



AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

26 NOVEMBER 2018

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 29 OCTOBER 2018

DECLARATION OF INTEREST

COMMEMORATIONS AND ANNOUNCEMENTS

PRESENTATIONS - Audit Office of NSW

PUBLIC FORUM

MAYORAL MINUTES

Save Our Recycling Campaign

STAFF REPORTS

General Managers Reports
Economic Development and Environment Reports
Infrastructure Services Reports
Water and Wastewater Reports
Finance and Assets Reports
People and Services Reports

COUNCIL COMMITTEE MINUTES

Youth Council Minutes - 16 October 2018
Audit Committee Meeting Minutes 19 October 2018
Finance Committee Meeting Minutes 12 November 2018
Community Development Committee Minutes and Financial Assistance

DELEGATES REPORTS - Country Mayors Association Minutes

NOTICES OF MOTION

Invitation to Small Business Commissioner – Cr Steve Ring
School Based Apprenticeships and Traineeships – Cr Cassandra Coleman
ALGWA Conference 2019 – Cr Cassandra Coleman

BUSINESS OF GREAT URGENCY

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

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MAYORAL MINUTE

ITEM-1 MAYORAL MINUTE - 26/11/18 - SAVE OUR RECYCLING CAMPAIGN

REPORT BY: MAYOR – COUNCILLOR RAY THOMPSON

SUMMARY

I am calling on Councillors to support Local Government NSW in its advocacy to all those contesting the State election to reinvest 100% of the waste levy collected each year into waste management, recycling and resource recovery in NSW.

The *Protection of the Environment Operations Act 1997* (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne of waste received at the facility. Referred to as the 'waste levy', the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery.

The waste levy applies in the regulated area of NSW which comprises the Sydney metropolitan area, the Illawarra and Hunter regions, the central and north coast local government areas to the Queensland border as well as the Blue Mountains, Wingecarribee and Wollondilly local government areas.

COMMENTARY

In 2016/17, the NSW Government collected \$726 million from local government, community, businesses and industry via the waste levy, but only committed to use \$72 million through its Waste Less Recycle More initiative – or 10% - on waste minimisation and recycling in 2017-18.

Overall the NSW Government's *Waste Less Recycle More* initiative allocates \$801 million over 8 years (2013-2021) to waste and recycling, however the waste levy collected over that same period will be over \$4.62 billion.

At a local government level, just 18% of the \$300 million collected from the local government sector each year is reinvested in recycling and waste management.

Regardless of how you look at it, the principle remains the same – very little of the waste levy is currently used to support waste minimisation, recycling and resource recovery. The remainder is returned to NSW Government's consolidated revenue.

The reinvestment of the waste levy to support waste and resource recovery infrastructure, develop markets and innovative solutions, and undertake other initiatives to encourage reuse and recycling also offers wide-ranging benefits to our communities right across NSW. There is the potential for economic growth, new infrastructure, new technology and new jobs, particularly in our regional areas.

It should be noted that the following motion was unanimously endorsed at the Local Government NSW 2018 Conference:

That the NSW Government be called upon to ensure that 100% of the levy arising from Section 88 of the Protection of the Environment Operations Act 1997 be used for waste infrastructure and programs, predominantly by local government and the waste sector, for initiatives such as:

- *Development of regional and region-specific solutions for sustainable waste management (e.g. soft plastic recycling facilities, green waste, waste to energy).*
- *Support innovative solutions to reduce waste and waste transport requirements.*
- *Protect existing and identify new waste management locations.*
- *Local community waste recovery and repair facilities.*
- *Funding a wider range of sustainability initiatives, such as marketing and strategies that promote and support a circular economy.*

This motion covered motions proposed by Blacktown City Council (Resource recovery locations); Central Coast Council (Waste levy revenues); Cessnock City Council (Recycling crisis - funding support); City of Ryde (Revenue raised by the waste levy); Federation Council (Waste resource); Gwydir Shire Council (Tyre recycling); Hornsby Shire Council (Increase in grant funding for waste levy program); Leeton Shire Council (Increase of waste levy distribution); and Shoalhaven City Council (POEO Levies). Related motions were also submitted by Tweed Shire Council (Recycled products and procurement); Lake Macquarie Council (Support for recycle end markets, reusable, recyclable or compostable packaging); and Orange City Council (Waste management).

As previously noted, this is not a party-political issue: the advocacy initiative calls on all parties and candidates to commit to the 100% hypothecation of the Waste Levy to the purpose for which it is collected.

I am recommending that we support this campaign by the NSW local government sector and Local Government NSW and call on all political parties to commit to the reinvestment of 100% of the Waste Levy collected each year by the NSW Government into waste management, recycling and resource recovery.

RECOMMENDATION

THAT Council:

1. Endorse Local Government NSW's campaign, *Save Our Recycling*, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. Make representation to the local State Member, Paul Toole MP, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. Write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. Take a lead role in activating the Local Government NSW *Save Our Recycling* campaign locally.
5. Endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
6. Formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

GENERAL MANAGERS REPORTS

ITEM-2 GM - 26/11/18 - COUNTRY MAYORS ASSOCIATION MINUTES

REPORT BY: GENERAL MANAGER

SUMMARY

To note both the Minutes of the Annual General Meeting and the General Meeting of the Country Mayor's Association of New South Wales, held on 2 November 2018.

COMMENTARY

On Friday, 2 November 2018, the Country Mayor's Association of New South Wales held their Annual General Meeting and their General Meeting at Parliament House, Sydney. The Mayor, Councillor Ray Thompson, and the General Manager, Graeme Faulkner attended both meetings.

The Minutes of both Meetings are attached for information.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The membership fees for the 2018/19 year remain at \$750 for Councils with a population of 10,000 and over.

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Annual General Meeting held on 2 November 2018.
2. Minutes of the General Meeting held on 2 November 2018.

RECOMMENDATION

THAT Council notes the Minutes of the Annual General Meeting and the General Meeting of the Country Mayor's Association held on 2 November 2018.

ITEM-3 GM - 26/11/18 - GOVERNANCE POLICY REVIEWS

REPORT BY: GENERAL MANAGER

SUMMARY

To provide Governance policies to Council for approval / deletion as part of the comprehensive review of policies.

COMMENTARY

To complete a 2017/18 audit action, a comprehensive review of Council policies has been in progress. Due to the number of policies involved, they have been coming to Council in batches. Two Governance Policies have been reviewed by the General Manager and are now available for Council consideration:

- Policy 10.1 Council - Closure of Council Facilities over the Christmas/New Year Period
- Policy 9.4 Gifts and Benefits - Councillors and Staff

Copies of both policies are attached to this report. Proposed changes are shown as “track changes” within Policy 10.1 Council - Closure of Council Facilities over the Christmas/New Year Period. There is only a minor change to Policy 10.1.

It is proposed that Policy 9.4 Gifts and Benefits - Councillors and Staff will be deleted as all requirements are contained in Part 5 of the Code of Conduct (Personal Benefit) and are binding.

As the alterations proposed in Policy 10.1 are relatively minor, it is suggested that there is no need to publicly exhibit the revised policy prior to its final adoption.

POLICY IMPLICATIONS

As stated in the Commentary.

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

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

ATTACHMENTS

1. Policy 10.1 Council - Closure of Council Facilities over the Christmas/New Year Period
2. Policy 9.4 Gifts and Benefits - Councillors and Staff

RECOMMENDATION

THAT Council:

1. Adopt and implement the revised Policy 10.1 Council - Closure of Council Facilities over the Christmas/New Year Period immediately as there are minimal changes.
2. Delete Policy 9.4 Gifts and Benefits - Councillors and Staff as all requirements are contained in the Code of Conduct and are binding.

ITEM-4 GM - 26/11/18 - PROPOSED COUNCIL MEETING DATES FOR 2019

REPORT BY: GENERAL MANAGER

REFERENCE

Min No: 17-235 Ordinary Meeting of Council 14 August 2017

SUMMARY

This report is for Council to give consideration to the dates for Meetings of Council in 2019.

COMMENTARY

Council last reviewed its schedule for Ordinary Meetings in 2017 and resolved to schedule Ordinary meetings to occur on the fourth Monday of each month.

The proposed dates for 2019 are as follows:

- 29 January (Extra-ordinary Council Meeting for special rate variation)
- 25 February
- 25 March
- 22 April
- 27 May
- 24 June
- 22 July
- 26 August
- 23 September
- 28 October
- 25 November

Furthermore that meetings of the Economic Development Committee be set for the first Monday of March, June and September 2019.

POLICY IMPLICATIONS

The Code of Meeting Practice V10 adopted by Council on 30 September 2013 states in Clause 5 that Council is required to hold 10 meetings each year, each time in a different month. The proposed dates satisfy this requirement.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council:

1. Note the Extra-Ordinary Meeting of Council for the Special Rate Variation on Monday, 29 January 2019, as previously resolved.
2. Hold the Ordinary Meetings of Council for 2019 on the following dates:
 - 25 February
 - 25 March
 - 22 April
 - 27 May
 - 24 June
 - 22 July
 - 26 August
 - 23 September
 - 28 October
 - 25 November
3. Hold the meetings of the Economic Development Committee on the first Monday of March, June and September 2019.

ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM-5 ECDEV - 26/11/18 - DA114/18 - PROPOSED 3 LOT SUBDIVISION, BARTON AVENUE WALLERAWANG

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

REFERENCE

- Min No 17-293: Ordinary Meeting of Council held 25 September 2017- Confidential Closed Report-Proposed Sale of Council Land
- Min No 18-158: Ordinary Meeting of Council held 25 June 2018- DA114/18 Proposed 3 Lot Subdivision, Barton Avenue Wallerawang –Call in Report
- Item 11: Ordinary Meeting of Council held 24 September 2018- Proposed 3 Lot Subdivision, Barton Avenue Wallerawang- Procedural Motion

SUMMARY

To assess and recommend determination of Development Application DA114/18 for a subdivision of 1 lot into 3 lots on land known as Lot 20 DP 1217065, Barton Avenue, Wallerawang.

COMMENTARY

A development application has been submitted for 1 into 3 lots at Lot 20 DP 1217065, Barton Avenue Wallerawang. The property currently contains an area of approximately 61ha and is vacant of building structures.

Lot 1 is proposed to be privately sold as per Council's resolution dated 25 September 2017 for future development. Lot 2 is proposed to be located on its own title and currently contains a lease agreement with the Department of Education. This parcel of the land is used as a sports oval for the Wallerawang Public School (Lot 22 DP830058). Proposed Lot 3 is the residue lot and will remain owned by Council at this stage.

Lot 1 is proposed to contain an area of 17.5ha, Lot 2 is proposed to contain an area of 0.51ha and Lot 3 is proposed to contain an area of 43.3ha. The property has a frontage to Barton Avenue, Forest Ridge Drive and Lyon Parade.

The property is restricted by easements for transmission lines, access and pipelines. The property adjoins the Wallerawang Public School, the Wallerawang indoor sport and recreation centre, and residential dwellings. Lake Wallace and the Lake Wallace recreational park is located adjacent to the property on Barton Avenue.

NOTIFICATION

The proposal was sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with four submissions received. A summary of the submissions are outlined below:

Objections

1. There is a major sewer line that runs parallel to the rear of the houses along Lyon Parade and there is no mention of any easement for access to that line for maintenance.
2. Future developments would impact views from properties within Lyon Parade.
3. A small section of the property is known as Cannelite Street. This is not indicated on the plans as a public street. This area services access to 2 properties, provides access to the rear properties along Lyon Parade, provides access to sewer manholes behind the dwellings and access for fire rescue services.
4. Devaluation of properties on the corner of Lyon Parade and Cannelite Street.
5. The stormwater from properties within Lyon Parade on the eastern side flows into proposed Lot 1 with no containment.

