no odour was detected. The results of this odour survey are detailed below.

Location on Site Map	Time	Odour Intensity Detected		Comments/Odour Characterized
		Maximum Level	Minimum level	
1	11:16pm to 11:21pm	0	0	16°C and light breeze.
2	11:09pm to 11:14pm	0	0	
3	10:50pm to 10:55pm	0	0	
4	10:56pm to 11:01pm	0	0	
5	11:02pm to 11:07pm	0	0	

### Weather Data

The following daily weather observations and monthly statistics were recorded by the Australian Bureau of Meteorology (BOM) for the area of Wallerawang on each day (and month) that an odour reading was detected or a complaint was received.

### Daily Observations – Saturday 21 October 2017

Weather Observation		Results	Highest or Lowest of the Month
<b>Temperatures</b>	Maximum	16.4°C	No.
	Minimum	6.8°C	No.
<b>Rain</b>		<b>29mm</b>	Yes, highest.
<b>Maximum Wind Gusts</b>	Direction	No data.	No data.
	Speed	No data.	
	Time	No data.	
<b>9am</b>	Temperature	<b>7.2°C</b>	Yes, lowest.
	Relative Humidity	89%	No.
	Wind Direction	South-East.	No.
	Wind Speed	11km/h	
<b>3pm</b>	Temperature	No data.	No data.
	Relative Humidity	No data.	No data.
	Wind Direction	No data.	No data.
	Wind Speed	No data.	No data.

**Comment:** Saturday 21 October 2017 experienced the highest daily rainfall at 29mm and the lowest 9am temperature at 7.2°C, for the month of October. According to the BOM, the mean 9am wind speed at 9am for the month was 10km/hr and therefore, it is considered that the 9am wind speed of 11km/h on Monday 21 October 2017 in a South-Easterly direction, was moderate. It is likely that the high amount of rainfall and cool morning temperatures, may have contributed towards the odour complaint.

### Daily Observations – Wednesday 25 October 2017

Weather Observation		Results	Highest or Lowest of the Month
<b>Temperatures</b>	Maximum	24.2°C	No.
	Minimum	9.8°C	No.
<b>Rain</b>		0mm	No.
<b>Maximum Wind Gusts</b>	Direction	No data.	No data.
	Speed	No data.	
	Time	No data.	
<b>9am</b>	Temperature	19.2°C	No.
	Relative Humidity	<b>48%</b>	Yes, lowest.
	Wind Direction	<b>West, North-West</b>	Yes, highest
	Wind Speed	<b>22km/h</b>	
<b>3pm</b>	Temperature	No data.	No data.
	Relative Humidity	No data.	No data.
	Wind Direction	No data.	No data.
	Wind Speed	No data.	No data.

**Comment:** Wednesday 25 October 2017 experienced the lowest daily relative humidity at 48% and the highest 9am wind speed at 22km/h in a West, North-Westerly direction, for the month of October. Given that the mean 9am temperature for October was only 13.4°C, the mean 9am wind speed was only 10km/h and that the mean 9am relative humidity was up to 76%, the 9am temperature and wind speed on Wednesday 25 October was particularly high and the 9am relative humidity was particularly low. It is likely that the high morning temperature, low morning humidity and high morning wind speed created a particularly dry environment that may have contributed towards the odour reading of 2 detected at location 3 (refer to Attachment 1) along Thompsons Creek Road, South-East of the farm.

### Landowner Consultation

In response to the complaint received on Saturday 21 October 2017 and the maximum odour level of 2 detected by Councils' Ranger on Wednesday 25 October 2017, Council requested that the operators provide Council with the details of any activity that may have attributed to these events. The following response was received:

21.10.17

There was nothing outside of ordinary farming practises which could have contributed to any odour at 9.46pm in the evening. The farm records show that earlier that evening, a slight westerly wind was blowing from the west across to the eastern boundaries of the farm. No production clean outs were being conducted at the time of the alleged complaint, and there were no emergency issues occurring either - ie no leaking water lines, etc.

25.10.17

No wind was evident on the farm records for this day, and there was no production clean outs scheduled for this time.

The landowner claims that no extraordinary weather conditions or farm activities were undertaken on the farm on the days of each event. However, given that the BOM records indicate that each day had experienced some excessive weather conditions for the month of October, it is considered that the odour readings were likely a result of weather conditions and not the action of landowners.

### POLICY IMPLICATIONS

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – The continued odour monitoring is a minimal cost activity.

### **LEGAL IMPLICATIONS**

To ensure that the development complies with the *Environmental Planning and Assessment Act 1979*, in relation to compliance with Condition 8 of Development Consent (93/98DA, BA173/98), which states:

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

### **ATTACHMENTS**

1. Site Map of Poultry Farm and Odour Investigation Area.
2. Odour Intensity Scale.

### **RECOMMENDATION**

**THAT** Council:

1. Note the information regarding odour issues at the Wallerawang Poultry Farm.
2. Continue to undertake routine odour monitoring of the area.

**ITEM-15            ECDEV - 27/11/17 - WASTE & RECYCLING STRATEGY**

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

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## **REFERENCE**

Min No 17-268 - Ordinary Meeting of 25 September 2017

## **SUMMARY**

The purpose of this report is to advise on the outcome of public exhibition of the Draft Waste & Recycling Strategy. The full Waste & Recycling Strategy is available as an attachment to this report.

## **COMMENTARY**

As Council would be aware, it resolved on 25 September 2017 to place the Draft Waste & Recycling Strategy on public exhibition for a period of 28 days. The Draft Waste & Recycling Strategy was placed on public exhibition from 9th October 2017 until the 6th November 2017, with submissions accepted up until Monday 20th November 2017. The information campaign consisted of press release, advertisement in Council's Weekly Column, a dedicated webpage on Council's website, as well as being available for inspection at the Council Administration Centre.

The community was provided with the opportunity to complete a feedback form that was available both electronically on Council's website and in hard copy at the exhibition venues. A copy of the Strategy was provided to the Environment Protection Authority (EPA) directly via email on the 7th August 2017 for comment.

No community feedback was received through the public exhibition period.

While community feedback on the Strategy would have been helpful, this project completed a review and update of the 2001–2016 Waste & Recycling Strategy, to include a schedule of proposed actions for the next 10 years. Therefore the review of the previous Strategy did not present significant changes from the previous strategy. Furthermore, the lack of feedback through the public exhibition could reflect satisfaction with the current provision of waste services throughout the LGA.

### **Conclusions**

Council progressively rehabilitates and close landfills based on target dates outlined within the Strategy, with the intention of constructing waste transfer stations at the majority of these site post closure. Consideration is given to not constructing a waste transfer station at Cullen Bullen post closure due to the provision of a kerbside collection and the close proximity to Portland Garbage Depot.

