



## **9. GOVERNANCE**

Policy 9.1

Apologies – By Council

Version 2

## **9. GOVERNANCE**

### **9.1 APOLOGIES - BY COUNCIL**

#### **OBJECTIVE:**

To provide for circumstances where it would be appropriate for Council or an appropriate member of staff to give a prompt and genuine apology where a member of the public has been given wrong information, or provided with poor service or where the conduct of the Council or its staff falls within the domain of maladministration.

#### **POLICY:**

#### **WHY APOLOGISE?**

When things go wrong, many complainants demand no more than to be listened to, understood, respected and, where appropriate, provided with an explanation and apology. Where an apology is warranted it can have great impact if given immediately and in a sincere manner. It often will avoid the escalation of a dispute and the significant cost in time and resources that can be involved.

#### **ARE APOLOGIES AN ADMISSION OF LIABILITY?**

In the past councils and their staff were often reluctant to give apologies as this could be taken as an admission of liability leaving them open to action through the courts from a person seeking compensation. However, amendments to the Civil Liability Act 2002, which came into force on 6 December 2002, mean that an apology does not constitute an admission of liability, and will not be relevant to the determination of fault or liability, in connection with civil liability of any kind. Furthermore, evidence of an apology is not admissible in a court hearing as evidence of fault or liability (other than the categories of civil liability excluded by s.3B of the Act).

The general effect of an apology on liability is set out in the Act in the following terms:

- (1) *An apology made by or on behalf of a person in connection with any matter alleged to have been caused by the person:*
  - (a) *does not constitute an express or implied admission of fault or liability by the person in connection with that matter, and*
  - (b) *is not relevant to the determination of fault or liability in connection with that matter.*
- (2) *Evidence of an apology made by or on behalf of a person in connection with any matter alleged to have been caused by the person is not admissible in any civil proceedings as evidence of the fault or liability of the person in connection with that matter.'*

#### **HOW SHOULD AN APOLOGY BE WORDED?**

An apology is defined in the Act as '*an expression of sympathy or regret, or of a general sense of benevolence or compassion, in connection with any matter whether or not the apology admits or implies an admission of fault in connection with the matter*'.

There are many different ways to make an apology. The most appropriate form and method of communication of an apology will depend on the circumstances of the particular case, the detriment suffered, and what is hoped to be achieved by giving the apology (for example restoration of reputation, acknowledgement of the wrong done, reconciliation, assurance that a problem has been addressed or will not recur).

In principle, the most effective apologies are given promptly and sincerely and incorporate the following elements:

- **Scope** – a description of the relevant act or omission to which the apology applies
- **Detriment** – recognition that the affected person has suffered some detriment (which could include embarrassment, damage or loss) and acknowledgement of the types of detriment suffered (including both detriment immediately caused by the act or omission and any consequential detriments)
- **Cause** – an explanation as to how the act or omission came about<sup>1</sup>
- **Responsibility** – an acceptance of fault, responsibility or accountability (which could include a statement as to whether the act or omission was discretionary or unintentional)
- **Apology** – an expression of sorrow, sympathy or regret or of a general sense of benevolence or compassion,
- **Action taken or proposed** – the statement of the action taken or specific steps proposed to address the grievance or problem and to ensure it will not recur.<sup>2</sup>

## WHAT APOLOGIES ARE NOT PROTECTED BY THE ACT?

The protections under the Act do not apply to all civil proceedings. The types of civil liability that are not covered by the protection for apologies can be briefly summarised as liabilities for:

- a) an intentional violent act done with intent to cause injury or death (including sexual assault or misconduct).
- b) the contraction of a dust disease.
- c) personal injury allegedly caused by smoking or the use of tobacco products.
- d) economic loss, non-economic loss or psychological/psychiatric injury to an injured person and liability for the compensation of relatives of a deceased person that arises:
  - from a motor accident (or transport accident as defined in the *Transport Administration Act 1988*) to which the *Motor Accidents Act 1988* applies

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<sup>1</sup> *Care should be exercised in relation to any statements as to how an act or omission occurred because, although the protection extends to the apology and information conveyed in the apology would not therefore be admissible, the apology may convey information that can be used to obtain information in an admissible form in other ways for use in court proceedings.*

<sup>2</sup> *In proceedings relating to liability for negligence, the subsequent taking of action that would (if taken earlier) have avoided a risk of harm does not of itself give rise to or affect liability in respect of the risk or constitute an admission of liability in connection with the risk. In the limited circumstances (discussed overleaf) where the protections of the Act do not apply to an apology, it may still be appropriate to offer an expression of sympathy or regret.*

- from a motor accident or public transport accident to which the *Motor Accidents Compensation Act 1999* applies
- e) damages payable by an employer for the injury of a worker or the death of a worker resulting from or caused by an injury.
- f) compensation under the *Workers Compensation Act 1987*, the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, the *Workers' Compensation (Dust Diseases) Act 19 2*, the *Victims Support and Rehabilitation Act 1996* or the *Anti-Discrimination Act 1977* or for a benefit payable under the *Sporting Injuries Insurance Act 1978*.

**An apology should not be made in any matter that falls (or is thought to fall) into any of the categories listed in s.3B until legal advice has been obtained.** This approach is recommended because an apology provided in such a matter may act as an admission of liability and may therefore breach a contract of insurance held by the council. When legal advice is sought by a council in such circumstances, the council should clearly ask its legal adviser to consider whether a 'without prejudice' offer of an apology could still be made, as it may facilitate an agreement between the parties that settles the matter.

Where even an expression of sympathy or regret is considered too sensitive to issue, subject to legal advice, a statement could still be offered that:

- describes or explicitly acknowledges the grievance or alleged problem (but only in general terms without referring to causation or acknowledging liability), and
- states the action taken or the specific steps that are proposed to help address the grievance or alleged problem.

It should also be recognised that where an apology can not be used in court to prove fault or liability on the part of the person or body that made the apology, on the other hand the giving of the apology does not absolve the person or body from any potential liability.

## **WHAT DOES THIS MEAN FOR COUNCIL?**

The most common instances where it would be appropriate for council or an appropriate member of staff to give a prompt and genuine apology will be where a member of the public has been given wrong information, or provided with poor service or where the conduct of the council or its staff falls within the domain of maladministration.

Care must be taken prior to issuing any apology by Councillors or Senior Management concerning the actions of the administration, that the logic underlying the need for the apology is perceived as sound and wont adversely impact staff morale.

Although the range of exclusions from the operation of the apologies provisions of the Act appears at first glance to be extensive, in practice the exclusions have little relevance to the vast majority of the day-to-day interactions between councils or their staff and members of the public.

(Acknowledgement: Information in Part provided by NSW Ombudsman Council Fact Sheet No 5.)



<b>Maintained by Department:</b>	Executive	<b>Approved by:</b>	Council		
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	9.1	<b>Effective Date:</b>	21 Oct 09
<b>Min No:</b>	V1 - 06-349 V2 - 008-165	<b>Version No:</b>	2	<b>Reviewed Date:</b>	Oct 2009 Oct 2013
<b>Attachments:</b>					



## **9. GOVERNANCE**

Policy 9.2

**BUSINESS ETHICS**

Version 4

## **9. GOVERNANCE**

### **9.2 BUSINESS ETHICS**

#### **OBJECTIVE:**

To ensure Councillors and staff display the highest possible standard of business ethics consistent with Council's Codes.

#### **POLICY:**

##### **COUNCIL EXPECTS THAT COUNCILLORS AND STAFF WILL:**

1. Observe the principals detailed in the Council's Code of Conduct, when carrying out their duties, with specific attention to ensure actions are done with:
  - Integrity
  - Leadership by example
  - Selflessness
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Respect
2. Councillors and staff will respect the policies and procedures of the Council and will:
  - Treat all tenderers for the supply of goods and services equitably;
  - Promote fair and open competition while seeking value for money;
  - Make decisions using principals of procedural fairness;
  - Respond promptly, efficiently and effectively to reasonable requests for advice and information;
  - Avoid situations where public interest could conflict with public duty;
  - Prevent the misuse or disclosure of privileged information, including confidential Council information;
  - Never solicit or accept gifts or remunerations or benefits from a supplier for the discharge of official duties and adhere to the Council's Code of Conduct requirements in this regard.

##### **COUNCIL EXPECTS TENDERERS, SUPPLIERS, CONSULTANTS AND CONTRACTORS TO:**

1. Respect the conditions expressed in Council documents supplied;
2. Respect the obligation of Council to abide by its policies and procedures;

3. Prevent the misuse or disclosure of privileged information, including confidential Council information;
4. Refrain from offering councillors or staff inducements which may give any impression of unfair advantage;
5. Abstain from collusive practices;
6. Avoid the disclosure of potential conflicts of interest;
7. Provide accurate information where required;
8. Not to act fraudulently or secretly.

### **APPARENT BREACHES**

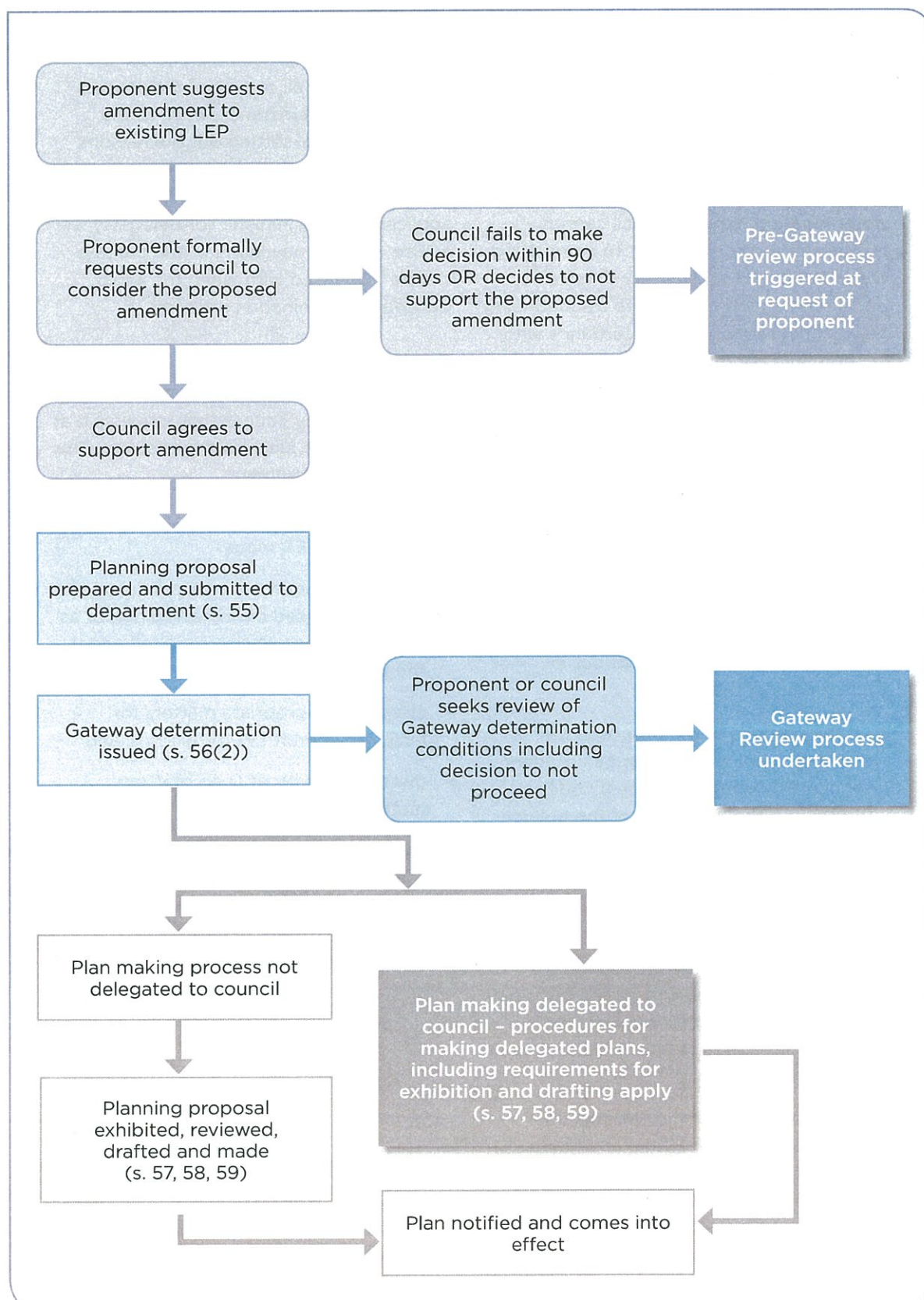
Where there is a suspected breach of the Business Ethics, the matter should be immediately brought to the attention of the General Manager.

The processes described in Council's Protected Disclosures Policy may assist those wishing to make disclosures.

<b>Maintained by Department:</b>	Executive	<b>Approved by:</b>	Council	<b>Exhibition:</b>	
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	9.2	<b>Effective Date:</b>	21 Oct 2008
<b>Min No:</b>	V1 - 06-349 V2 - 008-165 V3 - 12-49 V4 - 14-130	<b>Version No:</b>	4	<b>Reviewed Date:</b>	<b>Oct 2009 Aug 2013</b>
<b>Attachments:</b>					



## Attachment 1 - LEP plan making process



**COMPARISON TABLE OF CROWN LAND REFORMS  
KEY CHANGES IMPACT COUNCILS**

<b>PRE 1 JULY 2018</b>	<b>POST 1 JULY 2018</b>
<b>Crown Lands Act 1989</b>	<b>Crown Lands Management Act 2016</b>
Councils manage Crown reserves (state owned land) under Crown Lands Act 1989.	Councils manage Crown reserves under the Local Government Act 1993 (s.3.22). (Reserves will generally be classified as community land and categorised under the Local Government Act. In exceptional circumstances land may be managed as operational land, subject to Ministerial consent.)
Councils are appointed as Reserve Trust Managers (s.92).	Councils are appointed as Crown Land Managers (s.3.22). (Reserve trust managers are automatically appointed as Crown Land Managers.)
Minister may request reserve trust manager to prepare a draft plan of management (s.112).	Mandatory requirement for councils to prepare a Plan of Management within 3 years (s.3.23) (The first POM to be completed within 12 months.)
Council reserve trust managers may grant a licence for up to 1 year, and any lease or licence over 1 year requires Ministerial consent (s.108 and reg.31(3)).	Council Crown Land Managers may grant leases, licences and other estates in accordance with the provisions of the Local Government Act (s.3.21). (Eliminates the need for Minister for Lands consent, but Minister for Local Government consent is required in certain circumstances, for example where lease term is greater than 21 years or a public objection is received.)
Native title obligations are the responsibility of the Reserve Trust Manager (reserve trust handbook).	Councils must engage or employ a qualified Native Title Manager to oversee dealings and ensure compliance with native title obligations (s.8.6). Certain acts in relation to crown land must not be done unless the written advice of the Native Title Manager is first obtained (s.8.7).  Councils are liable to pay compensation for conduct that infringes on native title rights or interests (s. 8.12) and Councils indemnify the State against any compensation payable by the State for the impact of Councils conduct on native title rights and interests (s 8.13).
Subject to a land assessment under Part 3, the Minister may vest prescribed land in a council, if council agrees and the land is within an area of Council (s.75 to 77)	Land that meets local land criteria will be available for transfer to local council ownership, subject to three way negotiations between the State, Council and the local Aboriginal Land Council (s.4.5 to 4.10).
<b>Consequential amendment to the Roads Act 1993</b>	
Closing of public roads only with the Minister's consent (s.33 to 38).	The amendments to the Roads Act 1993 include a distinction between non-council owned public roads and council owned public roads and allow Councils to close council owned public roads without approval of the Minister for Lands. Stringent safeguards have been included to ensure a closure is appropriate and does not deny access to property (s. 38A to 38F).





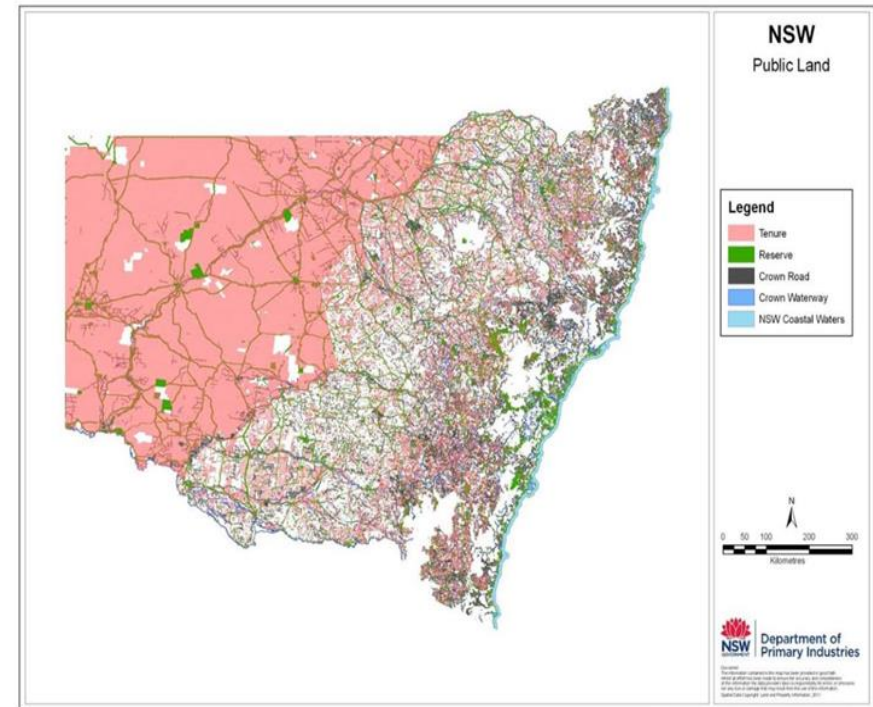
COUNCIL CROWN LAND MANAGEMENT

# Briefing pack for councilors

**April 2018**

# What is Crown Land?

- Essentially all land in the State except private property, State Forests and National Parks.
- Comprises about half of the NSW land area with a total value of approximately \$11 billion.
- A large portion of this is in the Western Division, where perpetual leases have generally been granted to farmers,
- This still leaves 3.5M hectares covered by reserves, roads and other tenures.





# Who manages Crown Land?

- 580,000 individual parcels.
- 59,000 tenures (leases & licences)
- 34,000 reserves – managed by:
  - State Agencies/Departments
  - **Local Government (7,800)**
  - Community Trusts (700)
  - Local Land Services
  - Corporate Trusts
- 6,500 Western Lands Leases.

# Key Assets on Crown Land

Asset	Trust Board	Council	Corporation	Administrator	Direct Management	Total
SLSC	0	76 (85%)	1 (1%)	3 (4%)	8 (9%) Tenure	<b>89</b>
Caravan Park	6 (3%) Community 34 (16%) NSWCHPT	130 (61%)	2 (1%)	2 (1%)	38 (18%) Tenure	<b>213</b>
Showground	65 (48%)	60 (44%)	10 (7%)	1 (1%)	-	<b>136</b>
Racecourse	41 (35%)	38 (33%)	29 (25%)	4 (3%)	4 (3%) No Trust	<b>116</b>
Showground & Racecourse	13 (38%)	21 (62%)	-	-	-	<b>34</b>
Community Centre	173 (15%)	520 (45%)	289 (25%)		92 (8%) Tenure	<b>1,155</b>
Aged Care Facilities	2 (3%)	14 (18%)	45 (57%)		17 Tenure (23%)	<b>79</b>
State parks	2 (11%) Community 7 (39%) NSWCHPT	6 (33%)	3 (17%)			<b>18</b>
<b>Total</b>	<b>343 (19%)</b>	<b>865 (47%)</b>	<b>379 (21%)</b>	<b>10 (1%)</b>	<b>241 (12%)</b>	<b>1,840</b>

# Crown Land Review process

2012

Comprehensive review of Crown land management & future direction – first review in 25 years

2014

Legislation White Paper – over 600 submissions

2015

Government response to White Paper:

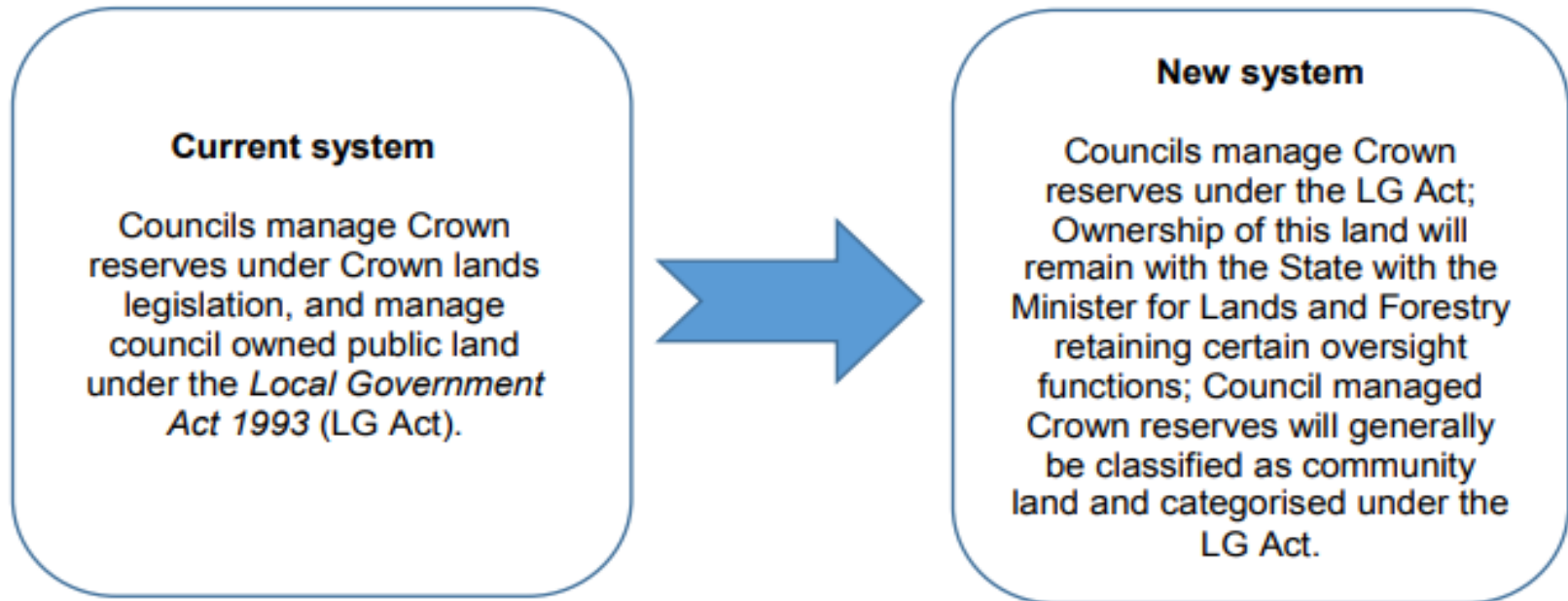
- the NSW Government would retain land that is required for the public
- land with mostly local values to be owned or managed by councils
- new, consolidated Crown lands legislation

2016

Parliamentary Inquiry into Crown land

***Crown Land Management Act (November 2016)***

# What is changing?



# Appointment as Crown Land Managers

<b>Current</b> <i>Crown Lands Act 1989</i>	<b>New</b> <i>Crown Land Management Act 2016</i>
<p>Councils appointed as reserve trust managers</p>	<ul style="list-style-type: none"><li>▪ A simplified two-tier reserve management structure, removing the three-tier model</li><li>▪ Councils appointed as Crown land managers<ul style="list-style-type: none"><li>• All current reserve trust managers (including Councils) will be automatically appointed as Crown land managers under the new Act</li><li>• Appointment instruments for Crown Land Managers</li></ul></li></ul>

# Classification and Categorisation

<b>Current</b> <b><i>Crown Lands Act 1989</i></b>	<b>New</b> <b><i>Crown Land Management Act 2016</i></b>
Management of Crown land in accordance with the Crown Lands Act 1989.	<ul style="list-style-type: none"><li>▪ Generally managed in accordance with Local Government Act 1993 as 'community land' – some additional provisions under CLM Act</li><li>▪ In exceptional circumstances land may be managed as operational land, subject to Ministerial consent</li><li>▪ Councils generally not required to seek the Minister's approval for dealings on Crown reserves</li><li>▪ Council must:<ul style="list-style-type: none"><li>• assign a category related to the reserve purpose and</li><li>• prepare a Local Government Act Plan of Management (POM) <b>within 3 years</b></li></ul></li></ul>

# Plans of Management

<b>Current</b> <i>Crown Lands Act 1989</i>	<b>New</b> <i>Crown Land Management Act 2016</i>
<p>Management of Crown land in accordance with the <i>Crown Lands Act 1989</i>.</p>	<ul style="list-style-type: none"><li>■ Plans of Management (POMs) prepared and adopted in accordance with the provisions of Local Government Act 1993</li><li>■ POMs will be informed by reserve purpose (through categorisation)</li><li>■ Transitional relief:<ul style="list-style-type: none"><li>• POMs to be phased over 3 years</li><li>• Councils can amend existing POMs to include Crown reserves</li><li>• OLG to distribute financial assistance to prepare POMs (further details soon)</li></ul></li><li>■ Councils remain eligible for Public Reserve Management Fund grants</li></ul>

# Ministerial PoM Oversights

- The category applied to community land must be that which council considers most closely relates to the reserve purpose.
- A Council Crown Land Manager (CCLM) must also:
  - Notify the Minister of the proposed categorisation of the land as soon as practical; and
  - Obtain the Minister's consent for any POM that would alter the categorisation of the land to that which would constitute an additional purpose.
- The Minister cannot give consent to altering the category of land if it is considered that would be likely to materially harm the use of the land for its reserve purpose.
- CCLM's must undertake community engagement activities prescribed by the LG Act in preparation of the POM. However no public hearing is required for the first POM for Crown land (unless the category changes).



# Tenure (leases, licences etc)

<b>Current</b> <i>Crown Lands Act 1989</i>	<b>New</b> <i>Crown Land Management Act 2016</i>
<p>Council reserve trust managers may licence up to 1 year.</p> <p>Any lease or licence over 1 year requires Ministerial consent, under the provisions of the <i>Crown Lands Act 1989</i></p>	<ul style="list-style-type: none"><li>▪ Councils may issue leases, licence and other estates under provisions of the <i>Local Government Act 1993</i></li><li>▪ No requirement for Minister for Lands consent</li><li>▪ However, Minister for Local Government consent is required in certain circumstances (eg: leases &gt; 21 years)</li><li>▪ Transitional provisions to be included in Regulations (ie: to allow carry over existing leases and licences until new POMs are in place)</li></ul>

# Native title

<b>Current</b> <i>Crown Lands Act 1989</i>	<b>New</b> <i>Crown Land Management Act 2016</i>
Native title obligations responsibility of trust manager	<ul style="list-style-type: none"><li>▪ Native title obligations responsibility of council</li><li>▪ Councils must engage a qualified native title manager to oversee dealings and ensure compliance with native title obligations</li><li>▪ <b>Qualified</b> = having completed the prescribed training delivered by Crown Solicitors Office and DOI – Crown Lands in 2017</li><li>▪ Further training planned for 2018</li></ul>

# When does the Act commence?

- There are no immediate changes for reserve trusts, lessees or licence holders
- The Act commencement is being staged with the recent 'in force' commencement of the parts for Western Land lease conversion, and the Crown Land Management Regulation having been made.
- Anticipated that the majority of the new legislation will commence in mid-2018

# Transitional Arrangements

- **Schedule 7 (Cl. 5)** - provides that any existing tenure for council managed Crown land continues in force for the term of its original grant
- **CLM Regulation (in force but only commences when Act does)** – will enable council Crown land managers to:
  - grant short term licences under s.2.20;
  - renew existing leases should their be no additional permitted use; and
  - grant new leases if there was a lease in force over the land immediately before the CL Act 89 repeal and there are no additional permitted uses for the land under the lease.
- Crown Land Act PoMs for council managed Crown land will continue in effect until either:
  - a LG Act PoM is prepared in accordance with s.3.23;
  - the land classified as operational (with Ministers consent); or
  - the initial period (3 years) concludes

# Other Reforms

## 1. Vesting of Crown Land in local councils

- Land that meets local land criteria will be available for transfer to local council ownership
- No forced transfers
- These provisions will be used to support the Land Negotiation Program - staged three way negotiations between the State, councils and local Aboriginal land councils

## 2. Council roads

- Crown Land Legislation Amendment Act 2017 passed Parliament in May 2017
- Includes changes to Roads Act 1993
- Councils able to close council roads without approval of Minister for Lands
- Stringent safeguards included to ensure a closure is appropriate and does not deny access to a property

# Support provided to date

- **DOI – Crown Land: Council updates** - June, September and December 2017
- **OLG Circular to Councils** – December 2017
- **OLG Crown Lands webpage** – December 2017
- **OLG and Crown Lands at LGNSW Conference** 2017
- **Crown Lands ROC briefings** – 2017 and regular newsletters
- **FAQs on OLG webpage** – February 2018
- **Council Reference Group** – Meeting from February to December 2018
- **General Manager / Senior staff webinar** – March 2018

# Upcoming support

- **Webinars and FAQs** - on OLG webpage from late March
- **New tools for council staff** – eNewsletter and Facebook group
- **Guidance and training** - from April
  - Staged release to support councils through process
  - Webinars before Act commencement / face to face training for council staff afterwards
  - Materials developed in consultation with a Council Reference Group
- **Plans of Management Funding**
  - Further details coming soon from OLG.

# What are the next steps for Councils?

Step 1

- Ensure relevant officers who have attended Native Title training understand their role and seek clarification from DoI – Crown Lands as required and review their handbook and training materials.

Step 2

- Review Council trust managed Crown reserves to identify where PoMs are in place.
- PoMs can then be amended or replaced.

Step 3

- Consider the classification, community land categories and reserve purpose(s) of the Crown reserves in preparation for the Act commencement.

Legislation  
Commences

- Review guidance and advice, attend relevant training, confirm classification and categorisation and commence preparation of PoMs.



# Key questions for councils



Does your council have appropriate land management IT systems in place?



Does your council have a clear understanding of any existing POMs it has place for Crown land?



Does your council have a clear understanding of its Reserve management (Trust) governance and financial arrangements and responsibilities?

# Key questions for councils

- ❓ Has your council considered formation of a cross-team working groups to oversee implementation and operations?
- ❓ Has your council made provision in budgets with respect to the above issues (ie: staffing, IT systems, POMs for community Crown Land)?
- ❓ Does your council have an appropriately qualified Native title manager(s) in place?

**Further information:** [www.olg.nsw.gov.au/crownland](http://www.olg.nsw.gov.au/crownland)

# **DEVELOPMENT ASSESSMENT REPORT – DA124/18 – DWELLING HOUSE & VARIATION TO DEVELOPMENT STANDARD – CLAUSE 4.2A OF LEP 2014 – LOT 1 DP 330666 – 208 INCH STREET LITHGOW NSW 2790**

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## **1. PROPOSAL**

Council is in receipt of a Development Application (DA124/18) from C & D Ipsen for a dwelling house on land known as Lot 1 DP 330666, 208 Inch Street LITHGOW NSW 2790.

Lot 1 DP 330666 (approximately 537.5m<sup>2</sup>) currently contains two metal sheds and a fibro garage. The land is relatively plane, contains four large trees and the northern boundary lies adjacent to Farmers Creek.

The proposed dwelling will have a total floor area of approximately 200.21m<sup>2</sup> and includes: 3 bedrooms (1 including an ensuite and walk-in-wardrobe), kitchen, rumpus room, family room, dining room, study, water closet, bathroom, laundry, garage, alfresco and porch. The existing metal sheds and fibro garage are proposed to be removed/demolished.



Figure 1 – Development Site – Facing Inch Street (South) – Existing Metal Sheds and Fibro Garage to be Removed

## 2. SUMMARY

To assess DA124/18. with recommendation for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 DP 330666  
Property Address : 208 Inch Street LITHGOW NSW 2790

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

**5. PERMISSIBILITY:** The development being a dwelling house, as defined below, is permitted with consent on land zoned E3 Environmental Management under LEP 2014, provided that it complies with the requirements of Clause 4.2A.

***dwelling*** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

***dwelling house*** means a building containing only one dwelling.

**Note.** Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.

Clause 4.2A of LEP 2014 states:

### **4.2A Erection of dwelling houses, dual occupancies and secondary dwellings on land in certain rural and environment protection zones**

(3) Development consent must not be granted for the erection of a dwelling house, a dual occupancy or a secondary dwelling on land to which this clause applies unless the land:

- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
- (b) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house, dual occupancy or secondary dwelling was permissible immediately before that commencement, or
- (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house, dual occupancy or secondary dwelling would have been permissible if the plan of subdivision had been registered before that commencement, or
- (d) is an existing holding, or
- (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by:
  - (i) a minor realignment of its boundaries that did not create an additional lot, or
  - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
  - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless:
- (a) no dwelling house, dual occupancy or secondary dwelling has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dwelling house, a dual occupancy or a secondary dwelling on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.

(5) Development consent may be granted for the erection of a dwelling house, a dual occupancy or a secondary dwelling on land to which this clause applies if there is a lawfully erected dwelling house, dual occupancy or secondary dwelling on the land and the dwelling house, dual occupancy or secondary dwelling to be erected is intended only to replace the existing dwelling house, dual occupancy or secondary dwelling.

(6) Despite any other provision of this clause, development consent must not be granted for the erection of a dwelling house, a dual occupancy or a secondary dwelling on any lot that is not sewered and has a lot size that is less than 4,000 square metres.

(7) In this clause:

**existing holding** means land that:

- (a) was a holding on the relevant date, and
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since the relevant date, and includes any other land adjoining that land acquired by the owner since the relevant date, but does not include land identified as “Evans” on the Former Boundaries Map.

**holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.

**relevant date** means:

- (a) for land identified as “Lithgow” on the Former Boundaries Map—2 December 1994, or
- (b) for any other land—the date of lodgment of the development application for the erection of a dwelling house, dual occupancy or secondary dwelling.

**Note.** The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

The Minimum Lot Size (MLS) applicable to the land is 600m<sup>2</sup> and Lot 1 DP 330666 currently retains an area of 537.5m<sup>2</sup>. Therefore, the land does not comply with the requirements of Clause 4.2A(3)(a) of LEP 2014.

Further, the lot was not created by a subdivision under an environmental planning instrument before the commencement of LEP 2014 and on which the erection of a dwelling house was permissible immediately before that commencement. Therefore, the land does not comply with the requirements of Clause 4.2A(3)(b) or (c) of LEP 2014.

Lastly, the land is not an existing holding under Clause 4.2A(3)(d) of LEP 2014. Therefore, the development of a dwelling house on Lot 1 DP 333066 is not permitted under Clause 4.2A of LEP 2014.

However, a variation to development standard 4.2A of LEP 2014 has been proposed in accordance with Clause 4.6 of LEP 2014, as below:

**4.6 Exceptions to development standards**

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
- (c) clause 5.4,
- (ca) clause 4.2A (6), 6.1 or 6.2.

In accordance with Clause 4.6(3) of LEP 2014, a written request has been submitted by the applicant that seeks to justify the proposed contravention of the development standard. The request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard, because:

The development standard is considered unreasonable in the circumstances due to the following reasons:

- The development remains consistent with the objectives of the zone.
- There are no other non-compliances being sought.
- The surrounding land is residential in nature (not environmental management).
- There are dwellings on even smaller allotments adjoining to the west in Inch Street.
- The variation sought is relatively minor (10.4%).
- The development standard unreasonably restricts a positive development outcome by inhibiting a variety of housing types and densities to be established in the area.
- The standard will unreasonably prevent additional housing supply to be provided into the local market close to the Lithgow CBD.
- The standard unreasonably restricts effective utilization of the land- the land is suited to residential development rather than environmental.
- The standard unreasonably restricts the maximization of infill development and utilization of existing infrastructure resources.
- The standard will unnecessarily restrict the achievement of highest and best use of land resource.

Given the low-medium residential density of the immediate locality, the design proposes an appropriate development form that is reflective of the desired future character of the area and responds to the constraints and opportunities of the site.

The development in its current form results in a better urban planning outcome for the following reasons:

- The dwelling is comparable to adjoining development to the west and south along Inch Street.
- The dwelling is provided with an appropriate level of amenity.

On the basis of the discussion in this report and the points above, there are sufficient environmental planning grounds to justify the contravention of the development standard.

The proposed development includes a variation to the development standard of 10.4%. However, the majority of lots located to the west of Lot 1 DP 330666 on the northern side of Inch Street, retain dwellings on land with an area less than the 600m<sup>2</sup> MLS (as described below). Therefore, the development will be in keeping with the context and density of the surrounding residential area and accordingly, compliance with the development standard is deemed unreasonable or unnecessary in the circumstances of the case. As discussed further throughout this report, the proposed development will have minimal impact on the surrounding landuse and environment subject to conditions of consent. Accordingly, there are also sufficient planning grounds to justify contravening the development standard. The proposal therefore complies with the requirements of Clause 4.6(3) and 4.6(4)(a)(i).