Applicant's Response

1. *The sewer line is covered by the provisions of Section 59A of the Local Government Act 1993 which states:*

59A Ownership of water supply, sewerage and stormwater drainage works

- a) *Subject to this division, a council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by the Council (whether or not the land is owned by the Council).*
 - b) *A Council may operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things necessary or appropriate to any of its works to ensure that, in the opinion of the Council, the works are used in an efficient manner for the purposes for which the works were installed.*
 - c) *The provisions of this section have effect despite anything contained in Section 42 of the Real Property Act 1900.*
 - d) *An easement does not give the Council any more rights to access and maintain these assets than they already have under this provision of the Local Government Act 1993.*
2. *No development is proposed as part of this application. The adjoining properties do not have an easement for views over the subject land. Due to the slope of the land, any future development is unlikely to interrupt views from adjoining neighbours unless it was of a considerable size. If any residential development of this scale is proposed in the future as part of later development applications, then the adjoining neighbours should be invited to submit any comments on that development as part of Council's Consent process. As no development is proposed for this development, no views will be impacted.*
 3. *No part of the development has a frontage to Cannelite Street. Cannelite Street comes to a T-intersection with Lyon Parade. While the kerb and gutter along Lyon Parade turns into the subject land no public road exists in this location.*
 4. *The value of adjoining properties is not a valid planning consideration and should not be taken into account when considering this application. The development is not likely to impact the values of the surrounding properties.*
 5. *No development is proposed as part of this application and as such, any stormwater that enters the subject land will not have an adverse effect on the development. If future development is to take place, the impact of the stormwater must be considered as part of the design and construction of that development. This would be done as part of the design and construction of that development. This would be done as part of any normal engineering design which accompanies development where construction is to take place.*

Council Officer's Comment:

1. The development was referred to Council's Water and Sewer Officer for comment. An easement will be created over Council's sewer main located at the rear of the properties along Lyon Parade. This would be conditioned on the consent.
2. No building structures have been proposed as part of this application. The property has a steep downwards slope towards Lake Lyell. As such any future development would be on a lower elevation to the existing dwellings along Lyon Parade. Any future development would be required to be designed and oriented to have minimal impact to the surrounding environment.
3. The small section off Lyon Parade that is known as Canolite Street is proposed to remain as a Council owned land. This was agreed upon by the proposed new owners of the land and Council.
4. Land valuations are not assessed by Council as it is unknown.
5. As no structural developments are involved with this application, drainage runoff will not be impacted upon. Drainage will continue to flow towards Lake Wallace. Interallotment drainage will be designed for future developments.

OTHER ISSUES

No.

POLICY IMPLICATIONS**Policy 7.2 Subdivision – Release Of Subdivision Plans**

1. *Council will endorse subdivision certificates prior to completion of subdivision works only on the following basis:*
 - a) *Subdivision works must be substantially complete. "Substantially complete" means that all civil works have been completed including roads, water supply, sewerage and drainage. Minor outstanding works refers to installation of street signage, final rectification/seeding of excavations & batters and landscaping.*
 - b) *Works as executed plans must have been submitted to Council and accepted.*
 - c) *Security for incomplete works must be provided to Council prior to the endorsement of the subdivision certificate, either by cash deposit or unconditional bank guarantee.*
 - d) *The amount of the security must be 100% of the estimated cost of completion of the outstanding works.*
2. *The General Manager is authorised to determine the amounts of security deposits for outstanding subdivision work and to release security upon satisfactory completion and to vary the time periods for completion of works as deemed necessary.*
3. *The General Manager is authorised to decline to allow bonding of outstanding subdivisions works where the deferred completion of works would not be in the best interest of Council and the community.*
4. *The owner of the land to which the subdivision relates must provide written authority allowing Council to enter the site and make all necessary arrangements to have outstanding works completed within six (6) months of the date of the subdivision certificate.*
5. *The General Manager may sub delegate any function under this policy including the issue of a Subdivision Certificate.*

On completion of the subdivision and to Council's satisfaction that the conditions on the consent have been undertaken, the applicant will be required to submit a subdivision certificate for the development.

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

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

Policy 7.7 Calling In Of Development Applications By Councillors

This application was called in pursuant to Policy 7.7 "Calling in of Applications by Councillors" Item 3 that states:

3. Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:

- Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been "called in"; and
- Reported to an Ordinary Meeting of Council for determination.

The application was called in by Cllr Wayne McAndrew and reported at Council's Ordinary Meeting 25 June 2018.

The application was reported at the Ordinary Meeting of Council held 24 September 2018 with the following procedural motion:

PROCEDURAL MOTION

THAT the item be deferred and an onsite meeting with the residents, Councillors and staff be held prior to the item being brought back to Council.

An onsite meeting was held on 20 November 2018.

Policy 7.5 Notification Of Development Applications

The development is not defined as being exempt under Council's Notification Policy. Therefore the following clause applies:

5. Who will be notified under this Policy and how long is the notification period?

5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.

The proposal was sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with four submissions received. A summary of the submissions are outlined earlier in this report. As such the development complies with Council's Policy.

FINANCIAL IMPLICATIONS

- Budget approved - N/A
 - Cost centre - N/A
 - Expended to date - N/A
 - Future potential impact - N/A
- Upon future applications relating to the use of the land being created on proposed Lot 1, Council will provide appropriate connection/s to the allotment at full cost to Council.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is also required to take into consideration the matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. Section 4.15 report.

RECOMMENDATION

THAT

1. The Development Application DA114/18 be **APPROVED** subject to conditions on the consent as shown in the attached Section 4.15 report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-6 ECDEV - 26/11/18 - DA149/18 - PROPOSED REMOVAL OF OLD SKATE PARK AND CONSTRUCTION OF NEW SKATE PARK, TWEEDIE STREET WALLERAWANG

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To assess and recommend determination of Development Application DA149/18 for the removal of the old skate park and to construct a new skate park on land known as Lot 4 and Lot 5 DP 15683, Tweedie Street Wallerawang.

COMMENTARY

The property is Council owned and managed. It contains the memorial hall and the existing skate park that is proposed to be removed as part of this application.

The proposal involves the removal of the existing skate park that consists of a skate ramp, jump and concrete area. The skate park is proposed to be replaced with rails, quarter pipes, jumps and a main bowl area.

The whole of the new skate park area is proposed to consist of an area of approximately 500m².

OTHER ISSUES

No.

POLICY IMPLICATIONS

Policy 7.5 Notification of Development Applications

This policy applies to all applications as below:

5. Who will be notified under this Policy and how long is the notification period?

5.3 Certain types of development will be notified to adjoining landowners as well as the wider neighbourhood, and in some circumstances for 21 days, as indicated in the following table:

Type of Development Proposed	Minimum Notification Required (Surrounding Landowners)	Period
Multi-dwelling Housing, hostels, boarding houses, child care centres, Hotels, Motels, Tourist Facilities, residential flat buildings, residential care facility, seniors housing, serviced apartments, places of public worship, recreation facility , amusement centres, professional consulting rooms	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days

The development is not exempt under Council's policy; therefore the proposal was notified to surrounding landowners and placed on display for a period of 21 days. During the notification period no submissions received.

FINANCIAL IMPLICATIONS

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – Council will burden the cost of the construction of the development.

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil

ATTACHMENTS

1. A complete Section 4.15 Development Assessment Report.

RECOMMENDATION

THAT

1. The Development Application DA149/18 be **APPROVED** subject to conditions on the consent as shown in the attached Section 4.15 report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-7 ECDEV - 26/11/18 - DA171/18 - PROPOSED CONSTRUCTION OF 12
APARTMENTS AND 3 TOWNHOUSES**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Min No. 18-219: Ordinary Meeting of Council held 27 August 2018 – DA 171/18 – Proposed 12 Apartments and 3 Townhouses, 1A High Street, Lithgow – Call in Report

SUMMARY

To assess and recommend determination of Development Application DA171/18 for the proposed construction of 12 residential units and 3 townhouses on land known as Lot 2 DP701624, 1A High Street, Lithgow. The recommendation will be for a “deferred commencement” consent. Such a consent grants approval, but the consent cannot operate until deferred commencement conditions are satisfied.

COMMENTARY

The development is for the construction of 12 residential units and 3 townhouses. Lot 2 DP701624 contains an area of 2,901m² and is located at the end of High Street, Lithgow which terminates in a small cul-de-sac. It is located approximately 40m to the south of Mort Street on a high topographic location. Hassans Walls Reserve is located at the end of High Street cul-de-sac.

The proposal is to construct 3 x 3 bedroom attached townhouses (two storey) on the northern section of the site with attached double garage car parking and 12 x 3 bedroom residential units developed in two separate blocks on the residual component of the site. The proposed residential units will require a substantial amount of cut (in excess of 3m) to accommodate the proposal and carpark below the development to provide for 24 car spaces. The proposed townhouses will also require a considerable amount of fill (in excess of 3m) and retaining walls on the northern section of the site due to the topography of the land.

NOTIFICATION

The proposal was sent to surrounding landowners and placed on public display in Council’s Administration Building for a period of 21 days with seven (7) submissions received. A full comprehensive report of the submissions and response to these submissions can be found in the attached Section 4.15 Assessment Report. A summary of the submissions are outlined below. Comments are provided by the assessing officer having regard to any response provided by the applicant.

1. Privacy and Amenity

- Concern over privacy and viewing access from the proposed development to townhouses at No.55 & 57 Mort Street and Dwellings No. 51 Mort Street and 1B High Street
- Request for windows on the northern side of the proposed town houses to have minimum sill heights of 1.5m above finished floor level or habitable rooms be frosted glass.

Comments:

Privacy concerns to No.55 & 57 Mort Street will be alleviated by the provision a minimum of 1.5m sill heights from floor level on the second floor or alternatively frosted glass. These mitigation measures are recommended to be a condition on the consent. The applicant has proposed a stepped retaining wall and landscape treatment. Full architectural plans detailing the retaining wall and landscape treatment in this location of the site will be required as a deferred commencement condition. Council is satisfied that this retaining wall and landscape treatment will satisfy the deferred commencement condition to mitigate privacy concerns.

Privacy concerns to No.51 Mort Street are considered to be minor because of the proposed building setback is 8.93m from the eastern side boundary to No.51 Mort St.

To address privacy concerns to 1B High Street, the units are proposed to be setback 5.5m with landscape treatment on the side boundary. There are also no windows proposed on the western elevation of townhouse unit 1. These setbacks and design measures are considered to be adequate to reduce privacy impacts.

2. Setbacks and Overshadowing

- *Inadequate setback of the development of 0.86m from the boundary fence and impact of overshadowing on clothes line and existing solar panels at No.51 Mort Street, Lithgow.*
- *Townhouses too close to the boundary (No.55 Mort St) and will impact the safety and visibility of the existing walkway between the properties. Request for no increase in retaining wall height and any new fencing be open design such as pool fencing.*
- *Overshadowing to 1B High Street from townhouse development to backyard and along fence line. Apartments will have direct visual impact to backyard area, no privacy provisions.*

Comments:

The proposal provides for a setback of 1.86m of the proposed townhouses to the rear boundary of No.51 Mort Street. This is considered to be an adequate setback and the proposal is unlikely to have a negative impact of overshadowing of the rear yard area. Further the solar panels at No.51 Mort Street are located on the northern roof areas of the dwelling and will not be impacted by the proposal.

The applicant has proposed a stepped retaining wall and landscape treatment. Full architectural plans detailing the retaining wall and landscape treatment in this location of the site will be required as a deferred commencement condition. Council is satisfied that this retaining wall and landscape treatment will satisfy the deferred commencement condition to mitigate privacy concerns.

Townhouse No.1 will have overshadowing impacts upon No.1B High Street rear yard. This is limited to the morning areas of between 9am – 12pm and are the most overshadowed during winter, autumn and spring. However the rest of the day provides for no overshadowing. The extent of overshadowing is predominantly in the rear yard area. Considering that the rear yard obtains at least 50% of sunlight for over 3hrs of the day, this is considered to be appropriate.

3. Landscaping

- *Request for landscaping on the northern boundary to the proposed town houses.*
- *Request for non deciduous plantings, as leaves are a slip hazard along the existing path.*

Comments:

A deferred commencement condition of consent is recommended to be imposed to ensure that additional architectural plans for the proposed retaining wall and landscaping plans are provided to Council's satisfaction. As part of the deferred commencement condition, the applicant will be required to provide non deciduous plant species in the landscape plan along the northern and

north-eastern boundary of the site to ensure that the plantings do not cause a trip hazard along the adjoining pedestrian pathway.

4. Non-reflective materials and colours

- *Request for all materials on the northern side of the development be non-reflective and mid to dark tone (including walls, gutters, downpipes and fascia) and non-reflective finish to windows.*

Comments

The proposed development includes a colour schedule which proposes a mid to dark grey colours, which are considered to be suitable colours for the development. A condition of development consent is recommended to be imposed to ensure non-reflective materials are to be used.

5. Noise

- Noise impacts relating to closing of garage doors of residential units
- Potential noise concerns from residents and visitor cars arriving and leaving the site (banging car doors)
- Negative impact of construction noise on existing childcare centre (home based) opposite to the site.
- Negative impacts of post construction noise of the development, such as extra traffic, garbage collection, garbage truck lights and reversing alarms servicing development.
- There will be an increase in noise levels with the potential of the additional 30+ residents.