Targeted consultation will be undertaken on each occasion when it is proposed to undertake a change in waste and recycling services. For example, when it is proposed to close a rural waste facility, it is recommended that consultation include various measures with a time lag of up to 6 months prior to the proposed closure of the facility.

Council will continue operation, development and progressive rehabilitation of Lithgow, Portland and Wallerawang waste depots as detailed in the filling plans. It will also continue planning and

development of the Lithgow Resource Recovery Centre at the Lithgow Solid Waste Facility as detailed in the Lithgow Waste Transfer Station Master Plan 2016. The Lithgow Resource Recovery Centre will continue servicing the Lithgow community post closure of the Lithgow Solid Waste Facility through separation and transporting of waste to an alternative facility in the LGA.

With consideration of the above and the significant increase in landfill life it is recommended that the Lithgow Solid Waste Facility is considered the Central Waste Facility in the Lithgow LGA with the objective to improve waste services and resource recovery for the Lithgow community until such time the site is closed and rehabilitated.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Budget approved - \$20,000; \$7,500 Grant Funding
- Cost centre - PJ 500015
- Expended to date - \$25,000
- Future potential impact - Nil

**LEGAL IMPLICATIONS**

The Strategy outlines the various relevant information.

**ATTACHMENTS**

1. Waste & Recycling Strategy

**RECOMMENDATION**

**THAT** Council adopt the Waste & Recycling Strategy as attached to the business paper.

## **OPERATION REPORTS**

### **ITEM-16            OPER - 27/11/17 - OPERATIONS BACKFLOW PREVENTION - CONTAINMENT POLICY**

**REPORT BY:    ACTING DIRECTOR OPERATION**

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## **SUMMARY**

To provide an overview of the Backflow Prevention - Containment policy which forms part of Council's Drinking Water Management Plan

## **COMMENTARY**

A comprehensive policy review is currently underway with regard to the policies administered on behalf of Council by the Operations Department. Due to the number of policies involved it will be necessary to put these to Council once each policy is reviewed. The Backflow Prevention - Containment Policy is now available for Council consideration.

A copy of the Policy is attached to the Business Paper. This policy forms one of the 12 elements of the Drinking Water Quality Management System. This policy will further strengthen Lithgow Council's Commitment to providing safe drinking water to the residents of Lithgow.

## **POLICY IMPLICATIONS**

Implementation of new Policy 3.4 (attached)

## **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 3.3 Backflow Prevention - Containment

## **RECOMMENDATION**

### **THAT**

1. The Draft Policy 3.4 - Backflow Prevention – Containment be put on public exhibition for 28 days; and
2. Upon closure of this period the results of the public exhibition be reported to Council for consideration.



**ITEM-17            OPER - 27/11/17 - TRANSFER OF CROWN ROADS**

**REPORT BY:    ACTING DIRECTOR OPERATIONS**

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**SUMMARY**

This report recommends Council request the NSW Department of Lands (Crown Lands) to transfer the ownership of a number of Crown Public Roads within the Lithgow Local Government Area to Lithgow City Council.

**COMMENTARY**

Council has recently undertaken an audit of its Roads Asset Register as identified in the Asset Management Improvement Plan to improve Council's Fit For the Future compliance.

This audit identified that the Roads Asset Register contained a number of roads that are Crown Public Roads, vested in the NSW Department of Lands (not Council). The total length of roads required to be transferred to Council is 112 kilometres, comprising of 92 kilometres of rural roads and 20 kilometres of urban roads (see Attachment 1).

Council has always held these roads in the Roads Asset Register as these roads provide transport routes for the community, and as such Council has historically maintained and upgraded these roads to provide safe passage for the community, as well as these roads being included in Council's Infrastructure Asset valuations.

As a result of this anomaly, it is recommended that Council request the NSW Department of Lands (Crown Lands) to transfer the ownership of these Crown Public Roads to Council, to enable these assets to be legitimately included in Council's Roads Asset Register.

Council's Operations staff have reviewed the roads identified, and deemed it beneficial to both Council and the community to include the sections of roads listed in the table (Attachment 1) to be transferred.

These roads do not receive any maintenance work from Department of Lands, and Council has been undertaking regular maintenance of these roads since their construction (some dating back to the early 1960's).

Accepting ownership of these roads will not increase Council's ongoing annual budget allocations for maintenance or upgrading, as works on these roads is already undertaken from funding allocated as part of the annual urban and rural roads maintenance programs.

Council is not proposing to seek a transfer of any sections of roads that are unformed or in a poor state of disrepair, as it would not serve a useful purpose to Council.

This project complies with the objectives in Council's Policy 1.2 Asset Acquisition, as detailed below:

- Community demand  
The transfer of roads is required for operational purposes to provide adequate transport access to various locations, and as such, Council is required to be the owner of the roads to formally undertake maintenance and improvements.

- Strategic worth to the community  
These roads have an invaluable strategic value to the community, and this includes adequate legal access.
- Asset return  
Asset return for the acquisition of these roads is high, as it is a requirement for continued provision of transport services.
- A comparison of long term ownership costs  
Other than the one off transfer fee of \$220.00, long term ownership costs will only include regular scheduled maintenance and upgrading, and will be funded from Council's annual urban and rural roads maintenance program.

### **POLICY IMPLICATIONS**

This recommendation meets the objectives of Council's Policy 1.2 Asset Acquisition and Policy 1.4 Asset Management.

### **FINANCIAL IMPLICATIONS**

- Budget approved – Nil.
- Cost centre – 2039.
- Expended to date – Nil.
- Future potential impact - \$220.00 for transfer fee.

### **LEGAL IMPLICATIONS**

Lithgow City Council would be required to make any necessary arrangements with the Department of Lands for the existing survey plans and land transfer documentation to reclassify the listed roads as public roads owned and controlled by Lithgow City Council.

### **ATTACHMENTS**

1. List of Crown Roads to be transferred.

### **RECOMMENDATION**

#### **THAT** Council:

1. Apply to the NSW Department of Lands (Crown Lands) to transfer the ownership of the Crown Public Roads listed as per Attachment 1 within the Lithgow Local Government Area to Lithgow City Council; and
2. Authorise the affixing of the Council seal.

**ITEM-18            OPER - 27/11/17 - WATER REPORT**

**REPORT BY: ACTING DIRECTOR OPERATIONS**

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**REFERENCE**

Min 17-276:        Ordinary Meeting of Council 23/10/17

**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 13 October 2017 was 70%. Oberon Dam capacity on Monday 13 October 2017 was 80.6%.