Lot & DP	Address	Area	Dwelling Constructed	Lot Area <600m <sup>2</sup> MLS
Lot 6 DP 316096	192 Inch Street	366.7m <sup>2</sup>	Yes	Yes
Lot 1 DP 952407	208 Inch Street	306.6m <sup>2</sup>	Yes	Yes
Lot 1 DP 10121	180 Inch Street	543.8m <sup>2</sup>	Yes	Yes
Lot 5 DP 316096	190 Inch Street	383.0m <sup>2</sup>	Yes	Yes
Lot 2 DP 10121	178 Inch Street	436.3m <sup>2</sup>	Yes	Yes
Lot 1 DP 2857	182 Inch Street	379.4m <sup>2</sup>	Yes	Yes
Lot 4 DP 2857	188 Inch Street	360.4m <sup>2</sup>	Yes	Yes
Lot 11 DP 2857	202 Inch Street	328.8m <sup>2</sup>	Yes	Yes
Lot 7 DP 2857	194 Inch Street	328.8m <sup>2</sup>	Yes	Yes
Lot 3 DP 2857	186 Inch Street	384.5m <sup>2</sup>	Yes	Yes
Lot B DP 349086	200 Inch Street	442.6m <sup>2</sup>	Yes	Yes
Lot 2 DP 2857	184 Inch Street	404.7m <sup>2</sup>	Yes	Yes
Lot A DP 349086	198 Inch Street	493.2m <sup>2</sup>	Yes	Yes
Lot 1 DP 974635	206 Inch Street	278.2m <sup>2</sup>	Yes	Yes
Lot 1 DP 942002	204 Inch Street	404.7m <sup>2</sup>	Yes	Yes
Lot 100 DP 1183097	174 Inch Street	862.0m <sup>2</sup>	Yes	No



Figure 2 – Dwellings Located on Lots with an Area <600m<sup>2</sup> MLS - Lots Located to West of Lot 1 DP 330666 on the Northern Side of Inch Street



Further, the proposed development will be in the public interest as it is consistent with the objectives of Clause 4.2A and the E3 Environmental Management zone under LEP 2014, as outlined below:

LEP 2014 Clause	Objectives	Comment	Complies
Part 4 Principal development standards Clause 4.2A Erection of dwelling houses, dual occupancies and secondary dwellings on land in certain rural and environment protection zones	a) to minimise unplanned rural residential development,	The proposed development is located within an established residential area and is in keeping with the context and setting. Therefore, the development will not result in unplanned rural residential development. There is existing water, sewer, stormwater, road, telecommunication and electricity infrastructure available within the surrounding area to service the proposed dwelling. The proposal will not result in any unplanned demand for infrastructure.	Yes.
	b) to enable the replacement of lawfully erected dwelling houses, dual occupancies and secondary dwellings in certain rural and environment protection zones.	The proposed development does not include the replacement of an existing dwelling house.	NA.
Land Use Table Zone E3 Environmental Management	• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.	The land adjoins Farmers Creek located to the north and is identified as within 40 metres of the top of the bank (measured horizontally) of land identified as "Watercourse" on the Environmentally Sensitive Areas – Water Overlay Map. The map provides the following attributes:	Yes.
	• To provide for a limited range of development that does not have an adverse effect on those values.	<b>Hydroname</b> Duckmaloi <b>Hydronamet</b> River/Declared Stream <b>Description</b> Major freshwater habitats (40m buffer either side for bed and bank stability; protection of riparian vegetation & connectivity of habitat). These areas should be excluded from development.	Yes.
	• To facilitate the management of environmentally sensitive lands and riparian areas.	Existing development alongside the creek has resulted in the depletion of riparian vegetation and connectivity of habitat. To prevent the further removal of riparian vegetation and damage to the bed and bank stability as a result of the development, it was requested that the proposed dwelling be relocated to a minimum	Yes.

		<p>distance of 4 metres from the northern boundary of Lot 1 DP 330666.</p> <p>Accordingly, the development has been designed to protect an area of special ecological, scientific, cultural and aesthetic value.</p> <p>No management or restoration work is known to have been previously undertaken on Lot 1 DP 330666. The vacant land adjoining to the east is zoned RE1 Public Recreation and is currently owned by Lithgow City Council. Therefore, opportunity for the management and restoration of Farmers Creek is maintained in the adjoining land.</p>	
	<ul style="list-style-type: none"> <li>To protect and conserve the vegetation and escarpment landscape surrounding Lithgow.</li> </ul>	The land is located in a low lying area adjoining Farmers Creek and contains only lightly scattered vegetation which has been previously disturbed. The proposed development will not impact the preservation and conservations of the vegetation and escarpment landscape surrounding Lithgow.	Yes.
	<ul style="list-style-type: none"> <li>To maintain or improve the water quality of receiving water catchments.</li> </ul>	The proposed development will retain connections to Council's stormwater and sewerage reticulation networks and no wastewater will be disposed of into Farmers Creek. Minor earthworks, including a fill of up to 500mm, have been proposed and conditions of consent will be implemented to ensure that the water quality of receiving water catchments is maintained.	Yes.

Lastly, given that the requested variation to the development standard is greater than 10%, the concurrence of the Secretary is required in accordance with the NSW Department of Planning and Environment's Planning Circular, PS 18-003, issued on 21 February 2018, as below:

**Assumed concurrence conditions**

**Lot size standards for dwellings in rural areas**

The Secretary's concurrence may not be assumed for a development standard relating to the minimum lot size required for erection of a dwelling on land in one of the following land use zones, if the lot is less than 90% of the required minimum lot size:

- Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition.
- Zone R5 Large Lot Residential.
- Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living a land use zone that is equivalent to one of the above land use zones.

This condition will only apply to local and regionally significant development.

Subject to conditions of consent, the proposed development satisfies the requirements of Clause 4.6 (3) and (4) of LEP 2014. Accordingly, the application is required to be referred to a Council Meeting for resolution, followed by the NSW Department of Planning and Environment (DPE) for concurrence in accordance with Clause 4.6(5) of LEP 2014.

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

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

Council Policy 7.5 is applicable to all land within the Lithgow Local Government Area (LGA) and prescribed the following types of development as exempt from requiring notification to surrounding landowners:

#### **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):

- Single storey dwellings (providing this does not involve demolition of an existing dwelling)
- 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 proposed development of a single storey dwelling is not required to be notified to surrounding landowners or placed on public display under Clause 2 of Council Policy 7.5. However, as the proposal includes a variation to development standard 4.2A of LEP 2014, it was considered likely that the development may not be in keeping with the context and density of the surrounding residential area and may have been non-compliant with the objectives Land Use Zone E3 Environmental Management and Clause 4.2A of LEP 2014. Therefore, the development was notified to surrounding landowners and placed on public display for a period of 14 days in accordance with Clause 2.1 of Council Policy 7.5. No public objections or submissions were received by Council during the notification period.

## **5.2 FINANCIAL IMPLICATIONS**

### **Section 94A (Section 7.12) Development Contributions Plan 2015**

Council's Section 94A Development Contributions Plan 2015 is applicable to all land within the Lithgow LGA and the following levies are used to calculate the contribution:

<b>Estimated cost of development</b>	<b>Levy applicable</b>
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

The estimated cost of the proposed development is \$294,546.11. Therefore, the following condition of consent will be implemented, if the application is approved:

1. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A (Section 7.12) contribution of \$2945.46, in accordance with the Lithgow City Council Section 94A (Section 7.12) Development Contribution Plan 2015. 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.

### **Planning Agreements**

Nil.

## **5.3 LEGAL IMPLICATIONS**

### ***Environmental Protection and Biodiversity Conservation Act 1991***

No federally listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, there are no legal implications of this Act on the proposed development.

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

The application was referred to Council's Water and Sewer Officers and a Section 68 Approval (S68080/18) has been granted for connection to Council's water supply and sewerage reticulation networks. All conditions of the Section 68 Approval must be complied with prior to the release of the Occupation Certificate.

### ***Mine Subsidence Compensation Act 1961***

The land is located within the Mine Subsidence District and accordingly, the application has been Council's Building Officer as compliant with the requirements of *Surface Development Guideline 2 – Potential Subsidence Risk Non-Active Workings*. Therefore, a deemed approval from the Mine Subsidence Board may be granted and the development is considered to be compliant with the requirements of the *Mine Subsidence Compensation Act 1961*.

### ***Biodiversity Conservation Act 2016***

Section 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) prescribes the circumstances in which the Biodiversity Offset Scheme (BOS) is required to be applied to development.

#### **Biodiversity Conservation Act 2016**

#### **7.2 Development or activity "likely to significantly affect threatened species"**

(1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

The land is not identified as “Biodiversity” on the Environmentally Sensitive Areas – Biodiversity Overlay Map under LEP 2014 and no threatened species, ecological communities or their habitats have been identified on the Atlas of NSW Wildlife (by the NSW Office of Environment and Heritage) (see Figure 3) as being located on or within close proximity of the land. The proposed development will require the removal of only two trees located on the southern boundary, fronting Inch Street. All vegetation located on the northern boundary, adjoining Farmers Creek is to be maintained. Therefore, given that no threatened species have been identified within close proximity of the site and the area has been previously disturbed, it is considered unlikely that the development will significantly affect threatened species under Clause 7.2(1)(a) of the BC Act.



Figure 3 – Species and Ecological Community Sightings near Lot 1 DP 330666 – Bionet Atlas of NSW – NSW Office of Environment and Heritage

Further, for the purpose of Section 7.2(1)(b) of the BC Act, Clause 7.1 of the *Biodiversity Conservation Regulation 2017* (BC Regulation 2017), defines the BOS thresholds, as below:

#### **Biodiversity Conservation Regulation 2017**

##### **7.1 Biodiversity offsets scheme threshold (section 7.4)**

(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act if it is or involves:

- (a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or
- (b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

Clause 7.2 of the BC Regulation 2017, declares that where the following areas of clearing are exceeded the BOS will be applicable:

**Biodiversity Conservation Regulation 2017**  
**7.2 Clearing of area of land that exceeds threshold**

(1) Clearing of native vegetation is declared by this clause to exceed the biodiversity offsets scheme threshold if the area proposed to be cleared is the area set out in Column 2 of the Table to this clause opposite the minimum lot size applicable to the land to be cleared in Column 1 of that Table.

<b>Table</b>	
<b>Column 1</b>	<b>Column 2</b>
<b>Minimum lot size of land</b>	<b>Area of clearing</b>
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

The MLS applicable to the land is 600m<sup>2</sup>. Two trees located on the southern boundary of Lot 1 DP 330666 are proposed to be removed. The total area of land to be cleared for the proposed development will not exceed the 2500m<sup>2</sup> threshold prescribed under Clause 7.2 of the BC Regulation. Therefore, the BOS is not applicable to the development under Clause 7.1(1)(a) of the BC Regulation.

Further, the land is partially included on the Biodiversity Values Map under Clause 7.1(1)(b) of the BC Regulation (see Figure 4). However, no clearing has been proposed within this area and the following condition of consent will be implemented to ensure all vegetation on the northern side of Lot 1 DP 330666, adjoining Farmers Creek, is maintained:

1. No clearing or similar activity is to be undertaken on land included on the Biodiversity Values Map (BVM) under the *Biodiversity Conservation Regulation 2017*, as indicated in attached Schedule C.

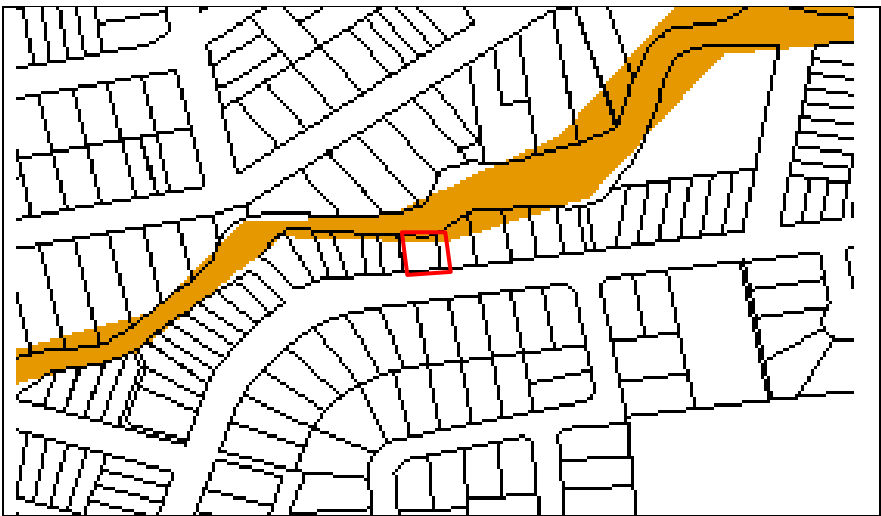


Figure 4 – Lot 1 DP 330666 – Biodiversity Values Map under *Biodiversity Conservation Regulation 2017*

Therefore, subject to conditions of consent, the BOS is not applicable to the development under Section 7.2(b) of the BC Act.

Lastly, the proposed development is not proposed to be carried out in a declared area of outstanding biodiversity value (being a declared area of critical habitat) under Section 7.2(c) of the BC Act. Therefore, the development complies with the requirements of the BC Act, subject to conditions of consent.

### ***Water Management Act 2000***

A controlled activity approval is required for development located within 40 metres of a watercourse, in accordance with Section 91(2) of the Act, as below:

#### **91 Activity approvals**

- (1) There are two kinds of activity approvals, namely, controlled activity approvals and aquifer interference approvals.
- (2) A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.
- (3) An aquifer interference approval confers a right on its holder to carry out one or more specified aquifer interference activities at a specified location, or in a specified area, in the course of carrying out specified activities.

**Note.** Examples of where an aquifer interference approval may be needed include mining operations, road construction and any other large scale activity that involves excavation.

Accordingly, the application was referred to NSW Department of Primary Industries (DPI) Water for assessment from which it was advised that the development is exempt from requiring a controlled activity approval under Schedule 5, Part 2, Clause 27 of the *Water Management (General) Regulation 2011*, as below:

#### **27 Activities with respect to dwellings**

- (1) Any activity carried out in connection with the erection or demolition of, the making of alterations or additions to or the provision of ancillary facilities for, a dwelling house or dual occupancy building, being activities:
  - (a) that comprise exempt development or that are the subject of a development consent or complying development certificate in force under the [Environmental Planning and Assessment Act 1979](#), and
  - (b) that are not carried out on or in:
    - (i) the bed or bank of any river, or
    - (ii) the bed or shore of any lake, or
    - (iii) the bed, or land lying between the bed and the mean high water mark, of any estuary.

- (2) In this clause:

**development** has the same meaning as it has in the [Environmental Planning and Assessment Act 1979](#).

**dual occupancy building** means a building containing 2, but no more, dwellings within the meaning of the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

**dwelling house** has the same meaning as it has in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

Therefore, there are no further implications of this Act on the proposed development.

## ***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 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

### 5.3.1 Any Environmental Planning Instruments

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

LEP 2014 – Compliance Check		
Clause		Compliance
<b>Land Use table</b>	E3 Environmental Management	Yes.
<b>4.2A</b>	Erection of dwelling houses, dual occupancies and secondary dwellings on land in certain rural and environment protection zones	No. Variation sought under Clause 4.2A.
<b>4.6</b>	Exceptions to development standards	Yes, subject to conditions of consent.
<b>7.1</b>	Earthworks	Yes, subject to conditions.
<b>7.2</b>	Flood Planning	Yes, subject to conditions.
<b>7.6</b>	Riparian land and watercourses	Yes, subject to conditions.
<b>7.10</b>	Essential Services	Yes.

**Comment:** The development of a dwelling house on land zoned E3 Environmental Management is permitted with consent, provided that the land complies with the requirements of Clause 4.2A of LEP 2014. However, the land does not comply with the requirements of Clause 4.2A of LEP 2014 and an exception to the development standard has been proposed in accordance with Clause 4.6 of LEP 2014.

As addressed under Section 5 of this report, compliance with the development standard is deemed unreasonable or unnecessary in the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard and the proposed development will be in the public interest as it is consistent with the objectives of Clause 4.2A and the E3 Environmental Management zone under LEP 2014, subject to conditions of consent. Therefore, the development is consistent with the requirements of Clause 4.6 of LEP 2014 and is permitted with consent. The application will need to be referred to a Council Meeting for resolution and the NSW Department of Planning and Environment for concurrence.

The proposed development will require earthworks, including a maximum fill of approximately 1360mm. The fill is required to ensure that the development is constructed at the flood planning level, being a minimum of 500mm above the 1 in 100 year flood level of 921.86 AHD. No methods of retaining the fill have been provided as part of this application. Accordingly, subject to the following condition of consent, the development will not result in any adverse impact on: drainage patterns, soil stability, the future use or redevelopment of the land, the quality/source of fill or soil to be excavated, the existing and likely amenity of adjoining properties, any relics, waterways, drinking water catchment or environmentally sensitive area:

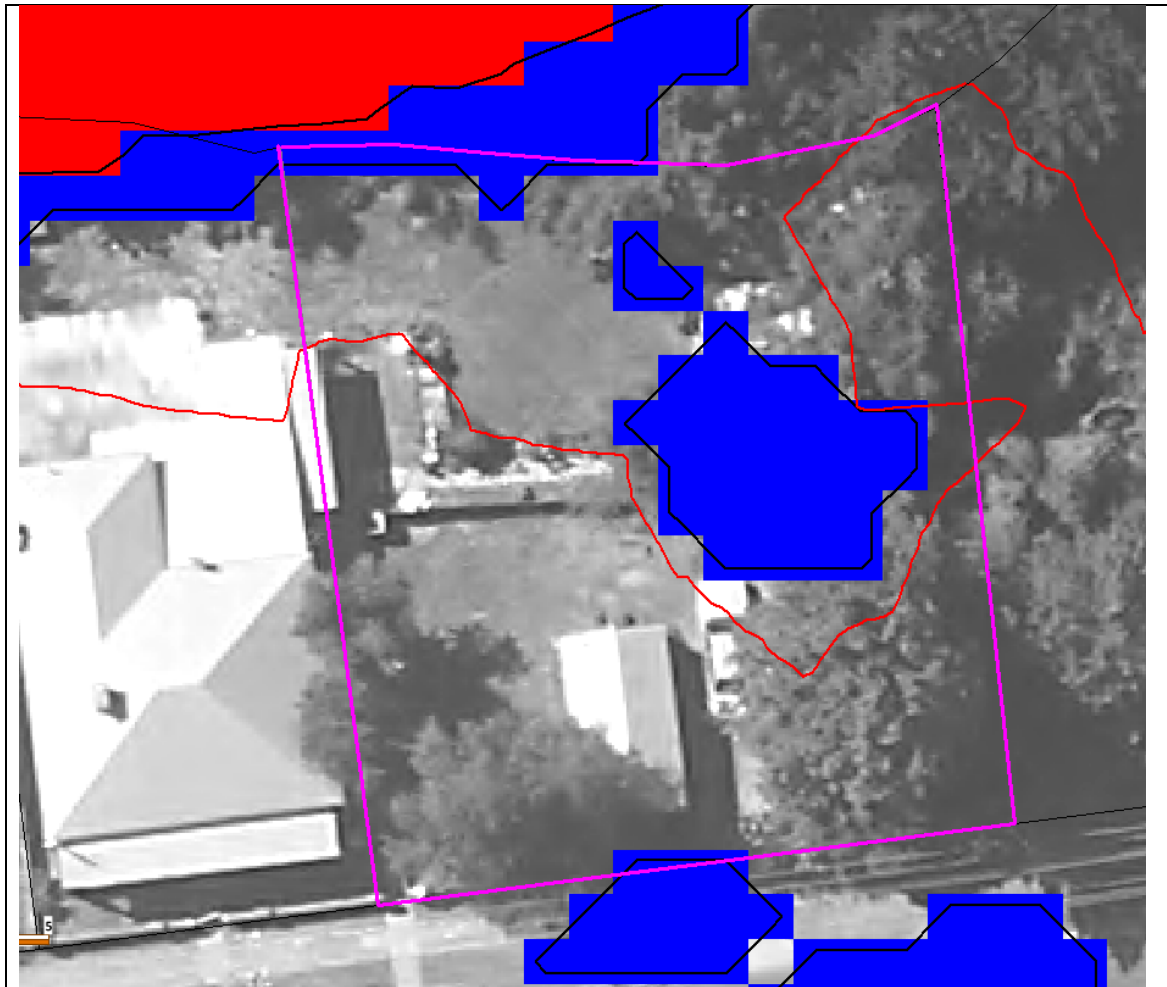


1. All fill associated with the proposed development is to be retained within the perimeter of the dwelling through the use of a drop/deepened edge beam. This is to be clearly indicated on your plans for approval by the Principal Certifying Authority as part of your Construction Certificate Application.
2. Fill material used must be virgin excavated natural material within the meaning of the Protection of Environmental Operations Act 1997 (PEEO) or any other waste- derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

**Note: Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.**

3. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
  - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

The land is identified as "Flood Planning Area" on the Flood Planning Map as it adjoins Farmers Creek located to the north. As identified in Figure 5 below, the north western portion of Lot 1 DP 330666 is a low hazard area and the land does not include any high hazard area. The north-western portion of the land is also located within a flood fringe (see Figure 6) and the lot does not form part of the floodway or a flood storage area. There are also smaller pockets of low hazard and flood fringe land located in the centre of Lot 1 DP 330666, however, these features are likely to be a mapping anomaly as they are disconnected from the larger area of flood prone land and a site inspection identified that the land is predominantly flat and does not retain any significant depressions.



**Legend**





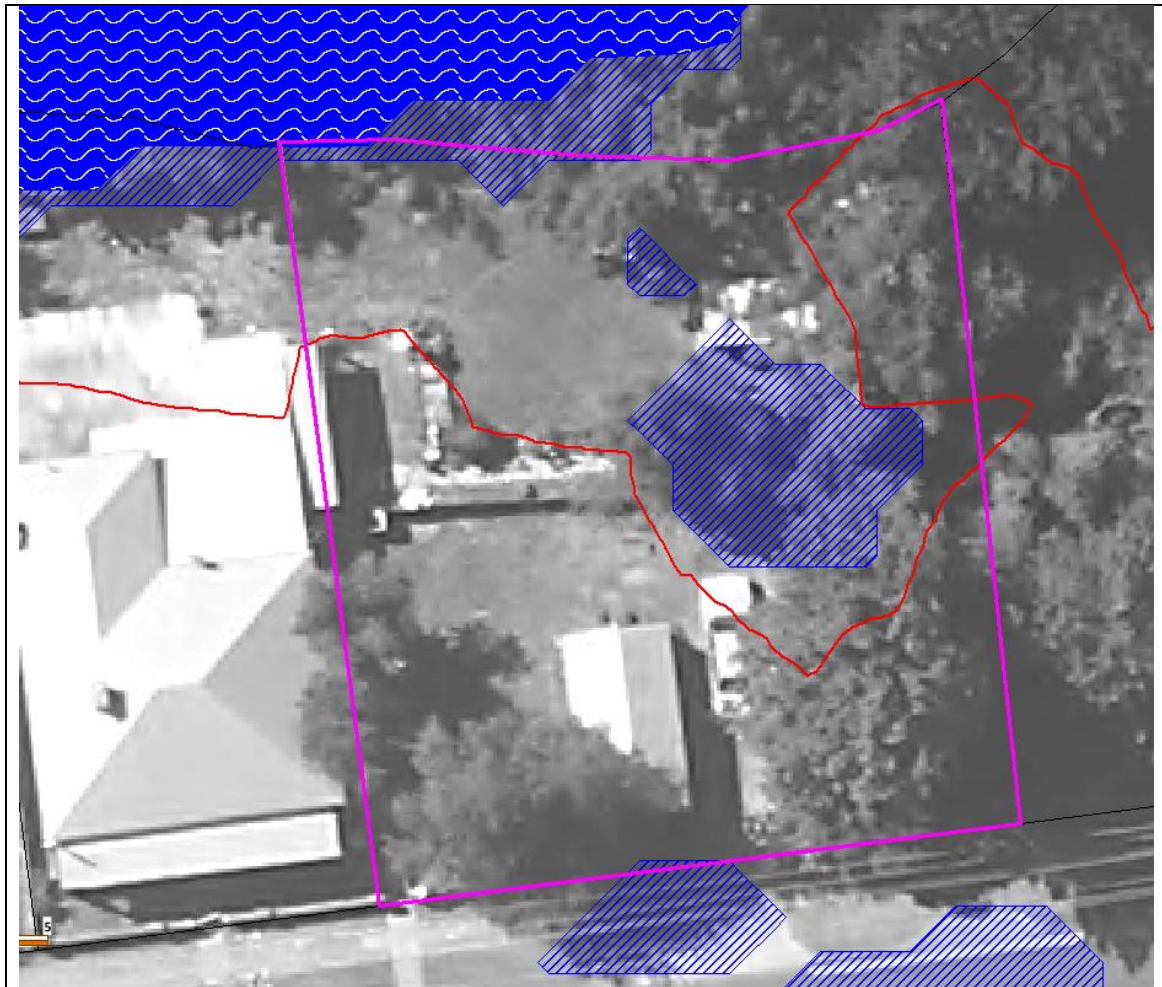
	High Hazard
	Low Hazard
	Flood Planning Area
	Lot 1 DP 330666

Figure 5 – Hazard Level – Flood Prone Land – Lot 1 DP 330666



#### Legend






	Floodway
	Flood Storage
	Flood Fringe
	Flood Planning Area
	Lot 1 DP 330666

Figure 6 – Flood Classification – Flood Prone Land – Lot 1 DP 330666

The proposed dwelling will be located a minimum of 4 metres from the northern boundary of Lot 1 DP 330666 and therefore, will not be located within the low hazard and flood fringe area located on the north-western portion of the land. All habitable rooms of the proposed development will be constructed to the flood planning level of 922.36 AHD, being 0.5 metres above the 1 in 100 year flood level of 921.86 AHD. The following conditions of consent will be implemented to further ensure that the development: is in keeping with the flood hazard of the land; will not adversely affect flood behaviour resulting in potential flood affection of other development or properties; incorporates appropriate measures to reduce risk to life from flood; will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

1. All fill associated with the proposed development is to be retained within the perimeter of the dwelling through the use of a drop/deepened edge beam. This is to be clearly indicated on your plans for approval by the Principal Certifying Authority as part of your Construction Certificate Application.
2. No clearing or similar activity is to be undertaken on land included on the Biodiversity Values Map (BVM) under the *Biodiversity Conservation Regulation 2017*, as indicated in attached Schedule D.
3. Prior to the commencement of any building or demolition works, a suitable lidded waste container for the deposit of all building and demolition rubbish and litter must be provided on site. The waste container must be located outside of the flood planning area and within the boundaries of Lot 1 DP 330666, as indicated on the Flood Planning Map in attached Schedule E. The waste container must be emptied at a licensed waste disposal facility when full. The site is to be left clear of all waste and debris upon completion of works.
4. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
  - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
5. The incoming main commercial power service equipment, including all metering equipment shall be located above the 1 in 100 year flood level of 921.86 AHD. Means must be made available to easily disconnect the dwelling from the main power supply.
6. All wiring, power outlets, switches etc. must be located above the 1 in 100 year flood level of 921.86 AHD where achievable. Any electrical wiring installed below the 1 in 100 year flood level must be suitable for continuous submergence in water and contain no fibrous components. Only submersible type splices may be used below the 1 in 100 year flood level. All conduits located below the 1 in 100 year flood level must be installed in such a way that they are self-draining if subjected to flooding.
7. All equipment installed below or partially below the 1 in 100 year flood level of 921.86 AHD must be capable of disconnection by single plug and socket assembly.
8. Should any electrical device and/or part of the wiring be flooded, it must be thoroughly cleaned or replaced and checked by an electrical contractor prior to reconnection.

9. Heating systems using gas or oil as a fuel must have a manually operated valve located in the fuel supply line to enable fuel cut-off.
10. The heating equipment and fuel storage tanks must be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks must be vented to an elevation of 600mm above the 1 in 100 year flood level of 921.86 AHD.
11. All ductwork located above the 1 in 100 year flood level of 921.86 AHD must be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water tight wall or floor below the 1 in 100 year flood level, the ductwork must be protected by a closure assembly operated from above the 1 in 100 year flood level.

The land adjoins Farmers Creek located to the north and is identified as within 40 metres of the top of the bank (measured horizontally) of land identified as "Watercourse" on the Environmentally Sensitive Areas – Water Overlay Map. The map provides the following attributes:

<b>Hydroname</b>	Duckmaloi
<b>Hydronamet</b>	River/Declared Stream
<b>Description</b>	Major freshwater habitats (40m buffer either side for bed and bank stability; protection of riparian vegetation & connectivity of habitat). These areas should be excluded from development.

Existing development alongside the creek has resulted in the depletion of riparian vegetation and connectivity of habitat. The proposed development will be located a minimum of 4 metres from the northern boundary of Lot 1 DP 330666, which is approximately 10 metres from Farmers Creek. Additionally, the conditions of consent previously proposed throughout this report ensure that the development does not place any adverse impact on the: water quality and flows within the watercourse; aquatic and riparian species, habitats and ecosystems of the watercourse; the suitability of the bed and banks of the watercourse; the free passage of fish and other aquatic organisms; and any future rehabilitation of the watercourse and riparian areas.

The development will have suitable connections to Council's water supply, stormwater and sewerage reticulation systems. Connections to electricity services are available in the area and the access will be suitable for the proposed development, subject to conditions of consent. Therefore, the development will be suitably serviced.

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

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

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA. The nearest to the subject sight being over 10kms away, according to the NSW Wildlife Atlas.

**Comment:** Given that only two trees are to be removed as part of the development, and the surrounding area has been previously disturbed by existing residential development it is considered unnecessary to proceed further with SEPP 44 assessment.

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

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

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

**NorBE Assessment**

**General Information**

DA number **DA124/18**  
 Assessing officer **Fern-Alice Finn**  
 Council **Lithgow City**  
 Development class **New dwelling/dual occ sewer**  
 Date of assessment **06/07/18**

Lot	Section	Plan
1		330666

**Assessment Summary**

NorBE status **Determined**  
 System outcome **Satisfied** User outcome **Satisfied**  
 SCA concurrence outcome  
 Determination outcome **Granted** Determination date **06/07/18**

**Pre-Assessment**

Located within Sydney drinking water catchment? **Yes**  
 Is development consistent with any existing SCA S88 instruments on title? **N/A**  
 Crown perpetual leasehold land? **No**  
 Water quality impact ? **Yes**  
     Concentration of flow of water? **Yes**  
     Flow of water impeded? **Yes**  
     Discharge of pollutants? **No**  
     Any other matter? **No**  
 Documentation is complete? **Yes**  
 Does Water Cycle Management Study meet SCA/Council requirements? **Yes**

**Module 1**

**Development risks**

Impervious area (m2) **232**  
 Construction area (m2) **310**  
 Adequate SSSQM certificate provided? **N/A**

**Area to be disturbed**

Development site slope > 20%	<b>No</b>
Development site within 1% AEP flood level flood prone land?	<b>Yes</b>
Other site constraints?	<b>Yes</b>
(if yes) Have appropriate management measures been proposed?	<b>Yes</b>

**Required NorBE conditions of consent**

Condition	Assigned At
The applicant is to submit, to the satisfaction of council, an Erosion and Sediment Control Plan in accordance with Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual – the "Blue Book", outlining the controls that will be used to prevent sediment entering dams, drainage depressions and watercourses and/or street stormwater drainage systems.	17/05/18
The applicant is to implement the following measures to protect water quality: (1) All fixtures capable of draining to the sewer system, including the overflow relief gully, are to be above the 1% AEP flood level and fully sealed; and (2) Any required termite controls are to be physical barriers only, and chemical barriers or termite protection systems are not to be used below the 1% AEP flood level.	17/05/18

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

Nil.

5.3.3 Any Development Control Plan

Nil.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

Nil.

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

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

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

**Adjoining Landuse:** The surrounding area is generally for residential pursuits with the proposal to be consistent with the surrounding land uses. The proposal will not cause any land use conflicts and the development is permissible within the zone.

**Services:** The development will have connections to Council's reticulated water and reticulated sewer services. Additionally, there is access to electricity and telecommunication services nearby. Therefore, it is considered that the proposal will be adequately serviced.



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

**Access/ traffic:** Access to the development is proposed from the southern boundary of Lot 1 DP 330666, via Inch Street. The access will be suitable for the development, subject to conditions of consent.

**Heritage:** The land is not identified as a Local or State Heritage Item and is not located within any Heritage Conservation Area. There are no other items or areas of heritage significance located within the vicinity of the site which may be impacted by the proposed development.

**Flora and Fauna:** The development requires removal of some vegetation onsite, however, the area has been previously disturbed by the surrounding residential development and the vegetation directly adjoining Farmers Creek will be maintained, subject to conditions of consent. Therefore, the development is expected to have minimal impact to flora or fauna.

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

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

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

**Air and Microclimate:** There will be no significant impact on air or microclimate. However, a condition of consent will be imposed requiring that dust suppression be used during construction works to minimise impacts on the surrounding area.

**Waste:** Waste during construction will be to a licenced facility as per conditions of consent if approved. Given the development is for residential use, once an Occupation certificate has been provided a garbage service will be available for domestic use.

**Natural Hazards:** The land is identified as "Flood Planning Area" on the Flood Planning Map under LEP 2014 as it adjoins Farmers Creek located to the north. The proposed dwelling will be located a minimum of 4 metres from the northern boundary of Lot 1 DP 330666 and therefore, will not be located within the low hazard and flood fringe area located on the north-western portion of the land (see Figures 5 and 6). All habitable rooms of the proposed development will be constructed to the flood planning level of 922.36 AHD, being 0.5 metres above the 1 in 100 year flood level of 921.86 AHD. Conditions of consent (as previously proposed throughout this report) will be



implemented to further ensure that the development: is in keeping with the flood hazard of the land; will not adversely affect flood behaviour resulting in potential flood affection of other development or properties; incorporates appropriate measures to reduce risk to life from flood; will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The land is not identified as bushfire prone and there are no other known natural hazards which may impact the development.

**Noise and Vibration:** There are no nearby sources of noise or vibration that would impact detrimentally the proposal. The proposal is not expected to cause any noise issues in the surrounding area, given it is for residential use.

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

The surrounding land uses are for residential pursuits with the size and nature of the development to be consistent with those in the surrounding area. The proposal is compatible with the objectives of the E3 Environmental Management Zone and Clause 4.2A of LEP 2014 and is considered to have minimal impact on the surrounding amenity, subject to conditions of consent. The proposal satisfies the requirements of Clause 4.6 of LEP 2014 and therefore, the site is considered to be suitable for the proposed development.

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

The proposal was sent to Endeavour Energy, NSW Department of Primary Industries (DPI) Water, Council's Building Officer and Water & Wastewater Officer for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with no submissions received.

### **ENDEAVOUR ENERGY**

#### **5 June 2018**

I refer to Council's letter of 30 May 2018 regarding Development Application DA124/18 at 208 INCH STREET LITHGOW NSW 2790 (LOT 501 DP 1225516) for 'Dwelling House & Variation to Development Standard - Clause 4.2a of LEP 2014' (600 m2 development standard whilst subject land has an area of 537.6 m2). Submissions need to be made to Council by 21 June 2018.

As shown in the below site plans from Endeavour Energy's G/Net master facility model there are:

- No easements over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kV high voltage overhead power lines to the road verge / roadway.
- No existing low voltage overhead service conductor / customer connection point for the site.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

- Network Capacity / Connection

The future dwelling to be constructed on the lot will require a basic connection service which will generally mean that the network is capable of direct connection of a low voltage service. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

The use of an overhead low voltage service conductor from the pole at the front of the western adjoining property LOT 1 DP 952407 needs to be designed in such a way that it does not encroach that property. These types of service mains encroachments are old legacies that are rarely covered by any easements. According to our Region, they occur in older above ground areas of the network but are not allowed for a new development. This may require the installation of a customer owned pole near the front boundary or alternatively the Service and Installation Rules of NSW 3 OVERHEAD SERVICES, 3.2 Service Route and Point of Attachment, states:

### **3.2.4 Crossing of Adjoining Property**

A route crossing an adjoining property is only acceptable provided a suitable easement is obtained over the property.

In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It

does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Resources & Energy and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

- Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995 (NSW)* Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered. Consideration also needs to be given to the new low voltage service conductor required for the dwelling.

- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures'. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- Public Safety

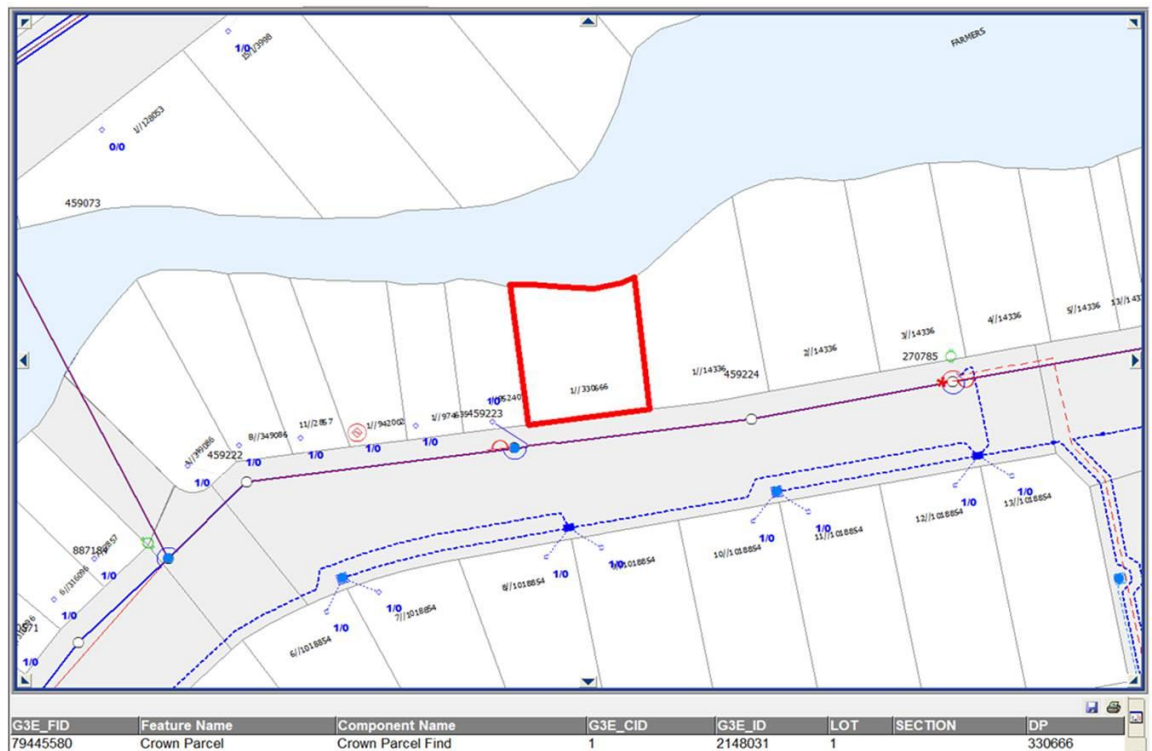
Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or proposed electricity infrastructure required to facilitate the proposed development on or in the vicinity of the site occur.