Comments:

The subject site is zoned R1 General Residential which permits residential units and multi-dwelling development. This will result in additional noise from what is currently vacant land, however this is considered to be in line with the orderly and economic development of the site and similar to adjoining development.

A condition of development consent is recommended to be imposed to ensure the use of electric garage doors to be installed for the townhouses to reduce noise to adjoining neighbours.

Relevant conditions of development consent will be imposed to ensure construction noise is limited to specific hours and times as per standard construction times.

The development will generate additional traffic movements in the vicinity. As the development is located at the end of the culdesac containing 2 residential dwellings adjacent to the site, the additional traffic noise is considered to be minor. The design layout proposes the garages and carparking areas in the middle of the site, surrounded by proposed buildings, that will minimise noise impacts to adjoining residences. Landscaping and fencing will also be located on the boundaries to help to reduce potential noise impacts from the site.

The proposal will generate additional garbage collection noise, due to the number of garbage bins, however discussion with garbage contractors indicate this should result in an additional 10 minutes of time to collect the garbage bins. This is considered to be reasonable for the area, given that the property is located at the end of a culdesac within proximity to Hassans Walls Reserve. There are also only 2 residential dwellings directly opposite the site and 1 dwelling adjoining the site that garbage noise collection may impact. Garbage collection is only one day a week with a minimum time span on on-recycling days.

6. Fencing

- *Potential damage to colourbond fencing in the eastern carpark area from the visitor cars.*

Comments:

Conditions of development consent are recommended to be imposed to ensure the colourbond fencing along the eastern boundary to No.51 Mort Street is retained during construction and reinstated where required. Wheel stops will be required to be provided as a minimum standard along this boundary for each car space as a condition of development consent. It will be the owner or body corporate's responsibility to ensure that the fence is maintained.

7. Residential flat building development

- *The area contains a number of multi-unit apartments, additional apartments would change the character of the area to higher density living.*
- *The development is incompatible with the existing immediate quiet neighbourhood and surrounding low density residential environment due to the current units having access to Mort Street.*
- *There would be an overdevelopment of the site with 3 storey units only 5.5m away from 1B High Street.*

Comments:

The subject site is zoned R1 General Residential which permits residential units and multi-dwelling housing.

The site area is such to provide an adequate building to land area ratio. There is sufficient private and common open space areas, landscaped areas, carparking areas and access to the proposed development. The density of the site is considered to be moderate and the projected population increase can be sustained by existing infrastructure, community facilities and public services.

As the property is surrounded by a mixture of single storey dwellings and two storey medium density townhouses, the development is considered to be suitable for the site.

8. Townhouses

- *The three (3) proposed townhouses are in close proximity to adjoining townhouses at No.57 Mort Street, this is considered to be too close.*

Comments:

The proposed townhouses are located 4m from the building to the northern boundary and 1m at its nearest point from the outside courtyard areas to this boundary. This setback is considered to be appropriate, considering the proposed landscape treatment, retaining wall and fencing proposed by the applicant.

A deferred commencement condition of consent is recommended to be imposed to ensure that additional architectural plans of the proposed retaining wall and landscape treatment are provided to Council's satisfaction. This would alleviate any potential impacts to adjoining townhouses. The location of the townhouses would have no overshadowing impacts but will have visual impacts. The first floor levels of the townhouses would be screened as much as possible by fencing and landscaping.

9. View loss

- *Loss of privacy, views and neighbourhood amenity to bushland setting beyond.*

Comments:

The development would substantially improve the current condition of the site, being unmanaged land consisting of overgrown vegetation and weeds. The Hassans Walls Reserve is located at a

higher topographic elevation than the proposed development and will still be able to be viewed from surrounding properties.

10. Value of residential land

- *The proposed development will have the potential to devalue properties in the area.*

Comments:

The impact of the proposed development on the value of adjoining residential land is not a Council planning consideration.

11. Traffic and Vehicle Access

- *The development will increase traffic to potentially 30 vehicles and visitor vehicles, this will cause traffic congestion in High Street and will impact on safety of residents.*
- *A home based family day care facility operates in the vicinity of the subject site and there are concerns that the proposed increase in traffic from proposed development will impact on the safety of children and parents.*

Comments:

The development is likely to cause an increase in vehicle movements from the site. However High Street contains suitable width for vehicle movements with the property located at the end of a cul-de-sac, only 40m away from Mort Street. The proposal will also provide adequate access onto the site and suitable car parking on the site, to ensure High Street will not be congested with vehicles.

The proposal provides for suitable vehicular access for the proposed development, with adequate sight lines for vehicles entering and leaving the site. The development was referred to Council's engineering officer who has assessed the development and is considered to meet the required engineering standards for vehicle manoeuvring and access.

12. Visitor Parking

- *Inadequate onsite car parking for visitors and overflow into High and Johnson Streets.*

Comments:

The proposal provides for 36 car spaces (2 spaces per townhouse/unit and 6 visitor spaces) which is in excess of Council's repealed DCP requirements for carparking (requires 27 car spaces) and RTA Guidelines (requires 25.5 spaces) and considered to be adequate for the proposal.

13. Flora / Fauna Impacts

- *Negative impact on native wildlife and fauna on adjoining bushland.*

Comments:

The proposal is unlikely to place a negative impact upon native wildlife and fauna on adjoining bushland as the development will be wholly confined within the property boundaries. Clearing will be required to be undertaken as part of the development, however no threatened species were observed.

14. Potential Landslides and Stability of the Site

- *Proposed development will have impact to potentially cause landslides and affect the stability of the surrounding land.*
- *Currently loose gravel falls from the existing bank and debris cascades down in storm events onto the existing pedestrian pathway (No.55 Mort St units). Request that minimal alterations to existing slopes to maintain stability.*

Comments:

The applicant has provided a Geotechnical report by Alliance Geotechnical Pty Ltd that indicates the proposed development presents a Low to Very Low Risk of landslides to surrounding properties. This risk is subject to the development being undertaken in accordance with a number of recommendations in the report. The recommendations include battered areas and retaining walls, soil erosion measures that will assist in managing land stability during construction of the proposed development. A condition of development consent will be imposed to ensure that recommendations provided by the Geotechnical consultants are undertaken prior to and during construction for the proposed development.

With regards to the land stability along the adjoining boundary to No.55 Mort Street, further information is required in the Geotechnical report regarding land stability. A deferred commencement consent is recommended to be imposed to provide Council with an updated Geotechnical Report. This will detail a thorough risk assessment for the proposed townhouse development in the north-east corner of the site.

15. Site Boundaries to High Street

- *Concerns raised relating to the site boundaries to High Street and access concerns to an adjoining property.*

Comments:

The adjoining property to the south (No.51 Mort St) has legal access to High Street at the top most corner of the existing cul-de-sac, however this area of land fronts onto the unformed road of High Street. The proposed development has been designed in accordance with a site survey undertaken by a registered surveyor and site dimensions are correct.

16. Structural Adequacy of Retaining Walls above Mort Street units

- *Concern raised regarding the structural stability of the existing retaining walls located on the northern boundary to Mort Street residential units and the proposed development causing significant land instability. Request for structural engineer to assess suitability of the retaining wall and the potential load of the proposed development.*

Comments:

The information submitted by the applicant does not provide assurances to Council regarding the stability of the land for the proposed construction of the townhouses. It is therefore recommended that further information be provided to Council to ensure that the applicant addresses the soil stability and risk to property and life for the construction of the townhouses. A deferred commencement consent is recommended to be imposed to provide Council with an updated Geotechnical Report which provides a thorough risk assessment for the proposed townhouse development in the north-east corner of the site.

17. Stormwater Runoff

- *Concern over additional stormwater run-off and safety impacts on Mort Street during heavy storm events and flooding issue. Request for stormwater of the development to be diverted to High Street.*

Comments:

The proposed development provides for adequate stormwater control and removal is directed to High Street.

It is unlikely that the proposed development will have negative impacts on stormwater run-off to adjoining lands. The proposed stormwater will be undertaken using a series of pits using Enviropod inserts. This has been assessed by WaterNSW and is considered to be adequate.

18. Public Domain

- *Proposed development does not provide adequate public opens space, 200m² common area of garden not large enough for the development accommodating 15 families.*

Comments:

There is a park within a nearby and native forest to the rear with established walking trails.

The proposed development provides for an area of land at the rear of the site, along the southern boundary as an asset protection zone and passive open space.

19. Air Quality

- *Reduction in air quality due to increase in traffic.*
- *Odours from garbage storage*

Comments:

There is no evidence to suggest that the increased traffic from the proposed development will have an impact upon air quality.

A condition of development consent will be imposed to ensure that the garbage areas are kept in a sanitary and clean order at all times. Garbage pick-up will be line with current garbage pick-up schedule similar with adjoining residences.

20. Fire Hazard

- *Proposed development is a fire hazard*

Comments:

A bushfire hazard assessment report has been provided for the application and the comments have been received from the NSW Rural Fire Service, who have recommended approval subject to conditions.

POLICY IMPLICATIONS**Policy 7.5 Notification of Development Applications**

In accordance with clause 5.3 of Council's Notification Policy, certain types of development will be notified to adjoining landowners as well as the wider neighbourhood, and in some circumstances for 21 days. The proposed development is defined as multi-dwelling housing and residential flat buildings, and therefore meets the requirements of this clause and was notified to surrounding landowners and placed on display for a period of 21 days. The submissions are detailed as above.

Policy 7.7 Calling In Of Development Applications By Councillors

This development application has been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors" Item 3 by Cllr Ray Thompson on 27/8/18 Council meeting. An onsite meeting was held on Wednesday 19th September 2018 with Councillors, Council officers, surrounding land owners and the applicant.

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Council's Section 94A Contribution Plan 2015 applies to the development with payment to be received by Council prior to the issue of the Construction Certificate. Council's Section 64 Contributions for water and sewer connections will also be required to be paid prior to the issue of the Occupation Certificate. In this regard the

current rate is as per Council's Development Servicing Plan August 2018 or the rate adopted by any subsequent Development Servicing Plan, annually adjusted for CPI (Sydney) applicable at the time of payment.

LEGAL AND RISK MANAGEMENT IMPLICATIONS

In determining a development application, a consent authority is also required to take into consideration the matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. A complete Section 4.15 Development Assessment Report.

RECOMMENDATION

THAT

1. The Development Application DA171/18 be **APPROVED** subject to **DEFERRED COMMENCEMENT CONDITIONS** being satisfied on the consent as shown in the attached Section 4.15 report.
2. The General Manager be delegated authority to issue an Operational Development Consent upon receipt of information required in the deferred commencement conditions, subject to their adequacy being assessed by Council Officers.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-8 ECDEV - 26/11/18 - DA201/18 - PROPOSED STORAGE SHED OUTSIDE
THE BUILDING ENVELOPE - 2 CYPRESS PLACE WALLERWANG**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To assess and recommend determination of DA201/18 to locate the proposed storage shed outside the building envelope nominated by a covenant associated with DP 874020. Recommendation will be for approval subject to conditions for the construction of a storage shed at Lot 19 DP 874020, 2 Cypress Place Wallerawang.

COMMENTARY

Council is in receipt of a Development Application DA201/18 for a storage shed on land known as Lot 19 DP 874020, 2 Cypress Place Wallerawang.

The proposed steel framed colour bond clad 288m² (32 x 9m) storage shed is to be sited behind the existing dwelling on the abovementioned 2.794 hectare premises. The shed is to be sited 7m from the closest boundary (western boundary) and 40m from the rear (Southern) boundary as depicted in the attached site plan.

The site is within an existing large lot residential area with existing dwellings on the eastern and western elevations the southern elevation is existing bushland. The shed will be located at the rear of the premises and will be visually obscured by the existing dwelling and associated outbuildings on site. The closest dwelling is located 93m from the proposed shed.

A restriction as to user created under 88B of the *Conveyancing Act 1919* is attached to DP 874020 and requires that “*All buildings shall be erected on the building envelopes designated on the approved plan unless otherwise determined by the Council of the City of Greater Lithgow*”.

A review of the building envelope associated to the Forrest Ridge subdivision indicates that the proposed storage shed is to be sited partially outside the building envelope. The location of the building envelopes approved within the original Forrest Ridge subdivision is attached

The land is zoned R5 in accordance with Council's current planning instrument, being *Lithgow Local Environmental Plan (LEP) 2014*.

The development being a storage shed associated to the residential use of the land and being ancillary to the proposed dwelling house (defined below) is considered permissible under Lithgow Local Environmental Plan 2014, Zone R5, subject to development consent.