**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**

<b>Month</b>	<b>Oakey Park WTP (ML)</b>	<b>Clarence Transfer (ML)</b>	<b>Fish River Supply (ML)</b>
August	141.5	0	59.3
September	143.6	0	58.4
October	110.5	77.2	73.4
<b>TOTAL</b>	<b>395.6</b>	<b>77.2</b>	<b>191.1</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 153.26 M/l of water into Lithgow No. 2 Dam to 12 November 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 the periods. No health-based ADWG values were exceeded for the period 14 October 2017 to 10 November 2017.

**Treatment Plants Monitoring Results**

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 24 October 2017 and forwarded to Sydney Water for testing. There was one non-compliance recorded at Council's Portland Sewerage treatment plant for the month of

September 2017 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**

Plant	Non Compliance	Licence Limit	Date Sampled	Cause of Non Compliance	Action Taken to Mitigate Adverse Effects of the Non Compliance	Action Taken to Prevent Future Reoccurrence of Non Compliance
Portland STP	Faecal Coliforms 51,000 units/ 100mL	600 units/ 100mL	24/10/17	Removal of trickling filter during Plant Upgrade	Increase cleaning to reduce load on remaining filter	Augmentation of Portland Sewerage Treatment Plant

### Fish River Water Scheme Water Quality Summary

Fish River Water Supply supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. 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 September 2017 to 13 October 2017.

### Current Water Restrictions Update

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

### Past Month Rainfall Tables

September 2017	Day	Rain mm	October 2017	Day	Rain Mm
1	Fr	0	1	Su	0
2	Sa	0	2	Mo	0
3	Su	0	3	Tu	0
4	Mo	0	4	We	0
5	Tu	0	5	Th	0
6	We	0	6	Fr	0
7	Th	0	7	Sa	0
8	Fr	0.2	8	Su	0
9	Sa	0.4	9	Mo	1.2
10	Su	0	10	Tu	1.0
11	Mo	0	11	We	0
12	Tu	0	12	Th	3.4
13	We	0	13	Fr	0
14	Th	2.6	14	Sa	0
15	Fr	0.4	15	Su	0.8
16	Sa	0	16	Mo	0.6
17	Su	0	17	Tu	0
18	Mo	0	18	We	0
19	Tu	0	19	Th	0
20	We	0	20	Fr	15.0
21	Th	0	21	Sa	29.0
22	Fr	0	22	Su	0
23	Sa	0	23	Mo	6.2
24	Su	0	24	Tu	0
25	Mo	0	25	We	0
26	Tu	0	26	Th	0.2
27	We	0	27	Fr	9.0
28	Th	1.0	28	Sa	0
29	Fr	0.6	29	Su	0
30	Sa	0	30	Mo	0
			31	Tu	0
	Mean			Mean	
	Lowest	0		Lowest	0
	Highest	2.6		Highest	29.0
	Total	5.2		Total	66.4

**Water Saving Schemes or Processes Update**

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving nil applications for a household appliance rebate and receiving no applications for a water tank rebate for the period 14 October 2017 to 10 November 2017.

**Water Reticulation Complaints**

Council received no complaints during the period 16 September 2017 to 13 October 2017 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 notes the report.

## FINANCE AND ASSETS REPORTS

### ITEM-19 FIN - 27/11/17 - COUNCIL INVESTMENT REPORT

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

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## REFERENCE

Min No 17-310: Ordinary meeting of Council held on 23 October 2017

## SUMMARY

To advise Council of investments held as at 31 October 2017

## COMMENTARY

Council's total investment portfolio, as at 31 October 2017 when compared to 30 September 2017, has decreased by \$1,050,000.00 from \$31,350,000.00 to \$30,300,000.00. While cash in Council's bank account decreased by \$4,703.77 from \$217,320.08 to \$212,616.31.

There is an overall decrease in cash and investments of \$1,054,703.77 since 30 September 2017. The decrease in cash and investments is due to the ordinary operations of Council in October.

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 October 2017 were as follows:

Opening Balance of cash and investments as 01 October 2017	\$31,567,320.08
Plus New Investments – October 2017	\$1,950,000.00
Less Investments redeemed – October 2017	\$3,004,703.77
Closing Balance of cash and investments as at 31 October 2017	\$30,512,616.31

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 14 August 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 interest income to October - \$186,763
- Cost centre -3259
- Actual interest income to October - \$204,189
- 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 14 August 2017 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 2017/18

### **RECOMMENDATION**

**THAT** Investments of \$30,300,000.00 and cash of \$212,616.31 for the period ending 31 October 2017 be noted.

**ITEM-20            FIN - 21/11/17 - EXCESSIVE WATER ACCOUNT - PROP 13390**

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

## SUMMARY

To provide a report on a request from the owners of the property 13390 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 Version 3' 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 \$2,810.10 with daily interest accruing. This is due to a concealed leak that was not detectable under concrete at the property.

The meter for the property was read by Council staff on 27 March 2017 and this showed a read of 4,922. On reviewing the readings this showed as a high consumption. Council attended the property again to re-read the meter on 11 April 2017 and the read was 5,051, an additional 129KLS in a period of 15 days.

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
11/04/2017	5,051	494 KLS	\$2,088.58	109	4.532
02/08/2017	5,283	232 KLS	\$721.52	113	2.053
<b>TOTAL</b>			<b>\$2,810.10</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
16/03/2016	4,318	78 KLS	\$242.58	89	0.876
24/06/2016	4,447	129 KLS	\$582.15	100	1.290
22/09/2016	4,528	81 KLS	\$251.91	90	0.900
23/12/2016	4,557	29 KLS	\$90.19	92	0.315
<b>TOTAL</b>			<b>\$1,166.83</b>		

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

DATE	METER READING	CONSUMPTION CHARGD	AMOUNT	ESTIMATE CONSUMPTION	ESTIMATE AMOUNT
11/04/2017	5,051	502 KLS	\$2,088.58	79 KLS (T1)	\$246.69
02/08/2017	5,283	194 KLS	\$721.52	80 KLS (T1)	\$248.80
<b>TOTAL</b>			<b>\$2,810.10</b>		<b>\$495.49</b>



This is a difference in \$2,314.61. A Maximum allowance of \$200.00 was provided on 12 April 2017 as per Policy 8.1 'Excessive Water usage Allowance for Breakages' (Version 3), making the difference in charges \$2,114.61.