## 26 June 2018

I refer to Council's letter of 22 June 2018 regarding Development Application DA124/18 at 208 INCH STREET LITHGOW NSW 2790 (LOT 501 DP 1225516) for 'Amended Plans and Documents Dwelling House & Variation to Development Standard - Clause 4.2a of LEP 2014'. Submissions need to be made to Council by 13 July 2018.

Please find attached a copy of Endeavour Energy's submission made to Council's on 5 June 2018 regarding Development Application DA124/18 at 208 INCH STREET LITHGOW NSW 2790 (LOT 501 DP 1225516) for 'Dwelling House & Variation to Development Standard - Clause 4.2a of LEP 2014' (600 m2 development standard whilst subject land has an area of 537.6 m2). Notwithstanding the Amended Plans and Documents, Endeavour Energy's recommendations and comments remain valid.

In regards to the low voltage service conductor required for the basic connection service for the new dwelling, an overhead arrangement from the pole to the west of the site to the garage (although the plans do not show the location of the customer connection point / meter box presumably it would usually be located to the western side of the garage being the closest point of attachment) even with the reduced front building setback, it may still require a customer owned pole at the front boundary (or easement for any encroachment of the adjoining property) particularly if the trees are to be retained. The minimum clearances for vegetation to the overhead power lines as required by the 'Service and Installation Rules of NSW' must be allowed for which can accessed via the following link to the NSW Resources & Energy website:

<https://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/rules>





This email does not relieve you of any obligation which may exist to also obtain permission from local government and any other authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.

If you have any questions please sent it to [water.referrals@dpi.nsw.gov.au](mailto:water.referrals@dpi.nsw.gov.au).

**Planning comment:** The development is exempt from requiring a controlled activity approval under Schedule 5, Part 2, Clause 27 of the *Water Management (General) Regulation 2011*. No other objections or comments were provided from DPI Water in regard to the proposed development.

## **COUNCIL'S BUILDING OFFICER**

I refer to the abovementioned development application in regards to your referral dated 21 June 2018 and provide the following comments.

The proposal provides for:

1. Demolition of existing sheds and concrete paths
2. Earthworks of up to approximately 1200mm of fill
3. Construction of a 200m<sup>2</sup> brick veneer dwelling
4. Construction of a vehicular access driveway.

A preliminary review of the proposal has revealed that compliance with the provisions of the Building Code of Australia is readily achievable. Furthermore, the proposal will generally satisfy Surface Development Guideline 2 with respect to Subsidence Advisory NSW requirements.

As such, no objections are raised to the proposal subject to the following conditions being imposed on the Development Consent:

### **General Requirements**

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  - a) in the case of work to be done by a Licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor Licence Number, and
    - (ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
  - b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the persons name and Owner-Builder Permit Number, or
    - (ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs

(a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

4. That rainwater drains are connected to the street gutter to the satisfaction of Council.

**Requirements Prior to Commencement of Work**

5. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
6. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
  - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
7. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.
8. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b) Stating that unauthorised entry to the work site is prohibited and
  - c) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
9. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.



### **Demolition Requirements**

10. Prior to commencement of any demolition work a copy of the demolition contractors license for asbestos removal is to be submitted to Council.
11. Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place.
12. The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
13. The demolition work to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of the NSW WorkCover Authority. Such work is to be carried out in accordance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, and Australian Standard 2601 – 2001.
14. Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - a) Only competent persons, or competent and registered persons shall carry out removal.
  - b) Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice.Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.
15. That any asbestos or other dangerous/hazardous material must be disposed to Lithgow Solid Waste Disposal Facility or other licensed waste disposal facility. No material is to be burnt on site.

### **Requirements During Construction**

16. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
17. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 914389S as obtained on 27 March 2018 from the Department of Planning.

**Appropriate certification is to be submitted to Council prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.**
18. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work
19. Fill imported to the site must be certified as uncontaminated by a Geotechnical Engineer and suitable for the design compaction requirements
20. The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifying Authority to accurately demonstrate compliance with minimum boundary setbacks for external walls / eaves under Part 3.7 Building Code of Australia (Volume 2), approved Construction Certificate drawings and to demonstrate that the dwelling / structure has been erected clear of any easement affecting the land:

- a) A Set-out survey showing the location of slab formwork is to be submitted (prior to pouring of concrete);
21. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

**Requirements Prior to Use**

22. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
23. The occupation certificate shall not be issued until Council as the certifying authority for water and sewer inspections has undertaken and approved the final installation of all plumbing and drainage fixtures and the Certificate of Compliance has been supplied by the licensed installer.

**Advisory Notes:**

AN1. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:

- a) the method of protection and
- b) the date of installation of the system and
- c) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

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

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Internal drainage carried out by licensed plumber prior to covering
- d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- e) Slab base if no piers required and prior to placement of the membrane.
- f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- g) Framing when external wall and roof cladding is in place and prior to internal linings.
- h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- i) Wet area flashing prior to tiling or covering.
- j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

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

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

AN3. That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection **(alternatively, full design details are to be submitted prior to commencement of construction)**. Details shall include:

- a) job address and builder's name;
- b) design wind velocity of N2;
- c) minimum ground snow load (Sg) of 1.45kPa;
- d) terrain category;
- e) truss spacing;
- f) roof pitch;
- g) material of roof;
- h) roof batten/purlin spacing;
- i) material of ceiling;
- j) job number

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-2006 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).

AN4. That all timber sizes, spacings and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 – 2010 "Timber Framing Code".

AN5. That stairways and balustrades comply with the following requirements:

- a) That the stairway and construction (including flight, landings, goings, risers and the like) shall comply with the requirements of Part 3.9.1 of the Building Code of Australia, Housing Provisions.
- b) That the balustrades to balconies, more than one metre above the ground, are to comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions. The space between balusters or the width of any opening in the balustrade or the width of any opening in the balustrade is not more than 125 mm except where the space between rails or the height of the opening is not more than 125 mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.
- c) That the height of balustrades to stairways, must comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions following. The balustrade has a height of not less than 865 mm above the nosing of the stair treads and the floor of the landing, access bridge or the like; and the space between the balusters or the width of any opening in balustrades (including any openable window or panel) is not more than 125mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.

AN6. That every glazed door, glazed panel that is capable of being mistaken for a doorway or unimpeded path of travel and other glazed panel is to be glazed with safety glazing complying with the provisions of Part 3.6, Building Code of Australia, Housing Provisions.

AN7. The installation of hard wired and interconnected smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.

AN8. That all "wet area" floors, including concrete, shall be flashed to walls with approved material so as to effectively prevent moisture entering the structure. Particular attention is to be paid to the flashing of the shower recess. Any wet area

flashing shall comply with AS 3740 "Waterproofing of Wet Areas within Residential Buildings".

If you have any questions or wish to discuss the matter further do not hesitate to contact me.

**Planning comment:** The abovementioned conditions of consent have been adopted as advised.

#### **COUNCIL'S WATER & WASTEWATER OFFICER**

A site inspection has revealed that the existing water meter will be located in the proposed drive way.

If the driveway is straightened up and the offset removed then the water meter location would be acceptable as it would be on the side of the driveway.

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

1. The water meter is not to be located in the centre of the driveway.
2. A Separate 150mm sewer point of connection (Junction Cut in) required at owners costs and constructed by LCC plumbers.

**Planning comment:** The abovementioned conditions of consent have been adopted as advised. The plans have been amended in red by Council to ensure that the proposed driveway is suitably located and the following condition of consent will be implemented to further ensure the water meter is protected:

1. The proposed driveway between the approved garage and Inch Street is to incorporate a straight design (i.e. it must not be curved), as amended in red by Council on the approved Site Plans (prepared by Anthony Daintith, dated 12 June 2018, Pages 2 of 2).

#### **COUNCIL'S ENGINEERING OFFICER**

I refer to the abovementioned Development Application in regards to your referral dated 21 May 2018 and provide the following comments:

It is recommended that the following conditions be placed on any development consent:

1. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

If you have any further questions or wish to discuss the matter with me further, please do not hesitate to contact me.

**Planning comment:** The abovementioned conditions of consent have been adopted as advised. The following conditions will also be implemented to ensure the driveway will be constructed in accordance with Council's Engineering standards. In addition to Council's Water and Wastewater Officer's comments, a straight driveway will function much better for vehicular access, therefore reinforcing proposed Condition 2.

1. Concrete driveway is to be constructed in accordance with Lithgow City Council's "Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving" (Policy 10.18). A copy is available on Council's website, or on request from Council's Administration.
2. All development to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.

#### 5.3.9 The public interest

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

## **6. DISCUSSION AND CONCLUSIONS**

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

## **7. ATTACHMENTS**

Schedule A- Conditions of consent.

## **8. RECOMMENDATION**

**THAT** development application DA124/18 is approved subject to conditions set out in Schedule A.

Report prepared by: .....

Supervisor: .....

Signed:.....

Signed:.....

Dated:.....

Dated:.....

### **STATEMENT OF REASONS FOR DETERMINATION**

Development consent has been granted for the following reasons:

- The development is permitted with consent, subject to a variation sought under Clause 4.6 of *Lithgow Local Environmental Plan 2014*.
- Concurrence to the proposed Clause 4.6 variation under *Lithgow Local Environmental Plan 2014* has been issued by the NSW Department of Planning and Environment.
- The development is consistent with the objectives of the zone.
- The development is consistent with the requirements of all relevant *State Environmental Planning Policies*.
- The development is consistent with the requirements of *Lithgow Local Environmental Plan 2014*.
- The development was notified to surrounding landowners and placed on public display for a period of 14 days in accordance with Council Policy 7.5 *Notification of Development Applications*.
- No public submissions were received in relation to the proposed development.
- The site is considered to be suitable for the proposed development, subject to conditions of consent.
- The development will be in keeping with the context and setting of the surrounding area, subject to conditions of consent.
- The development will not place any adverse impact on the adjoining development and surrounding environment, subject to conditions of consent.
- The development will not result in any adverse environmental, social or economic impacts on both the natural and built environments, subject to conditions of consent.

### **REASONS FOR CONDITIONS**

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

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

## **Schedule A**

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

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

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  - a) in the case of work to be done by a Licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor Licence Number, and
    - (ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
  - b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the persons name and Owner-Builder Permit Number, or
    - (ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
5. That rainwater drains are connected to the street gutter to the satisfaction of Council.

#### ***Section 7.12 Development Contributions***

6. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A (Section 7.12) contribution of \$2945.46, in accordance with the Lithgow City Council Section 94A (Section 7.12) Development Contribution Plan 2015. 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.

### ***Vegetation***

7. No clearing or similar activity is to be undertaken on land included on the Biodiversity Values Map (BVM) under the *Biodiversity Conservation Regulation 2017*, as indicated in attached Schedule D.

### ***Flood Prone Land Requirements***

8. All fill associated with the proposed development is to be retained within the perimeter of the dwelling through the use of a drop/deepened edge beam. This is to be clearly indicated on your plans for approval by the Principal Certifying Authority as part of your Construction Certificate Application.
9. The incoming main commercial power service equipment, including all metering equipment shall be located above the 1 in 100 year flood level of 921.86 AHD. Means must be made available to easily disconnect the dwelling from the main power supply.
10. All wiring, power outlets, switches etc. must be located above the 1 in 100 year flood level of 921.86 AHD where achievable. Any electrical wiring installed below the 1 in 100 year flood level must be suitable for continuous submergence in water and contain no fibrous components. Only submersible type splices may be used below the 1 in 100 year flood level. All conduits located below the 1 in 100 year flood level must be installed in such a way that they are self-draining if subjected to flooding.
11. All equipment installed below or partially below the 1 in 100 year flood level of 921.86 AHD must be capable of disconnection by single plug and socket assembly.
12. Should any electrical device and/or part of the wiring be flooded, it must be thoroughly cleaned or replaced and checked by an electrical contractor prior to reconnection.
13. Heating systems using gas or oil as a fuel must have a manually operated valve located in the fuel supply line to enable fuel cut-off.
14. The heating equipment and fuel storage tanks must be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks must be vented to an elevation of 600mm above the 1 in 100 year flood level of 921.86 AHD.
15. All ductwork located above the 1 in 100 year flood level of 921.86 AHD must be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water tight wall or floor below the 1 in 100 year flood level, the ductwork must be protected by a closure assembly operated from above the 1 in 100 year flood level.

### ***Water NSW Requirements***

16. The applicant is to submit, to the satisfaction of council, an Erosion and Sediment Control Plan in accordance with Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual – the "Blue Book", outlining the controls that will be used to prevent sediment entering dams, drainage depressions and watercourses and/or street stormwater drainage systems.



17. The applicant is to implement the following measures to protect water quality: (1) All fixtures capable of draining to the sewer system, including the overflow relief gully, are to be above the 1% AEP flood level and fully sealed; and (2) Any required termite controls are to be physical barriers only, and chemical barriers or termite protection systems are not to be used below the 1% AEP flood level.

#### ***Vehicular Access Requirements***

18. The proposed driveway between the approved garage and Inch Street is to incorporate a straight design (i.e. it must not be curved), as amended in red by Council on the approved Site Plans (prepared by Anthony Daintith, dated 12 June 2018, Pages 2 of 2).
19. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.
20. The concrete driveway is to be constructed in accordance with Lithgow City Council's "Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving" (Policy 10.18). A copy is available on Council's website, or on request from Council's Administration.
21. All development is to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.

#### ***Water and Wastewater Requirements***

22. The water meter is not to be located in the centre of the driveway.
23. A Separate 150mm sewer point of connection (Junction Cut in) is required at owner's costs and constructed by LCC plumbers.

### **ENDEAVOUR ENERGY REQUIREMENTS**

#### ***Dial Before You Dig***

24. Before commencing any underground activity the applicant is required to obtain advice from the ***Dial Before You Dig 1100*** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This must be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

#### ***Demolition***

25. Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures'. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

## **REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK**

26. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
27. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
- Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
28. Prior to the commencement of any building or demolition works, a suitable lidded waste container for the deposit of all building and demolition rubbish and litter must be provided on site. The waste container must be located outside of the flood planning area and within the boundaries of Lot 1 DP 330666, as indicated on the Flood Planning Map in attached Schedule E. The waste container must be emptied at a licensed waste disposal facility when full. The site is to be left clear of all waste and debris upon completion of works.
29. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b) Stating that unauthorised entry to the work site is prohibited and
  - c) Showing the name, address and telephone number of the principle certifying authority for the work.
- The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
30. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

## **DEMOLITION REQUIREMENTS**

31. Prior to commencement of any demolition work a copy of the demolition contractors license for asbestos removal is to be submitted to Council.

32. Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place.
33. The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
34. The demolition work to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of the NSW WorkCover Authority. Such work is to be carried out in accordance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, and Australian Standard 2601 – 2001.
35. Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - a) Only competent persons, or competent and registered persons shall carry out removal.
  - b) Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice.Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.
36. That any asbestos or other dangerous/hazardous material must be disposed to Lithgow Solid Waste Disposal Facility or other licensed waste disposal facility. No material is to be burnt on site.

#### **REQUIREMENTS DURING CONSTRUCTION**

37. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
38. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 914389S as obtained on 27 March 2018 from the Department of Planning.

**Appropriate certification is to be submitted to Council prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.**
39. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work
40. Fill imported to the site must be certified as uncontaminated by a Geotechnical Engineer and suitable for the design compaction requirements.

41. Fill material used must be virgin excavated natural material within the meaning of the Protection of Environmental Operations Act 1997 (POEO) or any other waste- derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

**Note: Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.**

42. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook).
43. The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifying Authority to accurately demonstrate compliance with minimum boundary setbacks for external walls / eaves under Part 3.7 Building Code of Australia (Volume 2), approved Construction Certificate drawings and to demonstrate that the dwelling / structure has been erected clear of any easement affecting the land:
  - a) A Set-out survey showing the location of slab formwork is to be submitted (prior to pouring of concrete);
44. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

#### **REQUIREMENTS PRIOR TO USE**

45. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
46. The occupation certificate shall not be issued until Council as the certifying authority for water and sewer inspections has undertaken and approved the final installation of all plumbing and drainage fixtures and the Certificate of Compliance has been supplied by the licensed installer.

#### **ADVISORY NOTES:**

- AN1. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:
  - a) the method of protection and
  - b) the date of installation of the system and
  - c) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

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

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Internal drainage carried out by licensed plumber prior to covering
- d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- e) Slab base if no piers required and prior to placement of the membrane.
- f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- g) Framing when external wall and roof cladding is in place and prior to internal linings.
- h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- i) Wet area flashing prior to tiling or covering.
- j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

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

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

AN3. That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**). Details shall include:

- a) job address and builder's name;
- b) design wind velocity of N2;
- c) minimum ground snow load (Sg) of 1.45kPa;
- d) terrain category;
- e) truss spacing;
- f) roof pitch;
- g) material of roof;
- h) roof batten/purlin spacing;
- i) material of ceiling;
- j) job number

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-2006 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).

AN4. That all timber sizes, spacings and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 – 2010 "Timber Framing Code".

- AN5. That stairways and balustrades comply with the following requirements:
- a) That the stairway and construction (including flight, landings, goings, risers and the like) shall comply with the requirements of Part 3.9.1 of the Building Code of Australia, Housing Provisions.
  - b) That the balustrades to balconies, more than one metre above the ground, are to comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions. The space between balusters or the width of any opening in the balustrade or the width of any opening in the balustrade is not more than 125 mm except where the space between rails or the height of the opening is not more than 125 mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.
  - c) That the height of balustrades to stairways, must comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions following. The balustrade has a height of not less than 865 mm above the nosing of the stair treads and the floor of the landing, access bridge or the like; and the space between the balusters or the width of any opening in balustrades (including any openable window or panel) is not more than 125mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.
- AN6. That every glazed door, glazed panel that is capable of being mistaken for a doorway or unimpeded path of travel and other glazed panel is to be glazed with safety glazing complying with the provisions of Part 3.6, Building Code of Australia, Housing Provisions.
- AN7. The installation of hard wired and interconnected smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.
- AN8. That all "wet area" floors, including concrete, shall be flashed to walls with approved material so as to effectively prevent moisture entering the structure. Particular attention is to be paid to the flashing of the shower recess. Any wet area flashing shall comply with AS 3740 "Waterproofing of Wet Areas within Residential Buildings".

***Network Capacity/Connection – Endeavour Energy***

- AN9. The future dwelling to be constructed on the lot will require a basic connection service which will generally mean that the network is capable of direct connection of a low voltage service. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

The use of an overhead low voltage service conductor from the pole at the front of the western adjoining property LOT 1 DP 952407 needs to be designed in such a way that it does not encroach that property. These types of service mains encroachments are old legacies that are rarely covered by any easements. According to our Region, they occur in older above ground areas of the network but are not allowed for a new development. This may require

the installation of a customer owned pole near the front boundary or alternatively the Service and Installation Rules of NSW 3 OVERHEAD SERVICES, 3.2 Service Route and Point of Attachment, states:

#### **3.2.4 Crossing of Adjoining Property**

A route crossing an adjoining property is only acceptable provided a suitable easement is obtained over the property.

In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Resources & Energy and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

#### ***Vegetation Management – Endeavour Energy***

AN10. The planting of large trees in the vicinity of electricity infrastructure is not permitted by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are permitted. Larger trees must be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict

access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995 (NSW)* Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered. Consideration also needs to be given to the new low voltage service conductor required for the dwelling.

### ***Public Safety – Endeavour Energy***

- AN11. Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. See Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/community/nav/safety/safety+brochures>

### ***Emergency Contact – Endeavour Energy***

- AN12. In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

### ***Future Connection – Endeavour Energy***

- AN13. In regards to the low voltage service conductor required for the basic connection service for the new dwelling, an overhead arrangement from the pole to the west of the site to the garage (although the plans do not show the location of the customer connection point / meter box presumably it would usually be located to the western side of the garage being the closest point of attachment) even with the reduced front building setback, it may still require a customer owned pole at the front boundary (or easement for any encroachment of the adjoining property) particularly if the trees are to be retained. The minimum clearances for vegetation to the overhead power lines as required by the 'Service and Installation Rules of NSW' must be allowed for which can be accessed via the following link to the NSW Resources & Energy website:

<https://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/rules>

Endeavour Energy's recommendation is that for the use of overhead power lines, whenever possible, trees be replaced with an alternative smaller planting to ensure appropriate clearances are maintained whilst minimising the need for future pruning.



## **Schedule C**

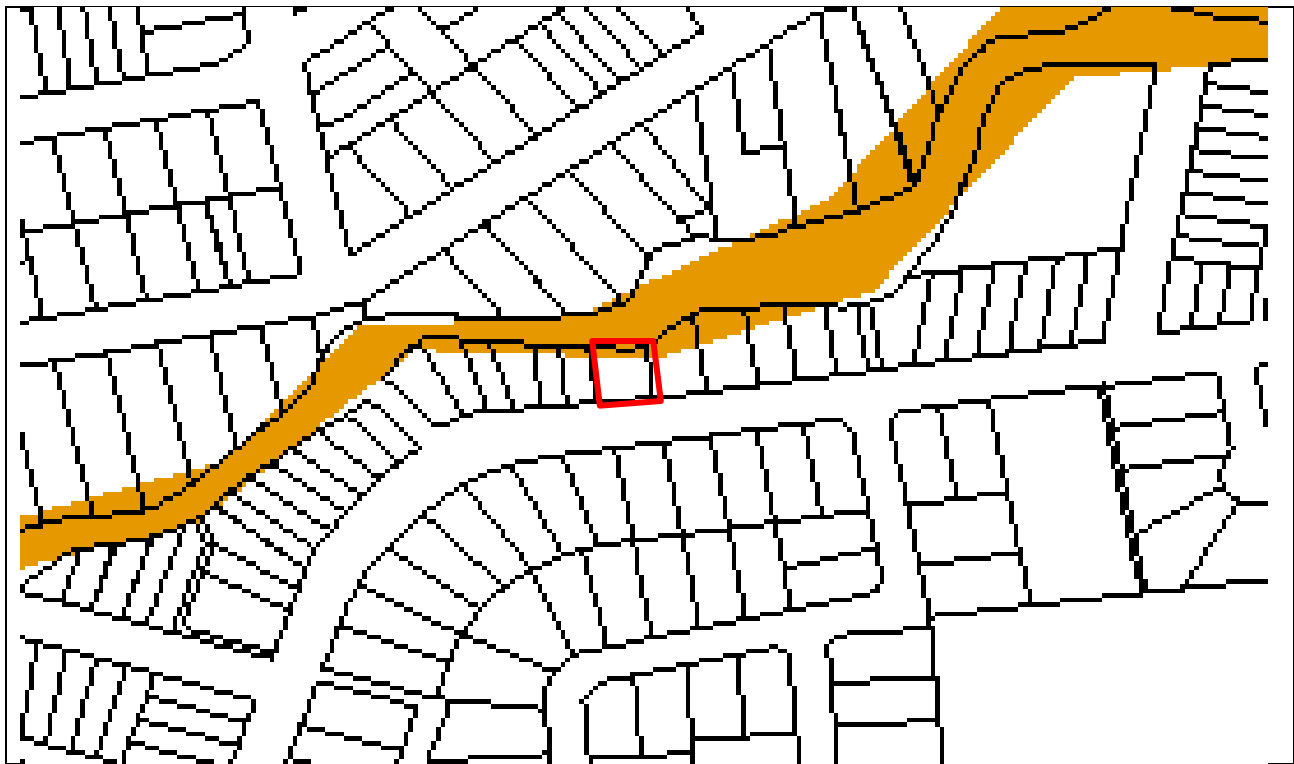
### **Statement of Reasons for Determination**

Development consent has been granted for the following reasons:

- The development is permitted with consent, subject to a variation sought under Clause 4.6 of *Lithgow Local Environmental Plan 2014*.
- Concurrence to the proposed Clause 4.6 variation under *Lithgow Local Environmental Plan 2014* has been issued by the NSW Department of Planning and Environment.
- The development is consistent with the objectives of the zone.
- The development is consistent with the requirements of all relevant *State Environmental Planning Policies*.
- The development is consistent with the requirements of *Lithgow Local Environmental Plan 2014*.
- The development was notified to surrounding landowners and placed on public display for a period of 14 days in accordance with Council Policy 7.5 *Notification of Development Applications*.
- No public submissions were received in relation to the proposed development.
- The site is considered to be suitable for the proposed development, subject to conditions of consent.
- The development will be in keeping with the context and setting of the surrounding area, subject to conditions of consent.
- The development will not place any adverse impact on the adjoining development and surrounding environment, subject to conditions of consent.
- The development will not result in any adverse environmental, social or economic impacts on both the natural and built environments, subject to conditions of consent.

**Schedule D**

**Lot 1 DP 330666 – Biodiversity Values Map under *Biodiversity Conservation Regulation 2017***



**Key**



	Land within the Biodiversity Values Map
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## Schedule E

Lot 1 DP 330666 – “Flood Planning Area” on the Flood Planning Map under *Lithgow Local Environmental Plan 2014*



### Key

	Flood Planning Area
	Lot 1 DP 330666

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.

David Kitto  
Executive Director  
Resource Assessments and Business Systems

Sydney

2018

### SCHEDULE 1

The Project Approval (PA 07\_005) for the Kerosene Vale Stage 2 Ash Repository Area, granted by the Minister for Planning on 26 November 2008.

### SCHEDULE 2

- In Schedule 1:
  - delete "Delta Electricity", and replace with "EnergyAustralia"; and
  - delete the description of "Land", and replace with "see APPENDIX 1".
- In Schedule 2 DEFINITIONS, delete "Act, the", "AEMR", "Conditions of Approval", "DECC", "Department, the", "Director-General, the", "Director-General's Approval", "DWE", "EPA", "Minister, the", "Operation", "Project", "Proponent", "Reasonable and Feasible", "RTA", and "SCA" and insert the following in the definitions in alphabetical order:

Capping material	Material used to cap ash repository areas of the site.
Conditions of Approval	The conditions in Schedules 1 and 2.
Council	Lithgow City Council.
Department	Department of Planning and Environment.
EA	<ul style="list-style-type: none"><li>Project application 07_0005 and supporting documentation:<ul style="list-style-type: none"><li><i>Kerosene Vale - Stage 2 Ash Repository Area – Environmental Assessment</i> (two volumes), prepared by Parsons Brinckerhoff and dated 1 April 2008,</li><li><i>Kerosene Vale - Stage 2 Ash Repository Area - Submissions Report</i>, prepared by Parsons Brinckerhoff and dated 30 May 2008;</li></ul></li><li>Modification application 07_0005 Mod 1 and supporting documentation:<ul style="list-style-type: none"><li><i>Wallerawang Power Station Capping Project - Environmental assessment of importation of clean fill to Wallerawang Ash Repository</i>, prepared by EnergyAustralia and dated March 2018; and</li><li><i>Wallerawang Power Station Capping Project - Response to Submissions Report</i>, prepared by EnergyAustralia and dated June 2018.</li></ul></li></ul>
EPA	NSW Environment Protection Authority.
Fisheries NSW	The Fisheries Division within the Department of Industry.
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes.
OEH	NSW Office of Environment and Heritage.
Operation	The operational activities of the project, including: <ul style="list-style-type: none"><li>ash haulage, placement and management;</li><li>on-site water management systems;</li><li>capping material haulage, placement and management;</li><li>landscaping and revegetation/rehabilitation of the site; and</li><li>upgrading and maintaining internal access roads in the project area.</li></ul>
Project	The project described in the EA.
Project Area	The area shown, and described in the legend, in Figure1 of APPENDIX 2.
Proponent	EnergyAustralia Pty Limited, or any person authorised to act on this approval.
RMS	Roads and Maritime Services.
Secretary	Secretary of the Department of Planning and Environment, or nominee.
Secretary's Approval	A written approval from the Secretary.
WaterNSW	The State Water Corporation of NSW

3. In Schedule 2:
  - (a) Delete:
    - all references to “Director-General”, and replace with “Secretary”;
    - all references to “the SCA”, and replace with “WaterNSW”;
    - all references to “the RTA”, and replace with “RMS”;
    - all references to “the DPI Fisheries”, and replace with “Fisheries NSW”;
  - (b) in conditions 2.12, 2.15, 2.18, 3.1, 3.2, 3.3, 3.8, 6.3 and 6.5, delete “DECC”, and replace with “EPA”;
  - (c) in condition 2.26, delete “Rehabilitation”, and replace with “Rehabilitation”;
  - (d) in condition 2.38, delete “DECC”, and replace with “OEHS” and
  - (e) in condition 7.3(e), delete “criteria” and replace with “criteria”.
4. In Schedule 2 Administrative Conditions, in delete condition 1.1 and replace with the following:
  - 1.1 The Proponent shall carry out the project in accordance with:
    - (a) the EA; and
    - (b) the conditions of this approval.
5. In Schedule 2 Specific Environmental Conditions, after condition 2.36, insert the following:
 

**Capping Material Transport Impacts**

  - 2.36A The Proponent must:
    - (a) not import more than 100 heavy vehicle loads of capping material to the site a day;
    - (b) cover all heavy vehicle loads of capping material;
    - (c) not transport capping material on local roads in the Lithgow Local Government Area; and
    - (d) not import capping material to the site following 2 years from the date of commencement.
  - 2.36B The Proponent must:
    - (a) ensure appropriate warning signage on the Castlereagh Highway is in place on the approaches to the Castlereagh Highway/Wallerawang Power Station Haul Road intersection prior to importing capping material to the site; and
    - (b) maintain safe intersection sight distances at the Castlereagh Highway/Wallerawang Power Station Haul Road, to the satisfaction of RMS.
6. In Schedule 2 Environmental Management, in condition 6.1(b), delete “as referred to under condition 1.1(c) of this approval”, and replace with “in the EA”.
7. In Schedule 2 Environmental Management, in condition 6.4:
  - (a) delete “The Proponent shall prepare” and replace with “The Proponent shall review, update”;
  - (b) in the paragraph after condition 6.4(g), delete:
    - (i) “The Plan” and insert “The updated Operation Environmental Management Plan”; and
    - (ii) “no later than four weeks prior to the commencement of operation of the project” and replace with “prior to the importation of capping material”.
8. In Schedule 2 Environmental Management, after condition 6.5(e), insert the following:
  - (f) an **Operational Transport Management Plan** for the project, which must:
    - (i) be prepared in consultation with RMS and Council, prior to importing capping material from locations outside the Lithgow local government area;
    - (ii) detail the route to be used to transport capping material;
    - (iii) detail the measures that would be implemented to minimise traffic safety issues for other road users (including cyclists), including:
      - notifying the community about project-related traffic impacts;
      - a procedure to address complaints about project-related traffic;
      - minimising potential traffic conflicts with school buses and during local school drop-off and pick-up times;
      - scheduling heavy vehicle movements to minimise convoy length or platoons;
      - responding to local climate conditions that may affect road safety such as fog, dust, wet weather; and
      - responding to emergency repair or maintenance requirements; and
    - (iv) include a Driver Code of Conduct, which addresses:
      - travelling speeds;
      - driver fatigue;
      - adherence to the designated transport route; and
      - safe driving practices.

#### **Revision of Strategies and Plans**

- 6.6 The Proponent must review and, if necessary, revise the plans required under this approval within 2 months of:
  - the Submission of an audit report in accordance with condition 4.2(c) of this approval;
  - the submission of an incident report in accordance with condition 7.1 of this approval; or
  - an approved modification to the conditions of approval, to the satisfaction of the Secretary

After Schedule 2, insert the following:

APPENDIX 1: SCHEDULE OF LAND

Lot	DP
2	1139982
5	829137

APPENDIX 2: PROJECT AREA

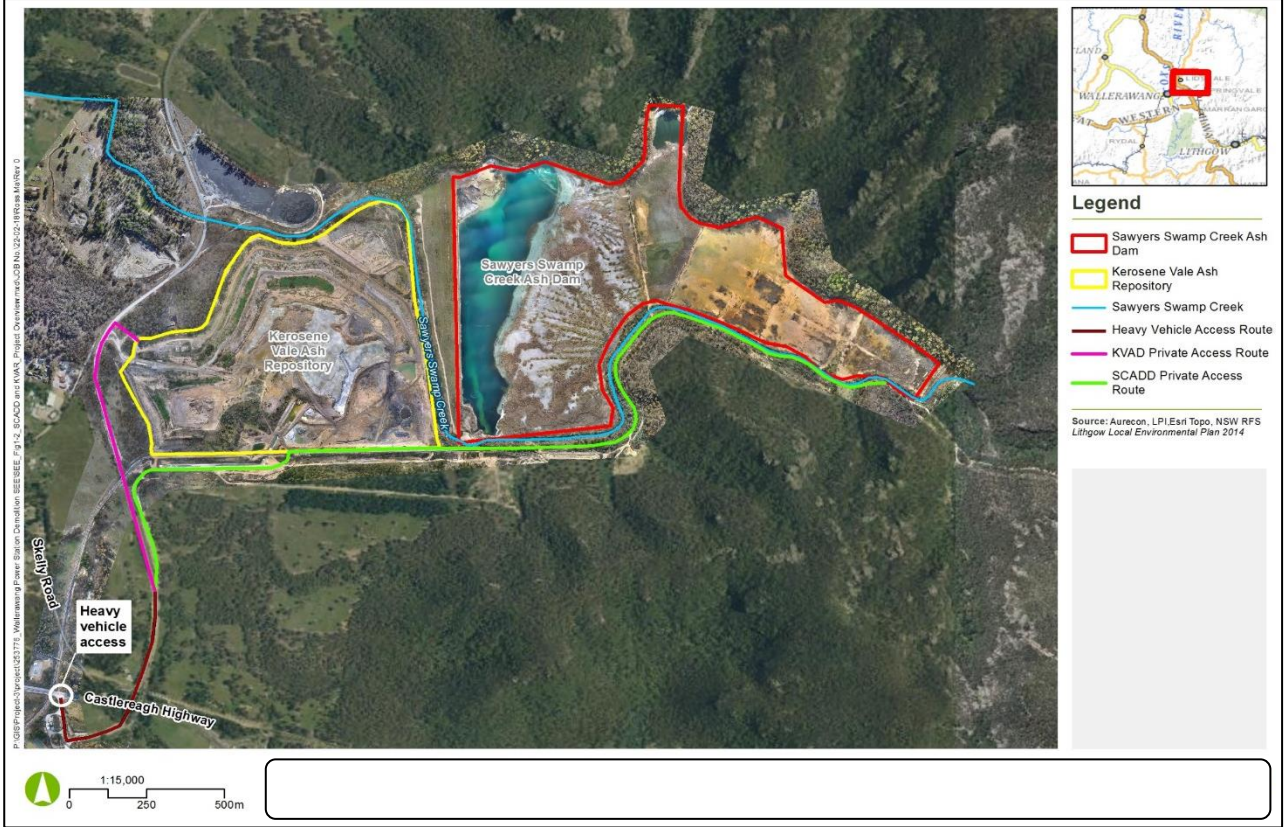


Figure 1: Project Area



# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Mod 1 in red type

The Hon. Kristina Keneally MP  
**Minister for Planning**

Sydney

2008

File No: S07/00001

### SCHEDULE 1

**Application No:** 07\_0005

**Proponent:** EnergyAustralia

**Approval Authority:** Minister for Planning

**Land:** See APPENDIX 1.

**Project:** Extension of the existing Kerosene Vale Ash Repository Area to permit the continued disposal of ash generated by the Wallerawang Power Station.

**Part 3A Project:** The proposal is a project to which Part 3A of the Act applies by virtue of an Order made by the Minister for Planning and gazetted on 29 July 2005.

## KEY TO CONDITIONS

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Bookmark not defined.	
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## SCHEDULE 2

### DEFINITIONS

<b>Ancillary Facility</b>	Temporary facility for construction. Examples may include an office and amenities compound, construction compound, batch plant, materials storage compound, stockpile areas.
<b>Conditions of Approval</b>	Conditions contained in Schedules 1 and 2.
<b>Construction</b>	Includes all work in respect of the project <b>other than</b> survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing ancillary facilities, or other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor adjustments to utilities).
<b>Council</b>	Lithgow City Council.
<b>Capping material</b>	Material used to cap ash repository areas of the site.
<b>Department</b>	NSW Department of Planning and Environment.
<b>DPI</b>	NSW Department of Primary Industries.
<b>EA</b>	<ul style="list-style-type: none"> <li>• Project application 07_0005 and supporting documentation:               <ul style="list-style-type: none"> <li>- <i>Kerosene Vale - Stage 2 Ash Repository Area – Environmental Assessment</i> (two volumes), prepared by Parsons Brinckerhoff and dated 1 April 2008,</li> <li>- <i>Kerosene Vale - Stage 2 Ash Repository Area - Submissions Report</i>, prepared by Parsons Brinckerhoff and dated 30 May 2008;</li> </ul> </li> <li>• Modification application 07_0005 Mod 1 and supporting documentation:               <ul style="list-style-type: none"> <li>- <i>Wallerawang Power Station Capping Project - Environmental assessment of importation of clean fill to Wallerawang Ash Repository</i>, prepared by EnergyAustralia and dated March 2018; and</li> <li>- <i>Wallerawang Power Station Capping Project - Response to Submissions Report</i>, prepared by EnergyAustralia and dated June 2018.</li> </ul> </li> </ul>
<b>Environment Protection Licence</b>	An Environment Protection Licence issued by the NSW Environment Protection Authority pursuant to the <i>Protection of the Environment Operations Act 1997</i> .
<b>Environmental Incident</b>	Any incident with actual or potential significant impacts on the biophysical environment and/or off-site impacts on people.
<b>EPA</b>	NSW Environment Protection Authority.
<b>Feasible</b>	Feasible relates to engineering considerations and what is practical to build or implement.
<b>Heavy Vehicle</b>	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes.
<b>OEH</b>	NSW Office of Environment and Heritage
<b>Operation</b>	The operational activities of the project, including: <ul style="list-style-type: none"> <li>• ash haulage, placement and management;</li> <li>• management of on-site water systems;</li> <li>• capping material haulage, placement and management;</li> </ul>

	<ul style="list-style-type: none"> <li>landscaping and revegetation/rehabilitation of the site; and</li> <li>upgrading and maintaining internal access roads in the project area.</li> </ul>
<b>Project</b>	The project as described in the EA.
<b>Project area</b>	The area shown and described in the legend in Figure 1 of APPENDIX 2.
<b>Proponent</b>	EnergyAustralia Pty Limited or any person authorised to act on this approval.
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example, available on an internet site or at a display centre).
<b>Reasonable and Feasible</b>	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. <b>Feasible</b> relates to engineering considerations and what is practical to build. <b>Reasonable</b> relates to the application of judgement in arriving at a decision, taking into account mitigation benefits, cost of mitigation versus benefits provided, community views, and nature and extent of potential improvements.
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, having regard to its condition prior to commencement of construction, to ensure it is safe, stable and non-polluting.
<b>RMS</b>	Roads and Maritime Services.
<b>Secretary</b>	Secretary of the Department, or nominee.
<b>Secretary's Approval</b>	A written approval from the Secretary.
<b>Sensitive Receiver</b>	Residence, educational institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), or child care facility.
<b>Stages A, B and C placement activities</b>	Staged placement activities as defined in the Placement Strategy described in the document referred to in condition 1.1a) of this approval.
<b>WaterNSW</b>	The State Water Corporation of NSW.