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 conditions.

POLICY IMPLICATIONS

Policy 7.5 Notification of Development Applications

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

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)
- Additions to single storey dwellings that do not involve adding an additional storey to the dwelling
- Internal alterations that do not alter the use of a building or its Class under the Building Code of Australia
- Carports, pergolas and verandahs in association with a dwelling
- ***Detached garage or shed associated with a dwelling and to be used in conjunction with a dwelling that does not exceed 36 square metres in floor area or 3.6 metres roof ridge height.***
- Dwellings (up to 2 storey's) and sheds on land zoned RU1 or RU2 land that is greater than 2 hectares
- Subdivision creating less than 5 new lots on land zoned RU1 or RU2
- Boundary alterations
- Strata subdivisions
- With the exception of Restricted Premises and Sex Services Premises, Commercial or industrial development comprising non-structural alterations to an existing building
- Development involving a change of use that does not involve the change to a Restricted Premises, Sex Services Premises, Food and Drink Premises, Funeral Chapel, Funeral Home or Retail Premises involving the sale of firearms within the meaning of the Firearms Act 1996
- Signage
- 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 288m² shed exceeds the floor area criteria associated with the following exemptions for notification, therefore in conjunction with the requirement for the shed to be located within the building envelope, adjoining and adjacent landowners have been notified of the proposal as part of this process. No Submissions were received for the proposed application.

FINANCIAL IMPLICATIONS

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

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 **does not** apply to this development given it is for a storage shed at an estimated cost of \$97,000.00, using the below levies:

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Conveyancing Act 1919

DA 33/97 associated to the Forrest Ridge Subdivision enforces a covenant associated to DP 874020 that indicates 13 restrictions applicable to the allotment. Restriction (d) identified as:

“All buildings shall be erected on the building envelopes designated on the approved plan unless otherwise determined by the Council of the City of Greater Lithgow”.

The developer for the subdivision was Council and as such Council is the authority empowered to release, vary or modify the restriction as to user. Any such release, modification or variation shall be at the cost and expense of the person or persons requesting such consent.

The applicant is seeking a variation to enable the location of the shed partially outside the nominated building envelope.

State Environmental Planning Policy (Infrastructure) 2007

Subdivision 2 of the State Environmental Planning Policy (Infrastructure) 2007 for development adjacent to pipeline corridors requires that before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must:

- (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and*
- (b) take those risks into consideration, and*
- (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and*
- (d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.*

Land is in a *pipeline corridor* for the purposes of this clause if the land is located:

- (a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the *Pipelines Act 1967*, or
- (b) within 20m of the centreline (measured radially) of a relevant pipeline, or
- (c) within 20m of land the subject of an easement for a relevant pipeline.

The Deposited plan indices a 20m gas easement pipeline on along the Southern boundary of the property located 7.665m off the boundary fence. The proposed shed is to be located 40m from the southern boundary, thus providing a 12m separation between the pipe line easement and the shed.

Accordingly the application has been referred to Pipeline Authority that recommended conditions of development consent be imposed.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
Clause		Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	The development provides for a neutral or beneficial effect on water quality. <u>Not</u> BE compliance obtained.
11	Development that needs concurrence of the Chief Executive	Not Applicable

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.

ATTACHMENTS

1. Schedule A – Conditions of Consent
2. Site Plan
3. Elevations
4. Deposited Plan
5. Building Envelope

RECOMMENDATION

THAT

1. Council agree to allow the shed to be situated on the site partially outside the nominated building envelope for Lot 19, DP 874020.
2. The Development Application DA201/18 be **APPROVED** subject to conditions on the consent as shown in the attached Schedule A – Conditions of Consent.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-9 ECDEV - 26/11/18 - WALKER QUARRY MODIFICATION 2 (DA344-11-2001),
963 GREAT WESTERN HIGHWAY WALLERAWANG**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

- Min No 14-389: Ordinary Meeting of Council held on 29 September 2014 – Progress and Update Report of the Wallerawang Quarry (DA 344-11-2001).
- Min No 17-184: Ordinary Meeting of Council held on 26 June 2017 - Wallerawang Quarry Modification, DA344-11-2001-Modification 1 – Stockpiles and Washing Plant

SUMMARY

To advise Council of a modification of development consent application that has been submitted to the Department of Planning and Environment (the Department) for the Wallerawang/Walker Quarry Pty Ltd, 963 Great Western Highway Wallerawang.

COMMENTARY

A modification of development consent application has been lodged with the Department of Planning and Environment.

Condition 2(5) of DA 344-11-2001 limits quarrying operations on the Quarry Site to 15 July 2019. The proposed modification (MOD 2) seeks to extend the limit on quarrying operations by 12 months to 15 July 2020.

The modification does not propose to undertake any changes to the approved operations. There is proposed to be no changes to the area of disturbance, annual production limit, hours of operation or approach to rehabilitation of the Quarry Site.

A significant proportion of the 3.5Mt quartzite resource approved for the extraction and processing remains in situ. To allow quarry operations to cease on 15 July 2019 would prevent these resources from being recovered with there being no guarantee that they would be recovered in the future.

A short-term extension to the limits imposed by *Condition 2(5)* of DA 344-11-2001 is needed to allow time for the key environmental studies and assessments are completed for a larger modification to be submitted in the future.

The modification would allow for the continuation of employees, suppliers, customers and others within the local area generated by the Quarry.

OTHER ISSUES

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 5 November 2018. A submission was made on behalf of Council with no objection to the project subject to Council's original conditions remaining on the consent. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Environment.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

As the proposal falls within Part 4, Division 4.2 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Environment will be the consent authority.

RECOMMENDATION

THAT The information in the report on the Wallerawang/Walker Quarry Pty Ltd Modification 2 (DA 344-11-2001), be noted.

ITEM-10 ECDEV - 26/11/18 - WALLERAWANG MEMORIAL HALL - PROPOSED LICENCE AND AMENDMENT TO PLAN OF MANAGEMENT

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

This report is to inform Council of a proposed licence to the Anglican Parish of Lithgow (“**the Parish**”) and to seek preliminary approval of that licence.

Additionally, this report informs Council of an amendment required to Council’s Plan of Management before the aforementioned licence can be granted, and to seek preliminary approval of the amendment.

COMMENTARY

Background

Part of the Wallerawang Memorial Hall (Tweedie Street, Wallerawang) (“**the Hall**”) has been used solely by the Wallerawang Kids Club (“**the Kids Club**”) from at least 24 January 2011. The remaining part of the Hall is leased to the Wallerawang Men’s Shed. The premises is located on Lot 1 in DP15683 and a plan of the premises is attached.

Premises classified as ‘community’

The premises is classified as ‘community’, any dealings in relation to it must adhere with the requirements of the *Local Government Act 1993* (“**the Act**”) that apply to land classified as ‘community’.

Requirements of the Local Government Act 1993 that apply to leasing/licensing premises classified as ‘community’

Section 46(1)(b) of the Act provides that a lease or licence of land classified as ‘community’ can only be granted in accordance with an express authorisation in the Plan of Management.

Section 47D of the Act provides that exclusive occupation or exclusive use of land classified as ‘community’ is prohibited, except in accordance with a lease or licence.

Issues to be addressed

Issue one: Although the premises is classified as ‘community’ it is not presently included in Council’s 2013 generic Plan of Management, therefore any lease or licence of the premises contravenes section 46(1)(b) of the Act.

Solution: Amend Council’s Plan of Management to include the Hall at Item 8.9 - Schedule of General Community Use Areas.

Steps required: Plans of management can be amended at any time, but any amendment must follow the same process that applies to adoption of a Plan of Management (section 41). Therefore, Council is required to:

- give public notice (section 38)
- place the draft Plan of Management on public exhibition for at least 28 days, and accept submissions for a period of at least 42 days from the date the draft plan is placed on public exhibition (section 38)
- conduct a public hearing (section 40A(1)).

Issue two: The current occupancy of the Hall by the Kids Club is not by way of licence or lease and therefore contravenes section 47D of the Act.

Solution: Enter a licence for use of the Hall so that the occupancy complies with section 47D.

Steps required: Council negotiate a licence for use of the Hall, and complete the requirements of section 47 of the Act, which requires Council to:

- give public notice (section 47(1)(a))
- exhibit the notice at the premises (section 47(1)(b))
- give notice to adjoining owners/occupiers and any other interested parties within the vicinity of the land (section 47(1)(c) and (d))

Proposed licence to Anglican Parish of Lithgow

Council recently offered the Kids Club a formal licence, to bring the occupancy into compliance with the requirements for 'community' premises under the Act. Subsequent to that offer, Council was contacted by the Parish, proposing a shared use of the Hall with the Kids Club, which is supported by the Kids Club. Council expressed in principle agreement with this proposal and submitted an offer to licence (subject to Council resolution and satisfaction of all legislative requirements) to both the Parish and the Kids Club. The Parish and the Kids Club subsequently agreed that the Parish would be the sole entity under the licence, and that it would ensure the use of the premises included the continued operation of the valuable Kids Club, which has supported children and families in the community for many years.

Council then prepared a draft licence and submitted it to the Parish for approval (on the basis that it was subject to resolution of Council and satisfaction of all legislative requirements). The Parish has agreed to the terms and conditions of the licence. The draft licence agreement is attached, and for convenience, below is a summary of its key terms:

Term: 2 years plus 1 x 2 year option term

Licence fee: Equal to the prescribed minimum base rent for Crown land, pursuant to Regulation 38(1) of the *Crown Land Management Regulation 2018*, which is currently \$490 per annum. The licence fee will be reviewed each year to align with the prescribed minimum base rent for Crown land. The licence fee payable is contingent on the licensee being a registered not for profit organisation.

Utility charges: The licensee must pay all utility and service charges.

Use of premises: Church gatherings and associated services, including operation of a kids club

Maintenance and repair:

The licensee must maintain the premises in its condition at the commencing date and do repairs needed to keep it in that state, except for fair wear and tear. Council must undertake all structural repairs and repairs required due to fair wear and tear.

- Insurance: The licensee must maintain public liability insurance and workers compensation insurance for its staff, and any other insurances it is required to hold by law.
- Compliance with laws: The licensee must comply with all laws applicable to its Use of the premises, and must hold and maintain all permits, licences, approvals for its Use.
- Indemnities: The licensee indemnifies Council in relation to any claim against Council arising out of the Licensee's breach of any laws in relation to its occupancy or use of the premises.

POLICY IMPLICATIONS

Policy 9.16 Compliance Policy

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Local Government Act 1993.

ATTACHMENTS

1. Plan of premises
2. Licence Agreement

RECOMMENDATION

THAT

1. Council grant preliminary approval to the proposed licence to the Anglican Parish of Lithgow.
2. Council resolve to give public notice of the proposed licence and place the licence on public exhibition for at least 28 days.
3. Council grant preliminary approval to amend the Plan of Management by adding Wallerawang Memorial Hall as general community use in 8.9 of the Plan of Management.
4. Council resolve to give public notice of the proposed amended Plan of Management and place it on public exhibition and conduct a public hearing.
5. Following completion of the requirements outlined in 2 and 4 above, the matter be returned to Council for adoption of the amended Plan of Management and endorsement of the licence to Anglican Parish of Lithgow, with details of any submissions made during the exhibition periods and any consequent recommendations or amendments.

ITEM-11 ECDEV - 26/11/18 - CONTAINER DEPOSIT SCHEME REFUND SHARING AGREEMENT

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Minute No 13-201 (Waste Services Tender): Ordinary Council Meeting 17th June 2013
Minute No 13-315 (Waste Services Tender-Optional Components): Ordinary Council Meeting 9th September 2013

SUMMARY

The purpose of this report is to seek Council's endorsement to sign a Refund Sharing Agreement (RSA) with Polytrade Pty Ltd (PolyTrade Recycling). The RSA is required for Council to receive a share of the Container Deposit Scheme (CDS) refund attributable to kerbside collected recyclables delivered to PolyTrade Recycling under the Waste Services Contract with JR Richards.

COMMENTARY

CDS Background

In 2017 the NSW Government implemented a Container Deposit Scheme (CDS) known as 'Return and Earn'. The scheme commenced on 1st December 2017 and provides for Material Recovery Facility (MRF) operators to claim refunds for the eligible containers processed via kerbside recycling. The *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017* requires MRF's to negotiate a Refund Sharing Agreement (RSA) with their Council clients, to the satisfaction of Council. The RSA must be in force by 1st December 2018 for either party to collect their portion of a CDS refund.