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

Council officer have investigated this request and denied reducing the account as the policy has already been applied.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Possible write off of \$2,114.61 and interest. 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-21            FIN - 27/11/17 - BOUNDARY ADJUSTMENT BETWEEN LITHGOW CITY COUNCIL AND MID-WESTERN REGIONAL COUNCIL**

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

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## **SUMMARY**

This report details a request from the owner of property 106496 for a minor boundary adjustment between Lithgow City Council and Mid-Western Regional Council.

## **COMMENTARY**

Council is in receipt of a request from the property owner seeking a minor boundary adjustment to transfer an area of land, being a part lot of 4381m<sup>2</sup> of rural land, from Lithgow City Council to Mid-Western Regional Council for amalgamation with their larger existing holdings within Mid-Western Regional Council area.

The 4381m<sup>2</sup> property in Lithgow City Council was created following the purchase of 4.6 Hectares of land described as Lot 1 of Deposited Plan 1221421, from the Department of Industry – Lands, for inclusion with the owners existing property located in Mid-Western Regional Council, due to the land being bisected by the existing Council boundary.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – notional loss of rates and charges of approximately \$486.25 annually.

## **LEGAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

### **THAT** Council:

1. Receive the report by the Chief Financial and Information Officer on the Council Locality boundary adjustment between Lithgow City Council and Mid-Western Regional Council.
2. Approve the boundary adjustment transferring part of Lot 1 DP 1221421 totalling 4381m<sup>2</sup> to Mid-Western Regional Council from Lithgow City Council.
3. Approve the amendment of rates related to Lot 1221421 from the date the boundary adjustment is proclaimed in the Government Gazette and cease to raise rates applicable from the date the land ceases to become rateable within the Lithgow City Council area.
4. Confirms no rates arrears relating to that part of Lot 1 DP 1221421, totalling 4381m<sup>2</sup>, will be accepted by Mid-Western Regional Council upon Proclamation.
5. Confirms no provision for rates will need to be made in the Council boundary adjustment Proclamation.










**ITEM-22            FIN - 27/11/17 - FINANCIAL RESULT FOR THE PERIOD ENDING 31 OCTOBER 2017**

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

## SUMMARY

The purpose of this report is to provide Council with information on the financial result for the period ending 31 October 2017 for the General, Water and Sewer funds.

## COMMENTARY

	GENERAL FUND	BUDGET MTD	ACTUAL MTD	BUDGET YTD	ACTUALS YTD
	Revenue	(1,197,191)	(1,076,538)	(25,047,568)	(23,271,713)
	Expenses	3,354,920	2,610,396	13,993,558	10,823,192
	Total	<b>2,157,729</b>	<b>1,533,858</b>	<b>(11,054,010)</b>	<b>(12,448,521)</b>
	WATER FUND	BUDGET MTD	ACTUAL MTD	BUDGET YTD	ACTUALS YTD
	Revenue	(493,885)	(419,797)	(3,883,070)	(2,805,537)
	Expenses	626,360	370,001	2,597,164	1,533,341
	Total	<b>132,474</b>	<b>(49,796)</b>	<b>(1,285,906)</b>	<b>(1,272,196)</b>
	SEWER FUND	BUDGET MTD	ACTUAL MTD	BUDGET YTD	ACTUALS YTD
	Revenue	(46,334)	(37,750)	(7,199,107)	(6,994,372)
	Expenses	490,598	315,518	2,141,971	1,290,046
	Total	<b>444,264</b>	<b>277,768</b>	<b>(5,057,136)</b>	<b>(5,704,326)</b>

### Qualifications applicable to all fund results:

1. Budget phasing – first year that Council budgets have been phased by month, timing variances have occurred. Budget phasing will be reviewed and implemented when Council approves the first quarterly budget review.
2. Approved Budget Adjustments – in the first quarterly budget review Council will be required to consider a number of adjustments to the approved budget for issues which were unknown at the time of formulating the budget or could not be finalised with accuracy at the time of the budget being approved.
3. Depreciation – due to system constraints, finalising asset valuations and extended financial audit for the 30 June 2017 depreciation has not been posted in the 2017/18 financial year, all results are exclusive of depreciation.

### General fund

Income is below budget due to the Financial Assistance Grant being prepaid by 50% into last financial year and will result in revenue shortfall of \$2.0m to budget for the 2017/18 financial year. Expenses are under budget due to depreciation not being posted and resulted in an

understatement of the deficit in the general fund, please also note the budgeted result is impacted by monthly budget phasing. With the depreciation issues arising from the revaluations and the financial audit the Council is forecasting a consolidated position of an \$800k deficit. This does include the adjustment for the FAGS grant of \$2.0m, if this adjustment to revenue is made the consolidated deficit will increase to \$2.8m. As the Grants Commission has made decisions relating to prepayments previously in the month of June, it is possible Council will receive a prepayment of the 2018/19 FAGS grant in this financial year, current advice is not favourable or conclusive.

#### **Water Fund**

Income in the water fund is under budget due to a timing issue which has shown improvement in September and October and again expenses are under budget due to depreciation. The water fund is on track to achieve budgeted surplus for the 2017/18 financial year.

#### **Sewer Fund**

Income in the sewer fund is under budget due to a timing issue and will be rectified in September. Expenses are under budget due to depreciation, the sewer fund is on track to achieve the budgeted surplus for the 2017/18 financial year.

#### **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 notes the financial result for the period ending 31 October 2017 for the General, Water and Sewer funds.

**ITEM-23            FIN - 27/11/17 - LARGE SITES STREETLIGHTING CONTRACT**

**REPORT BY:    CHIEF FINANCE AND INFORMATION OFFICER**

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## **SUMMARY**

To inform Council of the new contract for the supply of electricity to large sites and public street lighting.

## **COMMENTARY**

### **TENDER PROCESS**

Council currently has an agreement in place with ERM Energy for the supply of electricity to Council's large sites and public street lighting. A large site is defined as any Council site with expected usage exceeding 100MWh per annum. This agreement commenced on 1<sup>st</sup> July 2015 and is due to expire on 31<sup>st</sup> December 2017. In late 2016 CENTROC engaged an energy consultant, Energy Management Services (EMS), to administer a tender process on behalf of member Councils.

As a result of the energy crisis, which reached its peak in early 2017, EMS conducted investigations and negotiations for approximately six months to determine the most cost-effective time to go to market. Tenders were then called in August, with a closing date of 5<sup>th</sup> September 2017. Five energy retailers responded and an evaluation panel consisting of member-council representatives, CENTROC staff and EMS consultants reviewed the proposals. The recommendation of the panel was that Council enter into an agreement with Energy Australia for a period of two (2) years.