## **1. ADMINISTRATIVE CONDITIONS**

### **Terms of Approval**

- 1.1 The Proponent shall carry out the project in accordance with:
- a) the EA; and
  - b) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1a) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any of the documents listed from condition 1.1a) to 1.1a) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with the reasonable requirements of the Secretary arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

### **Limits of Approval**

- 1.4 This approval shall lapse five years after the date on which it is granted, unless the works that are the subject of this approval are physically commenced on or before that time.

### **Statutory Requirements**

- 1.5 The Proponent shall ensure that all licences, permits and approvals are obtained as required by law and maintained as required with respect to the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

## 2. SPECIFIC ENVIRONMENTAL CONDITIONS

### Ash Management

- 2.1 The Proponent shall prepare a long-term ash management strategy including a program for investigation and assessment of alternative ash management measures with a goal of 40% reuse of ash by 31 December 2013. The report shall be submitted to the **Secretary** within six months of the commencement of operations. The Proponent shall report on the status and outcomes of its investigations to the **Secretary** every two years from the commencement of the operation of the project, unless otherwise agreed by the **Secretary**.
- 2.2 To facilitate assessment of the viability of coal resources in the project area and provide a finite opportunity for their extraction, the Proponent shall undertake revised staging of ash placement activities as described in the document referred to in condition 1.1a) of this approval.

### Noise Impacts

#### **Construction Hours**

- 2.3 Construction activities associated with the project shall only be undertaken during the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
  - b) 8:00 am to 1:00 pm on Saturdays; and
  - c) at no time on Sundays or public holidays.
- 2.4 Activities resulting in impulsive or tonal noise emission (such as rock breaking or rock hammering) shall be limited to 8:00 am to 12:00 pm, Monday to Saturday and 2:00 pm to 5:00 pm, Monday to Friday. The Proponent shall not undertake such activities for more than three continuous hours and must provide a minimum one-hour respite period.
- 2.5 Construction outside the hours stipulated in condition 2.3 of this approval is permitted in the following circumstances:
- a) where construction works do not cause audible noise at any sensitive receiver; or
  - b) for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or
  - c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.
- 2.6 The hours of construction activities specified under condition 2.3 of this approval may be varied with the prior written approval of the **Secretary**. Any request to alter the hours of construction specified under condition 2.3 shall be:
- a) considered on a case-by-case basis;
  - b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
  - c) accompanied by any information necessary for the **Secretary** to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of sensitive receivers in the vicinity of the site.

#### **Construction Noise**

- 2.7 The construction noise objective for the project is to manage noise from construction activities (as measured by a  $L_{A10}$  (15 minute) descriptor) so as not to exceed the background  $L_{A90}$  noise level by more than 10 dB(A) at any sensitive receiver.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the Construction Noise Management Plan (as referred to under condition 6.3b) of this approval). The Proponent shall implement all reasonable and feasible noise mitigation measures with the aim of achieving the construction noise objective.

### **Operational Hours**

- 2.8 Operational activities associated with the project shall only be undertaken from 7.00 am to 10.00 pm Monday to Sunday.
- 2.9 Within six months of commencement of operation of the project the Proponent shall prepare and submit to the **Secretary** a review of the logistical arrangements for ash haulage and placement to determine the feasibility of reducing the hours of operation. If, as a result of the review, it is determined that ash haulage and placement times can commence later and/or finish earlier, the Proponent shall aim to observe the reduced hours whenever possible.
- 2.10 Operations outside the hours stipulated in condition 2.8 of this approval are only permitted in the following emergency situations:
- a) where it is required to avoid the loss of lives, property and/or to prevent environmental harm; or
  - b) breakdown of plant and/or equipment at the repository or the Wallerawang Power Station with the effect of limiting or preventing ash storage at the power station outside the operating hours defined in condition 2.8; or
  - c) a breakdown of an ash haulage truck(s) preventing haulage during the operating hours stipulated in condition 2.8 combined with insufficient storage capacity at the Wallerawang Power Station to store ash outside of the project operating hours; or
  - d) in the event that the National Electricity Market Management Company (NEMMCO), or a person authorised by NEMMCO, directs the Proponent (as a licensee) under the National Electricity Rules to maintain, increase or be available to increase power generation for system security and there is insufficient ash storage capacity at the Wallerawang Power Station to allow for the ash to be stored.

In the event of conditions 2.10b) or 2.10c) arising, the Proponent is to take all reasonable and feasible measures to repair the breakdown in the shortest time possible.

- 2.11 In the event that an emergency situation as referred to under condition 2.10b) or 2.10c) occurs more than once in any two month period, the Proponent shall prepare and submit to the **Secretary** for approval a report including, but not limited to:
- a) the dates and a description of the emergency situations;
  - b) an assessment of all reasonable and feasible mitigation measures to avoid recurrence of the emergency situations;
  - c) identification of a preferred mitigation measure(s); and
  - d) timing and responsibility for implementation of the mitigation measure(s).

The report is to be submitted to the **Secretary** within 60 days of the second exceedance occurring. The Proponent shall implement all reasonable and feasible mitigation measures in accordance with the requirements of the **Secretary**.

- 2.12 The Proponent shall notify the **EPA** prior to undertaking any emergency ash haulage or placement operations outside of the hours of operation stipulated in condition 2.8 of this approval and keep a log of such operations.
- 2.13 The Proponent shall notify the **Secretary** in writing within seven days of undertaking any emergency ash haulage or placement operations outside of the hours of operation stipulated in condition 2.8 of this approval.
- 2.14 The Proponent shall notify nearby sensitive receivers (as defined in the Operational Noise Management Plan required under condition 6.5a) of this approval) prior to 8.00 pm where it is known that emergency ash haulage or placement operations will be required outside of the hours of operation stipulated in condition 2.8 of this approval.

### **Operational Noise**

- 2.15 The cumulative operational noise from the ash placement area and ash haulage activity shall not exceed an  $L_{Aeq}$  (15 minute) of 40 dB(A) at the nearest most affected sensitive receiver during normal operating hours as defined in condition 2.8 of this approval.

This noise criterion applies under the following meteorological conditions:

- a) wind speeds up to 3 m/s at 10 metres above ground; and/or
- b) temperature inversion conditions of up to 3°C/100 m and source to receiver gradient winds of up to 2 m/s at 10 m above ground level.

This criterion does not apply where the Proponent and the affected landowner have reached a negotiated agreement in regard to noise, and a copy of the agreement has been forwarded to the **Secretary** and the **EPA**.

- 2.16 The Proponent shall implement measures to ensure noise attenuation of trucks. These measures may include, but are not necessarily limited to, installation of residential class mufflers, engine shrouds, body dampening, speed limiting, fitting of rubber stoppers to tail gates, limiting the use of compression braking, and ensuring trucks operate in a one-way system at the ash repository where feasible.
- 2.17 The Proponent shall liaise with the owner/operator of Angus Place Coal Mine with the aim of preparing a protocol which provides for a co-operative approach for the management and mitigation of noise impacts associated with coal and ash truck movements along the private haul road.
- 2.18 Where noise monitoring (as required by conditions 3.2 or 3.3 of this approval) identifies any non-compliance with the operational noise criterion specified under condition 2.15 of this approval the Proponent shall prepare and submit to the **Secretary** for approval a report including, but not limited to:
- a) an assessment of all reasonable and feasible physical and other mitigation measures for reducing noise at the source including, but not limited to -
    - i) construction of a noise barrier along the haulage road,
    - ii) alternative ash haulage routes, and
    - iii) alternative methods of ash conveyance to the repository; and
  - b) identification of the preferred measure(s) for reducing noise at the source;
  - c) feedback from directly affected property owners and the **EPA** on the proposed noise mitigation measures; and
  - d) location, type, timing and responsibility for implementation of the noise mitigation measure(s).

The report is to be submitted to the **Secretary** within 60 days of undertaking the noise monitoring which has identified exceedances of the operational noise criterion specified under condition 2.15, unless otherwise agreed to by the **Secretary**. The Proponent shall implement all reasonable and feasible mitigation measures in accordance with the requirements of the **Secretary**.

### **Additional Noise Mitigation Measures**

- 2.19 If, after the implementation of all reasonable and feasible source controls, as identified in the report required by condition 2.18, the noise generated by the project exceeds the criterion stipulated in condition 2.15 at:
- a) any sensitive receiver in existence at the date of this approval; or
  - b) any residential dwelling for which an approval has been sought or obtained under the *Environmental Planning and Assessment Act 1979* no later than six months after the confirmation of operational noise levels;

upon receiving a written request from an affected landowner (unless that landowner has acquisition rights under condition 2.20 of this approval and has requested acquisition) the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, air conditioning and or other building acoustic treatments at any residence on the land, in consultation with the landowner.

For the purpose of this condition and condition 2.20, confirmation of operational noise levels means:

- a) completion of the operational noise review required under condition 3.2 of this approval; and
- b) implementation of any source controls, as required under condition 2.18 of this approval, should the operational noise review indicate noise levels in excess of the operational noise criterion specified in condition 2.15; and
- c) monitoring of operational noise levels, as required under condition 3.3b) of this approval, following the implementation of any source controls.

The additional mitigation measures must be reasonable and feasible. If within three months of receiving this request from the landowner the Proponent and landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution, whose decision shall be final.

### ***Land Acquisition Criteria***

2.20 If, after the implementation of all reasonable and feasible source controls, as identified in the report required by condition 2.18, the noise generated by the project exceeds the criterion stipulated in condition 2.15 by more than 5 dB(A):

- a) at a sensitive receiver in existence at the date of this approval; or
- b) at any residential dwelling for which an approval has been sought or obtained under the *Environmental Planning and Assessment Act 1979* prior to the landholder receiving written notification that they are entitled to land acquisition rights, as per condition 2.25 of this approval; or
- c) over 25% or more of the area of a vacant allotment in existence at the date of this approval, and where a dwelling is permissible under the *Environmental Planning and Assessment Act 1979* at that date, with the exception of land that is currently used for industrial or mining purposes;

the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 2.22 to 2.24 of this approval.

Any landowner that has agreed to, or property that has been the subject of, the application of additional noise mitigation measures under condition 2.19 of this approval waives the right to land acquisition.

2.21 The land acquisition rights under condition 2.20 of this approval do not apply to landowners who have sought approval to subdivide their land after the date of this approval, unless the subdivision is created pursuant to condition 2.24 of this approval.

2.22 Within three months of receiving a written request from a landowner with acquisition rights under condition 2.20 of this approval, the Proponent shall make a binding written offer to the landowner based on:

- (a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project which is the subject of the project application, having regard to the:
  - i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
  - ii) presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's



- written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of condition 2.19 of this approval;
- (b) the reasonable costs associated with:
    - i) relocating within the Lithgow local government area, or to any other local government area determined by the **Secretary**;
    - ii) obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
  - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the **Secretary** for resolution.

Upon receiving such a request, the **Secretary** shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

Within 14 days of receiving the independent valuer's determination, the Proponent shall make a written offer to purchase the land at a price not less than the independent valuer's determination.

If the landowner refuses to accept this offer within six months of the date of the Proponent's offer, the Proponent's obligations to acquire the land shall cease, unless otherwise agreed by the **Secretary**.

- 2.23 The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer or the **Secretary** and the costs of determination referred to above.
- 2.24 If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.
- 2.25 The Proponent shall provide written notice to all landowners that are entitled to rights under conditions 2.19 and 2.20 within 21 days of determining the landholdings where additional noise mitigation measures or land acquisition apply. For the purpose of condition 2.20b), this condition only applies where operational noise levels have been confirmed in accordance with the definition in condition 2.19.

### **Sawyers Swamp Creek Realignment**

- 2.26 The Proponent shall prepare and submit to the **Secretary** for approval a **Rehabilitation Plan** addressing the restoration of the in-stream area (i.e. bed and bank) of Sawyers Swamp Creek and the associated riparian corridor at least two months prior to the realignment of the creek, unless otherwise agreed by the **Secretary**. The Plan shall be developed in consultation with, and to the satisfaction of, **Fisheries NSW** and shall include, but not necessarily be limited to:
  - a) the objectives and outcomes that would be sought through the implementation of the Plan;
  - b) performance criteria for the realigned creek and associated riparian zone against which the impact of the project on the ecological health of Sawyers Swamp Creek will be assessed;
  - c) methodology used in developing the realignment planform;



- d) details of the final creek realignment including bank, meander, depth and slope characteristics (including pool-riffle sequences), flow and channel capacity characteristics, scour potential, and in-stream vegetation;
- e) timing of the creek realignment;
- f) a description of the proposed riparian zone and restoration works along the entire length of the creek realignment, including details of plant species to be used in rehabilitation;
- g) details of any proposed riparian and in-stream controls to be implemented in the reach upstream of the alignment to ensure the effectiveness of the proposed creek realignment and rehabilitation;
- h) a description of the initial and ongoing weed control measures;
- i) the methodology and timing of post realignment monitoring of the hydrology and ecological health of the aquatic and riparian vegetation as required under conditions 3.6 and 3.7 of this approval, respectively;
- j) mitigation measures to be implemented in the event of an identified decline in ecosystem health as a direct result of the realignment of the creek or construction or operation of the project, including a timetable for implementation;
- k) program for ongoing maintenance of the realigned creek system and associated riparian zone;
- l) any compensatory measures to offset the impacts of the project on the aquatic habitat and local waterways, if and as required by **Fisheries NSW** and
- m) provisions for periodic reporting of monitoring results to **Fisheries NSW**.

The Proponent shall not commence any construction work that would result in the disturbance of Sawyers Swamp Creek until the **Rehabilitation** Plan has been approved by the **Secretary**.

- 2.27 The rehabilitation and restoration of Sawyers Swamp Creek and associated riparian zone are to be consistent with the *Works and Watercourse Design Guideline* (DWE, April 2007) and *Guidelines for Controlled Activities: Vegetation Management Plans* (DWE, February 2008).
- 2.28 A riparian zone consisting of local native plant species shall be established and maintained in and adjacent to Swayers Swamp Creek, for the entirety of the site and be a minimum width of 20 m on both sides of the creek. Seed and propagule sources are to be from local botanical provenance and same general habitat.
- 2.29 The riparian zone referred to under condition 2.28 of this approval shall be maintained for a period of at least five years after final planting.

## **Surface Water Quality**

### ***Water Quality***

- 2.30 The Proponent shall take all reasonable and feasible measures to prevent discharge of sediments and pollutants from the construction and operation of the project entering waterways.

<p><b>Note:</b> Section 120 of the <i>Protection of the Environment Operations Act 1997</i> prohibits the pollution of water except where expressly provided by an Environment Protection Licence.</p>
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- 2.31 Earthworks not associated with the realignment of Sawyers Swamp Creek shall not be undertaken within 50 m of the creek where reasonable and feasible.
- 2.32 All equipment, machinery and vehicles associated with the construction and operation of the project shall be operated and maintained in a manner that minimises the potential for oil and grease spills/leaks.

## **Air Quality Impacts**

- 2.33 The Proponent shall construct and operate the project in a manner that minimises dust impacts generated by construction works and operational activities, including wind-blown and traffic-generated dust, on the receiving environment. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.
- 2.34 The Proponent shall ensure that the load carrying compartment(s) of all ash haulage trucks are covered at all times except when loading or unloading ash material.

## **Lighting Emissions**

- 2.35 The Proponent shall take all practicable measures to mitigate off-site lighting impacts from the project and ensure all external lighting associated with the project complies with *Australian Standard AS4282 1997 – Control of the Obtrusive Effects of Outdoor Lighting*.

## **Construction Traffic and Transport Impacts**

- 2.36 The Proponent shall ensure that construction vehicles associated with the project:
- a) minimise the use of local roads (though residential streets and town centres) to gain access to the site;
  - b) adhere to any nominated haulage routes identified in the Construction Traffic Management Plan as referred to in condition 6.3a) of this approval; and
  - c) adhere to a Construction Vehicle Code of Conduct prepared to manage driver behaviour along the local road network to address traffic impacts (and associated noise) along nominated haulage routes.

## **Capping Material Transport Impacts**

### **2.36A The Proponent must:**

- (a) not import more than 100 heavy vehicle loads of capping material to the site a day;
- (b) cover all heavy vehicle loads of capping material;
- (c) not transport capping material on local roads in the Lithgow Local Government Area; and
- (d) not import capping material to the site following 2 years from the date of commencement.

### **2.36B The Proponent must:**

- (a) ensure appropriate warning signage on the Castlereagh Highway is in place on the approaches to the Castlereagh Highway/Wallerawang Power Station Haul Road intersection prior to importing capping material to the site; and
- (b) maintain safe intersection sight distances at the Castlereagh Highway/Wallerawang Power Station Haul Road, to the satisfaction of RMS.

## **Heritage Impacts**

- 2.37 The Proponent shall ensure that all construction personnel are educated on their obligations in respect of the protection of Aboriginal and non-indigenous heritage sites and items.
- 2.38 If any previously unidentified heritage sites or items (Aboriginal and/or non-indigenous) are discovered during construction works or operational activities, all work likely to affect the heritage sites or item(s) is to cease immediately and the discovery of the objects shall be reported to **OEH** or the Department as relevant.

## Waste Management

- 2.39 All waste materials shall be assessed, classified, managed and disposed of in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes* (EPA, 1999).
- 2.40 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.41 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.

## 3. ENVIRONMENTAL MONITORING

### Construction Noise Monitoring

- 3.1 The Proponent shall prepare and implement a **Construction Noise Monitoring** Program to confirm the predictions of the noise assessment detailed in the document referred to under condition 1.1 **Error! Reference source not found.** of this approval and assess compliance against the construction noise criterion stipulated in condition 2.7 of this approval. The noise monitoring program shall be prepared in consultation with, and to the satisfaction of, the **EPA**. The monitoring program shall form part of the Construction Noise Management Plan referred to in condition 6.3b) of this approval and must include monitoring of the construction noise generated during:
- a) the realignment Sawyers Swamp Creek;
  - b) construction of the stabilisation berm;
  - c) excavation of the former pine plantation area;
  - d) relocation and construction of surface water management structures; and
  - e) concurrent construction activities.

The Proponent shall forward to the **EPA** and the **Secretary** a report containing the results of each noise assessment and describing any non-compliance within 14 days of conducting a noise assessment.

### Operational Noise Review

- 3.2 Within 60 days of the commencement of operation of the project, unless otherwise agreed to by the Director-General, the Proponent shall submit for the approval of the **Secretary** an **Operational Noise Review** to confirm the operational noise impacts of the project. The Operational Noise Review must be prepared in consultation with, and to the satisfaction of, the **EPA**. The Review shall:
- a) identify the appropriate operational noise objectives and level for sensitive receivers;
  - b) describe the methodologies for noise monitoring including the frequency of measurements and location of monitoring sites;
  - c) document the operational noise levels at sensitive receivers as ascertained by the noise monitoring program;
  - d) assess the noise performance of the project against the noise criterion specified in condition 2.15 of this approval and the predicted noise levels as detailed in the report referred to under condition 1.1 **Error! Reference source not found.** of this approval; and
  - e) provide details of any entries in the Complaints Register (as required under condition 5.4 of this approval) relating to noise impacts.

Where monitoring indicates noise levels in excess of the operational noise criterion specified in condition 2.15 of this approval, the Proponent shall prepare a report as required by condition 2.18 of this approval.

### Ongoing Operational Noise Monitoring

- 3.3 The Proponent shall prepare and implement an **Operational Noise Monitoring Program** to assess compliance against the operational noise criterion stipulated in condition 2.15 of this approval, throughout the life of the project. The noise monitoring program shall be prepared in consultation with, and to the satisfaction of, the **EPA**.

The noise monitoring program shall be prepared in accordance with the requirements of the *New South Wales Industrial Noise Policy* (EPA, 2000) and must include, but not be limited to:

- a) monitoring during ash placement in the far western area of the site adjacent to the haul road; and
- b) monitoring of the effectiveness of any noise mitigation measures implemented under condition 2.18 of this approval, against the noise criterion specified in condition 2.15 of this approval.

Noise from the project is to be measured at the most affected point on or within the residential boundary, or at the most affected point within 30 metres of a dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise criterion stipulated in condition 2.15 of this approval. Where it can be demonstrated that direct measurement of noise from the project is impractical, the **EPA** may accept alternative means of determining compliance (see Chapter 11 of the *NSW Industrial Noise Policy*). The modification factors in Section 4 of the *NSW Industrial Noise Policy* shall also be applied to the measured noise levels where applicable.

The Proponent shall forward to the **EPA** and the **Secretary** a report containing the results of any non-compliance within 14 days of conducting a noise assessment.

Where monitoring indicates noise levels in excess of the operational noise criterion specified in condition 2.15 of this approval, approval, the Proponent shall prepare a report as required by condition 2.18 of this approval.

The monitoring program shall form part of the Operational Noise Management Plan referred to in condition 6.5a) of this approval.

### Groundwater Monitoring

- 3.4 The Proponent shall prepare and implement a **Groundwater Monitoring Program** to monitor the impacts of ash placement activities on local groundwater quality and hydrology. The Program shall be developed in consultation with, and to the satisfaction of, **WaterNSW**, and shall describe the location, frequency, rationale and procedures and protocols for collecting groundwater samples as well as the parameters analysed and methods of analysis. The monitoring program shall be ongoing for the life of the project and include, but not be limited to:

- a) monitoring at established bore sites (or replacement bore sites in the event that existing sites are damaged or lost) as described in the document referred to under condition 1.1 **Error! Reference source not found.** of this approval; and
- b) a schedule for periodic monitoring of groundwater quality, depth and flow at all monitoring sites, at an initial frequency of no less than once every month for the first 12 months of operation.

The monitoring program shall form part of the Groundwater Management Plan referred to in condition 6.5b) of this approval.

### Surface Water Quality Monitoring

- 3.5 The Proponent is to implement a surface water quality monitoring program to monitor the impacts of the ash placement activities on, and the realignment of, Sawyers Swamp Creek.

The Program shall be developed in consultation with and to the satisfaction of **Fisheries NSW** and **WaterNSW**, and shall describe the location, frequency, rationale and the procedures and protocols for collecting water samples as well as the parameters analysed and methods of analysis. The program shall include, but not necessarily be limited to:

- a) monitoring at the four existing water quality monitoring sites as described in the document referred to under condition 1.1 **Error! Reference source not found.** of this approval;
- b) monitoring downstream of the realigned section of Sawyers Swamp Creek;
- c) monitoring at groundwater discharge points into Sawyers Swamp Creek;
- d) wet weather monitoring with a minimum of two events recorded within the first 12 months of both the operation of the project and post realignment of Sawyers Swamp Creek; and
- e) a schedule for periodic monitoring of surface quality at all sites throughout the life of the project, at an initial frequency of no less than once every month for the first 12 months and must include, but not be limited to, dissolved oxygen, turbidity, total phosphorus and total nitrogen.

The monitoring program shall form part of the Surface Water Management Plan referred to in condition 6.5c) of this approval.

### **Sawyers Swamp Creek Realignment Monitoring**

- 3.6 The Proponent is to implement a **Hydrological Monitoring Program** to assess and quantify the impacts and effectiveness of the realigned section of Sawyers Swamp Creek in consultation with and to the satisfaction of **Fisheries NSW**. Monitoring is to be undertaken for a period of five (5) years upon completion of the creek realignment and is to include scour and erosion monitoring. The program must include sampling before and after the realignment works and include a sampling site downstream of the realigned section of creek. In the first 12 months following completion of the realignment, monitoring is to be undertaken at least every three (3) months upon completion of the creek realignment and after any wet weather/bankful flow event.

The monitoring program shall form part of the Rehabilitation Plan for the project as referred to in condition 2.26 of this approval.

- 3.7 The Proponent shall prepare an **Ecological Monitoring Program**, in consultation with, and to the satisfaction of, **Fisheries NSW**, to monitor and quantify the impacts of the realignment of Sawyers Swamp Creek on the ecology and ecosystems of the creek and the associated riparian environment. The Program shall include, but not necessarily be limited to:
- a) a sampling, data collection and assessment regime to establish baseline ecological health and for ongoing monitoring of ecological health of the in-stream environment during construction and throughout the life of the project;
  - b) at least one in-stream sampling period prior to the realignment of Sawyers Swamp Creek and at least two (2) sampling periods following the realignment of Sawyers Swamp Creek; and
  - c) an assessment regime for monitoring the ecological health of the riparian environment for a period of at least five (5) years after final planting.

The monitoring program shall form part of the Rehabilitation Plan for the project as referred to in condition 2.26 of this approval.

### **Air Quality Monitoring**

- 3.8 The Proponent shall prepare an **Air Quality Monitoring Program**, in consultation with, and to the satisfaction of, the **EPA**. The Program shall include, but not necessarily be limited to, monitoring for dust at the monitoring sites identified in the document referred to under condition 1.1 **Error! Reference source not found.** of this approval. The air quality

monitoring program shall be ongoing for the life of the project, including final rehabilitation and stabilisation of the site.

The monitoring program shall form part of the Air Quality Management Plan referred to in condition 6.5d) of this approval.

#### **4. COMPLIANCE MONITORING AND TRACKING**

- 4.1 Prior to each of the events listed below, the Proponent shall certify in writing to the satisfaction of the **Secretary** that it has complied with all conditions of this approval applicable prior to that event:
- a) commencement of any construction works on the land subject of this approval; and
  - b) commencement of operation of the project.
- 4.2 The Proponent shall develop and implement a **Compliance Tracking Program** for the project, prior to commencing operations, to track compliance with the requirements of this approval and shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval and the Statement of Commitments detailed in the document referred to in condition 1.1a) of this approval;
  - b) provisions for periodic reporting of the compliance status to the **Secretary**;
  - c) a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
  - d) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
  - e) mechanisms for recording environmental incidents and actions taken in response to those incidents;
  - f) provisions for reporting environmental incidents to the **Secretary** during construction and operation; and
  - g) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

The Compliance Tracking Program shall be implemented prior to operation of the project with a copy submitted to the **Secretary** for approval within four weeks of commencement of the project, unless otherwise agreed by the **Secretary**.

- 4.3 Nothing in this approval restricts the Proponent from utilising any existing compliance tracking programs administrated by the Proponent to satisfy the requirements of condition 4.2. In doing so, the Proponent must demonstrate to the **Secretary** how these systems address the requirements and/or have been amended to comply with the requirements of the condition.
- 4.4 The Proponent shall meet the requirements of the **Secretary** in respect of the implementation of any measure necessary to ensure compliance with the conditions of this approval, and general consistency with the documents listed under condition 1.1 of this approval.

#### **5. COMMUNITY INFORMATION AND COMPLAINTS MANAGEMENT**

##### **Provision of Information**

- 5.1 Prior to the commencement of the project, the Proponent shall establish and maintain a website for the provision of electronic information associated with the project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) the documents referred to under condition 1.1 of this approval;
  - b) this project approval, Environment Protection Licence and any other relevant environmental approval, licence or permit required and obtained in relation to the project;



- c) all strategies, plans and programs required under this project approval, or details of where this information can be viewed;
- d) information on construction and operational progress;
- e) the outcomes of compliance tracking in accordance with the requirements of this project approval.

5.2 The Proponent shall make all documents required to be provided under condition 5.1 of this approval publicly available.

### **Complaints and Enquiries Procedure**

5.3 Prior to the commencement of the project, the Proponent shall ensure that the following are available for community complaints and enquiries during construction and operation:

- a) a 24-hour contact number(s) on which complaints and enquiries about construction and operational activities may be registered;
- b) a postal address to which written complaints and enquiries may be sent; and
- c) an email address to which electronic complaints and enquiries may be transmitted.

The telephone number, postal address and email address shall be published in a newspaper circulating in the local area prior to the commencement of the project. The above details shall also be provided on the website required by condition 5.1 of this approval.

5.4 The Proponent shall record the details of all complaints received through the means listed under condition 5.3 of this approval in an up-to-date **Complaints Register**. The Register shall record, but not necessarily be limited to:

- a) the date and time of the complaint;
- b) the means by which the complaint was made (e.g. telephone, email, mail, in person);
- c) any personal details of the complainant that were provided, or if no details were provided a note to that effect;
- d) the nature of the complaint;
- e) the time taken to respond to the complaint;
- f) any investigations and actions taken by the Proponent in relation to the complaint;
- g) any follow-up contact with, and feedback from, the complainant; and
- h) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the **Secretary** upon request.

## **6. ENVIRONMENTAL MANAGEMENT**

### **Environmental Representative**

6.1 Prior to the commencement of any construction or operational activities, or as otherwise agreed by the **Secretary**, the Proponent shall nominate for the approval of the **Secretary** a suitably qualified and experienced Environmental Representative(s) independent of the design, construction and operation personnel. The Proponent shall engage the Environmental Representative(s) during any construction activities, and throughout the life of the project, or as otherwise agreed by the **Secretary**. The Environmental Representative(s) shall:

- a) oversee the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;
- b) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval and the Statement of Commitments **in the EA**;
- c) oversee the implementation of the environmental auditing of the project in accordance with the requirements of condition 4.2 of this approval and all relevant project Environmental Management System(s); and

- d) be given the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur.

## Construction Environmental Management

- 6.2 Prior to the commencement of construction work, the Proponent shall prepare and implement a **Construction Environmental Management Plan (CEMP)**. The CEMP shall outline the environmental management practices and procedures to be followed during construction. The CEMP shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004).

The Construction Environmental Management Plan for the project (or any stage of the project) shall be submitted to the **Secretary** for approval at least four weeks prior to the commencement of any construction work associated with the project (or stage as relevant), unless otherwise agreed by the **Secretary**. Construction shall not commence until written approval has been received from the **Secretary**.

- 6.3 As part of the Construction Environmental Management Plan for the project, the Proponent shall prepare and implement the following plans:
- a) a **Construction Traffic Management Plan**, prepared in consultation with **RMS**, the relevant Council and emergency services to manage the construction traffic impacts of the project, including but not limited to:
    - i) identifying construction vehicle volumes (construction staff vehicles, heavy vehicles and oversized loads) and haulage routes;
    - ii) identifying any road closures and/or traffic detours during the haulage of oversized loads as agreed to by the relevant roads authority;
    - iii) detailing a Construction Vehicle Code of Conduct to set driver behaviour controls to minimise impacts on the land uses along haulage routes (including noise minimisation measures); and
    - iv) complying with the document *Procedures for Use in the Preparation of a Traffic Management Plan* (RTA, 2001).
  - b) a **Construction Noise Management Plan** to detail how construction noise impacts would be minimised and managed. The Strategy shall be developed in consultation with, and to the satisfaction of, the **EPA** and shall include, but not necessarily be limited to:
    - i) details of construction activities and an indicative schedule for construction works;
    - ii) identification of construction activities that have the potential to generate noise impacts on sensitive receivers,
    - iii) procedures for assessing noise levels at sensitive receivers and compliance;
    - iv) details of the reasonable and feasible actions and measures to be implemented to minimise noise impacts and, if any noise exceedance is detected, how any non-compliance would be rectified; and
    - v) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise amenity.
  - c) an **Erosion and Sediment Control Plan** to detail measures to minimise erosion and the discharge of sediment and other pollutants to land and/or water during construction works. The Plan must include, but not necessarily be limited to:
    - i) identification of the construction activities that could cause soil erosion or discharge sediment or water pollutants from the site;
    - ii) a description of the management methods to minimise soil erosion or discharge of sediment or water pollutants from the site, including a strategy to minimise the area of bare surfaces, stabilise disturbed areas, and minimise bank erosion; and



- iii) demonstration that the proposed erosion and sediment control measures will conform with, or exceed, the relevant requirements of *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004).

## Operational Environmental Management

- 6.4 **The Proponent shall review, update** and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:
- a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project, including all approvals, licences, approvals and consultations;
  - b) a description of the roles and responsibilities for all relevant employees (including contractors) involved in the operation of the project;
  - c) overall environmental policies and principles to be applied to the operation of the project;
  - d) standards and performance measures to be applied to the project, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
  - e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;
  - f) the additional plans listed under condition 6.5 of this approval;
  - g) the environmental monitoring requirements outlined under conditions 3.3 to 3.5 inclusive and 3.8 of this approval.

The Plan shall be submitted for the approval of the **Secretary prior to the importation of capping material**, unless otherwise agreed by the **Secretary**. Operation shall not commence until written approval has been received from the **Secretary**

Nothing in this approval precludes the Proponent from incorporating the requirements of the Operational Environmental Management Plan into existing environmental management systems and plans administered by the Proponent.

- 6.5 As part of the Operation Environmental Management Plan for the project, required under condition 6.4 of this approval, the Proponent shall prepare and implement the following Management Plans:
- a) an **Operational Noise Management Plan** to detail measures to mitigate and manage noise during operation of the project. The Plan shall be prepared in consultation with, and to the satisfaction of, the EPA and include, but not necessarily be limited to:
    - i) procedures to ensure that all reasonable and feasible noise mitigation measures are applied during operation of the project;
    - ii) identification of all relevant sensitive receivers and the applicable criteria at those receivers commensurate with the noise limit specified under condition 2.15 of this approval;
    - iii) identification of activities that will be carried out in relation to the project and the associated noise sources;
    - iv) noise monitoring procedures (as referred to in condition 3.3 of this approval) for periodic assessment of noise impacts at the relevant receivers against the noise limits specified under this approval and the predicted noise levels as detailed in the report referred to under condition 1.1 **Error! Reference source not found.** of this approval;
    - v) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the site during operation;
    - vi) procedures and corrective actions to be undertaken if non-compliance against the operational noise criteria is detected; and

- vii) provisions for periodic reporting of results to EPA.
- b) a **Groundwater Management Plan** to detail measures to mitigate and manage groundwater impacts. The Plan shall be prepared in consultation with, and to the satisfaction of, the SCA and include, but not necessarily be limited to:
  - i) baseline data on groundwater quality, depth and flow in the project area;
  - ii) groundwater objectives and impact assessment criteria;
  - iii) a program to monitor groundwater flows and groundwater quality in the project area as required by condition 3.4 of this approval;
  - iv) a protocol for the investigation of identified exceedances of the groundwater impact assessment criteria;
  - v) a response plan to address potential exceedances and groundwater quality impacts; and
  - vi) provisions for periodic reporting of results to the SCA.
- c) a **Surface Water Management Plan** to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/or waters throughout the life of the project. The Plan shall be based on best environmental practice and shall be prepared in consultation with, and to the satisfaction of, the SCA and DPI (Fisheries). The Plan shall include, but not necessarily be limited to:
  - i) baseline data on the water quality and flow in Sawyers Swamp Creek up
  - ii) to the date of this approval;
  - iii) water quality objectives and impact assessment criteria for Sawyers Swamp Creek;
  - iv) a program to monitor surface water quality in Sawyers Swamp Creek as referred to in condition 3.5 of this approval;
  - v) a protocol for the investigation of identified exceedances in the impact assessment criteria;
  - vi) a response plan to address potential adverse surface water quality exceedances;
  - vii) a site water management strategy identifying clean and dirty water areas for Stages A, B and C of the project and the associated water management measures including erosion and sediment controls and provisions for recycling/reuse of water and the procedures for decommissioning water management structures on the site; and
  - viii) provisions for periodic reporting of results to the DPI (Fisheries) and the SCA.
- d) an **Air Quality Management Plan** to outline measures to minimise impacts from the project on local air quality. The Plan shall be prepared in consultation with, and to the satisfaction of, the EPA and include, but not necessarily be limited to:
  - i) baseline data on dust deposition levels;
  - ii) air quality objectives and impact assessment criteria;
  - iii) an air quality monitoring program as referred to in condition 3.8 of this approval;
  - iv) an assessment of alternative methods of ash placement to minimise the exposure of active placement areas to prevailing winds;
  - v) mitigation measures to be incorporated during emplacement activities and haulage of ash;
  - vi) an operating protocol for the repository irrigation system including activation rates, application rates and area of coverage;
  - vii) a protocol for the investigation of visible emissions from the repository area;
  - viii) a response plan to address visible emissions from the repository area; and
  - ix) provisions for periodic reporting of results to the EPA.
- e) a **Landscape/Revegetation Plan** to outline measures to minimise the visual impacts of the repository and ensure the long-term stabilisation of the site and compatibility with the surrounding land fabric and land use. The Plan shall include, but not necessarily be limited to:
  - (i) identification of design objectives and standards based on local environmental values, vistas, and land uses;
  - (ii) a description of short- and long-term revegetation measures;

- (iii) a schedule of species to be used in revegetation;
- (iv) timing and progressive implementation of revegetation works as placement areas are completed, including landscape plans; and
- (v) procedures and methods to monitor and maintain revegetated areas during the establishment phase and long-term.

Revegetation works must incorporate the use of local native species.

- f) an **Operational Transport Management Plan** for the project, which must:
  - (i) be prepared in consultation with RMS and Council, prior to importing capping material from locations outside the Lithgow local government area;
  - (ii) detail the route to be used to transport capping material;
  - (iii) detail the measures that would be implemented to minimise traffic safety issues for other road users (including cyclists), including:
    - notifying the community about project-related traffic impacts;
    - a procedure to address complaints about project-related traffic;
    - minimising potential traffic conflicts with school buses and during local school drop-off and pick-up times;
    - scheduling heavy vehicle movements to minimise convoy length or platoons;
    - responding to local climate conditions that may affect road safety such as fog, dust, wet weather; and
    - responding to emergency repair or maintenance requirements; and
  - (iv) include a Driver Code of Conduct, which addresses:
    - travelling speeds;
    - driver fatigue;
    - adherence to the designated transport route; and
    - safe driving practices.