An RSA is an agreement between a Council and MRF operator that provides an agreed allocation of CDS funds attributable to the Council kerbside recycling material. Should no RSA be agreed, and/or Council do not notify the NSW EPA in writing by 1st December 2018 that an RSA is in force that is 'fair and reasonable', then the MRF cannot claim a CDS refund and Council will not receive any portion of a CDS refund applicable to their recyclables.

Council's existing contractual arrangements

Lithgow Council has a Waste Services Contract with JR & EG Richards (NSW) Pty Ltd (JR Richards) that commenced 4th November 2013 for an initial period of 10 years ending 3rd November 2023 with the option of 2 one year extensions at Council's discretion (refer to Council Minute No.13-201). The Contract includes waste collection and recycling processing services. Under the Contract, recyclable material collected by JR Richards is delivered to the PolyTrade Recycling facility in Rydalmere under a separate agreement between JR Richards and PolyTrade Recycling. Lithgow Council does not have a direct agreement with PolyTrade Recycling.

As part of the negotiation process, JR Richards has agreed that Council can negotiate directly with PolyTrade Recycling to establish an RSA. The RSA will be separate to the Waste Services Contract, however JR Richards will be advised of the outcome of the RSA process for inclusion as an addendum to the Contract with Council.

How does a CDS refund work

The MRF operator will report to the CDS Scheme Coordinator (Exchange for Change) output tonnages of different material types (e.g. glass, aluminium, plastic) on a monthly basis. The Scheme Coordinator will apply a state-wide eligible container factor to determine number of eligible containers. The Scheme Coordinator will then pay the MRF operator on a quarterly basis the CDS refund amount excluding Scheme Coordinator sampling costs. The Scheme Coordinator undertakes independent sampling to determine eligible container factors and applies a fee (currently 5%) to cover these costs. The MRF operator will use the total CDS refund amount (excluding GST) and calculate the percentage material from Lithgow Council based on input tonnes weighed at the site. The MRF operator will then pay the agreed share of this amount to Lithgow Council.

The refund amounts can be verified by Lithgow Council using:

- MRF input tonnes of Lithgow Council material;
- MRF input tonnes for all customers; and
- MRF total CDS refund across all customers.

Refund Sharing Agreement approach

Lithgow Council is a member of the NetWaste group of councils, a voluntary regional waste group providing a collaborative approach to waste and resource management. Lithgow Council engaged a consultant (MRA Consulting) through NetWaste to assist with negotiations relating to a CDS Refund Sharing Agreement. The consultant was engaged to deliver the best possible outcome for Council and to ensure any RSA would be in line with, or better than, industry standards. A meeting was held between Council officers, the consultant and PolyTrade Recycling to negotiate a draft RSA that would be acceptable to both Council and PolyTrade Recycling. Subsequent to this meeting, the RSA has been written and signed by PolyTrade Recycling.

Outcome of negotiations

PolyTrade Recycling has signed a Refund Sharing Agreement (attached) with the following key clauses:

- 50:50 share of the Lithgow Council proportion of the total CDS refund payable to PolyTrade, after GST and the Scheme Coordinator sampling costs are removed
- CDS refund to be payable to Lithgow Council from 1st December 2017 (scheme commencement date)
- RSA to be in force until the end of the Waste Services Contract with JR Richards
- An annual review provision to allow either party to re-negotiate based on changing eligible container factors.

50:50 has been a typical share for Refund Sharing Agreements to date. Some MRF's are stipulating the removal of both the Scheme Coordinator sampling costs and their MRF operating costs associated with the CDS scheme (e.g. independent auditing and reporting) before sharing the refund amount. PolyTrade Recycling has accepted that they will pay for their CDS related operating costs out of their 50% share. Further, PolyTrade has accepted the sharing of refunds from the 1st December 2017.

The RSA template was originally prepared by Maddocks Lawyers for use by councils and this document was developed into the final version by Hones Lawyers acting as a sub-contractor to MRA Consulting. Council officers are comfortable that they have negotiated the best possible outcome and that the RSA is 'fair and reasonable'.

Implications of RSA

The RSA will provide a source of revenue to Council. There are no costs.

As an example, with GST and Scheme Coordinator sampling costs removed the total CDS refund rate at present is \$0.0864 (8.64 cents) per eligible container. Based on current kerbside recycling collection rates, Lithgow Council generate approximately 1.5 million of eligible containers over a 12 month period and therefore the total CDS refund for Lithgow material would be \$129,600. Under the proposed RSA PolyTrade would keep \$64,800 and Lithgow Council would receive \$64,800 (over 12 months). Using this example an additional amount of \$64,800 would be paid for the period 1 December 2017 to 30 November 2018.

It is noted that the CDS refund is influenced by the total quantity of kerbside recyclables collected, the state-wide eligible container factors published by the EPA (based on routine audits) and any changes to the Scheme Coordinator sampling costs.

Whilst CDS is unrelated to China Sword (where costs for recycling increased as a result of China's restrictions on imports), the CDS revenue may provide an opportunity to consider offsetting costs related to China Sword with CDS revenue in any review of waste charges levied on ratepayers.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – estimated income of \$64,800 (a budget variation will be proposed for any 2018/19 income, CDS refund income is quarantined in the Waste budgeting area).

LEGAL AND RISK IMPLICATIONS

The Refund Sharing Agreement will form a contractual arrangement with PolyTrade Recycling. An addendum to the existing Waste Services Contract will reference the RSA between Lithgow Council and PolyTrade Recycling.

Under Clause 18 of the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017* processing refunds are not payable to a material recovery facility operator (and therefore no portion passed to Council) unless there is a refund sharing agreement in force between the operator and the council and-the council has notified the EPA in writing that it considers the terms of the agreement to be fair and reasonable.

ATTACHMENTS

1. Refund Sharing Agreement between PolyTrade Recycling and Lithgow Council

RECOMMENDATION

THAT

1. Council delegate authority to the General Manager for signing of the Refund Sharing Agreement between Polytrade Pty Ltd (PolyTrade Recycling) and Lithgow Council, and
2. An addendum be added to the Waste Services Contract between JR & EG Richards (NSW) Pty Ltd (JR Richards) and Lithgow Council referencing the Refund Sharing Agreement.

**ITEM-12 ECDEV - 26/11/18 - REPRESENTATION ON WESTERN JOINT REGIONAL
PLANNING PANEL**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Min No 16-255: Ordinary Meeting of Council 1 October 2016

SUMMARY

To nominate members to the Western Joint Regional Planning Panel.

COMMENTARY

Joint Regional Planning Panels provide independent, merit-based decision making on regionally significant development. Applications for regionally significant development are notified and assessed by local council professional staff and then determined by the relevant regional panel.

Regional panels determine the following types of regional development:

- development with a capital investment value (CIV) over \$30 million
- development with a CIV over \$5 million which is:
 - council related
 - lodged by or on behalf of the Crown (State of NSW)
 - private infrastructure and community facilities
 - eco-tourist facilities
- extractive industries, waste facilities and marinas that are designated development,
- certain coastal subdivisions
- development with a CIV between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days

Developments that meet State Significant Development criteria are not determined by regional panels.

Planning Panels can also be called upon to undertake independent reviews of certain re-zoning requests, for example where the proponent is dissatisfied with a council's decision not to support a planning proposal.

The regional panel that encompasses the Lithgow Local Government Area is known as the Western Joint Regional Planning Panel. Councils are required to nominate two (2) persons to the Regional Panel to sit on proposals within the Lithgow Local Government Area. At least one (1) of the nominated persons must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. Appointments to a panel are for a term of 3 years.

On 1 October 2016 Council resolved:

THAT:

1. Council nominate Councillor Lesslie, with Councillor Ticehurst as the Alternate, to the Western Joint Regional Planning Panel for the requisite term.
2. The Council's Group Manager Environment and Development be nominated to the Western Joint Regional Planning Panel for the requisite term.

Due to the disqualification of former Councillor Ticehurst it will necessary to nominate another alternative member to the Western Joint Regional Planning Panel. By convention, in Lithgow's case, a Councillor representative has traditionally been the Mayor although this is up to the Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

The membership and operation of Joint Regional Planning Panels is provided in the Environmental Planning and Assessment Act.

RECOMMENDATION

THAT Council nominate an Alternate Councillor to the Western Joint Regional Planning Panel for the requisite term.

ITEM-13 ECDEV - 26/11/18 - REQUEST FOR ALCOHOL PROHIBITED AREA - LAKE WALLACE NEW YEARS EVE FIREWORKS

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

To seek Council approval for the declaration of an alcohol prohibited area around the perimeter of the baseball field located at Lake Wallace Wallerawang for the duration of the New Years Eve fireworks event.

COMMENTARY

A request has been received from the Wallerawang Lidsdale Progress Association seeking the prohibition of alcohol around the perimeter of the baseball field at Lake Wallace for the duration of the fireworks event to be held on New Years Eve.

Section 632A of the Local Government Act 1993 provides that a police officer may seize any alcohol in a public place designated to be an alcohol free area. The Act provides that a Council may declare any public place in the Council's area to be an alcohol prohibited area providing that it is not a public road or carpark which are covered by separate provisions for alcohol free zones. Whilst the land is not owned by Lithgow City Council, as it is under the control of Council it may be considered to be public land for the purposes of the Local Government Act. Consequently, subject to the appropriate process, Council is entitled to declare an area as an alcohol prohibited area establishing the area during such times or events as specified in the declaration.

An alcohol prohibited area cannot be established without the approval of the Police Area Commander or Police District Commander for the area or district in which the proposed alcohol prohibited area is situated.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Some minor expenditure may be incurred on signage.

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Alcohol prohibited areas are provided for under Section 635A of the Local Government Act 1993. Furthermore a licence agreement has been drafted for the use of the Lake Wallace foreshore for the event which also acknowledges that Lithgow City Council leases the area from Energy Australia.

RECOMMENDATION

THAT

1. Council declare the area within the perimeter of the baseball field situated at Lake Wallace, Wallerawang to be an alcohol prohibited area within the meaning of Section 632A of the Local Government Act 1993 for the duration of the New Year's Eve fireworks celebration to be held on 31 December 2018 through to 1 January 2019.
2. Approval be sought from the Police Area Commander for the declaration of the alcohol prohibited area.
3. Signage be provided to the Wallerawang Lidsdale Progress Association, for installation at the event, reflecting that the area within the perimeter of the baseball field is an alcohol prohibited area.

INFRASTRUCTURE SERVICES REPORTS

ITEM-14 IS - 26/11/18 - INFRASTRUCTURE SERVICES POLICY REVIEW

REPORT BY: DIRECTOR INFRASTRUCTURE SERVICES

REFERENCE

Min No. 14-211: Ordinary Council Meeting of 12 May 2014.
Min No. 14-422: Ordinary Council Meeting of 27 October 2014.

SUMMARY

To provide an update to the following Council policies:

- Policy 2.1 – Cemetery Operations
- Policy 10.4 – Bus Shelters / Street Seating
- Policy 10.5 – Footpath Reservations – Works Requirements
- Policy 10.18 – Specification for the Construction of Driveways, Footpath / Gutter Crossings and Foot paving

To better ensure their accuracy, completeness and pertinence to an evolving community.

COMMENTARY

Changes to the policies outlined above can be summarised as follows:

Policy 2.1 – Cemetery Operations (Version 3)

Changes include:

- Now reflects changes in ownership as the Catholic section of Lowther cemetery is now managed by Council.
- All references to the 'Management Plan' have been changed to reflect Council's annual Operational Plan and the fees and charges contained therein.
- Where the policy referred the public to attachments to the policy for relevant forms, this has now been changed to refer to Council's website.
- Internal staff changes to reflect current titles.
- Minor wording and grammatical changes to improve clarity and readability.

The changes to this policy are minor as changes do not affect the purpose of the policy or its effect on any member of the public. As such, this policy does not require a public exhibition period.

Policy 10.4 – Bus Shelters/Street Seating (Version 4)

Previously, this policy was solely concerned with the control of advertising content on Council's bus shelters and street seating. The policy has been amended to provide control to Council regarding other aspects of bus shelters and street seating as follows:

- Design and construction – now references the standards that any bus shelter (and access to) must be constructed to, including disability standards and sight distance requirements.
- Installation – policy now provides guidelines that dictate the criteria that must be considered and the approvals process that applies to any request for a new bus shelter or street seating.
- Relocation and removal - – policy now provides guidelines that dictate the criteria that must be considered and the approvals process that applies to any request for the relocation or removal of an existing bus shelter or street seating.
- Maintenance – states that Council will only maintain the bus shelters that are owned by Council and such maintenance will occur in accordance with priority.
- Advertising – guidelines on acceptable forms of advertising have been altered to include more detail and clarity in line with best practice traffic management principles that include illumination, design and appearance etc.