Due to the unique environment in which energy retailers operate, offers were only available for acceptance within a two day time frame. Because of this restriction, it was not possible to seek a Council Resolution, even from an extra-ordinary Council meeting. As a result, CENTROC sought legal advice on the matter and determined that electricity procurement can be deemed as an 'extenuating circumstance' as per Section 55 (3) (i) of the *Local Government Act 1993* and would therefore be exempt from being run as a formal tender process requiring resolution by Council. Upon receiving this advice, the General Manager executed the agreement with Energy Australia. The new agreement will take effect from 1<sup>st</sup> January 2018.

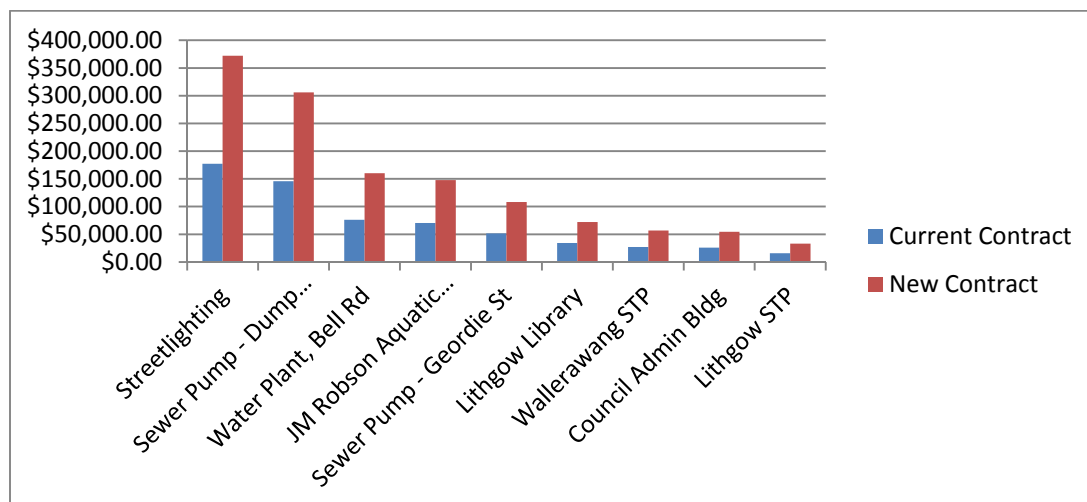
### **PRICING**

As expected, pricing offered during this tender process was much higher than offers received in 2015, prior to the recent energy crisis which was triggered following a storm event in South Australia and the closure of the Hazelwood electricity generator in Victoria. While prices during the first quarter of 2017 rose by approximately 200-300%, the market had somewhat stabilised by the time EMS went to market, resulting in a price increase of 110% when compared with Council's current contract. This increase will nevertheless, increase Council's energy costs substantially.

The following chart shows the various sites covered under the large sites and public street lighting agreement. The blue bar indicates Council's current electricity expenditure, while the red bar offers a prediction of charges under the new arrangement.

Please Note:

- Prices are inclusive of GST
- The public street lighting charge does not include SLUOS charges payable to Endeavour Energy
- Prices under new contract are an estimate only due to usage fluctuations
- Data obtained for current contract is from 2016/17 financial year



## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

- Budget approved – Adjustments will be made at the next budget review in December to accommodate the increase in pricing.
- Cost centre – The cost centres affected by this new agreement include various *Building Maintenance* allocations which fall under the General Fund, Water Fund and Sewerage Fund entities. Also affected are *Urban Sealed Roads* cost centres to which street lighting electricity charges are allocated.
- Expended to date – Council spent \$624,276.45 (inc GST) on electricity for large sites and public street lighting during the 2016/17 financial year. With the new contract starting on 1<sup>st</sup> January 2018, this is set to increase to approximately \$967,000.00 for the 2017/18 financial year and approximately \$1,311,000 for the 2018/19 financial year.
- Future potential impact – Substantial price increases on Council's electricity consumption at larger sites. This may increase further once data for the new Portland sewerage treatment plant becomes available and the proposed Cullen Bullen sewerage treatment plant is commissioned.

## LEGAL IMPLICATIONS

Nil

## RECOMMENDATION

**THAT** Council

1. Note the report in relation to the new electricity agreement for large sites and public street lighting and
2. Ratify the decision of the General Manager taken in accordance with the legal advice from CENTROC.

**ITEM-24            FIN - 27/11/17 - QUARTERLY BUDGET REVIEW**

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

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**REFERENCE**

Min 17-194:    Ordinary Meeting of Council held 26 June 2017

**SUMMARY**

This report provides the Quarterly Performance Report on the 2017-2018 Operational Plan for the period of 1 July to 30 September 2017 with a recommendation that variations to income and expenditure estimates are voted and the revised financial result of \$812,078 operating deficit be noted.

**COMMENTARY**

The July to September Quarterly Performance Report on the 2017-2018 Operational Plan has been prepared and details are provided with the attachment to the Business Paper

2017/18 Quarterly Budget Comparison			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
Original	45,864	41,856	4,008
September Quarter	48,407	43,328	5,579

2017/18 Quarterly Budget Comparison Fund – Proposed September Review			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
General	30,276	29,119	(1,157)
Water	7,604	7,405	199
Wastewater	10,934	6,803	4,131

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

The Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

### **ATTACHMENTS**

1. Quarterly Report 1 July - 30 September 2017.

### **RECOMMENDATION**

#### **THAT**

1. The deficit of \$812,077.98 for the 2017/18 Operational Plan as detailed in the Quarterly Performance Report for the period 1 July to 30 September 2017 be adopted.
2. Council adopts the variations to the Council budget as outlined in the attached report.
3. Council notes that the Financial Services Manager, as Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2016/17 Operational Plan has been reviewed and the financial position of Council is unsatisfactory.



## ORGANISATION DEVELOPMENT AND COMMUNITY

### ITEM-25            ORG - 27/11/17 - 2016/17 ANNUAL REPORT

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

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## REFERENCE

Min No 16-326:            Ordinary Meeting of Council held on 21 November 2016

## SUMMARY

This report provides copies of the 2016/17 Annual Report – A Year in Review and 2016/17 Annual Report – Supplementary Report to Council for its information.

## COMMENTARY

The Local Government Act 1993 states:

*Within 5 months after the end of each year, a council must prepare a report (its “annual report”) for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*

The 2016/17 Annual Report documents - A Year in Review and the Supplementary Report have been prepared and will be forwarded to the Office of Local Government. Copies of these Reports have been provided to Councillors within their Business Papers Packages.

Copies of the documents will be placed on Council's website and hard copies will be available for viewing at the Council's Administration Centre, the Lithgow Library Learning Centre and Portland, Wallerawang and Rydal Libraries.