## Revision of Strategies and Plans

- 6.6 The Proponent must review and, if necessary, revise the plans required under this approval within 2 months of:
- the Submission of an audit report in accordance with condition 4.2(c) of this approval;
  - the submission of an incident report in accordance with condition 7.1 of this approval; or
  - an approved modification to the conditions of approval.
- to the satisfaction of the Secretary.

## 7. ENVIRONMENTAL REPORTING

### Environmental Incident Reporting

- 7.1 The Proponent shall notify the **Secretary** of any environmental incident within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the **Secretary** within seven days of the date on which the incident occurred.
- 7.2 The Proponent shall meet the requirements of the **Secretary** to address the cause or impact of any environmental incident, as it relates to this approval, reported in accordance with condition 7.1 of this approval, within such period as the **Secretary** may require.

### Annual Performance Reporting

- 7.3 The Proponent shall, throughout the life of the project, prepare and submit for the approval of the **Secretary**, an **Annual Environmental Management Report (AEMR)**. The AEMR shall review the performance of the project against the Operation Environmental Management Plan (refer to condition 6.4 of this approval) and the conditions of this approval. The AEMR shall include, but not necessarily be limited to:
- a) details of compliance with the conditions of this approval;

- b) a copy of the Complaints Register (refer to condition 5.4 of this approval) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were addressed and resolved;
- c) identification of any circumstances in which the environmental impacts and performance of the project during the year have not been generally consistent with the environmental impacts and performance predicted in the documents listed under condition 1.1 of this approval, with details of additional mitigation measures applied to the project to address recurrence of these circumstances;
- d) results of all environmental monitoring required under conditions 3.3 to 3.8 of this approval, including interpretations and discussion by a suitably qualified person; and
- e) a list of all occasions in the preceding twelve-month period when environmental goals/objectives/impact assessment criteria for the project have not been achieved, indicating the reason for failure to meet the **criteria** and the action taken to prevent recurrence of that type of failure.

The Proponent shall submit a copy of the AEMR to the **Secretary** every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the project. The **Secretary** may require the Proponent to address certain matters in relation to the environmental performance of the project in response to review of the Annual Environmental Report. Any action required to be undertaken shall be completed within such period as the **Secretary** may require. The Proponent shall make copies of each AEMR available for public inspection on request.

## APPENDIX 1: SCHEDULE OF LAND

<i>Lot</i>	<i>DP</i>
2	1139982
5	829137

## APPENDIX 2: PROJECT AREA



**Figure 1: Project Area**



## **1. ASSETS**

Policy 1.4

## **TENDERING**

**Version 6**

# **1. TENDERING**

## **1.4 TENDERING**

### **OBJECTIVE:**

To provide a framework that ensures Council Tenders are called in accordance with provisions of Section 55 of the *Local Government Act 1993 (the Act)* and Part 7 of the *Local Government (General) Regulation 2005 (the Regulation)*.

### **POLICY:**

#### **GENERAL**

1. Tenders shall be called for the procurement of all goods / services an apparent value of greater than \$150,000 (excluding GST) per annum, unless purchased through an Organisation prescribed for the purposes of Section 55 (3) (a) of *the Act*.
2. Unless specifically altered by the General Manager, the “appropriate person” who shall be responsible for the management of tender documents in accordance with *the Act* and *the Regulation* is the senior officer in the Records section of the Council, or in their absence, their immediate supervisor or the General Manager
3. All tenders will be conducted with reference to the Office of Local Government’s *Tendering Guidelines for NSW Local Government* and Lithgow City Council’s Tendering Standard Working Procedure. Council may determine to charge a fee for the provision of tender documents
4. Council will endeavour to provide the same information to all interested parties wherever possible
5. The General Manager shall delegate staff to be responsible for opening, processing and assessing tenders
6. The General Manager will appoint a Manager or another member of staff to take leadership of the tender assessment group
7. A set of criteria shall be developed for the assessment of tenders.

#### **ADVERTISING:**

1. All Tenders and Expressions of Interest shall be advertised in the *Sydney Morning Herald* as well as Council’s contracted local newspaper. Advertisements shall be placed in the Council Column
2. More than one local newspaper may be utilised in addition if required to advertise tenders and expressions of interest at the tender team leader’s discretion



## **METHODS OF TENDERING:**

1. Tenders can be sought by one of two methods, Open Tendering or Selective Tendering.
2. The Open Tender method involves inviting all interested parties to Tender for the project
3. The Selective Tender method requires Council to call for Expressions of Interest (EOI), screen the responses received and then call for tenders from the preferred respondents
4. All tenders shall be advertised for a period of 21 days from the date of the later publication. A shortened or extended period can be sought in accordance with Clause 171 and 172 of *the Regulation* and must be approved by Council's General Manager

## **COUNCIL RESOLUTION/DELEGATION TO THE GENERAL MANAGER**

1. Council Resolution is to be sought at the following stages:
  - In an Open Tender process, to award tenders above the delegation of the General Manager, or reject the tenders following a tender evaluation
  - In a Selective Tender process, to invite selected tenderers following the EOI process and then to award tenders above the delegation of the General Manager, or reject the tenders following a tender evaluation
2. The General Manager has the delegated authority to accept Council tenders with a Contract value of up to \$1,000,000 where all other tender requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005 are met and the tendered amount is within the approved budget

## **GENERAL**

1. Tenders are to be submitted in accordance with Clause 173 of the Regulation. Council's preferred method of receiving tender submissions is by electronic means
2. Receiving tenders by electronic means must be performed via Council's Tenderlink e-tendering portal. Electronic submissions of tenders by standard email will not be accepted
3. Tenders are to be opened in accordance with Clause 175 of *the Regulation*
4. Tenders may only be varied or amended in accordance with Clause 176 of *the Regulation*
5. Tenders received after the closing time and date as advertised will not be considered
6. Council may accept or reject tenders in accordance with Clause 178 of *the Regulation*.
7. Where a Council resolution is required, the resolution is to include that authorisation is to be given to the General Manager to execute the resulting contract and any associated documentation under his delegation.



8. The General Manager has the delegated authority to execute the resulting contract and any associated documentation under the delegation refer to in Section 2 above (Council Resolution / Delegation to the General Manager).
9. All tenderers will be advised in writing of the Council resolution/s or final determination of the General Manager approved under delegated authority.

#### **CONTRACTS:**

1. Contracts are to be drafted in accordance with Council's Purchasing Standard Working Procedure.

#### **LOBBYING OF COUNCILLORS AND COUNCIL STAFF:**

1. Contacting Councillors or Council staff other than the designated contact person directly will automatically disqualify an interested party from all Tender or EOI processes.

<b>Maintained by Department:</b>	Operations	<b>Approved by:</b>	Council		
<b>Reference:</b>	Policy Register	<b>Council Policy No:</b>	1.4	<b>Effective Date:</b>	2008
<b>Min No:</b>	P08-19 (V1) O08-110 (V2) P08-136 (V3) (V4) - 13-432 V5 – 18-101	<b>Version No:</b>	5	<b>Reviewed Date:</b>	Nov 2009 August 2011 July 2013 April 2018
<b>Attachments:</b>					



### **3. WATER SUPPLY**

Policy 3.1

WATER SERVICE AND METER INSTALLATION

Version 1

## 3. WATER SUPPLY

### 3.1 WATER SERVICE AND METER INSTALLATION

#### OBJECTIVE:

To define minimum acceptable standards concerning water service connections, meter selection and installation of water meters.

#### DEFINITION

Under the *Local Government Act 1993* a **premises** means any of the following:

- (a) a building of any description or any part of it and the appurtenances to it,
- (b) land, whether built on or not,
- (c) a shed or other structure,
- (d) a tent,
- (e) a swimming pool,
- (f) a ship or vessel of any description (including a houseboat),
- (g) a van.

**house service pipe** means such part of a water service pipe as is not a property service pipe.

**property service pipe** means such part of a water service pipe as lies between the service main and the water meter or, if there is no water meter, the boundary of the premises served by the service pipe.

#### POLICY:

1. Council has adopted the provisions of the Water Service Association of Australia's Meter Selection and Installation Code of Practice – WSA12-2012. Where this policy is silent the provisions of the Code will take precedence.
2. Council does not permit persons, other than Council staff to undertake repair, maintenance or replacement of water meters owned by Council. It is an offence under *Section 636* of the *Local Government Act 1993* to tamper with a meter/s and fittings.
3. Prior to commencement of works to connect to Council's Water Reticulation, property owners must obtain approval issued under *Section 68 –Part B* of *Local Government Act 1993* by completing a Water Service Connection Application Form. A person who fails to obtain an approval or who carries out an activity otherwise than in accordance with an approval is guilty of an offence under *Section 626 & 627* of the *Local Government Act 1993*.
4. Council will maintain water service connections from the water main to and including the water meter.

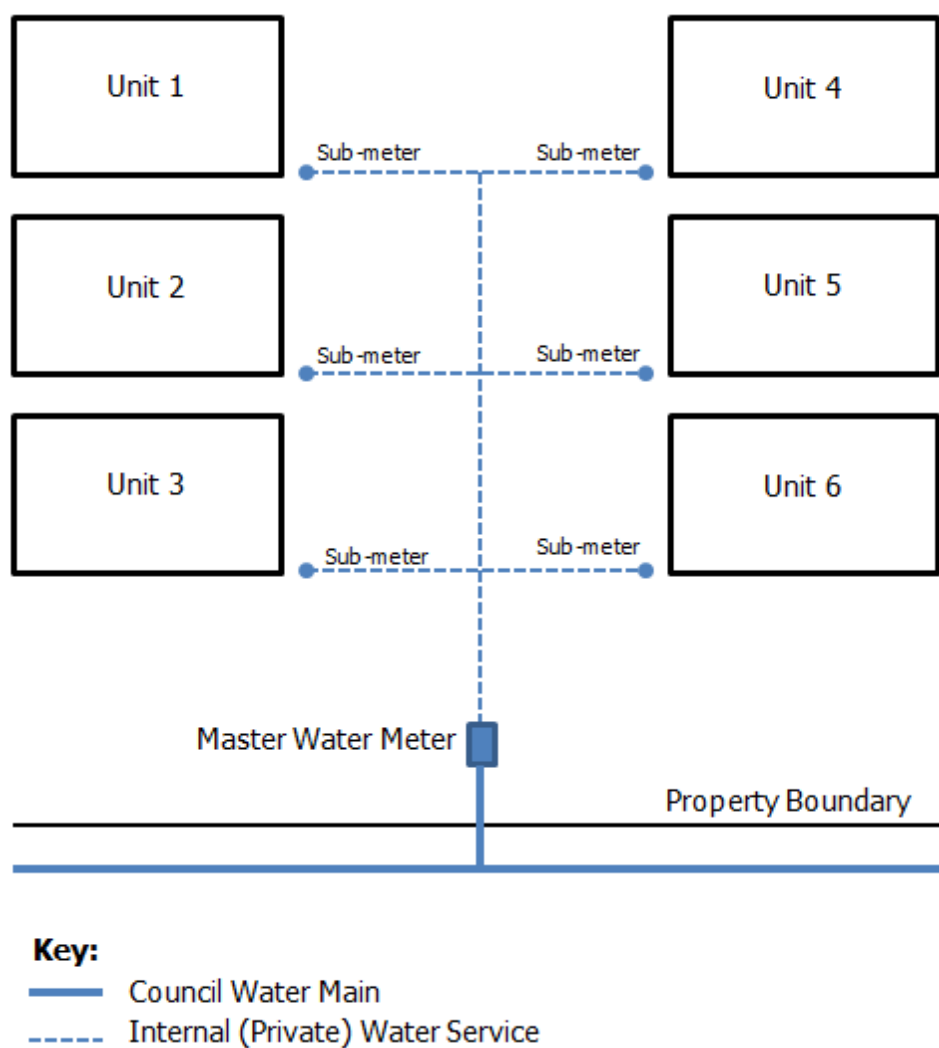
5. All properties within the Lithgow City Council Local Government Area connected to the reticulation system require a backflow prevention device. Refer to Council's Backflow Prevention – Containment Policy, Policy Number 3.4.
6. In accordance with the Local Government (General) Regulation 2005, the owner of premises must, unless Council authorises otherwise, ensure that the premises are not connected to a property service pipe linked to the council's water supply system except by an independent house service pipe.

An independent house service pipe connecting premises to Council's water supply system must have a stop-valve within the premises:

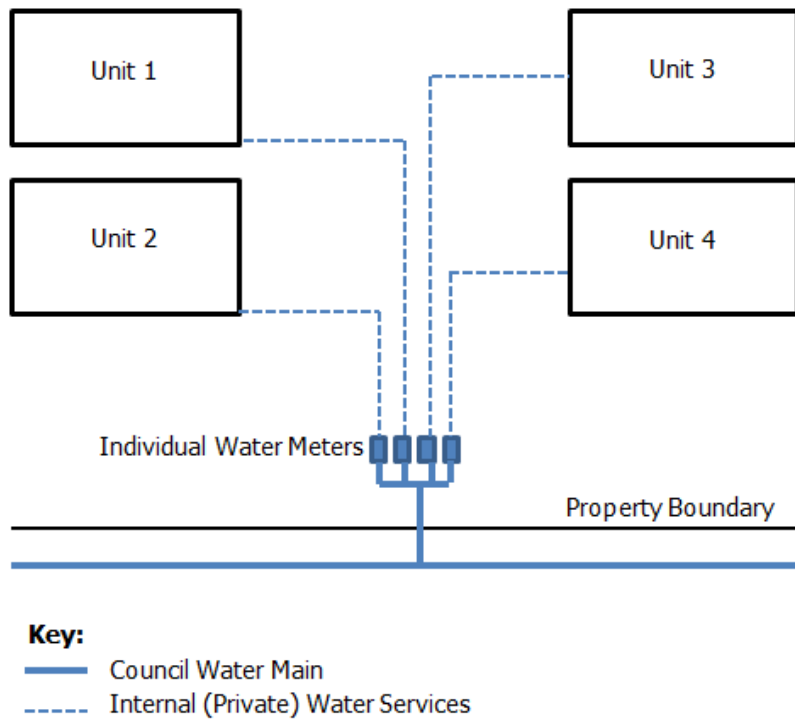
- a. at a place that is not more than 450 millimetres from the road alignment, or
  - b. at some other place approved by Council.
7. If the council authorises the connection of 2 or more premises by means of a single house service pipe, there must (unless all the premises are occupied by one household or firm as a residence or place of business) be installed on each of those premises:
  - a. a separate stop-valve that complies with clause (6), and
  - b. a separate water meter to measure the water supply to those premises.

The following diagrams provide acceptable solutions for the installation of house service pipes and meters.

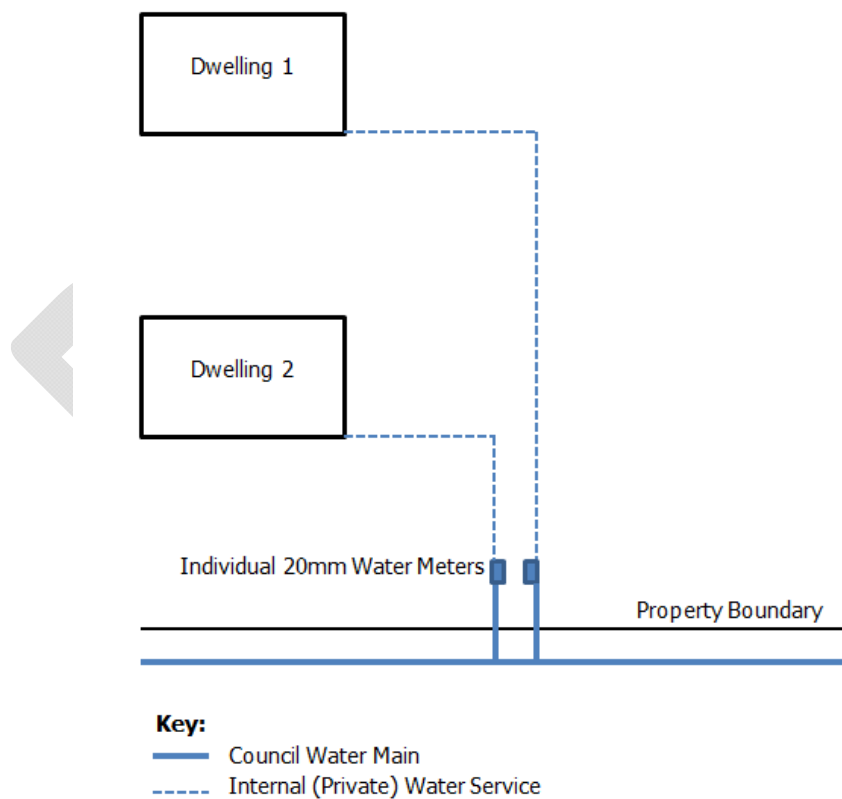




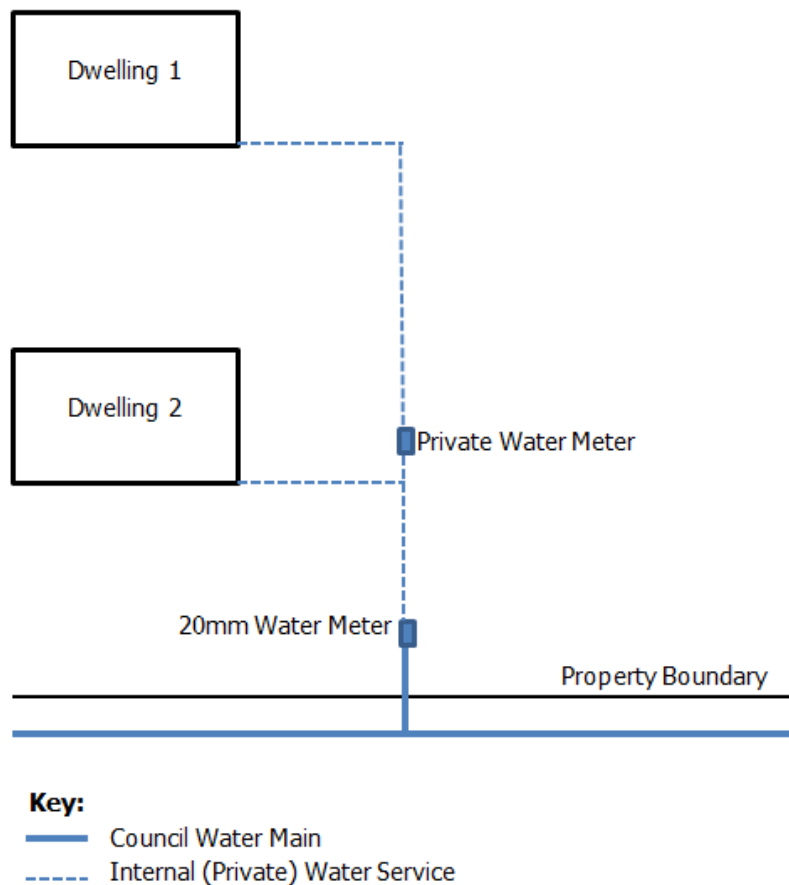
**Figure 1: Strata and Community Title water connections utilising a master meter and sub meter arrangement.**



**Figure 2: Water connections utilising a manifold arrangement**



**Figure 3: Dual Occupancy Water Connection (Preferred)**



**Figure 4: Dual Occupancy Water Connection (Alternate)**

In the above instances Council will read and issue individual water accounts to each premises.

8. If several premises are supplied with water by a single house service pipe, the council may require, as a condition of the supply that a house service pipe be laid to each of the premises.
9. Council reserves the right to repair, maintain or replace a water meter used for billing purposes.
10. Where a meter is proposed to be relocated, written approval of the Council is required and all costs are to be borne by the applicant.
11. Water meter assemblies are to be protected from damage caused by freezing in accordance with AS/NZS3500 and Section 10.8 of the Code
12. In accordance with the Local Government (General) Regulation 2005, A water meter (other than a water meter hired from or provided by the council) to be installed on premises connected or to be connected to a water supply system must:
  - a. be of a size and class approved by the council, and

- b. be fitted with stop-valves and such other fittings as may be specified by the council.
13. The meter is to be accessible for reading and removal or repair is unrestricted. Where meters are covered with unacceptable obstructions the owner will be requested to remove the offending obstruction at full cost. If such obstructions are not removed within 60 days, Council may remove the obstructions at the owners full cost

<b>Maintained by Department:</b>	Operations	<b>Approved by:</b>	Council		
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	3.1	<b>Effective Date:</b>	2006
<b>Min No:</b>	V1 - 06-349 V2 – 09-189 V3 - 14-161	<b>Version No:</b>	3	<b>Reviewed Date:</b>	Apr 2009 Jul 2013 May 2014
<b>Attachments:</b>					





### **3. WATER SUPPLY**

Policy 3.1

METER INSTALLATION

Version 3

## **3. WATER SUPPLY**

### **3.1 METER INSTALLATION**

#### **OBJECTIVE:**

To define minimum acceptable standards concerning the location of water meters particularly in business areas.

#### **POLICY:**

##### ***General***

1. Where a meter is proposed to be relocated, written approval of the Council is required and all costs are to be borne by the applicant.
2. Covers for water meters are to be constructed so they are easily removed for reading and/or maintenance purposes by a single person. Any cover must not exceed 7kg in weight.

##### ***Business Areas***

1. The meter is to be placed within 15 metres of the street alignment and is to be accessible during normal business hours without permission to enter the property being necessary.
2. The meter if enclosed is to be such that access for reading and removal or repair is unrestricted.
3. If the meter is inside the building, pathcocks are to be installed and maintained on both inlet to and from the meter. Council will accept no responsibility for water escaping during repairs.
4. A pathcock is to be installed under the footpath adjoining the alignment.
5. In the area between the street alignment and meter, the water pipe is to be laid in uncrushable conduit to facilitate the removal of the water pipe, should the necessity arise.
6. For maintenance purposes Council will accept responsibility from the main to the street alignment only and also for the meter complete with unions.
7. Covers for water meters are to be constructed so they are easily removed for reading and/or maintenance purposes by a single person. Any cover must not exceed 7kg in weight.

##### **Residential Areas**

1. The meter is to be placed within 3.0 metres of the street alignment and is to be accessible at all hours without permission to enter the property being necessary.

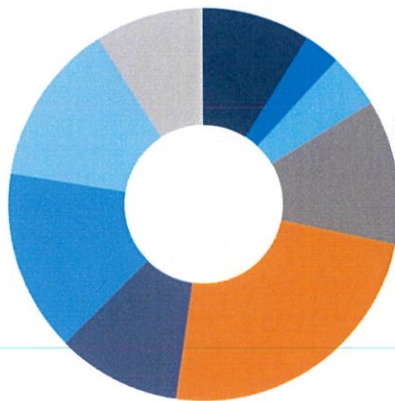
2. The meter if enclosed is to be such that access for reading and removal or repair is unrestricted and is not to be covered by a garden or other ornamental feature.
3. The meter is not to be covered with a concrete or steel plate that requires more than 1 person to lift or relocate.
4. Where meters are covered with unacceptable obstructions the owner will be requested to remove the offending obstruction at full cost. If such obstructions are not removed within 60 days, Council may remove the obstructions at the owners full cost.

<b>Maintained by Department:</b>	Operations	<b>Approved by:</b>	Council		
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	3.1	<b>Effective Date:</b>	2006
<b>Min No:</b>	V1 - 06-349 V2 – 09-189 V3 - 14-161	<b>Version No:</b>	3	<b>Reviewed Date:</b>	Apr 2009 Jul 2013 May 2014
<b>Attachments:</b>					



## Market Value by Issuer

Issuer	Market Value	% Total Value
AMP Bank Ltd	3,026,997.26	9.00%
Auswide Bank Limited	4,514,753.44	13.43%
Bank of Queensland Ltd	5,036,679.45	14.98%
Commonwealth Bank of Australia Ltd	3,450,000.00	10.26%
Members Equity Bank Ltd	8,058,236.98	23.97%
MyState Bank Ltd	4,008,668.49	11.92%
National Australia Bank Ltd	1,510,791.78	4.49%
St George Bank Limited	1,007,101.37	3.00%
Suncorp Bank	3,002,991.78	8.93%
Portfolio Total	33,616,220.55	100.00%



AMP Bank Ltd

Auswide Bank Limited

Bank of Queensland Ltd

Commonwealth Bank of Australia Ltd

Members Equity Bank Ltd

MyState Bank Ltd

National Australia Bank Ltd

St George Bank Limited

Suncorp Bank



## **9. GOVERNANCE**

9.## Policy

INSPECTION, EVALUATION AND MAINTENANCE OF FOOTPATHS  
AND CYCLEWAYS

Version 1

## **9. GOVERNANCE**

### **9.## INSPECTION, EVALUATION AND MAINTENANCE OF FOOTPATHS AND CYCLEWAYS**

#### **BACKGROUND**

In order to minimise the potential for 'slip, trip and fall' injuries to occur, Council has developed a risk management approach to Council's footpath and cycleway networks.

Council has recognised that 'slips, trips, and falls' associated with footpath and cycleway networks form a significant percentage of public liability claims received by council's within NSW.

The procedures developed for this purpose are derived from industry best practice as documented in the "Statewide Mutual Best Practice manual – Footpaths, Nature Strips and Medians".

This policy applies to footpaths and cycleways surfaced with concrete, asphaltic concrete, bitumen seal or pavers.

This policy does not apply to turfed, gravel surfaced or unformed footpaths, boardwalk, walkways or walking trails.

#### **OBJECTIVE**

To support procedures for the inspection, evaluation and maintenance of footpaths and cycleways.

#### **PRINCIPLES**

- To provide a managed level of public safety for users of the footpath and cycleway networks.
- To extend the life of the footpath and cycleway assets by timely maintenance and rehabilitation.

#### **POLICY STATEMENT**

- Council aims to provide a managed network of footpaths and cycleways for pedestrians and cyclists to utilise.
- The policy, together with the procedures, provides the guidelines for managing the footpaths and cycleways.
- Council will within its budgetary constraints, endeavor to provide level of funding each year to meet the maintenance requirements documented in the procedures.

#### **RELATED POLICIES AND DOCUMENTS**

- Register of footpath and cycleway network
- Inspection and assessment procedures

<b>Maintained by Department:</b>	Corporate and Community	<b>Approved by:</b>	Council		
<b>Reference:</b>	Policy Register	<b>Council Policy No:</b>	9.	<b>Effective Date:</b>	
<b>Min No:</b>	V1	<b>Version No:</b>	1	<b>Review Date:</b>	Each term of Council

DRAFT





## **4. COMMUNITY LIAISON**

Policy 4.2

Financial Assistance – Section 356 Of The Local Government Act

**Version 8**

## **4. COMMUNITY LIAISON**

### **4.2 FINANCIAL ASSISTANCE – SECTION 356 OF THE LOCAL GOVERNMENT ACT**

#### **OBJECTIVE:**

To provide a policy framework for the allocation of financial assistance under Section 356 of the Local Government Act, 1993.

#### **POLICY:**

Council provides financial assistance to not-for-profit community groups and organisations under Section 356 of Local Government Act, 1993.

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

#### **GENERAL CONDITIONS FOR FINANCIAL ASSISTANCE**

1. Council only provides financial assistance to not-for-profit community organisations located within the Lithgow Local Government Area to support local projects and activities which benefit the Lithgow community
2. Branches of charities which fund raise for projects and activities outside of the Local Government Area (at a State, National or International level) will not be supported
3. Council financial assistance will not be made to organisations which operate on a for-profit basis
4. Council does not provide in-kind assistance. All requests for Council works and services are costed through the Financial Assistance Program
5. All financial assistance requests are to be submitted to Council on the Financial Assistance Program Application Form
6. Financial assistance will not be provided retrospectively other than for Council fee waiver requests within the current financial year.
7. All requests are to include an itemised budget detailing the funding requested.

#### **FINANCIAL ASSISTANCE CATEGORIES**

##### **1. NON-RECURRENT FINANCIAL ASSISTANCE**

1. Council will determine in each Operational Plan, an amount of non-recurrent Financial Assistance for allocation during the year.
2. Council will call for applications for non-recurrent financial assistance twice each year in April and October. This financial assistance will be made available in July and December respectively.
3. Council considers at these times, applications:
  - With a demonstrated broad community benefit to the Lithgow community.

- For the re-imbusement of the general rates component of property rates (including rates for Crown Land).

4. Applications must :

- Include a clear demonstration of community need.
- Show evidence/explanation of how the selected approach addresses community need.
- Target Lithgow LGA residents/community members.
- Have a clear plan for project development, implementation and project management.
- Demonstrate community development and participation.
- Connect people.
- Increase opportunity.
- Build community capacity.
- Have a clear project budget.
- Demonstrate organisational capacity to develop and run the program.
- Provide supporting documentary evidence.

## 2. FEES AND CHARGES

Council will determine in each Operational Plan, an amount for the waiving of fees and charges for the use of Council owned facilities during the year as follows:

- An allocation for the waiver by the General Manager of fees [of up to \\$500 per event](#) for the use of Council facilities throughout the year.
- An allocation for Civic Ballroom and Tony Luchetti Showground fee waiver packages each up to the value of \$2,500. These are provided once only to each applicant; are not to be provided to organisations already receiving Financial Assistance for major events at these venues, and; applications are to be received at least 3 months prior to the event for consideration by a meeting of Council.
- Organisations may submit requests for the waiving of Council fees and charges throughout the year.
- Waiving of fees will not apply to requests from individuals
- Community Groups which submit requests for fees to be waived will still be eligible to apply for funding under Council's Non-recurrent Financial Assistance Program, for other aspects of the same project for which fees may have already been waived.
- Approvals given by the General Manager for waiving of Council fees will be reported to Council twice annually.

## 3. SCHOOLS

Local projects and activities of schools within Council's area where those projects demonstrate partnership with and benefit to the wider community.

[Council will allocate an amount in each Operational Plan for equitable distribution to schools in the Lithgow Local Government Area for end of year academic prizes.](#)

Note: Council will not support any school scholarships that are not funded through a  
Lithgow City Council Policy Policy 4.2 - Financial Assistance - Section 356 of the Local Government Act

dedicated trust fund. Such school scholarships will only be supported until the trust fund balance reduces to zero.

#### 4. SPORTS RELATED FINANCIAL ASSISTANCE

Council will determine in each Operational Plan an allocation for sporting-related sponsorships/financial assistance including the waiving of sportsground hire fees and charges and financial assistance for junior representatives. These applications are considered by Council's Sports Advisory Committee and reported separately to Council for approval.

Council considers recommendations from the Sports Advisory Committee to support junior sporting achievements with the aim of addressing health issues such as the levels of obesity.

All requests to waive or reduce fees and charges for the hire of Council's sporting facilities are first considered by the Sports Advisory Committee which then makes recommendations to Council.

#### PAYMENT CONDITIONS

1. Payments will only be made after the receipt by Council of a valid tax invoice or Statement by Supplier form;
2. Prior to any payment of funds, Council will enter a formal agreement or lease with any organisation receiving \$10,000 or more for one project.
3. Council fees and charges incurred in the use of a Council facility for the event that Council is providing the financial assistance, will be deducted before the financial assistance is paid.

#### ACQUITTAL AND REPORTING REQUIREMENTS

1. All organisations receiving financial assistance are required to submit the Financial Assistance Acquittal Form outlining the achievements and benefits of the project together with:

- **Financial assistance of less than \$500** - receipts detailing the expenditure of Council funds.
- **Financial assistance between \$500 and \$10,000** - an audited financial statement or accounts certified by the Committee.
- **Financial assistance of more than \$10,000** - an audited financial statement.


<b>Maintained by Department:</b>	Community and Culture	<b>Approved by:</b>	Council		
<b>Reference:</b>	Policy Register	<b>Policy No:</b>	4.2	<b>Effective Date:</b>	2 November 2009

<b>Min No:</b>	06-349 (v1) P08-33 (V2) P08-136 Exhibited O09-67 09-227 09-451 11-212 14-217 16- 183	<b>Version No:</b>	<del>87</del>	<b>Reviewed Date:</b>	<del>2019</del> June 2018
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Financial Assistance Guidelines</li> <li>2. Sample – Acquittal for financial assistance</li> <li>3. Financial Assistance Application Form</li> <li>4. Funding Agreement for financial assistance of \$10,000 or more</li> <li>5. Guidelines for LJ Hooker Reg Cowden Sports Star Awards</li> </ol>				

## **GUIDELINES FOR LITHGOW CITY COUNCIL FINANCIAL ASSISTANCE PROGRAM**

- The Lithgow City Council Financial Assistance Program assists not-for-profit groups that offer a significant contribution to the social, economic and/or environmental [well-being](#) of the community.
- Projects must be clearly described, illustrate the community benefit that the financial assistance will provide and identify which of Council's vision statements will be addressed.

### **GENERAL CONDITIONS OF FUNDING**

- All applicants are to complete the Financial Assistance Application form – letters of request or verbal applications will **not** be accepted as funding applications.
- Applications that **match \$ for \$ will be considered favourably** – any matching funding from the applicant or other sources are to be identified on the application.
- Applications received after close of business on the due dates will not be considered.
- Assessment of applications will remain confidential.
- Financial assistance will not be provided retrospectively other than for Council fee waiver requests within the current financial year.
- All applicants must provide certificates of currency for insurance and/or constitution/rules of their organisation.
- Council **must be acknowledged in all promotional activities** and must be provided with copies of advertising or promotional materials featuring Council for Council's approval **prior** to use in any promotional activity.
- The applicant and Council acknowledge the good public image and reputation of each other and agree to work co-operatively and professionally to ensure that the good public image and reputation of each Party continues.
- This symbol  on the application form provides tips on particular components on the application form.
- Any funds unspent at the completion of the project must be returned to Council.
- Council requires a tax invoice prior to payment of Financial Assistance. GST will be added to all financial assistance. Applicants should be registered for GST and provide their ABN. Applicants without an ABN must submit a 'Statement by a Supplier' form available from the Australian Tax Office or from Council.
- Council fees and charges incurred in the holding of an event will be deducted before the financial assistance is paid.

- For financial assistance of \$10,000 and above, a performance agreement or lease must be completed between Council and the organisation.
- Applicants should keep the guidelines and only return the application form and any associated documentation with their application.

## FINANCIAL ASSISTANCE CATEGORIES

There are ~~five~~four (45) financial assistance categories.

### ~~1. Recurrent Financial Assistance~~

~~Council acknowledges that the following annual events and festivals, which are regarded as contributing to the retention and further development of social capital within individual communities, will be funded on a recurrent basis. No further funding requests for these mentioned activities, by way of financial assistance, will be considered by Council:~~

- ~~• Lithgow Show Society~~
- ~~• Ironfest Festival~~
- ~~• Lithgow Chamber of Commerce programs and events~~
- ~~• Western Region Academy of Sport~~
- ~~• White Ribbon Day~~
- ~~• Solid Fuel Incentive to Community~~
- ~~• Lithgow Information and Neighbourhood Centre Rental Assistance~~
- ~~• Tidy Towns Lithgow, Portland, Wallerawang and Cullen Bullen~~
- ~~• Portland Golf Club~~
- ~~• Schools within Council's area will be provided an amount, as determined in each Operational Plan per annum as a contribution towards end of year academic prizes, for which no application will be required;~~

~~All organisations, excepts schools, in receipt of recurrent financial assistance are required to submit a Financial Assistance Program Application Form in April each year for the following financial year.~~

### ~~2.1. Non-Recurrent Financial Assistance~~

Council calls for applications for financial assistance **twice each year in April and October**. This financial assistance will be made available in July and December respectively.

All organisations requesting non-recurrent financial assistance must do so on the Financial Assistance Program Application Form.

Council considers at these times, applications:

- To support local projects and activities with a demonstrated broad community benefit to the Lithgow community.
- For the re-imbursement of the general rates component of property rates (including rates for Crown land).
- For the waiving of fees and charges for the use of Council owned facilities.\*

- Applications must:
  - Show evidence/explanation of how the selected approach addresses community need.
  - Target the Lithgow LGA residents/community members.
  - Have a clear plan for project development, implementation and project management.
  - Provide supporting documentary evidence
  - demonstrate community development and participation.
  - Have a clear project budget.
  - Demonstrate organisational capacity to develop and run the program.
  - Connect people.
  - Increase opportunity.
  - Build community capacity.

### **3.2. Fees and Charges**

Council will determine in each Operational Plan, an amount for the waiving of fees and charges for the use of Council owned facilities during the year as follows:

- An allocation for the waiver by the General Manager of fees up to \$500 for the use of Council facilities throughout the year.
- An allocation for Civic Ballroom and Tony Luchetti Showground fee waiver packages each up to the value of \$2,500. These are provided once only to each applicant; are not to be provided to organisations already receiving Financial Assistance for major events at these venues, and; applications are to be received at least 3 months prior to the event for consideration by a meeting of Council.

~~These waivers are provided in accordance with Council Policy 4.6 Request for Donation by Waiving of Fees for Council Facilities.~~ Organisations may submit requests for the waiving of Council fees and charges throughout the year. These are to be submitted on the Financial Assistance Program Application form. Council fees and charges will be deducted before the financial assistance is paid.

### **4.3. Schools**

Local projects and activities of schools within Council's area where those projects demonstrate partnership with and benefit to the wider community.

Note: Council will not support any school scholarships that are not funded through a dedicated trust fund. Such school scholarships will only be supported until the trust fund balance reduces to zero;

### **5.4. Sporting Related Financial Assistance**

- Council's Sports Advisory committee considers **ALL** applications for sporting-related sponsorships/financial assistance including the waiving of sportsground hire fees and charges.
- ~~•~~ The Sports Advisory Committee has existing criteria that sets the level of funding for different sporting achievements.
- All organisations seeking Sporting financial assistance or a sporting facility fee reduction must submit an application using the Financial Assistance Program Application Form.