The changes to this policy are major as changes affect the purpose of the policy and its potential effect on members of the public. As such, this policy does require a public exhibition period of 21 days.

Policy 10.5 – Footpath Reservations – Works Requirements (Version 4)

This policy has been modified to provide greater clarity and cover some key issues which Council currently does not have a policy position for as follows:

- Inclusion of relevant standards, guides and technical publications upon which any application for work within the footpath reservation will be assessed against.
- Removal of the ability for any private land owner to install street trees at their discretion. This can now only occur through application to Council in order to ensure species planted are low maintenance and low impact with regard to surrounding infrastructure.
- Inclusion of a clause that specifies Council's ability to removal any unapproved street trees or other vegetation installed within the footpath reservation.
- Inclusion of a clause to specify Council's obligations regarding addressing the issue of private access where levels are difficult. Currently, Council assists any member of the public with access concerns through the installation of an asphalt wedge at the kerb return. This clause will now address eligibility criteria for this work.
- Inclusion of a clause to specify Council's obligations regarding addressing the issue of sight distance at existing private property accesses. It is common for members of the public to request mirrors at private dwelling accesses, for installation in the footpath reservation. The use of such devices is extremely limited and often negatively impacts another aspect of road safety.
- This policy now includes a section detailing when and why a *Road Opening Permit* is required and that any fees are to be borne by the applicant.

The changes to this policy are major as changes affect the purpose of the policy and its potential effect on members of the public. As such, this policy does require a public exhibition period of 21 days.

Policy 10.18 – Specification for the Construction of Driveways, Footpath / Gutter Crossings and Footpaving (Version 2)

Changes include:

- The name of applications and forms where applicable.
- References to the RTA have been changed to the RMS and contact details to this effect have also been modified.

- Inclusion of a step in the flow chart for the construction process to include a step which indicates the applicant should apply to Council for relevant levels and specifications prior to construction to minimise errors in the application process.
- Minor wording and grammatical changes to improve clarity and readability.
- Amended form: 'Application for Approval for Footpath / Gutter Crossing' to improve clarity.

The changes to this policy are minor as changes do not affect the purpose of the policy or its effect on any member of the public. As such, this policy does not require a public exhibition period.

POLICY IMPLICATIONS

Adoption of updates to Policy 2.1 – Cemetery Operations, Policy 10.4 – Bus Shelters / Street Seating, Policy 10.5 – Footpath Reservations – Works Requirements, and Policy 10.18 – Specification for the Construction of Driveways, Footpath / Gutter Crossings and Footpaving.

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil

ATTACHMENTS

1. Policy 2.1 – Cemetery Operations
2. Policy 10.4 – Bus Shelters / Street Seating
3. Policy 10.5 – Footpath Reservations – Works Requirements
4. Application for Approval for Footpath Crossing
5. Policy 10.18 – Specification for the Construction of Driveways, Footpath / Gutter Crossings and Foot paving

RECOMMENDATION

THAT

1. Revised Policy 2.1 – Cemetery Operations be adopted and implemented immediately;
2. Revised Policy 10.4 – Bus Shelters / Street Seating be placed on public exhibition for a period of 21 days with the policy being reported back to Council for consideration for final adoption subject to consideration of any submissions received;
3. Revised Policy 10.5 – Footpath Reservations – Works Requirements be placed on public exhibition for a period of 21 days with the policy being reported back to Council for consideration for final adoption subject to consideration of any submissions received; and
4. Revised Policy 10.18 – Specification for the Construction of Driveways, Footpath / Gutter Crossings and Foot paving be adopted and implemented immediately.

ITEM-15 IS - 26/11/18 - OPERATIONS (WORKS) COMMITTEE - TERMS OF REFERENCE

REPORT BY: DIRECTOR INFRASTRUCTURE SERVICES

REFERENCE

Min 18-212: Ordinary Meeting of Council held 29 October 2018

SUMMARY

This report details proposed amendments to the Terms of Reference for the Operations (Works) Committee.

COMMENTARY

As noted below, there are four proposed changes to the Terms of Reference for the Operations (Works) Committee. In simple terms, the changes relate to the appointment of 4 Councillors to the committee, changing the Executive Officer from the Group Manager Operations to the Director Infrastructure Services and some minor grammatical and spelling errors. It is proposed the responsibilities of the Executive Officer remain with one member of staff only to ensure consistency and clarity regarding both the Agenda and point of contact for Councillors regarding the Agenda and Minutes.

As noted, the following amendments have been made to the Terms of Reference for the Operations (Works) Committee:

- Councillor Membership

In September each year, the Council shall nominate 4 Councillors to the Committee.

- Committee Membership

The Committee will be comprised of the following representation:

- 4 Councillors;
- Lithgow City Council General Manager or his nominee

- Executive Officer

The Director Infrastructure Services shall be the Executive Officer

- Minor grammatical and spelling errors

Changes do not impose any tangible modification to the Terms of Reference as written.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil

ATTACHMENTS

1. Operations (Works) Committee Terms of Reference.

RECOMMENDATION

THAT Council amend the Terms of Reference for the Operations (Works) Committee as described to reflect:

1. The appointment of 4 Councillors to the Committee (previously 3);
2. The Executive Officer to be the Director Infrastructure Services (previously Group Manager Operations); and
3. Correction of minor grammatical and spelling errors.

WATER AND WASTE WATER REPORTS

ITEM-16 WWW - 26/11/18 - CLARENCE TRANSFER SYSTEM

REPORT BY: DIRECTOR WATER AND WASTEWATER

REFERENCE

Min No 18-93 Ordinary Meeting of Council 23/04/18
Min No 18-305 Ordinary Meeting of Council 29/10/18

SUMMARY

This report provides a further update on the status of the Clarence Colliery Water Transfer System and the impacts of the now enforced Pollution Reduction Program (PRP) on the ongoing operation of the system.

COMMENTARY

A report was put to Council at its Ordinary Meeting of the 23 April 2018 advising that Clarence Colliery had been issued with a draft PRP from the NSW Environment Protection Authority (EPA). Since this time the PRP became enforceable under a variation to licence conditions for the discharge of water to the Wollangambe River. The conditions of the Environment Protection Licence requires the following:

U2 Wollangambe River Discharge

U2.1 By 31 December 2019 the licensee must cease discharges from licence discharge point 2 into the Wollangambe River catchment, except when Lithgow City Council advises the licensee that it does not require or is unable to accept additional water.

U2.2 By 31 July 2021 the licensee must cease discharges from licence discharge point 2 into the Wollangambe River catchment regardless of whether or not Lithgow City Council is able to accept the discharge water at its water treatment facility, unless the discharge is able to meet a conductivity (EC) limit of 100 microsiemens per centimetre (us/cm).

On Friday 16 November 2018, Council received advice from the NSW EPA that the Condition U2.1 was to be removed from the Licence due to issue raised by Clarence Colliery and the inability of Council to take water up to the quantity to remove the discharge from the Wollangambe River due to limitations imposed on Council's Water Access Licence. And that Condition U2.2 was being reviewed to remove Lithgow City Council from the condition, increasing the conductivity limits for the discharge water and extending the period for compliance by 1 additional year to 2022. At the time of the advice the removal/review of the Conditions had not occurred formally, this was expected to occur week commencing 18th November 2018.

At the Ordinary Meeting of Council 29 October 2018, Council resolved the minutes of the Operations Committee which required the following under Point 6:

In regard to the Clarence Environmental Protection Licence Variation:

- a. Engage WaterNSW / EPA and clarify licence limits on water drawn from Clarence noting the limit has not increased since early 1980, and that the current limit may impact on the current proposal being considered by Centennial in their response to the PRP issued by the EPA; and
- b. Look to finalise the Memorandum of Understanding with Centennial Coal; and
- c. Seek further information from Centennial Coal on proposed options to meet the Pollution Reduction Program (PRP); and
- d. Confirm Council's view that safety is paramount and administration seek immediate guidance from WaterNSW / EPA as to why the 'Dam Spilling' clause is no longer contained in the licence conditions.

The variation to the Licence to remove Condition U2.1 has now negated these actions. At this point Council will continue to operate the Clarence Colliery Water Transfer System under the current arrangements until further information is received.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

NIL

RECOMMENDATION

THAT Council accept the report as an update to the status of the Clarence Colliery Water Transfer System with regard to the potential impacts of the introduction of the Pollution Reduction Program on Clarence Collieries Environment Protection Licence.

ITEM-17 WWW - 26/11/18 - CULLEN BULLEN SEWERAGE SCHEME UPDATE AND COST OF CONNECTION

REPORT BY: DIRECTOR WATER AND WASTEWATER

SUMMARY

This report provides a brief update on the status of the project and provides options in relation to residential connections to encourage property owners to connection.

COMMENTARY

A Selective Tender process for the engagement of consultants has been undertaken to provide the following.

- Concept design of sewerage gravity reticulation within the Cullen Bullen area to allow properties within the area to be serviced. The concept design was to include pipe alignments and manhole positions.
- Concept design of the Sewerage Treatment Plant including type of treatment system to be used, layout, sizing of equipment, size of land and re-use water facility for effluent storage and discharge arrangements.
- Concept design of Sewerage Pumping Station to collect sewerage from one area of the village and rising main to be constructed including alignment, material and size.
- Tender documentation to allow the detailed design and construction of treatment plant and reticulation system following the concept design inclusive of all civil, mechanical and electrical works onsite for the treatment plant and sewerage pumping stations.
- Geotechnical investigation and Review of Environmental Factors reports to allow for approvals to be sought for Design and Construction.

The Contract has now been awarded to GHD with preliminary works being undertaken and the formally inception meeting to be held 27 November 2018.

Expected completion for the aforementioned works is May 2019. Post Completion of these works Council will be required to obtain approval from Department of Industry – Water issued under Section 60 of the *Local Government Act 1993* and finalise an Environment Protection Licence through the NSW EPA. The approval pathway will be a Part 5 activity, under clause 125(1) of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP), on the grounds that these works are carried out by or on behalf of the Council with Council being the determining authority.

Once all approvals are obtained Council will then be in a position to call tenders for the Detailed Design and Construction of the reticulation network and the Sewage Treatment Plant. At this point a realistic timeframe for commencement of on ground works will be early 2020.

In regard to property connections, Council would ordinarily provide a sewer boundary riser and all internal works would be undertaken by the property owner at their cost, this would mean there will be a financial cost for the property owners to connection which may discourage connection. There are also individuals that may not have the financial capacity to cover the cost of the connection in the short term.

It is important for the operation of the system that as many connections as possible are undertaken post completion of the treatment plant. Insufficient connects could cause operational problems associated with septicity and odour.

Up to this point the issue of property connections has not been addressed. Anecdotally there are a significant number of properties that operate on a “2 pipe system” whereby grey water is discharged to an absorption trench and only the black water discharges to the on-site management system, which is a legacy of the old pan system.

In relation to cost associated with connection, the 2 pipe system will increase the cost to those who operate under this type of system.

The following options exist for the undertaking of the connection to the reticulated sewer. The following does not include how costs are to be covered and will be addressed separately.

1. That a point of connection is provided and the responsibility for the connection rest with the owner/occupier. Should owners/occupiers opt not to connect with a reasonable timeframe there are provisions with the *Local Government Act 1993* where Council could issue Orders for the connection to be undertaken.
2. That Council include as part of the Tender for Detail Design and Construction the requirement to connection all the properties to the reticulation network.
3. That a separate Tender be let for the connection of all residential connections.

To encourage connection and reduce financial impact to residents/owners the following options exist to cover or to recover to costs associated with connections.

1. Household connections are completed at the owners' cost
2. Householders would be invoiced for the connection – can pay on invoice
3. Householders would be invoiced for the connection – negotiate a payment plan, apply under Policy 8.6 Hardship for the debt to be a charge on their property.
4. Apply for funding under the Safe and Secure Water Program under the NSW Governments Restart Program where 50% co-funding may be possible with the owner required to pay the remaining 50% within the provision of options 2 and 3 above.
5. Council cover the full cost of connection (not recommended due to Council's current financial position).

In the first instance it is recommended to make application for funding to reduce the financial impact on both Council and the owner/occupiers. Recent changes to the Safe and Secure Water Program gives an improved chance of project similar to this now being able to meet the requirements of the program. Given this funding if successful could provide some significant savings it would be prudent to make application. Should the application not be successful than loan funds not required for the Portland STP project may be utilised to cover the upfront cost to Council should options 2 – 4 be the preferred options.