## POLICY IMPLICATIONS

There are no policy implications as a result of the Annual Report.

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

The Annual Report documents were prepared in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009.

## ATTACHMENTS

1. 2016/17 Annual Report – A Year in Review
2. 2016/17 Annual Report – Supplementary Report

## RECOMMENDATION

**THAT** Council adopt the:

1. Lithgow City Council 2016/17 Annual Report - A Year in Review
2. Lithgow City Council 2016/17 Annual Report – Supplementary Report.

**ITEM-26            ORG - 27/11/17 - S353 COMMITTEE MEMBERSHIP INFORMATION**

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

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## **REFERENCE**

Min No 17 – 283:        Ordinary Meeting of Council held on 25 September 2017.  
Min No 17 – 299:        Ordinary Meeting of Council held on 23 October 2017.

## **SUMMARY**

This report provides details as to current and possible improved arrangements for the filling of committee member vacancies.

## **COMMENTARY**

At the Ordinary Meeting of Council held 25 September 2017 the Community Development Committee Terms of Reference (ToR) was raised following a question about the process for the filling of Community Development Committee vacancies. The Terms of Reference do not specify how committee vacancies are to be filled. Past practice has been to advertise expressions of interest for all Council (s 353) Committees following the formation of a newly elected Council. The ToR do not specify how casual Community Development Committee vacancies are to be filled.

At the Ordinary Meeting of Council held 23 October 2017 questions were raised regarding Youth Advisory Committee members being related to sitting Councillor Youth Advisory Committee members.

The Youth Advisory Committee Terms of Reference (ToR) specifies that membership should include a minimum of 6 young people aged between 11 and 24 years who reside, work, or attend school in the Lithgow LGA. The ToR also states that membership shall aim to include a broad range of young people from a range of ages and backgrounds.

On Friday 27 October 2017 Council officers contacted the Governance Team at the Office of Local Government seeking advice regarding the specific issue of potential for conflict of interest in the event that committee members are related to each other on Council's Youth Advisory Committee.

The OLG see this as a matter for the respective Councillor to manage any potential conflict that may arise in line with motions that would go before Council.

They see no issue with Katie Coleman and Clr Coleman being on the Youth Advisory Committee at the same time.

It often happens, especially in rural and regional communities, where staff members are related to Councillors, the OLG do not see this case as different.

Important factors to consider in such situations are:

1. the purpose of the committee (in this case Youth Council)
2. the power the Committee has (i.e can they make financial decisions or support development applications etc)

The Youth Advisory Committee (as per the Committee's Terms of Reference) does not have a major decision-making role. Its main purpose is to support the work outlined in the Community Strategic Plan and the Youth Strategy.

Engagement with Lithgow LGA youth is the principle aim of the Youth Advisory Committee. The Committee's Terms of Reference should encourage, enable and support those young members of the community who are willing to be involved in issues affecting and impacting on our youth.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

Local Government Act 1993

#### **ATTACHMENTS**

1. ToR Minutes of the Youth Council Meeting held on 18 October 2017.

#### **RECOMMENDATION**

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

1. Appoints Katie Coleman as an official member of the Youth Advisory Committee.
2. Reviews the Terms of Reference for all s 355 Committees in order to ensure broad and diverse committee membership.
3. Notes the difficulty in filling positions on the Youth Advisory Committee and supports direct appointment to the committee of young people between the ages of 11 and 24.

**ITEM-27            COMM - 27/11/17 - BLAST FURNACE FUNDING**

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

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## **SUMMARY**

To advise Council of additional funding to be received for Lithgow Blast Furnace and to seek the allocation of funds for Council's matching contribution.

## **COMMENTARY**

### **Background**

Council has received informal advice from the NSW Department of Industry on Friday that Council has been successful in winning a \$240,000 grant from the 2017/18 Tourism Demand Driver Infrastructure (TDDI) program for the installation of toilets and lighting at Blast Furnace.

In early 2017 Council was selectively invited to submit this funding application as Council had won a 2016/17 TDDI grant for Blast Furnace Masterplan Works.

The terms of the new grant are that Council match the \$240,000 dollar for dollar and that works must be completed by 30 June 2018.

### **Grant Purpose**

This project involves completion of the next and final stage of Blast Masterplan works by constructing accessible public toilets and implementation of a comprehensive lighting strategy to activate Lithgow Blast Furnace as a cultural heritage destination and venue for events, performance and exhibitions. The capacity of Blast Furnace to support these types of events and to become a destination will be considerably enhanced by this project.

The lighting strategy has been developed for Council to: provide lighting to the carpark, pathways and walkways to enhance safety, walkability and the visitor experience; programmable ephemeral feature lighting to illuminate the site's major features nightly and during events, and; power for events and performance.

The accessible toilets will enhance the capacity of blast furnace for regular visitation, events and performances. The dual toilets will be similar to the self-cleaning toilets constructed in recent years in Cook St Plaza and Endeavour Park.

Project cost is \$280,000 for toilets, including connection to sewer and \$200,000 for lighting. Total \$480,000.

### **Matching Contribution**

Council's \$240,000 matching contribution had been allowed for in the current year blast furnace works budget however these funds were subsequently needed for unforeseen tender variations for carpark pavement and drainage works.

\$20,000 in funds already spent this financial year on lighting can be counted towards Council's contribution.

In the event that funds could not be allocated to the toilets, \$250,000 had been allocated in the building reserve for 2018/2019. It is possible to transfer \$220,000 from this allocation to 2017/2018. This will have a nett positive impact on the reserve as at 30 June 2019. Therefore, it

is possible to utilise \$220,000 from the building reserve in 2017/2018 for this purpose. It is recommended that the balance of \$220,000 be re-allocated from the Building Fund to this project.

### **Conclusion**

This grant provides a great opportunity to install much needed toilets and lighting which will help to better activate the site for events once tender works are completed and to enhance the economic and tourism benefits of the Blast Furnace.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

- Budget approved - Nil
- Cost centre – Blast Furnace 600052
- Expended to date - \$20,000 to be included in total \$240,000 Council contribution.
- Future potential impact – Self-cleaning toilets will be installed. Whilst some cleaning and stocking of the facility is still required, it requires less attention than a standard public toilet. Based on 3 services per week this would equate to approximately \$6,000 per annum. Maintenance on these facilities is very minimal. Electricity would be expected to be around \$3,000 per annum.

### **LEGAL IMPLICATIONS**

NIL

### **RECOMMENDATION**

**THAT** Council allocate an amount of \$220,000 from its Building Reserve as Council's matching contribution for the Blast Furnace toilet and lighting project.