## INDICATIVE FUNDING LEVELS

Funding Type	Maximum funding levels available annually per application
<b>Recurrent Financial Assistance</b>	Generally up to \$10,000
School Prize Giving within the Lithgow City Council Area – per school per annum.	As resolved by Council in each Operational Plan
<b>Non- Recurrent Financial Assistance:</b> Projects of demonstrated broad community benefit, including school projects – the applicant must demonstrate the uniqueness of the project, how it will benefit the community and how it meets Council’s vision statement(s) objectives.	Generally up to \$3,000 <u>A higher amount may be allocated for major events and projects.</u>
<b>Rate Reimbursement:</b> Not for profit only and general land rates component of rates only.	As specified on rates notice
<b>Fees and Charges</b>	As specified in Council’s Fees and Charges.
<b>Sporting Related:</b> Financial Assistance for junior representatives are considered by Council’s Sports Advisory Committee.	up to \$100.00 for regional selection \$300.00 for state selection \$500.00 for national selection

## PROJECT DESCRIPTION AND INFORMATION TO INCLUDE IN THE APPLICATION

The following information is to be included in the application:

- The project name
- A clear description of the project and its aims.
- How the project meets the overall visions of Council. Obtain a copy of Council’s Operational Plan to get a better picture of Council’s visions.
- Clearly identified and demonstrated needs for the project from the community’s viewpoint.
- How the project/programs will address identified needs.
- Outcomes to be achieved and the specific tasks to be undertaken
- Evidence of consultation with, and involvement in the project of, key stakeholders and others who will benefit from the project.
- Letters of support including supporting documentation from the applicant’s sponsoring or governing body.

## BUDGET

- Section 4 on the application form.
- **IMPORTANT – Every** applicant should carefully consider this section and complete in full.
- Include a detailed budget that shows income and expenditure for the project and details of any other funding that is anticipated.
- Include an estimate of the in-kind contribution to be provided by your organisation as **\$ for \$** matching applications will be favourably considered.
- Applicants may attach a budget to the application in preference to completing the section.

## IMPLEMENTATION SCHEDULE

- Section 5 on the application form.
- This will assist Council to understand how you will achieve the project objectives.

## ACQUITTAL AND REPORTING REQUIREMENTS

- An acquittal form is provided with the application form for applicant's information only.
- A copy will be sent to all applicants with the advice of successful funding.
- All organisations receiving financial assistance are required to submit the Financial Assistance Acquittal Form outlining the achievements and benefits of the project together with:
  - Financial assistance of less than \$500 - receipts detailing the expenditure of Council funds.
  - Financial assistance between \$500 and \$10,000 - an audited financial statement or accounts certified by the Committee. -
  - Financial assistance of more than \$10,000 - an audited financial statement.-

## FUNDING AGREEMENT

- ONLY applicants seeking financial assistance of \$10,000 or more are required to complete a funding agreement or Lease but this is not required until funding is approved.
- Successful applicants will be sent a completed copy for signing following the negotiation of terms between the organisation and Council.

## ATTACHMENTS TO ASSIST IN THE CONSIDERATION OF YOUR REQUEST

**The following attachments must be attached with the financial assistance request:**

- The organisation's constitution.
- Minutes of the most recent Annual General Meeting and the most recent Annual report and financial statements.
- **The following suggested inclusions might assist in the success of the request:**
  - Details of promotional and marketing activities for the project.
  - Evidence of ongoing communication with stakeholders regarding the project.
  - Number of active members, including volunteers, in the organisation – names are not required.

**Any changes to the purpose for which funding has been allocated must be submitted in writing to The General Manager, Lithgow City Council, PO BOX 19 LITHGOW NSW 2790**

## CHECKLIST – THESE ITEMS MUST BE INCLUDED WITH THE APPLICATION

To ensure the application is complete, please check that all the attachments are included as follows:

- ☐ A completed application form is required for **ALL** applications.
- ☐ All applicants should complete section 1
- ☐ All applicants should complete section 2 selecting one category only.

- ☐ All applicants need to sign in section 6.
- ☐ For capital assistance projects – **2 quotations** must be included.
- ☐ All Applicants must include the organisation's constitution showing its not-for-profit status.
- ☐ All Applicants must include the minutes of the most recent Annual General Meeting and the most recent Annual report and financial statements.
- ☐ Only return the application form and your attachments – keep the guidelines, draft funding agreement and draft acquittal form for your records.

# Sample - ACQUITTAL FOR FINANCIAL ASSISTANCE

Successful applications are to submit this Acquittal Form at the conclusion of the project. It should be accompanied by a report of the outcomes of the project.

Name of Organisation/Individual receiving financial assistance:

Address of Organisation/Individual:

Contact Person :

Contact Phone Number (during office hours): \_\_\_\_\_

## **FINANCIAL ASSISTANCE DETAILS:**

1. Amount of Financial Assistance Received:

2. Expenditure Details of Financial Assistance (please attach budget)

Describe how the financial assistance was spent and the outcome/success of the activity (attach media coverage and more information if possible).

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

## FINANCIAL ASSISTANCE PROGRAM Application Form

### SECTION 1: APPLICANT'S DETAILS – all applicants complete this section

The name of Your Project	
Name of the Organisation or person seeking financial assistance.	
Address	
Postal Address	
Name and position of the contact person	
Telephone, Fax and Email Address	Telephone: (bh)
	Fax:
	Mobile:
	Email:
What legal status does your organisation have? (e.g. Incorporated Association etc)	
Australian Business Number (ABN) *	
Australian Company Number (if applicable)	
General Description of your Organisation	
Is your insurance, including a minimum of \$20m for public liability insurance, current? Please state policy numbers. (Council may request a copy of certificates of currency.)	Please list policies, insurer and policy number.
What is the time frame of your project?	Start Date:  End Date:

- If you don't have an ABN, please attach a copy of the Australian Taxation Office form "Statement by a supplier". Applicants with an ABN DO NOT need to complete the Statement by a Supplier form.

**AMOUNT OF FINANCIAL ASSISTANCE REQUESTED:**

\$

**Must agree with amount stated in this application's budget in section 5)** (amount **EXCLUSIVE** of GST)

## SECTION 2: PROJECT / PROGRAM DESCRIPTION

PLEASE tick one of the following boxes

### NON-RECURRENT FINANCIAL ASSISTANCE

- ☐ **Local projects and activities with a demonstrated broad community benefit - Generally up to \$3,000 p.a.\_**
- ☐ **Major event or Project**
- ☐ **Applications For Rate Reimbursements**  
General Land Rates only and available for non-profit organisations only
- ☐ **Waiver of Council fees and charges**
- ☐ **Schools:** Local projects and activities of schools within Council's area where those projects demonstrate partnership with and benefit to the wider community.

**SPORTING FINANCIAL ASSISTANCE** – ALL applications under this category are referred to the Council's Sports Advisory Committee for their recommendation – note if more than one team member applies the financial assistance will be split between team members.

- ☐ **Junior Regional Sporting representation – up to \$100 p.a.**
- ☐ **Junior State Sporting representation – up to \$300 p.a.**
- ☐ **Junior National Sporting representation – up to \$500 p.a.**

**SECTION 3: APPLICATION / PROJECT DETAILS – all applicants to complete (including representation/prize giving).**

**Briefly describe your request/project. If required, attach additional details.**

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**Is your project new? Select one                      YES                      NO                      N/A**  
If you answered no, please provide some information that illustrates the new part of an existing project that you are seeking funding for.

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**What are the aims of the request/project?**

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**How will your request/project assist members of the Community?**

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**What outcomes and benefits will your project have for the community?**

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**Demonstrate how your project promotes community development and participation by connecting people, increased opportunity and building community capacity.**

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**What community consultation has confirmed the need for this program?**

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**List the organisations actively involved in the project / program.**

<b>ORGANISATION</b>	<b>CONTACT PERSON</b>	<b>Contact telephone number</b>



***TIP***

*You can submit supporting documentation with your application to show how other organisations support your project.*

**SECTION 4 : BUDGET – IMPORTANT – all applicants must complete this section.**

You should include estimates of the cash and in-kind contributions you are making to the project and any other income you are applying for/expecting to receive from other grant sources. You may submit your budget as a separate attachment if you prefer.

<b>Proposed Income:</b>	<b>Amount</b>
<b>Proposed Expenses:</b>	<b>Amount</b>
<b>TOTAL COST OF PROJECT</b>	
<b>TOTAL COST OF FUNDING SOUGHT</b>	

~~50% ONLY of capital projects will be considered.~~ Please indicate if you intend to match any funding applied for on a \$ for \$ basis. If you are purchasing equipment or are planning a capital improvement to your asset, 2 quotations for the goods/ services need to be attached to your application.

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## SECTION 5: IMPLEMENTATION SCHEDULE

Detail your plan for project development, implementation and project management.

[illegible]

**SECTION 6: DECLARATION – ALL applicants to complete this section.**

On behalf of:

(name of the organisation, if applicable)

I declare that the information provided above is complete and correct.

Signed:

Print Name:

Position in organisation:

Address:

Contact telephone numbers:

Email address:

Date:

## Financial Assistance Program - Funding Agreement For financial assistance of \$10,000 or more

This Agreement is made between Lithgow City Council and (**INSERT ORGANISATION NAME** )

\_\_\_\_\_  
Organisation") ("The

### TERMS OF AGREEMENT and REVIEW DATE

It is agreed as follows;

1. Lithgow City Council will support the organisation by providing financial assistance of \$\_\_\_\_\_ (**INSERT AMOUNT**), for the purpose of undertaking

### INSERT PROGRAM DETAILS

\_\_\_\_\_ which links to  
Council's corporate plans to achieve the following objectives:

**INSERT ALL VISION STATEMENTS AND COUNCIL PROGRAMS THE PROJECT SUPPORTS/ACHIEVES:**

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2. The financial assistance is to be used by the Organisation for the project only, unless prior written approval is provided by Lithgow City Council. The organisation needs to demonstrate they have sourced other funding, or will seek alternative funding in the future to supplement/replace Council's contribution.
3. The Organisation will provide written quarterly reports to Lithgow City Council within one month of the end of each quarter.
4. Lithgow City Council will provide funds upon receipt of tax invoice, each **quarter/annually (DELETE ONE)**.
5. Any extension to the project duration or scope of works must be approved by Lithgow City Council in writing.
6. At the end of the financial assistance period a final report detailing the outcomes of the project and a ~~self-assessment~~self-assessment/evaluation of the effectiveness of the project is to be provided to Lithgow City Council.
7. An Audited financial statement, identifying how the financial assistance was spent is to be provided to Lithgow City Council within three calendar months after the project ends.
8. The Organisation will take out appropriate insurance, including workers compensation, public liability insurance and personal accident and sickness insurance. Certificates of Currency will be provided to Lithgow City Council if requested.
9. Any materials produced including project publicity and the final product are to recognise Lithgow City Council as a major financial promoter.

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10. Copyright for any material produced as a result of grant will be retained by the Organisation.
11. Lithgow City Council has the authority to use, distribute, and demonstrate any materials produced by the grant project.
12. If the Organisation fails to comply with this agreement, Lithgow City Council may withhold payment of financial assistance funds, terminate the financial assistance or request full reimbursement of the financial assistance.

Signature of parties to the Agreement.

I accept on behalf of my Organisation the terms and conditions of the funding Agreement.

Quarterly reports will be provided to Council on the following dates;

Date 1 DD/MMM/YYYY

Date 2 DD/MMM/YYYY

Date 3 DD/MMM/YYYY

Date 4 DD/MMM/YYYY

\_\_\_\_\_  
Signature of President/Chairperson etc

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Position held

\_\_\_\_\_  
Signature of General Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

# Reg Cowden Memorial Sport Star of the Year Awards – Criteria

This document sets the criteria for nomination for and selection of the Reg Cowden Memorial Junior and Senior Sports Star of the Year Awards and monthly winners.

Nominations for sporting achievements will be accepted for the Reg Cowden Memorial Sports Star of the Year Awards, in both junior (18 years and under) and senior categories, for residents of the Lithgow Local Government area.

Nominations for Reg Cowden Memorial Sports Star of the Year Awards must be received within seven (7) days of the end of the month, for example, nominations for achievements in January will be accepted until 7 February.

All applications for financial assistance are automatically nominated for the Reg Cowden Memorial Junior or Senior Sports Star of the Month Award.

Nominations for the Reg Cowden Memorial Sports Star of the Year Awards may be made by any member of the community on behalf of the nominee, however, supporting documentation verifying the applicant's achievements is required from either the team the applicant has been selected in, the local sporting organisation of the sport the applicant has been chosen to represent, or the school principal (should the applicant be selected in a school representative team).

Monthly Sports Star winners (junior and senior) will be presented with a trophy donated by the major sponsor of the Awards (presented at the annual awards night), and monthly recipients are to be voted for and determined at the regular monthly Sports Advisory Committee meetings.

A media release is prepared following the Sports Advisory Committee meeting detailing the monthly award winners. The annual Reg Cowden Memorial Sports Star Award winners will be selected by the Sports Advisory Committee, after applicants supply an update of their achievements for the year, and this updated information needs to be verified by the relevant sporting bodies the applicant has listed as representing.

## **Reg Cowden Memorial Sport Star of the Year Awards – Criteria**

The criteria for the Reg Cowden Memorial Sports Star Awards is as follows, however, the Sports Advisory Committee reserves the right to select a lower achievement provided a vote of the Sports Advisory Committee is undertaken and the majority supports the decision:

- Junior category is eligible for nominees aged eighteen (18) or under in the year of the Award.
- Merit is awarded in the following order, however, the selection of the recipient is at the Sports Advisory Committee's discretion:
  - Local Achievement.
  - Intertown Representation.
  - District Representation.
  - Zone Representation.
  - Regional Representation (Western) etc.
  - Half State Representation North, South, etc.
  - State Representation.
  - National Representation.
  - International Zone Representation (Oceania) etc.

Possible/probable selection is classed the category immediately prior to the selection, ie. possible/probable selection for Western Region Hockey Team would

be classified in the same category as (d) Zone Representative.

School achievements will be considered in the same order as above, provided the nominee is a resident of the Lithgow Local Government area at the time of their achievement, indifferent of which Local Government Area their school is located.

Whilst selection in a representative team is an achievement, this does not meet the criteria for a monthly achievement. As a monthly achievement, a nominee must have competed in an event, as either an individual or as part of a team, to be eligible for nomination, for example, if a nominee is selected in a regional team in June, but the team does not compete at an event until August, then the achievement is for the month of August, not June.

Merit Certificates will be distributed on an annual basis, with merit certificates being presented by the Sports Advisory Committee..

The monthly award can only be won once per person per season per sport. Applicants are eligible to win the monthly award in separate sports during the year.

Junior Annual Award and Senior Annual Award winners are eligible to win the Annual Award in future years (including consecutive years).

At the end of each year, monthly winners will be requested to provide updated details of their sporting achievements during the year. Based upon this information, the Sports Advisory Committee will determine the annual Junior and Senior Reg Cowden Memorial Sports Star of the Year Award winners. Should there not be a consensus between the members of the Sports Advisory Committee for these winners, a secret vote will occur, with the winner determined via a "first past the post" points system.

## **Reg Cowden Memorial Sport Star of the Year Awards – Criteria**

Winning recipients of the following annual awards will be determined as detailed below:

- Reg Cowden Memorial Junior Sports Star of the Year Award  
Selected by the Sports Advisory Committee members from the junior monthly award winners.
- Reg Cowden Memorial Senior Sports Star of the Year Award  
Selected by the Sports Advisory Committee members from the senior monthly award winners.
- Junior Team Achievement of the Year Award  
Selected by the Sports Advisory Committee members from the junior nominations made by the community as well as any junior monthly teams nominees.
- Senior Team Achievement of the Year Award  
Selected by the Sports Advisory Committee members from the senior nominations made by the community as well as any senior monthly teams nominees.
- Bunny Abbott Volunteer of the Year Award  
Selected by the Sports Advisory Committee members from nominations made by the community.
- Laurie Muir Official of the Year Award  
Selected by the Sports Advisory Committee members from nominations made by the community.
- International Sports Achievement of the Year Award  
Selected by the Sports Advisory Committee members from nominations made from the community as well as any junior or senior monthly award winners.
- Whitty Perpetual Trophy



Selected by the Sports Advisory Committee from any nomination during the year.

- Mac Scott Memorial Trophy for All Round Achievements  
Selected by the Sports Advisory Committee members from any individual nomination during the year (teams are not eligible).
- Encouragement Award

Selected by the Sports Advisory Committee members from any junior individual nomination during the year (teams are not eligible).

- Eric Arnold Memorial Trophy  
Selected by the Sports Advisory Committee members from any junior individual nomination during the year (teams are not eligible).



## **4. COMMUNITY LIAISON**

### **Policy 4.3**

Financial Assistance to Community Groups and Organisations – Interest Free Loans

**POLICY TO BE DELETED**

**Version 2**

## **4. COMMUNITY LIAISON**

### **4.3 FINANCIAL ASSISTANCE TO COMMUNITY GROUPS AND ORGANISATIONS - INTEREST FREE LOANS**

#### **OBJECTIVE:**

- (i) To contribute money or otherwise grant financial assistance by way of interest free loans to community groups and organisations for the purpose of exercising the Council functions of providing community sporting and recreational projects, services and facilities.
- (ii) To set a combined limit of \$400,000 for all interest free loans to community groups.

#### **POLICY:**

Council will consider providing financial assistance by way of interest free loans to community groups and organisations within the Lithgow City Council area for the purpose of exercising Council functions of providing community sporting and recreational projects, services and facilities under the following guidelines:

1. The community project or facility which is the subject of the application for financial assistance is approved by Council and is located on Council owned community land.
2. There be no limit per individual loan.
3. The period for repayment of interest free loans will be within a term generally not exceeding 5 years.
4. Priority will be given to applications for financial assistance from community groups and organisations which:
  - (i) Provide community, recreational and sporting projects, services or facilities that are available uniformly to all persons or to a significant number of persons within the Council's area; and
  - (ii) Include the contribution of funds by the community group or organisation, either in cash or in-kind.
5. Council will undertake a due diligence and probity check, in conjunction with Council's Auditors if required, to establish the ability of the applicant to service loan principal repayments.
6. Applications by community groups and organisations for interest free loans from Council must provide a full description of the project, service or facility for which the interest free loan is sought and include with application the following:
  - An audited Annual Income and Expenditure Statement and Balance Sheet for the past 5 years
  - A copy of the community group or organisation's constitution.
  - A copy of the minute passed at a meeting of the community group or organisation seeking the interest free loan from Council.

7. Should Council agree to act as a loan guarantor for any loan, terms and conditions relating to the security of such actions must be specified in an agreement between Council and the relevant party that is executed under Council's seal.
8. All information as required in the policy is provided by the applicant.
9. All submissions for interest-free loans are considered in the following financial year's DRAFT Management Plan along with all other new expenditure items. This will allow the Council to consider any applications in a transparent and accountable fiscal environment.
10. Council has included the loan in its Operation Plan and Delivery Program.
11. Prior to any new application being approved. The Council receives a report on its current financial position, including investments.

<b>Maintained by Department:</b>	Corporate & Community	<b>Approved by:</b>	Council	<b>Exhibition</b>	16/02/09
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	4.3	<b>Effective Date:</b>	20 May 2009
<b>Min No:</b>	06-349 09-66 09-161 V2 - 14-62	<b>Version No:</b>	V2	<b>Review Date:</b>	May 2010 August 2013
<b>Attachments:</b>					



## **4. COMMUNITY LIAISON**

### **Policy 4.4**

Request for Financial Assistance by Waiving of Fees for Council  
Facilities

**POLICY TO BE DELETED**

**Version 4**

## 4. COMMUNITY LIAISON

### 4.4 REQUEST FOR FINANCIAL ASSISTANCE BY WAIVING OF FEES FOR COUNCIL FACILITIES

#### OBJECTIVE:

To provide a means by which community groups conducting events and activities within the Lithgow City Council area may seek Council assistance, through the waiving of fees for Council facilities, outside of the normal time frame for the management of Council's Annual Financial Assistance Program.

#### ELIGIBILITY:

Eligibility will be limited to small community based organisations operating for the direct benefit of the local community. Eligibility will not extend to major fund raising bodies, with a parent body located outside the Council area.

#### POLICY:

1. That Council allocate an amount in each financial year budget (from the Financial Assistance allocation) for the General Manager to waive fees for the use of Council owned facilities
2. Waiving of fees will not apply to requests from individuals;
3. Waiving of fees will not apply to educational institutions, except in the following circumstances:
  - Regional Representative Sport – where a team comprising players representing Western Regional Academy of Sport hires a sporting field to play sport against another region, such as Riverina, Far West, Sydney, North Coast or Newcastle, OR where a local school hires a sporting field to play against another school in a State Competition at quarter final level or higher; and
  - Where a school actively contributes to the maintenance of a Council owned recreational facility.
4. Waiving of fees will apply to fees charged by Council for the following:
  - Council owned facilities, such as venues, playing fields and park areas, swimming pools. **NOTE: COUNCIL CANNOT GUARANTEE EXCLUSIVE USE OF PARKS AND SWIMMING POOLS**
  - Fees for the hanging of street banners
  - Photocopying for groups which are not Section 355 Committees
  - Other fees at the discretion of the General Manager
5. Council may provide financial assistance towards the cost of hiring the Civic Ballroom and/or Tony Luchetti Showground for major events that demonstrate an economic and social benefit to Lithgow. Financial Assistance up to a maximum of \$2,500 per event may be provided and will only be provided once to each applicant. Organisations already receiving financial assistance for major events at these venues will not be eligible for additional assistance. Applications

must be submitted in writing at least 3 months prior to the event for consideration by a meeting of Council.

6. All requests for the waiving of fees should be lodged in writing at least one month prior to the date of the event taking place.
7. Groups and organisations may apply more than once per financial year for fees to be waived, however a maximum of \$500.00 shall be applied to requests from individual organisations in each financial year
8. Community Groups which submit requests for fees to be waived will still be eligible to apply for funding under Council's Annual Financial Assistance Program, for other aspects of the same project for which fees may have already been waived.
9. The General Manager of Lithgow City Council will have the delegated authority to approve the waiving of fees, as requests are received.
10. Approvals given by the General Manager for waiving of Council fees will be reported to Council twice annually, as part of the Annual Financial Assistance Program.
11. Unexpended funds in the amount reserved annually for the waiving of fees, at the end of each year, may be carried forward as an internally restricted asset to the following year for the same purpose.

<b>Maintained by Department:</b>	Corporate & Community	<b>Approved by:</b>	Council		
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	4.4	<b>Effective Date:</b>	4 Nov 08
<b>Min No:</b>	06-349 V1 P08-136 V2 V4 - 14-62	<b>Version No:</b>	4	<b>Reviewed Date:</b>	June 2013
<b>Attachments:</b>					

20 July 2018

# RYDAL VILLAGE ASSOCIATION INC.

**ABN: 167 610 295 27**

**President: Phil Paton**

**Treasurer: Mark Young**

**Secretary: Carolyn Andison**

**0438 831 248**

## Rydal Village Association

**24 Bathurst Street**

**RYDAL NSW 2790**

**E: rydaldaffodils@gmail.com**

16 June 2018

Cr S. Lesslie,  
Lithgow City Council,  
PO Box 19  
LITHGOW 2790

Dear Cr Lesslie,

## RE: RYDAL DAFFODIL FESTIVAL SPONSORSHIP

Lithgow City Council has been very generous in the past years with sponsorship for our Daffodil Festival in September. We thank you very much for this.

So far up to 2017, we have raised almost \$200,000 for local charities in the Greater Lithgow area.

This year, we are not only displaying our beautiful gardens again but are adding an Art Show and Sculptures in the Scrub plus entertainment in our Amphitheatre.

We very much hope the Council would be interested in a monetary sponsorship again this year?

Looking forward to hearing from you.

Yours sincerely,

Carolyn Anderson

Carolyn Andison





## **9. GOVERNANCE**

9.## Policy

SIGNS AS REMOTE SUPERVISION

Version 1

## **9. GOVERNANCE**

### **9.## RISK MANAGEMENT**

#### **OBJECTIVES**

Users of Council owned, operated or controlled land are exposed to varying degrees of risk associated with the use of the land. The risk comes from the hazards which exist on the land: both natural hazards, and hazards related to developed facilities. The law says that if it is "reasonably foreseeable" that a person might suffer some sort of loss or harm because of something someone else does, then that person is owed a Duty of Care. It is desirable for Council to provide a warning to users of the land about the nature of any hazards, to exercise its Duty of Care.

#### **PURPOSE**

Lithgow City Council encompasses 4,551 square kilometres including vast bushland from Capertee and Wolgan Valleys in the north, Little Hartley in the east, Tarana in the south and Meadow Flat in the west. Over 30 parks and a number of sports facilities. Council also facilitate 2 major foreshores in the area known as Lake Lyell and Lake Wallace. Using Signs As Remote Supervision helps Council to achieve the community objective for ensuring that recreation and sporting facilities and opportunities cater for the changing needs of the local government area's residents and visitors.

#### **POLICY IMPLEMENTATION**

This policy covers:

1. Implementation
2. Funding

##### **1. Implementation**

- a) The implementation of this policy is set out in the Signs as Remote Supervision Standard Working Procedure.
- b) The Standard Working Procedure (SWP) will identify all Council's facilities and allocate a Facility Visitation Rating (FVR) on each. Once the FVR has been determined the facility will have the hazards identified and depending on the rating of the FVR the appropriate signs installed.
- c) To bring Council's signs up to best practice, Council will replace all the signs at a facility starting with the facility with the highest FVR as the first priority and as budget permits.
- d) The Risk Co-ordinator will site risk audit, foreshores, pool, parks/ reserves, skate parks and bicycle facilities. The information from the site risk audits will be entered into Council's asset management system with the condition and appropriateness of each sign.
- e) The asset management system will produce a maintenance schedule

based on the highest defect rating. The signs with the highest defect rating will be treated first as the budget permits.

- f) The Recreational Supervisor will be responsible for the maintenance and installation of new or missing signs.
- g) All required Council staff will be trained and show how to implement the elements within the Standard Working Procedure
- h) Areas of public liability exposure at foreshores, swimming pools, reserves, parks and public walkways, will be assessed with a view to mitigating the risk exposure using Signs as Remote Supervision.

## 2. Funding

- a) New Skate Parks, Bicycle and Reserve signage in addition to maintenance of all existing signs will come from the Recreation Supervisors budget.
- b) The Risk Coordinator shall seek an annual budget (Risk Management Budget) from Council to be used for new priority signage for Pools and foreshores
- c) The legal position regarding "Principles concerning resources, responsibilities etc. of public or other authorities" is outlined in part 5 Section 42 of the Civil Liability Act 2002

This policy has been developed taking into account the principles of the AS/NZS ISO 31000:2009 Risk management – Principles and guidelines and Statewide Mutual's Best Practice Manual, Signs as Remote Supervision (Version 8.1 August 2014) with a view to limiting Council's (i.e. the community's) exposure to potential litigation claims.

<b>Maintained by Department:</b>	Corporate and Community	<b>Approved by:</b>	Council		
<b>Reference:</b>	Policy Register	<b>Council Policy No:</b>	9.	<b>Effective Date:</b>	
<b>Min No:</b>	V1	<b>Version No:</b>	1	<b>Review Date:</b>	Each term of Council



# Minutes

Lithgow Local Heritage Advisory  
Committee  
21 June 2018  
4pm Hartley Meeting Room

Item	Agenda
1	Welcome/present/ apologies/declaration of interests
2	Confirmation of Minutes from Previous Meeting
3	Lithgow Heritage DCP Chapter – Preliminary Working Draft
4	Heritage Awards Proposal
5	Heritage Grants Program
6	McKanes Falls Bridge
7	Accessing Mt Blaxland Proposal
8	General Business
9	Next meeting

**MINUTES – LITHGOW LOCAL HERITAGE ADVISORY COMMITTEE- 21  
JUNE 2018**



**ITEM: 1       PRESENT AND APOLOGIES**

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**PRESENT:** Mayor Cllr Stephen Lesslie, Cllr Ring, C Hunter, R Moodie, H Clements,

**APOLOGIES:** H Riley, C Aitken, D Whitty, S Graves

**OFFICERS:** A Muir, S Hanrahan, M Johnson (for S Hipworth)

**DECLARATION OF INTERESTS:** Nil

**ITEM: 2       CONFIRMATION OF MINUTES FROM THE PREVIOUS  
MEETING**

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The minutes were endorsed by two members of the Committee being:

C Hunter  
Cllr Lesslie

**Business Arising**

Cllr Ring has been nominated to represent Council on the Charlie Pinch Museum Trust.

A meeting between Council's LLHAC executive officer and R Moodie to discuss the development of the Heritage Website is to be scheduled.

The meeting date was scheduled by the parties to be held on Thursday 28 June 2018 at 11.30pm.

**COMMITTEE ACTION**

**THAT** the Minutes of the meeting of 12 March 2018 are taken as read and confirmed and business arising noted.

**MOVED:** Cllr Lesslie **SECONDED:** Cllr Ring

**ITEM: 3       LITHGOW HERITAGE DCP CHAPTER – PRELIMINARY WORKING  
DRAFT**

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The Committee discussed the comments received to date on the Lithgow Heritage DCP Chapter- Preliminary Working Draft.

## **COMMITTEE ACTION**

**THAT** the Committee members provide written comments back to the LLHAC executive officer two weeks prior to the next meeting of the LLHAC for discussion and to be circulated to all members.

**MOVED:** A Muir      **SECONDED:** R Moodie

## **ITEM: 4      HERITAGE AWARDS PROPOSAL**

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The Committee considered a proposal for heritage awards from R Moodie and discussed the possible scope of future local heritage awards and when they would be implemented.

## **COMMITTEE ACTION**

### **THAT**

1. Heritage Awards be implemented in 2019 to coincide with National Trust Heritage Festival and Lithglo Event.
2. Awards to take the form of Certificate of Appreciation/ Recognition.
3. Council's Cultural Development Officer and the LLHAC Executive Officer to provide a report back to the Committee in relation to the number and criteria of awards and how the awards could be promoted before recommendation to Council to proceed.

**MOVED:** Clr Ring      **SECONDED:** C Hunter

## **ITEM: 5      HERITAGE GRANTS PROGRAM**

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The Committee considered a proposal from R Moodie to establish a local Heritage Grants Program and a report outlining current programs from the Committee Executive Officer.

## **COMMITTEE ACTION**

**THAT** no action to be taken in 2018/2019. The Committee to reconsider the matter in its last meeting of 2018 and submit a draft budget bid for 2019/2020 for consideration of Council.

**MOVED:** A Muir      **SECONDED:** Clr Ring

## **ITEM: 6      MCKANES FALLS BRIDGE – PROPOSED REPLACEMENT**

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The Committee received information that the McKanes Falls Bridge project is the responsibility of the Road and Maritime Service who are currently working with Office of Environment and Heritage for approval to refurbish the bridge.

The bridge is a State Listed Heritage item (Item A077 LLEP 2014).

A Muir updated the Committee on another timber and stonework bridge at Hartley Vale that is currently in urgent need of restorative work. Council is currently investigating the heritage significance of this bridge. The Committee members advised that it could well have historical significance associated with convict structures and early Bells Line of Road work in 1860's.

#### **COMMITTEE ACTION**

**THAT** the Committee receives the information.

**MOVED:** Clr Ring      **SECONDED:** A Muir

#### **ITEM 7:                      ACCESSING MT BLAXLAND**

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The Committee received a proposal for form a walking track to Mt Blaxland submitted by R Moodie.

The Committee concurred with the Executive Officer that the matter was outside the Terms of Reference of the Committee.

#### **COMMITTEE ACTION**

**THAT** the proposal be referred to Council's Economic Development and Tourism Manager, Mr Andrew Powrie with the Committee's support for the project.

**MOVED:** R Moodie      **SECONDED:** Clr Lesslie

#### **ITEM 8:                      GENERAL BUSINESS**

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R Moodie raised the matter of renaming of Commissariat Road as still being unresolved.

The Committee was advised that Council had received the submission on the naming of the road from Mr Moodie. Council had resolved to name the road Commissariat Road and the other components of the process were still being undertaken involving the re –notification of authorities and placing it on the online road naming system. This system was experiencing technical difficulties preventing Council uploading the required information.

R Moodie and C Hunter advised that current road works being undertaken on part of the road and area known as "The Bloody Cutting" were damaging the integrity of the culverts and clay pipes and therefore impacting the heritage significance of the area.

Clr Lesslie asked for A Muir to investigate.

#### **COMMITTEE ACTION**

**THAT** the item of General Business be noted.

**MOVED:** Clr Lesslie    **SECONDED:** Clr Ring

**ITEM 9:    NEXT MEETING:**

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**Next Meeting:** 13 August 4pm  
Hartley Building Meeting Room

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**There being no further business the meeting closed at 5.30pm**





## **CENTRAL TABLELANDS ALLIANCE (CTA) AUDIT COMMITTEE**

### **MINUTES - 22nd June, 2018**

#### **1. Welcome and Acknowledgement of Country**

We acknowledge the traditional custodians of the land on which we live and work - the Wiradjuri and Gundungurra Nations of people and we pay our respects to the Elders past, present and emerging.

#### **2. Attendance**

Rob Campbell	Chair
Neil Maltby	Independent Member
Phillip Burgett	Independent Member
Mayor Kathy Sajowitz	Mayor Oberon Council - Member
Mayor Stephen Lesslie	Mayor Lithgow City Council - Member
Gary Wallace	General Manager Oberon Council
Lynette Safranek	Finance & Community Services Director Oberon Council
Ross Gurney	Chief Financial and Information Officer Lithgow Council
John Thompson	External Auditor Via Phone Conference
Sharon Swannell	Secretariat - Oberon Council

#### **3. Apologies**

Graham Faulkner, General Manager, Lithgow City Council

#### **4. Declarations of Interest**

Nil

#### **5. Confirmation of minutes of previous meeting.**

This is the first constituted meeting of the Internal Audit Committee held so therefore there are no minutes of previous meetings for confirmation.

#### **6. Business Arising and Action List**

Nil

## 7. Chairman's Report

Rob Campbell presented the Chairman's report which had been circulated as part of the Agenda and Business Paper for the meeting. Mr Campbell outlined the background of the establishment and activation of the Central Tablelands Alliance (CTA) Audit Committee and discussion was held as follows:

Committee composition - under the charter, the committee is comprised of a Chairman, two Independent Members who should not be residents of either local council areas. The two independent members are both chartered accountants. Phillip Burgett lives in Bathurst and Neil Maltby lives in Molong, which meets the requirements. The two Mayors are council representatives and that comprises the official committee. Also in attendance is the General Manager of each Council and the Chief Financial representatives.

Charter - the charter was largely taken from the DPC internal audit guidelines. A copy of the charter has previously been endorsed by both Councils. It has been used to set up an internal audit program which Rob will distribute.

Rob Campbell sought input from the committee regarding the reporting hierarchy. As the internal audit committee covers two councils it needs to clarify the reporting hierarchy. Who is above the Committee?

Both the Councils will report the Minutes of this meeting for resolution. Any changes to the charter would be via resolution of both councils.

Discussion was held regarding Section 7.4 Selection of Members.

Moved: Mayor Kathy Sajowitz  
Second: Mayor Stephen Lesslie

That Section 7.4 (i) of the Audit Committee Charter be amended from *"The Committee shall seek nominations....."* to *"The Council shall seek nominations...."*.

Carried – Unanimous

Moved: Mayor Stephen Lesslie  
Second: Mayor Kathy Sajowitz

That Section 7.4 (ii) of the Audit Committee Charter be amended from *"The eligible persons will be interviewed by the General Manager of the LGA's who shall make recommendations to the Committee."* to *"The eligible persons will be interviewed by the council representatives and chairman of the committee or alternate independent member who shall make recommendations to the Councils."*

Carried - Unanimous

Moved: Mayor Stephen Lesslie  
Second: Mayor Kathy Sajowitz

Section 7.4 (iii) of the Audit Committee Charter be amended from

*“Following receipt of recommendations from the General Manager, the Committee may appoint the independent external members by:*

- o Making a direct appointment based on merit; or*
- o Determining the representative by the drawing of lots where there are suitable and complying nominations with equal merit.”*

to *“Following receipt of recommendations from the Selection Committee the Committee may appoint the independent external members by making a direct appointment based on merit.*

Carried - Unanimous

Moved: Phillip Burgett  
Second: Mayor Stephen Lesslie

That clause 7.4 (iv) be deleted.

Carried - Unanimous

Moved: Rob Campbell  
Second: Mayor Kathy Sajowitz

That clause 4.2 be amended to include the words *“to make recommendations that will facilitate an adequate and effective system of internal control throughout the Councils and to oversee the operation and implementation of the Internal and External audit plans.”*

Carried - Unanimous

The Chair commented that there is a full review and amendments required for section 6 of the Audit Committee Charter and due to time constraints it was suggested that the independent members sit down and examine this in detail.

Moved: Phillip Burgett  
Second: Neil Maltby

That the external members review Clause 6.1 to 6.7 and make recommendations by 30 June 2018 and those recommendations will be circulated to the voting and non voting members of the committee and the voting members will be asked to clarify any questions with the chair and vote via email within three days of the report being circulated to them. Further this will then form part of the report to the next available Council meeting of each member Council.

Carried - Unanimous

Discussion was held regarding Section 12 – Reporting. It was agreed that any recommendations from this committee need to come to Council via a report from the committee to the Council. The Committee agree there is no change required to this section of the Charter. If a matter relates to one Council a report will be provided to that Council only.

Moved: Phillip Burgett  
Second: Mayor Kathy Sajowitz

That Section 12.3 of the Audit Committee Charter be moved to the committee meetings section of the Charter.

Carried - Unanimous

Moved: Mayor Stephen Lesslie  
Second: Neil Maltby

That Section 14.2 of the Audit Committee Charter be amended to "*the councils will approve any change to the audit committee charter*" to ensure consistency with other changes made at this meeting.

Carried - Unanimous

Mayor Kathy Sajowitz asked when the work of this Committee will commence. Discussions held at this meeting will give the framework to work under. The Chair agreed that we should commence some audit as soon as possible. It was agreed that the committee would deal with the amendments to Section 6 of the Charter via a circular resolution of the committee.

Discussion was held in relation to dealing with sensitive information. It is noted there are two confidential sections include in the agenda, one for each Council. This will allow the opportunity to deal with the internal audit recommendations which may be different or confidential in nature for each member Council. The committee works under the same parameters as Council and has the same Code of Conduct and confidentiality provisions. In this instance the non-voting representatives from the alternate council could leave the room as required. The Councillor representatives could remain and deal with these matters as a confidential item. In this type of structure there will be separate risk factors and each Council will have separate issues to consider, therefore the internal audit plan requirements may be different. It is noted that the structure is under a 12 month trial.