Given it will take some time to complete the application process it is also proposed that Council put to the individual owners their preference for how they wish to undertake the connection should Council be unsuccessful in securing grant funding. Those who wish to arrange for their own connection will be given that opportunity and those who wish Council to undertake the connection will be added to list of properties requiring connection which will go out to tender.

The funding application will have no effect on the overall program and will be undertaken concurrently with the Concept Design works.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved - \$6,800,000 – Grant Funding \$4,800,000 and Council co-contribution of \$2,000,000
- Cost centre – PJ300034
- Expended to date - \$211,651 of expenditure and commitments
- Future potential impact – It is difficult to determine the financial impact of Council providing the connection until after the completion of the Concept Design. The upfront cost could be as low as \$500,000 or up to \$1,300,000.

LEGAL AND RISK MANAGEMENT IMPLICATIONS

NIL

RECOMMENDATION

THAT

1. Council make application for funding under the Safe and Secure Water Program, and
2. A survey be undertaken to determine which, if any, owners wish to undertake their own connection if funding is unsuccessful, and
3. A report be bought back to Council on the outcome of the funding application and survey to determine the most appropriate option to undertake connections and funding option.

ITEM-18 WWW - 26/11/18 - EXEMPTION FROM WATER CHARGES

REPORT BY: DIRECTOR WATER AND WASTEWATER

REFERENCE

Min No 18 – 211 Ordinary Meeting of Council held on 23 July 2018

SUMMARY

This report seeks to provide the history and impact of claims for exemption to water supply special rates, under *Section 558* of the *Local Government Act 1993* as per the Resolution of Council.

COMMENTARY

Under *Section 558* of the *Local Government Act 1993* (the Act) Council can apply exemptions from water supply special rates, the Act provides;

- (1) A council may exempt the following from payment of water supply special rates and sewerage special rates:
 - (a) a public reserve,
 - (b) a public hospital,
 - (c) a public charity,
 - (d) land:
 - (i) that is unoccupied, and
 - (ii) that is not supplied with water from a council water pipe and is not connected to a council sewer, and
 - (iii) that the council has determined is unsuitable for the erection of a building because it is liable to flooding or tidal inundation or liable to be affected by a coastal hazard,
 - (e) land that, in the opinion of the council, it is impracticable, having regard to the physical features of the land or any unusual cost that may be incurred, to supply with water or connect to the sewer.

The Act goes on to provide that;

- (4) A public hospital that is exempt from payment of water supply special rates is to be supplied with water, and a public charity that is so exempt may be supplied with water, on the following conditions:
 - (a) there is to be supplied free of charge:
 - (i) in the case of a public hospital—300 litres per day (or such greater quantity as the council may determine) for each person resident in the hospital, and
 - (ii) in the case of a public charity—140 litres per day (or such greater quantity as the council may determine) for each person resident in an institution conducted by the public charity,
 - (b) for the purposes of this provision:
 - (i) an inmate is taken to be resident, and
 - (ii) the number of persons resident is the average number of persons resident during the year preceding the period in respect of which charges would be payable, and

- (iii) the general manager may, at any reasonable time, require the production of the records of the public hospital or public charity to verify the average number,
- (c) the supply is to be through a meter,
- (d) any quantity of water in excess of that which may be supplied free of charge is to be paid for at the charge fixed by the council for excess water.

The Act does not specifically provide a definition for “Public Charity”. *Section 559* of the Act deals with *Determination as to Whether a Body is a Public Benevolent Institution or Public Charity* and provides the following;

The provisions of the *Charitable Fundraising Act 1991* are irrelevant in determining whether a body is a public benevolent institution or public charity for the purposes of section 556 or 558.

To determine the technical legal meaning of “Charity” and identify public charity’s operating in the Lithgow Local Government Area, Council makes reference to the Australian Charities and Not-for-Profits Commission (ACNC) established under the *Australian Charities and Not-for-Profits Act 2012* (ACNC Act), who are the independent national regulator of charities. When the ACNC makes decisions about whether to register an organisation as a charity, they apply the law:

- made by judges (‘common law’) on the meaning of charity and charitable purposes.
- taking account of relevant legislation such as the ACNC Act, Charities Act 2013 (Cth) (Charities Act) and Charities (Consequential Amendments and Transitional Provisions) Act 2013 (Cth) (the Charities Consequential and Transitional Act).

The Commonwealth Parliament passed the *Charities Act 2013* (Cth) (the Charities Act) and the *Charities (Consequential Amendments and Transitional Provisions) Act 2013* (Cth) (the Charities Consequential and Transitional Act) on 27 June and they came into effect on 1 January 2014. The Charities Act clearly sets out the legal meaning of charity. The *Charities Act 2013* clarifies that to be a recognised as a charity, an organisation must:

- be not-for-profit
- have only charitable purposes that are for the public benefit
- not have a disqualifying purpose
- not be an individual, a political party or a government entity.

To determine what Charities exist in the LGA a search of the register was undertaken which determined that there are 51 charities listed on the Register having met the ACNC’s legal meaning of being a charity and other requirements under our Act and having a principle address within the LGA.

There was one known organisation who operates in the LGA that did not have a principle address within the LGA, for organisations/business whom operate on a principle address outside the LGA it is hard to determine exact numbers.

Of the 52 organisations many did not meet the criteria for reasons such as, they had no connection to Council’s reticulated supply, they were a School P&C or Parents and Friends Associations, the charity was operated from a primary residential address. This reduces the number that would be eligible for an exemption down to 24.

Of the 24, 4 organisations could still be levied with charges in accordance with Section 558 (4) as provided above, one of which is accountable for nearly half the water usage across the 24 organisations.

The remaining 20 is a combination of Church/Religious Organisations and Schools, including Pre-schools which should the exemption be approved would be exempt them from all charges.

The application of exemptions under *Section 558* of the *Local Government Act 1993* would result in a loss of revenue of approximately \$130,000. To cover the loss of revenue residential rate payers would be required to cross subsidise the cost to the exemption. Further given Council financial position it is not advisable to apply the provisions of *Section 558* of the *Local Government Act 1993* with regard to a public hospital and public charities.

POLICY IMPLICATIONS

A new is policy has been developed and is to be adopted as per Attachment 1. The policy sets Councils position with regard to the application of the *Section 558* of the *Local Government Act 1993*.

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Applying *Section 558* of the *Local Government Act 1993* would result in a loss of revenue of approximately \$130,000

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Draft Policy 8.10 Exemption from Water Supply and Sewerage Special Rates

RECOMMENDATION

THAT Council accept the report and that Policy No. 8.10 Exemption from Water Supply and Sewerage Special Rates be put on public exhibition for 28 days and upon closure of this period the results of the public exhibition be reported to Council for consideration.

ITEM-19 WWW - 26/11/18 - WATER REPORT

REPORT BY: DIRECTOR WATER & WASTEWATER

REFERENCE

Min No 18-:294 Ordinary Meeting of Council 29/10/18

SUMMARY

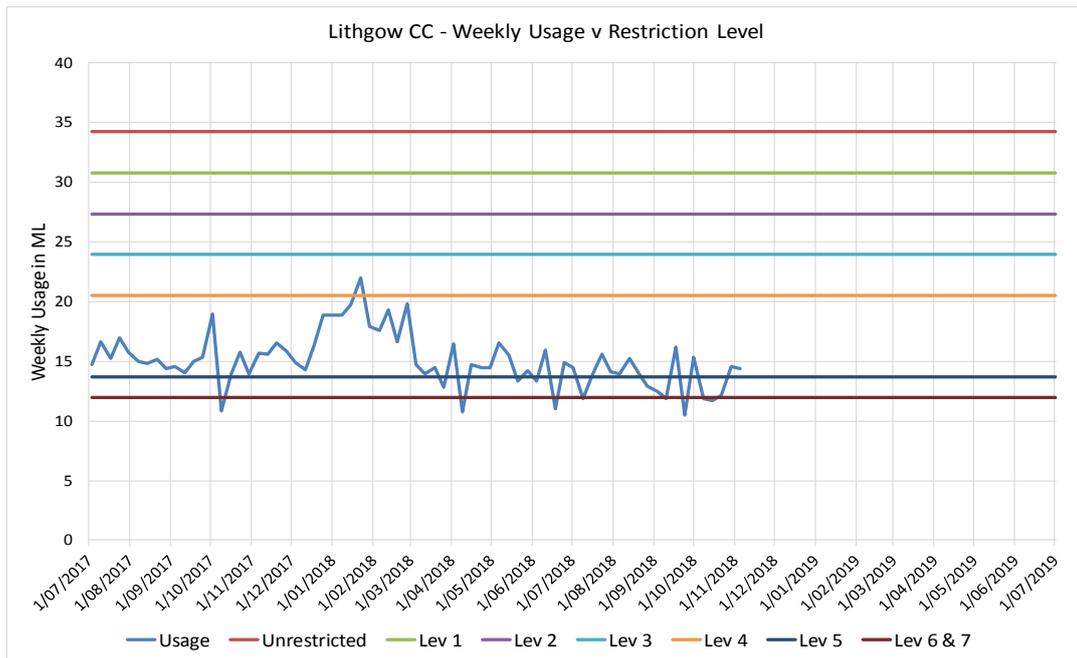
This report provides an update on various water management issues.

COMMENTARY

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

Farmers Creek No. 2 Dam capacity on Monday 12th November 2018 was 92.2%.

Oberon Dam capacity on Monday 12th November 2018 was 50.6%. Total volume banked is currently approx. 6%, so storage adjusted for bank is 44.6%. Level 1 restrictions on the FRWS are now in effect, At this point Council is currently unaffected as current demands are currently lower than level 4 restriction levels as per the below.

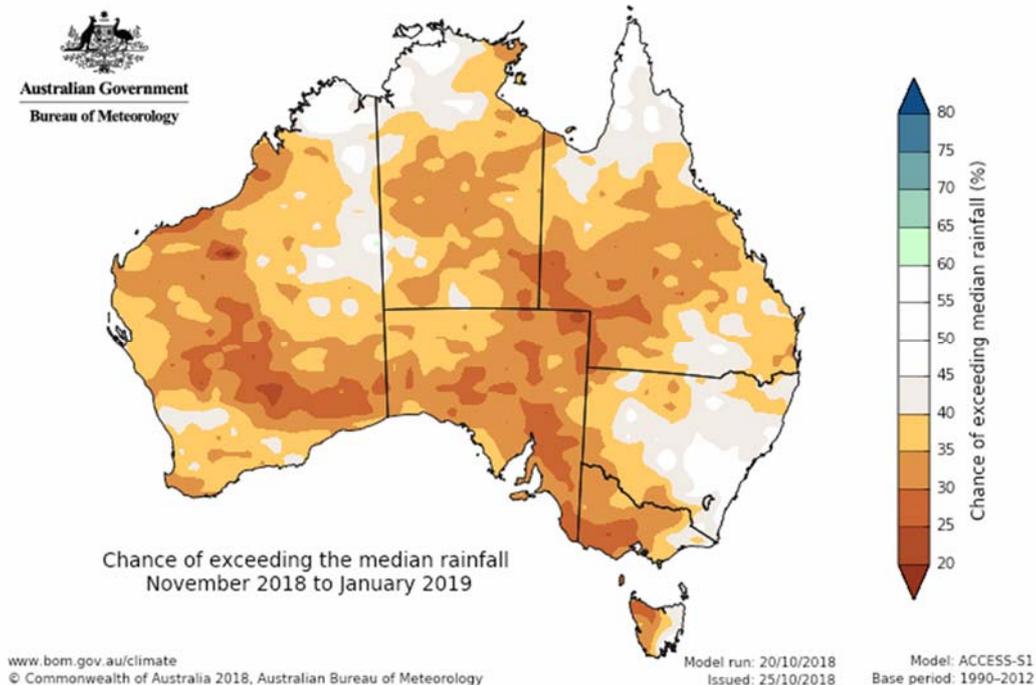


Climatic and Rainfall Outlook

The following climatic and rainfall outlook is taken from the Bureau of Meteorology website.

- November to January is likely to be drier than average for large parts of Australia. However, most of the northern tropics and eastern NSW have roughly equal chances of a wetter or drier three months, i.e., no strong push towards a wetter or drier season ahead.
- Most of Australia is likely to have a drier than average November. However, areas to the east of the Great Dividing Range have roughly equal chances of a wetter or drier than average month.