**ITEM-28            COMM - 27/11/17 - LITHGOW WINS REGIONAL SUSTAINABILITY AWARD**

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

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## **SUMMARY**

To advise Council of the outcome of a number of Lithgow entries in the NSW Blue Star Sustainability Regional Awards 2017.

## **COMMENTARY**

The Blue Star Sustainability Awards are Keep NSW Beautiful's sustainability awards program which recognise and celebrate the hard work of NSW citizens who promote responsible environmental management in their local area.

Thanks to a successful submission by Lithgow Tidy Towns, Lithgow has won a number of Highly Commended awards and one category winner award.

The judge's report highlighted how, under the long term leadership of Sue Graves, Lithgow Tidy Towns has demonstrated Lithgow's pride and environmental advancement in ways that few communities can surpass.

Protection of the environment, adoption of sustainable practices, conservation of historic buildings, the introduction of street art and murals in the CBD and the construction of the state of the art aquatic centre were highlights of the Lithgow submission.

The judges made note of Council's efforts in the promotion of tourism and events, the solar powered indoor heated pool at the JM Robson Aquatic Centre and Council's environmental and tourism works at Hassans Walls, Blast Furnace and Lake Pillans.

### **Cultural Heritage Award**

Lithgow State Mine Heritage Park received a Highly Commended for its Business Sustainability Program.

### **Sustainable Systems Award**

Lithgow City Council received a Highly Commended for its Farmers Creek Masterplan.

### **Environmental Achievement Award**

Trevor Evans won the Environmental Achievement Award for his work at Secret Creek.

### **Overall Metropolitan Sustainability Award**

Lithgow Tidy Towns received a Highly Commended award and came a close second to Orange City.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

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

- Future potential impact – N/A

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council:

1. Note the report on the NSW Blue Star Sustainability Awards 2017.
2. Write a letter of appreciation to Lithgow Tidy Towns, thanking them for their hard work in promoting positive change in the Lithgow community.



## **COUNCIL COMMITTEE MINUTES**

### **ITEM-29          COMM - 27/11/17 - COMMUNITY DEVELOPMENT COMMITTEE MINUTES**

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

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## **REFERENCE**

Min-17-283:          Ordinary Meeting of Council 25 September 2017

## **SUMMARY**

This report details the minutes of the Community Development Committee meeting held on 10 October 2017.

## **COMMENTARY**

At the Community Development Committee meeting held 10 October 2017 various items were discussed by the committee, including the Lithgow Ability Awards in Item 5 and Australia Day 2018 in Item 7.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

## **ATTACHMENTS**

1. Minutes of the Community Development Committee meeting held 10 October 2017.

## **RECOMMENDATION**

**THAT** Council Notes the minutes of the Community Development Committee meeting held 10 October 2017.

**ITEM-30            COMM - 27/11/17 - YOUTH COUNCIL MINUTES 18 OCTOBER 2017**

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

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**REFERENCE**

Min No 17- 247:        Ordinary Meeting of Council held on 14 August 2017.  
Min No 17- 316:        Ordinary Meeting of Council held on 23 October 2017.

**SUMMARY**

This report details the minutes of the Youth Council meeting held on 18 October 2017.

**COMMENTARY**

At the 18 October 2017 Youth Council meeting, various items were discussed, including:

- Youth Council Work Program 2017/18
- Youth Scholarship Program
- Youth Week 2018

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

Local Government Act 1993

**ATTACHMENTS**

1. Minutes of the Youth Council Meeting held on 18 October 2017.

**RECOMMENDATION**

**THAT** Council notes the minutes of the Youth Council meeting held on 18 October 2017.

**ITEM-31            OPER - 27/11/17 - SPORTS ADVISORY COMMITTEE MEETING MINUTES -  
31 OCTOBER 2017**

**REPORT BY:    ACTING DIRECTOR OPERATIONS**

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**SUMMARY**

This report details the Minutes of the Sports Advisory Committee Meeting held 31<sup>st</sup> October 2017.

**COMMENTARY**

At the Sports Advisory Committee Meeting held 31<sup>st</sup> October 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 31<sup>st</sup> October 2017.

**RECOMMENDATION**

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

**ITEM-32            OPER - 27/11/17 - OPERATIONS COMMITTEE MEETING MINUTES - 6  
NOVEMBER 2017**

**REPORT BY:    ACTING DIRECTOR OPERATIONS**

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## **SUMMARY**

This report details the Minutes of the Operations Committee Meeting held 6 November 2017.

## **COMMENTARY**

At the Operations Committee Meeting held 6 November 2017, the following items were discussed:

- Curtin Place Sewerage Problem
- Remediation Works at Mobil Depot
- Willow Vale Lane
- Drainage at La Salle Academy
- McKanes Falls Road and Cox's River Road Upgrades
- Roadkill on Highways
- Great Western Highway Vegetation Control – Median Strip from Marrangaroo to Wallerawang Turnoff
- Vegetation Planting between 40 Bends and Hartley Valley Improvement Works on Great Western Highway
- Falnash Street Kerb & Guttering Account – 33 Falnash Street, Portland
- Clarence Transfer System Update
- Cullen Bullen Sewerage Upgrade
- Old Forty Bends Road
- Wattlemount Road
- Bitumen/Asphalt Capital Works
- Wolgan Road, Wolgan Valley
- Water Connection – Magpie Hollow Road

## **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 6 November 2017.

## RECOMMENDATION

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

1. The General Manager write to Mr. Paul Toole or the Hon. Melinda Pavey to clarify ownership and responsibility of the roadkill along the Great Western Highway and other arterial roads, and;
2. The information be noted and Mr Toole be thanked for his representations on behalf of Lithgow City Council, and;
3. The General Manager engage with the RMS to help develop a relationship and organise to meet to further discuss frequency of mowing, and;
4. The owner of the property be notified that the amount outstanding of \$855 is required to be paid and if failure to make payment, the amount will be sent to SR Law as a property debt against 33 Falnash Street, Portland, and;
5. Council continue to negotiate with Centennial Coal for the future upgrades and operation of the Clarence Water Transfer Scheme, and;
6. Appropriate actions and reporting be undertaken in relation to the items raised during general business.

**ITEM-33            ECDEV - 27/11/17 - ECONOMIC DEVELOPMENT COMMITTEE MINUTES OF  
20 NOVEMBER 2017**

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

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## **SUMMARY**

This report details the Minutes of the Economic Development Committee Meeting held 20 November 2017.

## **COMMENTARY**

At the Economic Development Committee Meeting held 20 November 2017, the following items were discussed:

- Economic Development Strategy
- Terms of Reference for Working Parties
- Regional Economic Development Strategy (REDS) Workshop
- Working Party Members
- Schedule of Upcoming meetings.