Moved: Mayor Stephen Lesslie  
Second: Mayor Kathy Sajowitz

That the non-independent voting members agree that we proceed on the basis there is nothing that is confidential unless the non-independent council representatives report to the Chair that a matter is confidential.

Carried - Unanimous

Support Structures – the Chair advised that there is no budget provision for an independent audit person to carry out the work. A good starting point for the work is to look at the risk assessments that were done under Grant Thornton. The Chair proposed that we should move towards having a shared internal auditor.

Discussion was held in relation to other Internal Audit Committee structures that the Independent Members have been involved with and the process around the appointment of an Internal Auditor on a cost sharing basis. The success of an internal audit function comes down to working out how much councils are prepared to invest in it. Each of the Councils is different would have a separate risk register and internal audit plan. Each Council could share the same internal auditor. If we are serious about working from the individual risk registers, Oberon may wish to do something different to Lithgow, we may choose to do different audits and share the outcomes. If an internal auditor is doing a good job it can cut down on the cost of external audits.

The Chair advised the Committee that Internal Audit is shortly to be mandated across Local Government.

Discussion was held in relation to funding for an internal audit function. Centroc is looking at options and both Oberon and Lithgow Finance Directors will attend the next meeting where this will be discussed.

Moved: Mayor Stephen Lesslie  
Second:

That the committee recommend that each of the Central Tablelands Alliance Councils consider the appointment of an internal auditor as a matter of priority.

Following discussion this matter was deferred until further information about the forward plans is clarified.

Moved: Phil Burgett  
Second: Mayor Kathy Sajowitz

That each Council review the risk register and from this develop its own 2018-2019 internal audit plan, and provide a report back to the next committee meeting for endorsement of an 2018-2019 audit plan to address the priority issues affecting each council independently.

Carried - Unanimous

Moved: Mayor Kathy Sajowitz  
Second: Phil Burgett

Each Central Tablelands Alliance Council member consider carrying forward any unspent funds from the 2017-2018 budget period.

Carried - Unanimous

The meeting rose at 1.22pm for a short lunch break.

The meeting resumed at 1.44pm

As a recommendation has been put forward to carry over unspent budget there will be no works undertaken between now and the end of financial year.

The Chair circulated a document which is being developed and will become an audit plan. Each Council's Risk Assessments will be reviewed. It was noted in item 3.2 committee responsibilities, each council will review its risk matrix and conduct an analysis of its risk profile.

There are a number of Risk Assessment tools available. Oberon Council has just signed up to implement Vault which is a free service for StateCover members. It is a WHS tool that looks at how you look at your risk profile.

## **8. Next meeting, location and secretariat**

The next meeting will be held on Friday 14 September, commencing at 11.00am at the Lithgow City Council Chambers.

## **9. Meeting close**

The Chair thanked everybody for their input into the meeting and closed the meeting at 2.01pm.

## **SUMMARY OF ACTIONS**

<b>Activity</b>	<b>Responsibility</b>
REVIEW OF SECTION 6 OF THE AUDIT COMMITTEE CHARTER <ul style="list-style-type: none"><li>Undertake a review of Section 6 of the Audit Committee Charter and seek a circular resolution via email to endorse the proposed changes by 30 June 2018.</li></ul>	Chair and Independent Members

# CENTRAL TABLELANDS ALLIANCE (CTA) AUDIT COMMITTEE

## Audit Committee Charter

### 1 Name

The Committee will be called the Central Tablelands Alliance (CTA) Audit Committee.

### 2 Status

Established by authority of the Lithgow and Oberon Councils on 20 Sept 2010  
Minute 10-402

### 3 Purpose

The Audit Committee Charter sets out the role, composition, authority, responsibilities and operation for the CTA Audit Committee.

### 4 Objective

- 4.1 The main purpose and function of this Committee is to provide independent assurance and assistance to Councils on risk management, control, governance and external accountability responsibilities
- 4.2 In addition, the purpose and function of this Committee is to **make recommendations that will facilitate an adequate and effective system of internal control throughout the Councils and to oversee the operation and implementation of the Internal and External audit plans.**

### 5 Authority

The Councils authorise the Committee, within the scope of its role and responsibilities, to:

- i) Obtain any information it needs from any employee or external party (subject to their legal obligation to protect information)
  - ii) Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations)
  - iii) Request the attendance of any employee or councillor at Audit Committee meetings
- 5.1 Subject to the approval of the Councils, the Committee may obtain** external legal or other professional advice, as considered necessary to meet its responsibilities

### 6 Role and Responsibilities

- i) The role of the Audit Committee is to **monitor** risk, compliance, external accountability and the internal control environment on behalf of **the Councils**
- ii) The Committee has no executive powers, except those expressly provided by the Councils
- iii) In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Councils rest with the Councils and the General Managers as defined by the Local Government Act 1993 (as amended). **The Councils and General Managers shall ensure that reasonable resources are allocated to providing the audit committee with the information it needs to discharge its responsibilities.**
- iv) The responsibilities of the Committee may be revised or expanded by CTA Councils from time to time

Specifically, the Audit Committee's responsibilities are:

6.1 Risk Management – **monitor** CTA Councils' risk management arrangements and review whether or not:

- i) Management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud
- ii) A sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings
- iii) A sound and effective approach has been followed in establishing business continuity planning arrangements, including if plans have been tested periodically

6.2 Control Framework - **monitor** whether or not:

- i) Management has adequate and effective internal controls in place, including over external parties such as contractors and advisors
- ii) Management has in place relevant policies and procedures, and if these are periodically reviewed and updated
- iii) Appropriate processes are in place to assess if policies and procedures are complied with
- iv) Appropriate policies and procedures are in place for the management and exercise of delegations
- v) Management has taken steps to embed a culture which is committed to ethical and lawful behaviour

6.3 External Accountability:

- i) **Review the audited financial statements and consider whether they are complete, consistent with the information known to members of the Audit Committee, reflect appropriate accounting principles and are supported by appropriate management sign-off on their completeness, accuracy and adequacy of the Council's internal controls. Without having conducted its own assessment, the Audit Committee will rely on the work of the Internal and External Auditor and management representations. Therefore any recommendation to the Councils would be in accordance with these limitations and may comment on matters such as the audit process, access to records, suitable qualifications of the External Auditor, sufficient time to complete the audit and satisfactory resolution of contentious matters arising in the course of the audit.**
- ii) Reviewing the External Audit opinion, including whether or not appropriate action has been taken in response to audit recommendations and adjustments
- iii) Considering contentious financial reporting matters in conjunction with Council's management and External Auditors
- iv) Reviewing the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements
- v) Being satisfied that there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations

6.4 Legislative Compliance

- i) Determine if management has appropriately considered legal and compliance risks as



- part of risk assessment and management arrangements
- ii) Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies

## 6.5 Internal Audit

- i) Act as a forum for communication between the Councils, General Managers, senior management, Internal Audit and External Audit
- ii) Review and authorise the annual and long-term Internal Audit Plan as developed by the Internal Auditor including consideration of the Risk Management Plan
- iii) Monitor the resources of the Internal Audit function and make recommendations to the General Managers to ensure that the Internal Audit function is sufficient and appropriate
- iv) Ensure and support the independence of the Internal Audit function
- v) Make recommendations for inclusion and/ or prioritising projects in the Internal Audit Plan/s
- vi) Make recommendations to commission audits of any kind, whether to be conducted by the Internal Auditor or otherwise
- vii) Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices
- viii) Review and discuss the Internal Auditor's quarterly reports including:
  - YTD progress as per the Internal Audit Plan
  - Significant variations that have occurred from the Internal Audit Plan
  - Any specific concerns the Internal Auditor may have to discuss
- ix) Monitor the acceptance and implementation of Internal Audit recommendations by management
- x) Approve and periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place
- xi) Periodically review the performance of Internal Audit

## 6.6 External Audit

- i) Review the proposed audit scope and approach, with particular respect to coordination of audit effort with internal audit
- ii) Act as a forum for communication between the Council, General Manager, senior management, Internal and External Audit
- iii) Provide input and feedback on the financial statement and performance audit coverage proposed by External Audit, and provide feedback on the External Audit services provided
- iv) Review all external plans and reports in respect of planned or completed external audits, and monitor management's implementation of audit recommendations
- v) Consider significant issues raised in relevant External Audit reports and better practice guides, and **monitor that** appropriate action is taken

## 6.7 Responsibilities of Members

Members of the Committee are expected to:

- i) Understand the relevant legislative and regulatory requirements appropriate to Council

- ii) Contribute the time needed to study and understand the papers provided
- iii) Apply good analytical skills, objectivity and good judgment
- iv) Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry

## **7 Membership and Tenure of the Audit Committee**

### **7.1 Skills and Experience**

- i) The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council
- ii) At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.
- III. Each Council will contribute \$25000 per annum to fund the expenses of the independent members appointed to the committee.
- IV. Each Independent member will be paid \$5000 per annum for attending the four committee meetings planned each year. *The Chairman will be paid \$10000 per annum for attending the four committee meetings planned per year, compiling the agenda for each meeting, reviewing the minutes for each meeting and liaising with the other 2 independent members.*
- V. Reasonable travel expenses of the independent members will be reimbursed by the CTA Councils.

7.2 Membership of the Committee is by virtue of the appointed position; no delegates of the members are permitted

7.3 The Audit Committee shall consist of:

- i) Members (voting)
  - One Councillor from each of the CTA Councils
  - One Independent Chairperson external to the LGA's
  - Two independent members with relevant experience external to the LGA's
- ii) attendees (non-voting)
  - General Managers
  - Internal Auditor
  - Directors of Corporate Services
  - Representative of the External Auditor
- iii) Invitees (non-voting) for specific Agenda

items

- Other officers may attend by invitation as requested by the Committee

#### 7.4 Selection of Members

The selection criteria and process for the appointment of the independent external members

(to the LGA's) shall ordinarily be as follows:

- i) The Councils shall seek nominations via media advertisement from persons interested in being appointed to the available position. All nominees who satisfy the conditions of this charter shall be eligible for appointment
- ii) The eligible persons will be interviewed by the Council representatives and chairman of the committee or alternate independent member who shall make recommendations to the Councils.
- iii) Following receipt of recommendations from the Selection Committee, the Committee may appoint the independent external members by making a direct appointment based on merit

#### 7.5 Term of Office

- i) The independent external members will be appointed for the term of Council, after which they will be eligible for extension or re-appointment following a formal review of their performance.  
  
Voting shall be undertaken in accordance with section 13 of this Charter, except that the independent external members seeking reappointment may not vote on the reappointment and will be deemed to be absent for the vote for the purpose of section 9 of this Charter.  
  
This will mean that, if the external member seeking reappointment is usually the Chair, the other independent external member will become the Chair for the purpose of the vote.
- ii) The maximum number of terms an independent external member can sit on the committee without the need for further nominations is 2 terms

#### 7.6 Vacancy

In the case of resignation from the committee by an independent external member, the committee is to appoint another independent external member as soon as is practicably possible in accordance with the process set out in 7.4, but no later than one month prior to the next meeting, so that there are always two independent external members on the committee.

### 8 Code of Conduct

All members of the Audit Committee are to abide by Council's Code of Conduct.

### 9 Chairperson

- i) An independent external member acts as Chair of the Committee for the full term of office; i.e. for the term of Council
- ii) In the case of resignation by the Chair, one of the other current serving independent external member will be appointed as Chair

- iii) In the absence of the appointed Chair, one of the other current serving independent external member shall serve as the Chair for the period of absence of the duly nominated Chair
- iv) Note that this role is an administrative role only with no authority to act or direct action on behalf of the Committee/ Council

## **10 Quorum**

A quorum will consist of a majority of Committee members, including at least two independent external members.

## **11 Proceedings**

### **11.1 Meetings**

- i) The Committee shall meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion as well as review and endorsement of the annual Internal Audit Plan
- ii) The need for any additional meetings will be decided by the Chair, although the other Committee members may make requests to the Chair for additional meetings
- iii) Meetings can be held in person, by telephone or by video conference
- iv) A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter
- vi) The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee (moved from 12.3)

NB 1: Where either Internal Audit Plan priorities change between meetings or new urgent issues arise, and where it is not possible to schedule an additional meeting, the Committee will be kept fully informed of all changes via email.

### **11.2 Attendance of Non-Members:**

- i) The attendance of non-members is subject to invitation by the Chair
- ii) The Internal Auditor will be invited to attend each meeting unless requested not to do so by the Chair

### **11.3 Venue**

Committee meetings will be held on a rotating basis at CTA Councils.

### **11.4 Conflicts of Interest**

- i) Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted

- ii) Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee

#### 11.5 Minutes

- i) The Committee will appoint each CTA Council to provide secretariat support to the Committee on a rotating basis
- ii) The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained
- iii) Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held

#### 11.6 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

### 12 Reporting

12.1 The Committee shall report at least annually to each CTA Council

12.2 At the first Committee meeting after 30 June each year, the Internal Auditor will provide a performance report of:

- i) The performance of Internal Audit for the financial year as measured against agreed key performance indicators
- ii) The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit

### 13 Decision Making/Deliverables:

#### 13.1 Decision Making/ Deliverables

- i) The Committee is expected to make decisions by consensus but if voting becomes necessary then the details of the vote are to be recorded in the minutes
- ii) Each member of the Committee shall be entitled to one vote only. In the case of an equality of votes on any issue the Chair shall have the casting vote
- iii) Between meetings the Chair may circulate to members by email specific proposals for adoption by the Committee. Members shall be given a set time – at least 5 (five) days – in which to reply to indicate their agreement with a particular proposal
- iv) A member's failure to respond within the timeframe given shall be taken as a vote against the proposal. Any decision taken by the Committee by email is to be noted and minuted at the commencement of the next meeting

NB: The Internal Auditor and the External Auditor representative are not voting members of the Committee.

#### 13.2 Assessment of Committee Performance

- i) The Chair will initiate a review of the performance of the Audit Committee at least once every two years
- ii) The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair
- iii) When reviewing the Committee's performance the Chair should be satisfied that an effective, comprehensive and complete service is being provided

#### **14 Review of the Audit Committee Charter**

- i) At least once every two years the Audit Committee will review this Audit Committee Charter to ensure it remains current and reflects the Committee's role and objectives
- ii) The **Councils** will approve any changes to the Audit Committee Charter

Signed:

Audit Committee Meeting

Chair Audit  
Committee



# Minutes

Economic Development Committee  
Wednesday 4 July 2018  
5:00 pm

Item	Agenda
1	Welcome/present/ apologies
2	Confirmation of minutes
3	Retail Working Party
4	Endorsement of Regional Economic Development Strategy
5	Tourism and Marketing Initiatives
6	WSROC
7	Operations Review
8	Strategic Direction
9	Next meeting

**ITEM: 1      PRESENT AND APOLOGIES**

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**PRESENT:** Cr Lesslie, Cr Ring, Cr Coleman, Cr Thompson, Cr Goodsell and Cr Statham.

**APOLOGIES:** Cr McAndrew, Cr Smith and Cr Goodwin.

**OFFICERS:** Graeme Faulkner, Andrew Muir, Andrew Powrie and Melanie Jones (Minutes).

**DECLARATION OF INTERESTS:**

NIL

Cr Lesslie opened the meeting at 5.01pm.

**MOVED:** Cr Thompson

**SECONDED:**

Cr Ring

**CARRIED** - Unanimous

**ITEM: 2      CONFIRMATION OF MINUTES FROM THE PREVIOUS MEETING**

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**COMMENTARY**

The Minutes of the Economic Development Committee held on 6 March 2018 were adopted at Council's Ordinary Meeting of 24 April 2018 (Minute 18-103).

**RECOMMENDATION**

**THAT** the Committee note the adoption of the minutes of the Economic Development Committee held on 6 March 2018 by Council.

**MOVED:** Cr Ring

**SECONDED:**

Cr Thompson

**CARRIED** - Unanimous

**ITEM: 3      RETAIL WORKING PARTY**

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**SUMMARY**

Acting Director Economic Development & Environment provided an overview of the retail working party and informed the Committee that four community representatives have volunteered. The working party will progress through three stages including a research stage, analysis and report preparation. The General Manager also provided an overview of the process that the working party will undertake.

**COMMENTARY**

A verbal update will be provided to the committee on the status of the Retail Working Party.



## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

- Budget approved - Nil.
- Cost centre – N/A
- Expended to date - Nil.
- Future potential impact – Nil in relation to the receipt of presentations

## **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

## **RECOMMENDATION**

**THAT** the verbal update provided to the meeting on the Retail Working Party be noted.

**MOVED:** Cr Ring  
**CARRIED -** Unanimous

**SECONDED:** Cr Goodsell

**ITEM: 4      ENDORSEMENT OF LITHGOW REGIONAL ECONOMIC  
DEVELOPMENT STRATEGY 2018-2022**

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## **SUMMARY**

The Economic Development Manager provided an overview of the Lithgow Regional Economic Development Strategy 2018-2022 (REDS) for endorsement. The General Manager outlined the process that had been undertaken to present our own strategy to the Department of Premier and Cabinet for incorporation of our refined actions into the REDS plan.

## **COMMENTARY**

The purpose of local economic development is to build the economic capacity of a local area to improve its economic future and the quality of life for all.

A strong economy is vital to the overall health and long-term sustainability of the Lithgow region. In order for residents and businesses to enjoy a sustained level of growth and prosperity, the Lithgow region must become a preferred location for living, working and business investment.

Our greatest long-term economic challenge is to grow businesses while increasing job opportunities for our resident workforce, which will grow the local economy as more dollars are retained locally.

Council recognises the valuable role local businesses plays in contributing to a sustainable location and has placed a high priority on proactive policies and actions to improve investment, employment and business performance across the Lithgow region.

The development of the REDS was undertaken to identify new opportunities for employment and economic growth in the Lithgow region.

The Strategy aims to provide high level strategic direction for economic development in the Lithgow Local Government Area. The Strategy was developed in partnership with State Government following quantitative assessment of the Lithgow economy and consultation with business and other community stakeholders.

In delivering the REDS, Council's leadership in the economic development space will focus on a manageable number of strategic elements with priority actions identified that are both tangible and measurable.

Through the REDS, Council will play a major leadership role in strengthening the Lithgow region's future economy in a changing and new business environment.

Six strategic elements underpin the REDS:

1. Activate and cultivate a community of **economic development leadership**.
2. Create **labour force capability** in line with future business needs.
3. Prioritise lifestyle infrastructure and **local place-making**.
4. Foster a collaborative and **vibrant community** led by a diverse and inclusive culture.
5. Develop **tourism and marketing** opportunities.
6. Drive local **business capability** and inward business **investment**.

The REDS:

- Provides context and directions for local economic development across the Lithgow Local Government Area,
- Will be an important part of Council's decision making framework and will have regard to other key policy documents,
- Establishes a whole of Council approach to the delivery of services which advance local economic development, and
- Establishes a clear and measurable implementation plan to monitor Council's efforts and progress towards future economic vitality and prosperous communities.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

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

- Future potential impact – Nil in relation to the receipt of the REDS.

## **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

Lithgow Regional Economic Development Strategy 2018-2022

## **RECOMMENDATION**

**THAT** the Economic Development Committee recommend Council endorse the Lithgow Regional Economic Development Strategy 2018-2022 as attached.

**MOVED:** Cr Thompson

**SECONDED:**

Cr Ring

**CARRIED -** Unanimous

## **ITEM: 5 VERBAL UPDATE ON TOURISM AND MARKETING INITIATIVES**

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## **SUMMARY**

The Economic Development Manager provided the committee with an update and Powerpoint Presentation on tourism and marketing initiatives, including Gateway Billboards, VIC Member and changes to customer focus.

## **COMMENTARY**

A verbal update/brief presentation will be provided to the committee on tourism and marketing initiatives in development.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

- Budget approved - Nil.
- Cost centre – N/A
- Expended to date - Nil.
- Future potential impact – Nil in relation to the receipt of presentation.

## **LEGAL IMPLICATIONS**

Nil

## ATTACHMENTS - Nil

## RECOMMENDATION

**THAT** the verbal update provided to the Committee on tourism and marketing be noted.

**MOVED:** Cr Ring  
**CARRIED -** Unanimous

**SECONDED:** Cr Coleman

### ITEM: 6      **WSROC MEMBERSHIP**

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## SUMMARY

Lithgow's community of interest has been recognised as one based on an Industrial and Manufacturing heritage, differing to that of rural NSW and more closely aligned with that of Western Sydney. This has been recognised by the Western Sydney Regional Organisation of Councils (WSROC) who, after discussions with representatives of Lithgow Council, have extended an invitation to join the WSROC group. the General Manager provided an overview and more information.

## COMMENTARY

Formed in 1973, the Western Sydney Regional Organisation of Councils (WSROC) is a membership organisation that represents eight local councils in the Greater Western Sydney region. WSROC's members include: Blacktown City Council, Blue Mountains City Council, Cumberland Council, Fairfield City Council, Hawkesbury City Council, Liverpool City Council, City of Parramatta and Penrith City Council.

WSROC's primary role is to represent the councils and communities of Western Sydney, as well as developing resource sharing and other co-operative projects between member councils. WSROC also manages a number of projects, which are either funded jointly by its members or from external sources. WSROC brings a collective voice to a number of issues which include transport, employment, regional planning, arts, health and sustainability.

The WSROC region Estimated Resident Population for 2017 is 1,608,757.

In correspondence dated 4<sup>th</sup> June 2018, WSROC acknowledges the synergies for the WSROC Group with Lithgow as a participating member stating-

- "Lithgow is strategically positioned to support Sydney's growth to the west of the city.
- It is the closest city that offers agricultural, manufacturing and industrial bases on which to build future opportunities just on the other side of the Blue Mountains.
- The plains are free from the limitations of difficult terrain, local movement limitations and wide-spread heritage considerations of the mountain ranges.
- Lithgow offers affordable living options relative to Sydney's housing market.

- Investment in rail and road connectivity to the west of Greater Sydney provides mutual benefits to Lithgow and the metropolis of Sydney but especially Western Sydney.
- The opportunity to connect regional tourism in Western Sydney with tourism on the other side of the Blue Mountains.
- Increasing pressures on already limited farming within the Sydney basin can be alleviated by farming on the plains.”

Lithgow’s alignment to Western Sydney and its Industrial and Manufacturing fingerprint is also recognised by in the Regional Economic Development Strategy prepared by the Centre for Regional Economic Development which lists the following endowment amongst others-

“Lithgow is 140km west of the Sydney CBD and is located at the intersections of the Great-Western Highway, Castlereagh highway, and Bells Line (B59 Lithgow- Richmond). It is connected to the Sydney electric rail system and is the last stop on the Blue Mountains line, with about 15 train services per day. Lithgow is 150 km from Mascot Airport in Sydney and will be 100km from the Western Sydney Airport which is expected to open in 2026. Lithgow’s proximity to Sydney and the Central West make it a suitable location for the distribution of goods.”

## **POLICY IMPLICATIONS**

Given the immediacy of the invitation to join WSROC, management recommends that Council alert CENTROC to its desire to withdraw from full membership of that entity, in the hope that the successor Joint Organisation to CENTROC may develop an associate membership category at lower cost, that will allow Lithgow Council to continue to support the collective CENTROC membership without requiring Ministerial or legislative approval to withdraw its associate membership status if given.

Twelve months’ notice is required to resign Council’s membership with CENTROC. If notice is given immediately, Council’s CENTROC membership would expire in July 2019.

## **FINANCIAL IMPLICATIONS**

- Budget approved – nil for WSROC membership, \$50,000 for CENTROC membership. A budget variation would be required for WSROC membership fees. The cost can be offset against savings achieved on Council’s insurance premiums, therefore there would be no financial impact from joining WSROC.
- Cost centre - Nil
- Expended to date – nil.
- Future potential impact – nil.

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Correspondence from WSROC dated 4<sup>th</sup> June 2018
2. Correspondence from WSROC dated 27<sup>th</sup> June 2018
3. Map of WSROC proximate to Lithgow LGA

## RECOMMENDATION

**THAT** the Economic Development Committee recommend to Council:

1. The membership invitation extended to Lithgow Council by WSROC be accepted at an annual cost of \$42,500 + GST.
2. Council approach CENTROC to ascertain whether or not an associate member category might be considered.
3. Council thank CENTROC for its past support and advise CENTROC that should an associate membership tier at reduced cost be developed by the new Joint Organisation in the future, that Council would consider such membership so as to continue to support the Joint Organisation collective, subject to no ministerial or legislative impediment to Lithgow Council's freedom of association.
4. The Mayor be nominated as Council's representative to WSROC with the Deputy Mayor acting as an alternate representative when the Mayor is unable to attend.

**MOVED:** Cr Thompson  
**CARRIED -** Unanimous

**SECONDED:** Cr Ring

## ITEM: 7 OPERATIONS REVIEW

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### SUMMARY

In July 2017 Council agreed to conduct a review of the Operations Division from a service and efficiency perspective and as part of the overall review of the Council's Organisation Structure. An Independent Firm, Blackadder and Associates (Blackadder) was appointed to undertake this task and their final report is attached. Management has reviewed Blackadder's recommendations and has put forward some amended recommendations for Council's consideration. The General Manager provided an overview.

### COMMENTARY

Blackadder's Recommendations (Section 8 of the Blackadder Report) and Managements response to the recommendation are set out below.

- 8.1 Implement Option 3 Division Structure following Council adoption of the revised management structure. (TBA)
- 8.2 Rename the Operations Division as the Infrastructure and Services Division. (Agree)
- 8.3 Declare the current Director Operations position redundant, designate the replacement role of Director Infrastructure and Services position as "senior staff" with a performance based, time-bound employment contract. Advertise the position externally as required by the Local Government Act. Ensure the remuneration package is competitive to attract quality candidates. The position description is to have an emphasis on leadership as well as technical attributes. Ensure the selection process includes legally

defensible leadership assessment tools of the shortlisted candidates. (Agree  
Director Operations position is currently vacant)

- 8.4 Transfer the Water and Waste Water Metering function (including meter reading officers) to the Water and Waste Water Department. (Agree)
- 8.5 Transfer the Building Management function to the Infrastructure and Services Division and create a Manager Buildings position. (Agree, but Building Manager's position becomes a Building/Contracts Officer in the Works Department)
- 8.6 Transfer the Land Use and Property Officer Position to the Building Management function in the Infrastructure and Services Division as a Leasing and Property Management position. There will be a need to assess if some functions stay with the Economic Development and Environment Division. The need for close liaison between the two Divisions will continue. (TBA)
- 8.7 Transfer the Recreation function to under the Manager Works and split between Urban and Rural. (Agree)
- 8.8 Declare the Recreation Supervisor position redundant. (Agree. Position is currently vacant)
- 8.9 Create a Manager Assets and Infrastructure Planning position and recruit internally in the first instance. (Agree)
- 8.10 Create an additional Projects Engineer position to ensure adequate capital infrastructure project delivery. (Agree in principle, subject to funding)
- 8.11 Use contracted/part time project engineers/managers for specific civil and water & wastewater projects. Agree, subject to Project financing positions appointed)
- 8.12 Remove two operational positions from the structure (Assets and Projects Engineer, and one unlicensed plumber through future natural attrition) and use contracted/part time project engineers/managers to ensure the timely delivery of quality capital works. The Rural Recreation Team Leader position may also be removed from the structure should it become vacant in the future. (Agree, subject to proposed reductions being financed through natural attrition)
- 8.13 Once the adopted management structure has been implemented, then further review of the operational areas can be pursued if desired.

### **Management's Comments:**

The Divisional Structure recommended by Blackadder (option 3) allows for the Operations area and Water and Waste Water areas to report to the Director of Infrastructure Services. Management is of the view that the Water and Waste Water area needs to be completely separate from the Operations area to address the significant challenges that need to be addressed in the Water/Waste Water area whilst improving service in the Operations Division.

In suggesting this approach, Management is aware of the need to navigate Council's financial position as it addresses the Financial Maturity Assessment and Fit for the Future strategies as discussed with the Office of Local Government.

The particular challenges facing the Water/Waste Water area include-

- Strategy development for renewal of total Lithgow water underground infrastructure via grants/subsidies and Council borrowings.
- Accounting for unexplained water loss throughout the LGA.
- Audit of metering commercial vs residential properties.
- Completion of metering of Council Assets.
- Audit of pipe connections commercial v's residential.
- Cullen Bullen Sewerage Project.
- Portland STP.
- Clarence water transfer system.
- Lithgow LGA water security.
- Policy development re leakages and responsibility for repair costs in a context of high cost of repairs and capacity of residents to pay.

Managements Recommendations put forward for Council's consideration comprise the following:

1. The establishment of an Infrastructure Services Division comprising works and recreations areas.
2. The establishment of a new Water and Waste Division led by a Senior Executive appointee on a fixed term contract and subject to a performance agreement.
3. The replacement of the Group Manager Operations award based position with a Senior Executive appointment on fixed term contract and subject to a performance agreement.
4. The transfer of all Water and Waste Water functions to the new Division of Water and Waste Water.
5. The transfer the Building Management function to the Infrastructure and Services Division and create a Manager Buildings/Contracts position.
6. Transfer the Land Use and Property Officer Position to the Building Management function in the Infrastructure and Services Division as a Leasing and Property Management position.
7. Transfer the Recreation function to under the Manager Works in the Infrastructure and Services Division and split between Urban and Rural.
8. Declare the existing vacant position of Recreation Supervisor redundant.
9. Create a Manager Assets and Infrastructure Planning position and recruit internally in the first instance.
10. Subject to funding create an additional Projects Engineer position to ensure adequate capital infrastructure project delivery.
11. Subject to funding, use contracted/part time project engineers/managers for specific civil and water & wastewater projects.
12. Remove two operational positions from the existing structure (Assets and Projects Engineer, and one unlicensed plumber through future natural attrition over the medium term).

## **POLICY IMPLICATIONS**

Urgent policy development is required in the Water/Waste Water area to respond to Infrastructure replacement needs and the financial difficulty being experienced by residents under current policy requirements. Infrastructure renewal costs generally appear to be beyond the capacity to pay of residential users and a detailed policy



review and strategy is required for the City. Council continues to receive regular requests for write off of amounts arising from water leakages and associated usage calculations. To address this issue management is recommending the separation of Water and Waste Water functions from the existing Operations Division and additional resourcing in the Water/Waste Water area to enhance risk mitigation and solve existing problems.

### **FINANCIAL IMPLICATIONS**

Cost implication Water Fund: **\$85,500**

Cost implication General Fund: **\$135,500**

### **LEGAL IMPLICATIONS**

NSW Public Works Advisory in their Integrated Water Cycle Management Strategy Issues Paper Report Number: WSR - 16041 May 2018 have identified the key legislative framework, their main purposes and Councils current performance as set out in the table below. One can glean from the information in the table the challenges facing Council's Water/Waste Water area and the benefits of having a dedicated division to respond to the challenges identified.

Key Legislative Framework and their main purposes	Council current performance and future targets
<p><b>Local Government Act 1993 No 30</b></p> <p>This Act aims to provide the legal framework for an effective, efficient, environmentally responsible, and open system of Local Government including the provision, management and operation of water supply and sewerage works and facilities. It covers:</p> <ul style="list-style-type: none"> <li>• Section 60 - proposal approvals for water or sewage treatment works construction and for effluent and biosolids reuse</li> <li>• Section 61 - inspections of water and sewage treatment works</li> <li>• Section 64 - developer charges</li> <li>• Section 68 - provide an approval to applications to discharge trade waste to Council's sewerage system</li> <li>• Section 90 (2) – concurrence on liquid trade waste approvals</li> <li>• Section 428 – annual reporting</li> </ul>	<p>These Legislative and regulatory targets are generally met by Council.</p> <ul style="list-style-type: none"> <li>• Council's Developer Servicing Plan is currently being audited</li> <li>• Council currently has Section 60 Approval for WTPs and STPs</li> <li>• Council has a trade waste policy and charges. See Section 5.6.</li> <li>• Council has a RWMS for an effluent reuse scheme at Lithgow STP; however the scheme has not been implemented.</li> </ul>

Key Legislative Framework and their main purposes	Council current performance and future targets
<b>Environmental Planning and Assessment Act 1979 No 203 (and amendments)</b>	
<p>This Act aims to encourage proper management of resources, the orderly use of land, the provision of services, and the protection of the environment. It covers:</p> <ul style="list-style-type: none"> <li>Local Environmental Plans (LEP), Environmental Impact Statement (EIS), Reviews of Environmental Factors (REF)</li> </ul>	<p>The most recent Lithgow LEP commenced on 19 December 2014 after it was gazetted by the Minister for Planning</p>
<b>Public Health Act 2010</b>	
<p>The Act aims to promote, protect and improve public health and control the risks to public health. The act requires drinking water suppliers to develop and adhere to a 'quality assurance program', or drinking water management system (DWMS). Councils performance against the DWMS was checked by:</p> <ul style="list-style-type: none"> <li>Reviewing the raw water quality received at the plant</li> <li>The performance of the plant against the critical control points</li> <li>Review of the reticulated water quality</li> </ul>	<p>Refer Section 9.3 for Council's performance against their DWMS.</p>
<b>Water Management Act 2000 No 92 and Water Management Amendment Act 2008 No 73</b>	
<p>This Act promotes the sharing of responsibility for the sustainable and efficient use of water between the NSW Government and water users and provides a legal basis to manage NSW water planning, allocation of water resources and water access entitlements.</p>	<p>Council has a current bulk water supply agreement with WaterNSW for the supply of water from the Fish River Water Supply Scheme</p> <p>Council also has a license to extract water from Farmers Creek Dam WAL 35528</p>
<b>Fluoridation of Public Water Supplies Act 1957 No 58</b>	
<p>This Act covers the addition of fluoride to public water supply under the NSW Fluoridation Code of Practice.</p>	<p>The fluoridation systems at Lithgow WTP complies with the code.</p> <p>WaterNSW are currently investigating the installation of a compliant fluoridation system for Duckmaloi WTP</p>
<b>Protection of the Environment Operations Act (1997)</b>	
<p>This Act introduces an approach to protect the environment. It is a powerful tool for regulating sewerage and trade waste by local water utilities and facilitating compliance with the utility's conditions of approval for liquid trade waste discharges to the sewerage system.</p>	<p>Council holds the following EPL licenses:</p> <ul style="list-style-type: none"> <li>Oakey Park WTP – no. 2396</li> <li>Lithgow STP – no. 236</li> <li>Wallerawang STP – no. 598</li> <li>Portland STP – no. 597</li> </ul> <p>Council has a PIRMP for each of the licenses listed above.</p>
<b>Work Health and Safety Act 2011 and WHS Regulation 2011</b>	
<p>This Act has an objective to provide a consistent framework to secure the health and safety of workers and workplaces.</p>	<p>Council reviews Work Health and Safety issues through regular audits.</p>
<b>Water Supply Arrangement with WaterNSW</b>	
<p>This arrangement determines the quantity and quality of water that council is entitled to receive from the Fish River Water Supply Scheme. The arrangement covers details such as pricing, communications etc.</p>	<p>The current water supply arrangement with WaterNSW lapsed in November 2017.</p>

Key Legislative Framework and their main purposes	Council current performance and future targets
	Water supply arrangement and operational protocols for WaterNSW interaction are currently under review
<b>Dams Safety Act 1978</b>	
<p>Under this act, the owner of any dam listed as a prescribed dam must meet the requirements of the NSW Dams Safety Committee (DSC).</p> <p>The DSC assigns dams a consequence category relative to their dam failure consequence, and this determines the level of reporting and type of actions required by the dam owner as part of their Safety Management System (SMS).</p>	<p>Farmers Creek Dams No. 1 and No. 2 are both prescribed dams.</p> <p>The most recent Dam inspections were undertaken in 2017. Refer to Section 3.1 for outcomes.</p>
<b>State Environment Planning Policy (Sydney Drinking Catchment) 2011 (SEPP)</b>	
<p>The SEPP relates to developments in the Sydney Drinking Water Catchment area, and has three main aims:</p> <ul style="list-style-type: none"> <li>- To support healthy water catchments that deliver high quality water and permit development that supports that goal</li> <li>- To ensure that consent authorities only allow proposed developments that have a neutral or beneficial effect on water quality</li> <li>- To support water quality objectives in the catchment.</li> </ul> <p>Under SEPP, development proponents must demonstrate that their proposal has a neutral or beneficial effect on water quality. This is done by undertaking a NorBE assessment.</p>	<p>The south-eastern part of Lithgow LGA, including Lithgow and Wallerawang, is in the Sydney Drinking Water catchment, and thus developments are subject to NorBE requirements.</p> <p>Portland is outside the Sydney Drinking Water Catchment.</p>
<b>Best Practice</b>	
<p>A local water utility demonstrates best practise by achieving the outcomes required by the <i>NSW Best-Practice Management of Water Supply and Sewerage Framework</i>. These include:</p> <ul style="list-style-type: none"> <li>- Strategic Business Plan (SBP)</li> <li>- Requirements of LWU Circular 11 and 18</li> <li>- Pricing &amp; Regulation of Water Supply, Sewerage &amp; LTW</li> <li>- Asset Management Plan &amp; Valuation Reports</li> </ul>	<p>Council holds the following</p> <ul style="list-style-type: none"> <li>• SBP</li> <li>• Pricing and Regulations of Water supply, sewerage &amp; trade waste</li> <li>• Asset Management Plan (AMP)</li> </ul>

## ATTACHMENTS

1. Review of Operations Division May 2018 Blackadder associates

## RECOMMENDATION

**THAT** the Economic Development Committee recommend that:

1. Council agree to the establishment of an Infrastructure Services Division comprising works and recreations areas.
2. Council agree to the establishment of a new Water and Waste Water Division led by a Senior Executive appointee on a fixed term contract and subject to a performance agreement.
3. Council agree to the replacement of the Group Manager Operations award based position with a Senior Executive appointment on fixed term contract and subject to a performance agreement.

4. Council agree to the establishment of a Senior Executive position designated Director Water/Waste Water subject to fixed term contract and performance agreement.
5. Council agree to the transfer of all Water and Waste Water functions to the new Division of Water and Waste Water.
6. Council agree to the transfer the Building Management function to the Infrastructure and Services Division and create a Building/Contracts Officer position.
7. Council agree to the transfer of the Land Use and Property Officer Position to the Building Management function in the Infrastructure and Services Division as a Leasing and Property Management position.
8. Council agree to the transfer of the Recreation function under the Manager Works in the Infrastructure and Services Division and split between Urban and Rural areas.
9. Council declare the existing vacant position of Recreation Supervisor redundant.
10. Council create a Manager Assets and Infrastructure Planning position and recruit internally in the first instance.
11. Subject to funding agree to create an additional Projects Engineer position to ensure adequate capital infrastructure project delivery.
12. Subject to funding, agree to use contracted/part time project engineers/managers for specific civil and water & wastewater projects.
13. Council agree to the removal of two operational positions from the existing structure (Assets and Projects Engineer, and one unlicensed plumber through future natural attrition over the medium term).

**MOVED:** Cr Statham  
**CARRIED -** Unanimous

**SECONDED:** Cr Lesslie

## **ITEM: 8 STRATEGIC DIRECTION**

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### **SUMMARY**

The General Manager provided a verbal report and discussion on Strategic Direction.

### **COMMENTARY**

The General Manager will provide a verbal report on Strategic Direction.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

- Budget approved - Nil.
- Cost centre – N/A
- Expended to date - Nil.
- Future potential impact – Nil in relation to the receipt of presentations

## **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

## **RECOMMENDATION**

**THAT** verbal report and discussion on Strategic Direction be noted.

**MOVED:** Cr Coleman  
**CARRIED -** Unanimous

**SECONDED:** Cr Ring

## **ITEM: 9          NEXT MEETING**

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### **COMMENTARY**

At the committee's first meeting in November 2017 the committee determined that "the General Manager determine when the next meeting will be held on a needs basis."

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

- Budget approved – Nil
- Cost centre – Nil
- Expended to date – Nil on this initiative
- Future potential impact - NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

Nil

## **RECOMMENDATION**

**THAT** the General Manager determine when the next meeting will be held on a needs basis.

**MOVED:** Cr Coleman

**SECONDED:** Cr Statham



# MINUTES

## Finance Committee

### 9 July 2018

### 4:30 p.m.

Name of Committee	
Item Number	Agenda
1	Welcome/present/ apologies
2	Confirmation of Minutes – June Meeting
3	Finance Update – EOFY, SRV
4	June Performance Reporting to OLG
5	Review of Insurance Arrangements
6	Central Tablelands Alliance Audit Committee – June meeting
7	External Audit – Fraud Questionnaire – Governance Section
8	June 2018 Investment Report
9	July Council Meeting – Review of Finance and Assets Reports
10	Audit Action List
11	General Business
12	Next Meeting – 13 August 2018

## MINUTES – FINANCE COMMITTEE MEETING – 9 JULY 2018



### ITEM: 1 PRESENT AND APOLOGIES

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**PRESENT:** Councillor R Thompson (Chair), Councillor Stephen Lesslie, Councillor Steven Ring, Councillor Wayne McAndrew (4.57pm)

**APOLOGIES:** NIL

**OFFICERS:** Graeme Faulkner- General Manager, Ross Gurney - Chief Financial & Information Officer, Michael McGrath – Executive Manager People & Services, Andrew Muir – Director Economic Development and Environment, Rhiannan Whiteley - Minutes.

**DECLARATION OF INTERESTS:** Nil

### ITEM: 2 CONFIRMATION OF MINUTES FROM THE PREVIOUS MEETING

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The minutes of the Finance Committee Meeting held on 13 June 2018 were endorsed by Council on 25 June 2018 with the resolution number 18-172.

**MOVED:** Councillor S Ring

**SECONDED:** Graeme Faulkner

### ITEM: 3 FINANCE UPDATE – EOFY, SRV

---

CFIO provided a verbal report to the committee. Finance are currently working on EOY processes and it is too early to report on the 18/19 year.

CFIO advised he would present a preliminary 2017/18 report to the next meeting.

Consultation on the Special Rate Variation has commenced with a survey being conducted throughout the LGA.

Operational carryovers / revotes need to be kept to a minimum to maintain budgetary controls for the 2018/19 year. Councillor Ring asked what processes were in place throughout the year to monitor progress towards completing projects and spending budgeted funds. General Manager advised that EMT/CMT reported on operational expenditure throughout the year.

The Capital and Operational carryovers/ revotes will be considered by EMT and then put to Council in August or September.

Councillor Ring made enquiries about early close practices. CFIO advised that Local Government is not required to do this, however it may change with the switch to the NSW Audit Office. Council has completed its revaluations early and Council is in a much better position this EOFY for the auditors to sign off than we have in the past.



**ACTION**

**THAT** the above information be noted.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor S Lesslie

**ITEM: 4          JUNE PERFORMANCE REPORTING TO OLG**

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**SUMMARY**

Six new Engagement Officers have been appointed to the OLG. Lithgow's OLG officer (Karen Purser) will be meeting with the General Manager on Wednesday 11 July. General Manager will discuss ongoing reporting requirements.

The report was noted by the Committee

**MOVED:** Councillor S Ring

**SECONDED:** Councillor S Lesslie

**ITEM: 5          REVIEW OF INSURANCE ARRANGEMENTS**

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**SUMMARY**

The committee were advised that Civic Risk Mutual had provided a list of risk management improvement recommendations to Council. An action list has been prepared with timeframes for implementation. If Council were to join Civic Risk Mutual, there is an expectation that Council would address each recommendation (action is already underway).

Council has obtained a \$189,000 2018/19 budget saving from amending Council's premium excesses.

General Manager advised that Council has joined Civic Risk as associate members without voting rights but at no cost to council at this stage. The General Manager has notified Statewide that Council intends to resign from the mutual on 30 June 2019.

Once Council has worked through insurance plans for next financial year, a report will be put to Council.

The information in the report was noted by the committee.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor S Ring

**ITEM: 6          CENTRAL TABLELANDS ALLIANCE AUDIT COMMITTEE – JUNE MEETING**

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**SUMMARY**

CFIO advised that the first meeting of the Audit Committee with Oberon Council took place on 22 June 2018. There are three independent members and five voting



members in total. Rob Campbell, an independent Chartered accountant from Orange is the Committee's chairperson.

This meeting focused primarily on the Charter and its customisation. The Committee agreed that it be made clear in the Charter that the power to make final decisions remains with each Council and not with the Audit Committee. Additionally, that issues affecting individual councils remain independent and confidential as necessary. The Audit committee must operate within each Council's budget. The Audit committee expects that each Council will conduct a high risk internal audit program in 2018/19 – within the budget allocation for the Committee in the 2018/19 budget.

The General Manager has recommended that we approach the process with due care to ensure that it meets Council's needs.

The establishment of this committee meets the expectations of the OLG and finalises a Financial Management Maturity Assessment action.

CFIO attended Centroc meeting last week and advised they are looking at a regional approach to internal audit.

**MOVED:** Councillor S Lesslie

**SECONDED:** Graeme Faulkner

#### **ITEM 7:       EXTERNAL AUDIT – FRAUD QUESTIONNAIRE – GOVERNANCE SECTION**

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##### **SUMMARY**

The Auditors have requested that a Fraud Questionnaire be signed off annually. The Governance section of the questionnaire is required to be signed off by the Mayor, General Manager requested that the Responsible Accounting Officer co-sign.

CFIO to follow-up Crowe Horwath for the Interim Audit Management letter, which has not been received on time. Any issues relating to missed deadlines are to be referred to the Audit Office for resolution.

**MOVED:** Councillor S Ring

**SECONDED:** Graeme Faulkner

#### **ITEM 8:       JUNE 2018 INVESTMENT REPORT**

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The June 2018 Investment Report has not been finalised and will be presented to the July Council meeting.

**ITEM 9: JULY COUNCIL MEETING – REVIEW OF FINANCE & ASSETS REPORTS**

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**SUMMARY**

The following report being presented to the Council meeting by Finance and Assets was discussed and recommended for approval at the Council meeting on 23 July 2018.

**ACTION/RECOMMENDATION**

**Audit Committee Meeting Minutes 22 June 2018**

**FINANCIAL IMPLICATIONS**

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

**THAT** Council

1. Note the CTA Audit Committee June meeting minutes; and
2. Endorse the amended CTA Audit Committee Charter.

**MOVED:** Councillor S Ring

**SECONDED:** Graeme Faulkner

**ITEM 10: AUDIT ACTION LIST**

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CFIO provided an update of the Audit Action List with all 2017/18 actions completed.

The Auditors have accepted completion of the 2017/18 audit actions. There are some ongoing actions.

Finance Committee congratulated Finance team on their efforts.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor S Lesslie

**ITEM 11: GENERAL BUSINESS**

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**1. Councillor R Thompson –**

Enquired as to whether the Workmen's Club had made a submission regarding assistance with their water account.

A meeting has taken place with members from Workmen's Club and Council staff. A submission has not been received.

**2. Councillor Lesslie –**

Enquired about an email he had received from a resident at South Bowenfels in relation to an invoice for Water connection fee. General Manager advised he would provide a response to the resident.

**3. Councillor McAndrew –**

Raised concerns with the amount of complaints and requests for assistance in relation to water rates. He suggested that the amount of requests for assistance has increased dramatically over the past 12-18 months.

It was suggested that a communication exercise occur to better inform rate payers about these increases.

Committee requested a report comparing what other councils charge for water.

**ITEM 12: NEXT MEETING**

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**Next Meeting:** 13 August 2018 at 4:30 pm  
The Committee Room

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**There being no further business the meeting closed at 5.14pm.**



## **CENTRAL TABLELANDS ALLIANCE (CTA) AUDIT COMMITTEE**

### **MINUTES - 22nd June, 2018**

#### **1. Welcome and Acknowledgement of Country**

We acknowledge the traditional custodians of the land on which we live and work - the Wiradjuri and Gundungurra Nations of people and we pay our respects to the Elders past, present and emerging.

#### **2. Attendance**

Rob Campbell	Chair
Neil Maltby	Independent Member
Phillip Burgett	Independent Member
Mayor Kathy Sajowitz	Mayor Oberon Council - Member
Mayor Stephen Lesslie	Mayor Lithgow City Council - Member
Gary Wallace	General Manager Oberon Council
Lynette Safranek	Finance & Community Services Director Oberon Council
Ross Gurney	Chief Financial and Information Officer Lithgow Council
John Thompson	External Auditor Via Phone Conference
Sharon Swannell	Secretariat - Oberon Council

#### **3. Apologies**

Graham Faulkner, General Manager, Lithgow City Council

#### **4. Declarations of Interest**

Nil

#### **5. Confirmation of minutes of previous meeting.**

This is the first constituted meeting of the Internal Audit Committee held so therefore there are no minutes of previous meetings for confirmation.

#### **6. Business Arising and Action List**

Nil

## 7. Chairman's Report

Rob Campbell presented the Chairman's report which had been circulated as part of the Agenda and Business Paper for the meeting. Mr Campbell outlined the background of the establishment and activation of the Central Tablelands Alliance (CTA) Audit Committee and discussion was held as follows:

Committee composition - under the charter, the committee is comprised of a Chairman, two Independent Members who should not be residents of either local council areas. The two independent members are both chartered accountants. Phillip Burgett lives in Bathurst and Neil Maltby lives in Molong, which meets the requirements. The two Mayors are council representatives and that comprises the official committee. Also in attendance is the General Manager of each Council and the Chief Financial representatives.

Charter - the charter was largely taken from the DPC internal audit guidelines. A copy of the charter has previously been endorsed by both Councils. It has been used to set up an internal audit program which Rob will distribute.

Rob Campbell sought input from the committee regarding the reporting hierarchy. As the internal audit committee covers two councils it needs to clarify the reporting hierarchy. Who is above the Committee?

Both the Councils will report the Minutes of this meeting for resolution. Any changes to the charter would be via resolution of both councils.

Discussion was held regarding Section 7.4 Selection of Members.

Moved: Mayor Kathy Sajowitz  
Second: Mayor Stephen Lesslie

That Section 7.4 (i) of the Audit Committee Charter be amended from "*The Committee shall seek nominations.....*" to "*The Council shall seek nominations....*".

Carried – Unanimous

Moved: Mayor Stephen Lesslie  
Second: Mayor Kathy Sajowitz

That Section 7.4 (ii) of the Audit Committee Charter be amended from "*The eligible persons will be interviewed by the General Manager of the LGA's who shall make recommendations to the Committee.*" to "*The eligible persons will be interviewed by the council representatives and chairman of the committee or alternate independent member who shall make recommendations to the Councils.*"

Carried - Unanimous

Moved: Mayor Stephen Lesslie  
Second: Mayor Kathy Sajowitz

Section 7.4 (iii) of the Audit Committee Charter be amended from

*“Following receipt of recommendations from the General Manager, the Committee may appoint the independent external members by:*

- o Making a direct appointment based on merit; or*
- o Determining the representative by the drawing of lots where there are suitable and complying nominations with equal merit.”*

to *“Following receipt of recommendations from the Selection Committee the Committee may appoint the independent external members by making a direct appointment based on merit.*

Carried - Unanimous

Moved: Phillip Burgett  
Second: Mayor Stephen Lesslie

That clause 7.4 (iv) be deleted.

Carried - Unanimous

Moved: Rob Campbell  
Second: Mayor Kathy Sajowitz

That clause 4.2 be amended to include the words *“to make recommendations that will facilitate an adequate and effective system of internal control throughout the Councils and to oversee the operation and implementation of the Internal and External audit plans.”*

Carried - Unanimous

The Chair commented that there is a full review and amendments required for section 6 of the Audit Committee Charter and due to time constraints it was suggested that the independent members sit down and examine this in detail.

Moved: Phillip Burgett  
Second: Neil Maltby

That the external members review Clause 6.1 to 6.7 and make recommendations by 30 June 2018 and those recommendations will be circulated to the voting and non voting members of the committee and the voting members will be asked to clarify any questions with the chair and vote via email within three days of the report being circulated to them. Further this will then form part of the report to the next available Council meeting of each member Council.

Carried - Unanimous

Discussion was held regarding Section 12 – Reporting. It was agreed that any recommendations from this committee need to come to Council via a report from the committee to the Council. The Committee agree there is no change required to this section of the Charter. If a matter relates to one Council a report will be provided to that Council only.

Moved: Phillip Burgett  
Second: Mayor Kathy Sajowitz

That Section 12.3 of the Audit Committee Charter be moved to the committee meetings section of the Charter.

Carried - Unanimous

Moved: Mayor Stephen Lesslie  
Second: Neil Maltby

That Section 14.2 of the Audit Committee Charter be amended to "*the councils will approve any change to the audit committee charter*" to ensure consistency with other changes made at this meeting.

Carried - Unanimous

Mayor Kathy Sajowitz asked when the work of this Committee will commence. Discussions held at this meeting will give the framework to work under. The Chair agreed that we should commence some audit as soon as possible. It was agreed that the committee would deal with the amendments to Section 6 of the Charter via a circular resolution of the committee.

Discussion was held in relation to dealing with sensitive information. It is noted there are two confidential sections include in the agenda, one for each Council. This will allow the opportunity to deal with the internal audit recommendations which may be different or confidential in nature for each member Council. The committee works under the same parameters as Council and has the same Code of Conduct and confidentiality provisions. In this instance the non-voting representatives from the alternate council could leave the room as required. The Councillor representatives could remain and deal with these matters as a confidential item. In this type of structure there will be separate risk factors and each Council will have separate issues to consider, therefore the internal audit plan requirements may be different. It is noted that the structure is under a 12 month trial.

Moved: Mayor Stephen Lesslie  
Second: Mayor Kathy Sajowitz

That the non-independent voting members agree that we proceed on the basis there is nothing that is confidential unless the non-independent council representatives report to the Chair that a matter is confidential.

Carried - Unanimous

Support Structures – the Chair advised that there is no budget provision for an independent audit person to carry out the work. A good starting point for the work is to look at the risk assessments that were done under Grant Thornton. The Chair proposed that we should move towards having a shared internal auditor.

Discussion was held in relation to other Internal Audit Committee structures that the Independent Members have been involved with and the process around the appointment of an Internal Auditor on a cost sharing basis. The success of an internal audit function comes down to working out how much councils are prepared to invest in it. Each of the Councils is different would have a separate risk register and internal audit plan. Each Council could share the same internal auditor. If we are serious about working from the individual risk registers, Oberon may wish to do something different to Lithgow, we may choose to do different audits and share the outcomes. If an internal auditor is doing a good job it can cut down on the cost of external audits.

The Chair advised the Committee that Internal Audit is shortly to be mandated across Local Government.

Discussion was held in relation to funding for an internal audit function. Centroc is looking at options and both Oberon and Lithgow Finance Directors will attend the next meeting where this will be discussed.

Moved: Mayor Stephen Lesslie  
Second:

That the committee recommend that each of the Central Tablelands Alliance Councils consider the appointment of an internal auditor as a matter of priority.

Following discussion this matter was deferred until further information about the forward plans is clarified.

Moved: Phil Burgett  
Second: Mayor Kathy Sajowitz

That each Council review the risk register and from this develop its own 2018-2019 internal audit plan, and provide a report back to the next committee meeting for endorsement of an 2018-2019 audit plan to address the priority issues affecting each council independently.

Carried - Unanimous

Moved: Mayor Kathy Sajowitz  
Second: Phil Burgett

Each Central Tablelands Alliance Council member consider carrying forward any unspent funds from the 2017-2018 budget period.

Carried - Unanimous

The meeting rose at 1.22pm for a short lunch break.

The meeting resumed at 1.44pm

As a recommendation has been put forward to carry over unspent budget there will be no works undertaken between now and the end of financial year.

The Chair circulated a document which is being developed and will become an audit plan. Each Council's Risk Assessments will be reviewed. It was noted in item 3.2 committee responsibilities, each council will review its risk matrix and conduct an analysis of its risk profile.

There are a number of Risk Assessment tools available. Oberon Council has just signed up to implement Vault which is a free service for StateCover members. It is a WHS tool that looks at how you look at your risk profile.



## **8. Next meeting, location and secretariat**

The next meeting will be held on Friday 14 September, commencing at 11.00am at the Lithgow City Council Chambers.

## **9. Meeting close**

The Chair thanked everybody for their input into the meeting and closed the meeting at 2.01pm.

## **SUMMARY OF ACTIONS**

<b>Activity</b>	<b>Responsibility</b>
REVIEW OF SECTION 6 OF THE AUDIT COMMITTEE CHARTER <ul style="list-style-type: none"><li>Undertake a review of Section 6 of the Audit Committee Charter and seek a circular resolution via email to endorse the proposed changes by 30 June 2018.</li></ul>	Chair and Independent Members



# Minutes

Community Development Committee  
Tuesday 10 July 2018  
Lithgow City Council  
Committee Room  
4.00 – 5.00 pm

Community Development Committee	
Item Number	Agenda
1	Welcome, Present & apologies
2	Previous Minutes
3	Business Arising from Previous Minutes
4	Financial Assistance
5	Adventure Playground
6	Update on Current projects
7	General Business

## **ITEM: 1 WELCOME, PRESENT AND APOLOGIES**

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**Present:** Clr Coleman, Bryan Williamson, Rachael Young, Annette Staines, Glenda Anthes and Paul Phillips

**Apologies:** Mayor Lesslie and Clr Statham

**Officers:** Matthew Johnson and Viktoria Gulabovski

**Declaration of Interests:**

Rachael Young declared an interest in Item 4, Financial Assistance in relation to the application by Rydal A H & P Society and left the room during discussion of that application.

Glenda Anthes declared an interest in Item 4, Financial Assistance in relation to the application by Lithgow District Chamber of Commerce and left the room during discussion of that application.

## **ITEM: 2 PREVIOUS MINUTES**

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The minutes of the 8 May 2018 meeting were endorsed by three members present and reported to Council on 28 May 2018.

### **ACTION**

#### **THAT**

The endorsement of the previous minutes by three members present and their reporting to Council on 28 May 2018 be noted.

**MOVED:** Glenda Anthes

**SECONDED:** Bryan Williamson

## **ITEM: 3 BUSINESS ARISING FROM PREVIOUS MINUTES**

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### **3.1. Col Drew Drive Traffic Lights**

Council understands that the RMS is giving consideration to installing traffic lights at this intersection, but no information is available on its timetable for installation.

### **3.2<sup>2</sup>Community Transport to Rural Villages**

A report was provided at the meeting on this. Lithgow Community Transport currently provides some existing services, including a weekly shopper service to residents of Cullen Bullen, Portland and Lidsdale and is are looking to expand their services in future to include a weekly bus run from Portland, Wallerawang and Marrangaroo.

### **3.3 Adult Change Facility Adventure Playground**

A report was provided at the meeting on this. Endeavour Park currently has a twin accessible self-cleaning toilet facility adjacent to the adventure playground site. The supplier of these toilets has advised that they can't be retrofitted with an adult change table and the cost of a new unit with change table would be in the order of \$130,000 plus installation and site costs. A new adult change unit with an electric hoist would be about the same size as two standard toilets and would cost up to \$200,000 plus installation and site costs.

The current twin toilets at Endeavour Park are very well used and once the playground is open Council expects considerably more use. If at some point Council decides to add additional toilets, then it might be possible for one of these to include adult change facilities.

### **3.4 Pigeons in CBD**

There was discussion on this matter.

#### **ACTION**

#### **THAT**

The discussion under Business Arising be noted.

**MOVED:** Annette Staines

**SECONDED:** Paul Phillips

#### **ITEM: 4 FINANCIAL ASSISTANCE**

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#### **SUMMARY**

Council resolved on 28 May 2018 that amended Policy 4.2 Financial Assistance and Council's intention to delete Policies 4.3 and 4.4 be endorsed for public exhibition and comment for 28 days after which it will be reported back to Council for final adoption.

These proposed changes were placed on public exhibition until 6 July and will be reported back to Council on 23 July 2018.

Council called for applications from the community for Round 1 of 2018/19 Non-Recurrent Financial Assistance from 1 April 2018. Previous recipients of Recurrent Financial Assistance were advised of the proposed policy change and asked to submit a Non-Recurrent Financial Assistance application.

These applications were presented for the committee's consideration.

#### **COMMENTARY**

A total of \$106,500 has been allocated for Financial Assistance in 2018/19. Of this amount, \$1,000 will be set aside for fee waivers by the General Manager, \$10,000 for Showground/Civic Ballroom event fee waiver packages and \$2,500 for Sporting Related Financial Assistance, leaving a net \$93,000 for Rounds 1 and 2 including former recurrent recipients.

3

26 Round 1 applications to the value of \$94,860 have been received as below. The Committee considered these applications in relation to the Financial Assistance Policy and the available budget and makes the following recommendations.

#### **RECOMMENDATION TO COUNCIL**

**THAT** Council:

Provide Round 1 Non-Recurrent Financial Assistance to the following projects:

# ROUND 1 2018/19 NON-RECURRENT FINANCIAL ASSISTANCE APPLICATIONS

	Organisation	Project Outline	Amount requested	Amount Recommended
<b>1</b>	<b>Lithgow Community Projects</b>  Music Group	A program aimed at engaging vulnerable young people (who have experienced violence and abuse) with a therapeutic focus using Rhythm to Recovery.	\$1,000	\$1,000
<b>2</b>	<b>LINC Local sewing group</b>  Boomerang Bags Lithgow	Produces reusable bags from recycled fabric to help reduce the use of single-use plastic bags, reduce waste to land fill, and create a platform to discuss recycling, sustainability and caring for the environment. storage cupboard.	\$2,770	\$1,500
<b>3</b>	<b>Rydal AH &amp; P Society</b>  Heavy Horse & Yard Dog 2018	Sponsorship for the 2019 Rydal Show – Heavy Horse & Yard Dog sections. Sponsorship will go towards prize money for each section.	\$1,000	\$1,000
<b>4</b>	<b>Lithgow District Car Club</b>  Rate	Rate Reimbursement - Yvonne Martyn Memorial Motor Sport Park	\$1,136	\$1,000
<b>5</b>	<b>Lithgow City Band</b>  1918 Back from the Brink	Funding to host a 1918 Back from the Brink event, a theatrical production combining a play and various musical items to celebrate the centenary of the Armistice in 1918.	\$3,000	\$1,000

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	<b>Organisation</b>	<b>Project Outline</b>	<b>Amount requested</b>	<b>Amount Recommended</b>
<b>6</b>	<b>Thrive Services</b>  Thriving at School program	Assistance with school uniforms, stationery, excursions, bags and other supports to encourage school attendance and participation.	\$3,000	Nil The Committee considered that there are alternative programs in Lithgow that provide this type of service.
<b>7</b>	<b>Mingaan Wiradjuri Aboriginal Corporation</b>  NAIDOC Week 2018	To celebrate and acknowledge the rich and diverse contribution of the local Aboriginal culture, and provide a platform for education and cultural exchange experiences for the broader community.	\$3,000	\$3,000
<b>8</b>	<b>Cullen Bullen Progress Association</b>  Water Usage Rebate	Request to waive water usage fee for undetected leak.	\$976.44	NIL The Committee considered that this request falls outside the Financial Assistance guidelines.
<b>9</b>	<b>Lithgow Cares Coalition</b>  Information sessions, Community Fun Days, and Professional Development	The Lithgow Cares Coalition organises community fun days across the LGA and provides professional development opportunities for people who work in the child care sector, education, health and domestic violence to ensure quality services are	\$4,240	\$3,000
<b>10</b>	<b>LINC Communities and Kids</b>  Circle of Security Parenting Program	Funding to roll out an 8 week parenting program known as "Circle of Security" (COS)., a relationship-based early intervention program designed to enhance attachment security between parents and children.	\$4,716	\$3,000

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	Organisation	Project Outline	Amount requested	Amount Recommended
11	<b>Tarana Tanker Trailers Inc.</b>  Tanker Trailer Registration	Funding to register 13 trailers, 12 for safe use in fighting fires, and one equipped with fast fill pump to take to source of water and used to fast fill fire trucks.	\$1,350	\$1,200
12	<b>NSW Rural Doctors Network</b>  Bush Bursary Scholarship Scheme	To sponsor a two-week medical student placement in Bourke as part of the Bush Bursary / CWA Scholarship Scheme. The Scholarship offers medical students the opportunity to experience lifestyle and medical practice in a rural NSW community.	\$3,000	NIL The Committee considered that this request falls outside the Financial Assistance guidelines as the benefits would go to communities outside of
13	<b>Clarence Dargan RFS</b>  Clarence/ Dargan RFS Shed Awning	Clarence Dargan RFS is seeking funds to complete the installation of the awning on their site to enable members to train during inclement weather and at night.	\$3,645	NIL The Committee considered that this request falls outside the Financial Assistance guidelines and that alternative sources of funding would be
14	<b>First Australian Muzzle Loading Gun Rifle Pistol Club Inc.</b>	Rate reimbursement	\$1,115.35	\$1,000
15	<b>Wallerawang Branch of the Central Acclimatization Society</b>  Go Fish Australia Day	To host Go Fishing Australia event in 2019, a fun and educational event. Last year there were over 500 attendees.	\$3,000	\$1,500

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	Organisation	Project Outline	Amount requested	Amount Recommended
16	<b>The City of Greater Lithgow Mining Museum</b>  Power to the Pavilion	Provide an electricity supply to the Pavilion to make it more useful for community groups and events. The project also intends to provide sufficient capacity to support planned museum developments, such as a 3D virtual underground mine. Quote attached.	\$1,800	\$1,800
17	<b>Lithgow Living History</b>  Events Transport	Local communities (Portland, Rydal and Hartley) have approached LLH to bring its WW2 replica cannon gun to their events. This artefact is very popular, ensures a crowd, and enhances the experience of the event for the local community. LLH is requesting funding to transport the cannon gun to the Rydal Show, Daffodils, Portland Fair, Back to Hartley and other local cultural and	\$2,000	NIL The Committee considered that events that request the services of Lithgow Living History should meet the costs of transport.

7 **Former Recurrently Funded Projects**

	Organisation	Project Outline	Amount Requested	Amount Recommended
18	<b>Portland Golf Club</b>  Rate Reimbursement	Reimbursement of rates for not-for-profit organisation run by volunteers	\$6,132	Nil The applicant is to be asked for further information with a view to reconsidering their request in Round 2.
19	<b>Lithgow District Chamber of Commerce</b>	To help promote retail events such as Mother's Day, Halloween, WILD, LithGlow, as well as	\$12,300	NIL The Committee considered that this request falls



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	<b>Organisation</b>	<b>Project Outline</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
	Supporting growth of the small business sector in Lithgow	assistance with organizing guest speakers that support small business owners for marketing success and growth.		outside the Financial Assistance guidelines and is best considered as a business support request through Council's Economic Advisory Committee.
20	<b>Lithgow Community Projects</b>  White Ribbon Trivia Night	To host a Trivia Night and White Ribbon Walk against violence. Both events are extremely positive in engaging community members in discussion and raising awareness of domestic and family violence and the message of the White Ribbon Campaign.	\$1,900	\$1,000
21	<b>LINC Rental Assistance</b>	Partial offset of the annual rent that Council charges for the Padley st premises. The grant will assist LINC to provide essential support and social development services to disadvantaged members of the Lithgow community.	\$10,450	\$10,450
22	<b>Western Region Academy of Sport</b>  Annual operation of the WRAS	Funding to provide western region pre-elite junior athletes with pathways to higher rep levels in their chosen sport.	\$1,192	\$1,192
23	<b>Lithgow Tidy Towns</b> Copper Winged Butterfly – installed in Kip	To cover the costs of manufacturing and installing a large butterfly sculpture by local artists Tim Johnman & Steve Cunningham in the	\$5,000	\$2,500

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	Organisation	Project Outline	Amount Requested	Amount Recommended
	McGrath Alcove	Kip McGrath alcove.		
24	<b>Wallerawang Tidy Towns</b>  Purchase seats for Lake Wallace and Lidsdale park.	Tidy towns projects	\$1,025	\$1,025
25	<b>Cullen Bullen Tidy Towns</b>  Weather cover for existing table and seat bench setting	Skip Line Memorial	\$1050	\$1,050
26	<b>Portland Tidy Towns</b> Funding to assist with ongoing expenses	Tidy Towns projects	\$1,025	\$1,025
27	<b>Arts out West</b>	Contribution to regional arts organization that supports local artists and cultural groups	\$14,037	\$10,000
	<b>Lithgow Show Society</b> No application received			Nil For consideration in Round 2
	<b>Ironfest</b> No application received			Nil For consideration in Round 2
	<b>TOTAL</b>		<b>\$94,860</b>	<b>\$48,242</b>

9

**MOVED:** Paul Phillips

**SECONDED:**

Annette Staines

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**ITEM: 5      Adventure Playground**

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**SUMMARY**

An update was provided on construction of the Adventure Playground.

**COMMENTARY**

Council has awarded the Adventure Playground construction tender to Coordinated Landscapes Pty Ltd, the same company that undertook Masterplan works at Blast Furnace.

Works should start in August and we hope for completion in time for January school holidays.

The RMS has started work on the installation of traffic lights at the GWH/Bayonet Street intersection.

The Committee asked that updates be provided via Council's website and media release on the timetable of the project.

**ACTION**

**THAT:**

The discussion on the Adventure Playground be noted.

**MOVED:** Rachael Young      **SECONDED:** Bryan Williamson

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**ITEM: 6      UPDATE ON CURRENT PROJECTS**

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**SUMMARY**

- 1 An update was provided on projects currently underway in Community and Culture including Stronger Country Communities funded projects.

**COMMENTARY**

Council has been successful in winning a Regional Cultural Fund grant of approximately \$776,000 to upgrade back of stage facilities at the Union Theatre including lighting, sound systems and curtains. Council will also be contributing \$400,000 to the project. These works should go to tender within 2 months.

**ACTION**

**THAT:**

The discussion on current projects be noted

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**ITEM: 7      GENERAL BUSINESS**

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There was no General Business.

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**Meeting Closed 5.20pm**

**Next Meeting Tuesday 11 September at 4pm**

# Minutes

## Sports Advisory Committee

11<sup>th</sup> July 2018  
5.00pm

Operations Committee	
Item Number	Agenda
1	Welcome/Present/Apologies
2	Confirmation of Minutes
3	Business Arising From The Minutes
5	2018 LJ Hooker Reg Cowden Sports Star Of The Year Awards
6	Booking Requests
7	New Members
8	General Business
9	Next Meeting

**ITEM: 1          PRESENT AND APOLOGIES**

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**PRESENT:** Cllr S Lesslie, Cllr D Goodwin, L Kearney, A Magus, M Wren, G Ryan

**APOLOGIES:** Cllr J Smith, R Marjoram, P Glasson, S Morris, D Whitty, R Whitty

**OFFICERS:** E Trudgett, P Fitzpatrick, J Edgecombe

**DECLARATION OF INTERESTS:** NIL

**ITEM: 2          CONFIRMATION OF MINUTES FROM THE PREVIOUS MEETING**

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The minutes were presented to the Council on 25<sup>th</sup> June 2018.

**ACTION**

**THAT** the Minutes of the meeting of 13<sup>th</sup> June 2018 be noted.

**MOVED:** A Magus

**SECONDED:** G Ryan

**ITEM: 3          BUSINESS ARISING FROM THE MINUTES**

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**NIL**

**ITEM: 4          FINANCIAL ASSISTANCE REQUESTS**

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**SUMMARY**

A request for financial assistance has been received from Maggie Thompson after her selection in the 12 years NSW School Girls State Hockey Team. It is recommended that Council provide Maggie with \$300 toward the cost of participating in the State Hockey Team, as participation will see her representing Lithgow at the Nationals in August.

A request for financial assistance has been received from Emily Thompson after her selection in the NSW 16 years All Schools Girls Hockey Team. It is recommended that Council provide Emily with \$300 toward the cost of participating in the School Sport Australian National Championships, as participation will see her representing Lithgow in Queensland during her involvement in National Championships.

**FINANCIAL IMPLICATIONS**

- **Budget approved - Yes**
- **Cost centre - 600059**

- **Expended to date – N/A**
- **Future potential impact – N/A**

## RECOMMENDATION

**THAT** Council provide:

1. Maggie Thompson with \$300 toward the cost of participating in the 12 years NSW School Girls State Hockey Team; and
2. Emily Thompson with \$300 toward the cost of participating in the School Sport Australian National Championships.

**MOVED:** A Magus

**SECONDED:** M. Wren

## ITEM: 5      2018 LJ HOOKER REG COWDEN MEMORIAL SPORTS STAR OF THE YEAR AWARDS

### SUMMARY

Junior nominations for the month of June 2018 were received from:

- Alex Evans (Swimming) – Alex competed at the 2018 Mountains and Plains Winter Short Course Swimming Championships held in Orange in the 10yrs boys age group. Alex came 1st in the 50m freestyle, 50m backstroke and 100m individual medley, 2<sup>nd</sup> in the 100 freestyle, 50m breaststroke, and 50m butterfly, and was Overall 10yr Boys Age Champion.

There were no written Senior nominations for the month of June 2018 received.

One nomination was received from the floor:

- Roxsanne Van Veen (Cricket) – Roxsanne has just toured the UK with the Aboriginal XI squad, commemorating 150 years since a team of 13 Aboriginal cricketers toured England. Van-Veen's team won one out of four matches played between June 7 and June 12.

MONTH	JUNIOR RECIPIENT(S)	SENIOR RECIPIENT(S)
December/January	Emily Watts (Cycling)	Lachlan Sharp (Hockey)
February	No Nominations Received	No Nominations Received
March	Lucy Green (Tennis) Lithgow Lightning (Cricket) – Team Winner	No Nominations Received
April	No Nominations	David Palmer
May	No Nominations	Lithgow Workmen's Valley Women's Bowling Club
June	Alex Evans (Swimming)	Roxsanne Van Veen (Cricket)
July		
August		
September		
October		
November		

### FINANCIAL IMPLICATIONS

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

**ACTION**

**THAT**

1. The 2018 LJ Hooker Reg Cowden Memorial Junior Sports Star of the Year Award for June 2018 be awarded to Alex Evans (Swimming);
2. The 2018 LJ Hooker Reg Cowden Memorial Senior Sports Star of the Year Award for June 2018 be awarded to Roxsanne Van Veen (Cricket).

**MOVED:** G Ryan

**SECONDED:** Cllr S Lesslie



**ITEM: 6      BOOKING REQUESTS****SUMMARY**

The following bookings were received between 13<sup>th</sup> June 2018 and 11<sup>th</sup> July 2018, and do not conflict with any other approved bookings.

<b>Tony Luchetti Sportsground, Lithgow</b>			
<b>User</b>	<b>Dates / Times</b>	<b>Purpose</b>	<b>Comments</b>
Cricket NSW	Between 7am and 3pm on Tuesday, 25 <sup>th</sup> September 2018.	Cricket Blast School Cup	Approved subject to standard condition.
Lithgow Storm JRLF	Between 7am and 6pm on Sunday, 29 <sup>th</sup> July 2018.	Girls League Tag Carnival	Approved subject to standard condition.

**CANCELLATIONS**

**NIL**

**FINANCIAL IMPLICATIONS**

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

**ACTION****THAT**

1. All bookings detailed in Item 7 be approved.

**MOVED:** M Wren

**SECONDED:** G Ryan

**ITEM 7: NEW MEMBERS**

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**NIL**

**ITEM 8: GENERAL BUSINESS**

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**SUMMARY**

- **Drugs and Alcohol Talk**

It was advised that a representative will be coming to the next Sports Advisory Committee Meeting to discuss the options and support available for those affected by drugs and alcohol.

- **Appreciation**

The Lithgow Croquet Club expressed their appreciation for Council's quick response to the issues with the roller door at the club.

**FINANCIAL IMPLICATIONS**

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

**ACTION**

**THAT** appropriate actions and reporting be undertaken in relation to the items raised during general business.

**MOVED:** G Ryan

**SECONDED:** A Magus

**ITEM 9: NEXT MEETING:**

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**Next Meeting:** Wednesday, 8<sup>th</sup> August 2018 at 5:00pm  
Council Chambers, Administration Building  
180 Mort Street LITHGOW NSW 2790

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**There being no further business the meeting closed at 5.10pm**

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