## **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 Economic Development Committee Meeting 20 November 2017

## **RECOMMENDATION**

**THAT** the recommendations of the Economic Development Committee be adopted.

**ITEM-34            OPER - 27/11/17 - SPORTS ADVISORY COMMITTEE MEETING MINUTES -  
21 NOVEMBER 2017**

**REPORT BY:    ACTING DIRECTOR OPERATIONS**

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## **SUMMARY**

This report details the Minutes of the Sports Advisory Committee Meeting held 21<sup>st</sup> November 2017.

## **COMMENTARY**

At the Sports Advisory Committee Meeting held 21<sup>st</sup> November 2017, the following items were discussed:

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

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

- Financial Assistance Request – Ryan Wells
- Financial Assistance Request – Blake Fittler

## **RECOMMENDATION**

**THAT** Council provide

1. Ryan Wells with \$300.00 toward the cost of participating in the Combined National Championships and;
2. Blake Fittler with \$300.00 toward the cost of participating in the Pacific School Games.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

- Budget approved – \$800.00
- Cost centre – 600059 Non-Recurrent Financial Assistance
- Expended to date – N/A
- Future potential impact – N/A

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Sports Advisory Committee Meeting held 21<sup>st</sup> November 2017.

## **RECOMMENDATION**

**THAT** Council adopt the recommendations of the Sports Advisory Committee Meeting Minutes.

## NOTICE OF MOTION

### ITEM-35 NOTICE OF MOTION - 27/11/17 - APPEAL AGAINST ADJUSTMENT OF WATER ACCOUNT

REPORT BY: COUNCILLOR RAY THOMPSON

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## REFERENCE

Min 16 – 298: Ordinary Meeting of Council 31 October 2016

## COMMENTARY

Representations have been received from a property owner at Marrangaroo who had previously been provided with an adjusted water account by Council at its meeting of 31 October 2016. A copy of the Agenda item and minute for this matter is attached to the Notice of Motion.

Following Council's resolution to "amend the water usage tariff applied in the 3<sup>rd</sup> and 4<sup>th</sup> quarter 2015/16 to residential property 95000 from T2 to T1 reducing the amount payable by \$468.00" further representations have been received that this was not consistent with other Council resolutions in 2016 where other parties were granted a full write off of water charges because of unknown water leaks.

The Property owner has requested that Council review this decision and grant a full write off of water charges for the relevant period. The property in question was subject to sale and transfer of ownership during the period with compensation between parties arranged during the sale process. However, the new property owner was still liable for approximately \$455 for a two week usage period and is request that this amount be also written off. Given the circumstances and for consistency reasons, I suggest that the amount of \$455 also be written off.

## ATTACHMENTS

1. Item 13 of Council's Ordinary Meeting of 31 October 2016 and Agenda and minute number 16-298.

## RECOMMENDATION

**THAT** in respect of property number 95000 that an amount of \$455.00 be written off water usage charges in addition to the amount granted by Council on 31 October 2016.



**ITEM-36 NOTICE OF MOTION - 27/11/17 - CROQUET CLUB**

**REPORT BY: COUNCILLOR CASSANDRA COLEMAN**

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**RECOMMENDATION**

**THAT** council report on the feasibility, cost and time frame for the extension of the playing lawns at the Lithgow Croquet Club on the corner of Young and James Streets, Lithgow, in line with the Club's recent submission to Council.

## **BUSINESS OF GREAT URGENCY**

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

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

## CLOSED COUNCIL

ITEM-37            **CONFIDENTIAL - CLOSED COUNCIL- OPER - 27/11/17 - WOLGAN ROAD  
EMBANKMENT RECONSTRUCTION**

**REPORT BY:    ACTING DIRECTOR OPERATIONS**

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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**

This report seeks a determination from Council to modify Council's 2017/18 Operational Plan through the reallocation of funds from the Palmers Oakey Road reconstruction project to the urgent remediation investigation and design of the Wolgan Road embankment within the Wolgan Valley by Golder Associates Pty Ltd.

### **RECOMMENDATION**

**THAT** Council consider to modify Council's 2017/18 Operational Plan for the reallocation of funds for urgent remediation investigation and design in Closed Council in accordance with Section 10A (2) (d) (i) of the Local Government Act 1993.

**ITEM-38                      CONFIDENTIAL COUNCIL - ECDEV - 27/11/17 - GUMNUT HOUSE CHILD CARE CENTRE LEASE**

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

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## **Reason for Confidentiality**

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

## **REFERENCE**

Min No 17-177	Ordinary Meeting of Council held on 29 May 2017
Min No 17-149	Ordinary Meeting of Council held on 8 May 2017
Min No 15-289	Ordinary Meeting of Council held on 26 October 2015
Min No 12-197	Ordinary Meeting of Council held on 4 June 2012

## **SUMMARY**

Council at its Ordinary Meeting of 29 May 2017 considered a report on future lease options for Council premises at 21 Proto Ave Lithgow, currently operating as Gumnut Children's Education and Care Centre. Council resolved the following:

1. Council not accept the lease terms as submitted by SDN Children's Services in March 2017 for continued occupation of Council's premises at 21 Proto Ave Lithgow as a child care centre.
2. Public expressions of interest (EOI) be called for lease of 21 Proto Ave Lithgow as a Child Care Centre and SDN Children's Services be invited to participate in this process.
3. Once a commercial lease is in place, Council re-considers its options in terms of sale of 21 Proto Ave Lithgow.

The purpose of this report is to advise Council of the results of the EOI process and to recommend a preferred tenant.

## **RECOMMENDATION**

**THAT** Council consider the report in relation to the proposed lease for 21 Proto Ave Lithgow – Gumnut Child Care Centre in closed Council in accordance with Section 10A (2) (c)& (d) of the Local Government Act, 1993.

**ITEM-39            GM - 27/11/17 - CLOSED COUNCIL - INVESTIGATION INTO ALLEGED  
BREACH OF COUNCIL'S CODE OF CONDUCT**

**REPORT BY:    GENERAL MANAGER**

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Reason for Confidentiality – The report is confidential in accordance with Section 10A(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (i)        *Alleged contraventions of any Code of Conduct requirements applicable under 440*

**SUMMARY**

To advise Council of a Code of Conduct complaint lodged and the subsequent investigation carried out by a conduct reviewer.

**RECOMMENDATION**

**THAT** Council receive and consider the report and recommendations of the Independent Conduct reviewer and determine what actions, if any, it will take in relation to those recommendations.