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- Most of Australia is likely to have a drier than average November. However, areas to the east of the Great Dividing Range have roughly equal chances of a wetter or drier than average month.



Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Water NSW (Fish River Scheme) for 2017/2018 and a cumulative total by month for 2018/19.

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

Total for 2017/18	1,388.1	760.2	810.4
Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	114.9	176.7	69.8
August	107.1	142.0	56.0
September	104.7	0	51.0
October	139.3	0	65.6
TOTAL	466.0	318.7	242.4

Clarence Water Transfer Scheme

The Clarence Water Transfer Scheme is not currently not operating due to the level within Farmers Creek Dam.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently only supplying water to Lithgow with WaterNSW supplying water to the villages for the period. No health-based ADWG values were exceeded for the period 20/10/18 to 16/11/18 from the 26 samples collected.

Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP in accordance with Environment Protection Licence requirements. Samples were collected on 30/10/18 and taken to Sydney Water for testing. There were no non-compliances recorded at Council's treatment plants for the month of October 2018. All test results are published on the Lithgow City Council website as required by the Protection of the Environment Operations Act 1997.

Fish River Water Scheme Water Quality Summary

Fish River Water Supply supplied water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal during the period. No health-based ADWG values were exceeded for the period 20/10/18 to 16/11/18.

Water Saving Schemes or Processes Update

At Council's meeting of 29th October 2018, it was resolved to discontinue Council's rebate scheme for rainwater tanks and domestic appliances. Council received one application for a domestic appliance rebate between 20/10/18 and the cessation of scheme.

Water Reticulation Complaints

Council received 15 complaints during the period 20/10/18 to 16/11/18 concerning water quality issues, these were all isolated issues. The water mains were flushed in all instances of water quality complaints and the water was tested at the location of each complaint with there being no exceedances of ADWG values.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council accept the information contained in the water report.

FINANCE AND ASSETS REPORTS

ITEM-20 **FIN - 26/11/18 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30
JUNE 2018**

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

REFERENCE

Min No 18-307: Ordinary Meeting of Council held on 29 October 2018.

SUMMARY

At the 29 October 2018 meeting, Council resolved to endorse the recommendations proposed in the 2017/18 Financial Statements report. Council resolved to:

1. Note that that the audit of the 2017/18 financial statements has been completed.
2. Authorise the signing of the statement on the 2017/18 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2017/18 Special Purpose Financial Reports.
4. Invite Dominika Ryan of the Audit Office of NSW, Council's Auditors, to present a report to Council on the 2017/18 Financial Statements at the Ordinary Council meeting scheduled for 26 November 2018.

The purpose of this report is to present to the Council the audited Financial Statements for the year ended 30 June 2018, as required by Section 419 of the Local Government Act 1993.

The 2017-2018 Financial Statements are included as an attachment to this report.

COMMENTARY

The Council's Financial Statements for the year ended 30 June 2018 were completed by the Council Finance team and have now been reviewed and returned by the Audit Office of NSW, in accordance with legislative requirements. Dominika Ryan of the Audit Office will be present to address the 26 November 2018 Ordinary Meeting. The auditor will:

- deliver a brief presentation to the Council on the end of year result and the conduct of the audit;
- review the Council's key financial indicators contained within the Financial Statements; and
- be available to answer any associated questions posed by the Council.

Annual Financial Statements Reporting Process

The Council's Annual Financial Statements are required to be audited by the Audit Office of NSW, and copies of the financial reports and the Auditor's report submitted to the Office of Local Government by the 31 October 2018. Both of these requirements have been met within the prescribed timeframes.

Report on Financial Statement Audit Results

The 2017-2018 Financial Statements confirm that the Council's has continued to make progress towards achieving financial sustainability.

The audit resulted in the issuing of an unmodified audit report on both the General Purpose and Specific Purpose Financial Statements. An unmodified audit report is an expression used by auditors to confirm that the Financial Statements are presented, in all material respects, in accordance with applicable financial reporting requirements.

The Financial Statements confirm the operating result and financial position of the Council for the year ended 30 June 2018 and the statements are in accordance with Australian Accounting Standards, the Local Government Act 1993 and the NSW Local Government Code of Accounting Practice and Financial Reporting.

The auditors have formed an opinion that Council's financial statements fairly present fairly the result of its financial operations and its financial position as of 30th June 2018 and that the Council has complied with requirements of the Local Government Act 1993.

Movements in Major Revenue and Expense Items During the Reporting Period

The Income Statement summarises the Council's financial performance for the 2017-2018 year, listing all income and expenses. The table below gives a snapshot of the key movements compared to the prior year.

OPERATING REVENUE (\$'000)	2017/18	2016/17	Increase (decrease)
Rates and Annual Charges	25,456	24,815	641
User Charges and Fees	6,703	6,643	60
Interest & Investment Revenue	887	811	76
Grants & Contributions - Operating	7,796	10,379	(2,583)
Grants & Contributions - Capital	4,330	9,561	(5,231)
All Other Revenue	1,415	4,600	(3,185)
TOTAL	46,587	56,809	(10,222)
OPERATING EXPENSE ITEMS (\$'000)			
Employee Benefits and On-costs	15,871	16,076	(205)
Materials and Contracts	9,601	10,843	(1,242)
Borrowing Costs	681	851	(170)
Depreciation and Amortisation	11,856	12,136	(280)
All Other Expenses	6,005	7,881	(1,876)
TOTAL	44,014	47,787	(3,773)

Changes in Income:

- Annual charges income increased by \$302K, due to increased domestic waste income (cost recovery) and additional revenue for water supply. Ordinary rates revenue increased by \$203K. The Audit Office reported that "rates and annual charges revenue is largely consistent with 2016-2017."
- Most of the decrease in operating grants income was due to the pre-payment of the Financial Assistance Grant in 2016-2017 (\$2.172M lower).
- 2017-2018 capital grants were lower as 2016-2017 included \$7.7M of sewerage grants for the Portland Sewerage Treatment Plant project.
- Other revenue for 2016-2017 included an extraordinary remediation reversal of \$3.7M. Excluding this amount, other revenue increased in 2017-18 mainly due to higher property rental income.

Changes in Expenditure:

- Employee benefits and on-costs decreased, mainly due to improved accounting for capital project wages.

- Materials and contract costs decreased by \$1.242M due to savings and efficiencies identified over the 2017-2018 year.
- Depreciation decreased by \$280K. A reduction in depreciation was anticipated. Depreciation was lower for most asset classes with the exception of water and sewer assets.
- Other Expenses increased by \$282K, including higher electricity costs and Council by-election expenses. A book entry was made (\$918K) for net losses from the disposal of assets.

Operating Result

There are two Operating Results reported in the Income Statement:

- The Net Operating Result (including Capital Grants and Contributions) has decreased by \$6.4 million to a surplus of \$2.57 million.
- The Net Operating Result (excluding Capital Grants and Contributions) is a deficit of (\$839K) for the year ended 30 June 2018 compared to a surplus of \$1.97 million for the year ended 30 June 2017.

The lower Operating Result is mainly due to the decrease in grants and contributions noted above, offset by a \$1.2 million decrease in materials and contracts expense.

Operating Result on Income Statement (\$'000)	2017/18	2016/17	+/-
Net Operating Result (including Capital Grants & Contributions)	2,573	9,022	(6,449)
Net Operating Result (excluding Capital Grants and Contributions)	(839)	1,973	(2,812)

The Net Operating Result (excluding Capital Grants and Contributions) is used to calculate the Fit for the Future Operating Ratio. To meet the Fit for the Future benchmarks, the Council will need to continue to implement its financial sustainability strategies.

Financial Performance Ratios

The following table provides a summary overview of the key financial performance indicators that the Council is required to report in its Financial Statements. Notation is made of the Fit for the Future measures.

Council met all of the benchmarks for the financial performance indicators with the exception of the Operating Performance Ratio. Council is working towards meeting the benchmark for the Operating Performance Ratio, with significant improvement in the past two years.

PERFORMANCE INDICATORS	2017/18	2016/17	Within Benchmark Yes/No
OPERATING PERFORMANCE RATIO (Benchmark: Minimum \geq0.00%) <i>Fit for the Future Measure</i>	-1.99%	4.18%	No
Comments: The operating performance ratio measures how well Council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value			

PERFORMANCE INDICATORS	2017/18	2016/17	Within Benchmark Yes/No
<p>adjustments, and reversal of revaluation decrements). The benchmark set by the Office of Local Government (OLG) is greater than zero per cent.</p> <p>Council's operating performance ratio dropped below the industry benchmark for 2017-2018 due to a decrease in other revenue and operating grants and contributions. Council's 2016-2017 ratio reflected the advanced receipt of 2017-2018 financial assistance grant instalments from the Commonwealth Government in 2016-2017. Without these receipts, Council would not have met the industry benchmark (the ratio would have been 0.7 per cent in deficit).</p>			
OWN SOURCE OPERATING RATIO (Benchmark: Minimum $\geq 60.00\%$) <i>Fit for the Future Measure</i>	73.97%	64.90%	Yes
<p>Comments: The own source operating revenue ratio measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.</p> <p>Council's own source operating revenue ratio has exceeded the industry benchmark over the past three years.</p> <p>The current year ratio of 74.0 per cent increased from the previous year. This is mainly due to the significant decrease in total continuing operating revenue.</p>			
UNRESTRICTED CURRENT RATIO (Benchmark : Minimum ≥ 1.50)	1.81	2.72x	Yes
<p>Comments: The unrestricted current ratio is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.</p> <p>Council's unrestricted current ratio has exceeded the industry benchmark over the past three years. This indicates that Council has sufficient liquidity to meet its current liabilities as and when they fall due. The steady decrease in the ratio reflects the effect of the increasing external restrictions being applied to cash and other current assets.</p>			
RATES, ANNUAL & EXTRA CHARGES OUTSTANDING (Benchmark: Minimum $< 10.00\%$)	5.92%	5.81%	Yes
<p>Comments: The rates and annual charges outstanding ratio assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 10 per cent for regional and rural Councils.</p> <p>Council's rates and annual charges outstanding ratio has been better than the benchmark for rural Councils over the past three years. Economic conditions in the local government area have remained consistent year on year, resulting in stable debt recovery rates and few write offs.</p>			
DEBT SERVICE COVER RATIO (Benchmark : Minimum ≥ 2.00)	4.49x	5.45x	Yes
<p>Comments: The debt service cover ratio measures the operating cash required to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times.</p>			

PERFORMANCE INDICATORS	2017/18	2016/17	Within Benchmark Yes/No
Council's debt service cover ratio has exceeded the industry benchmark over the past three years. The ratio indicates that Council has adequate revenue to cover the principal repayments and borrowing costs of its debt.			
CASH EXPENSE COVER RATIO (Benchmark: Minimum \geq3 months)	12.95 months	9.1 months	Yes
<p>Comments: This liquidity ratio indicates the number of months that the Council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by the OLG is greater than three months.</p> <p>At 30 June 2018, Council had the capacity to cover 13 months of cash expenditure without additional cash inflows. Council's high levels of liquidity means its cash expense cover ratio has far exceeded the industry benchmark over the past three years.</p>			

Public Notification

In accordance with Section 420 of the Local Government Act 1993, the Council is required to make the Financial Statements available to the public, seeking lodgement of any submissions in response to the document, for a period of seven days after presentation of the Financial Statements to Council.

To meet this requirement a copy of the Financial Statements will be made available to the public on the Council website and at the Customer Service counter.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

There are no obvious legal or risk management issues associated with the adoption of the recommendations. The presentation of the financial statements to the Council, and the ability for the public to inspect the statements, supports the Council's financial reporting governance requirements.

ATTACHMENTS

1. 2017/18 Financial Statements (please see Attachment - Item 26(2))

RECOMMENDATION

THAT Council:

1. Receives the audited Annual Financial Statements for the year ended 30 June 2018 pursuant to Section 419 of the Local Government Act 1993.
2. Pursuant to Section 420 of the Local Government Act 1993, endorses the Financial Statements to be made available to the public to make submissions for a period of seven days.
3. Note the presentation by the Audit Office of New South Wales, the Council's external auditor, at the Council meeting held 26 November 2018 Ordinary Meeting in respect to the Audited Financial Statements.

ITEM-21 FIN - 26/11/18 - QUARTER 1 BUDGET REVIEW 2018-2019

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

SUMMARY

This report provides the Quarterly Performance Report on the 2018-2019 Operational Plan for the period of 1 July 2018 to 30 September 2018 with a recommendation that variations to income and expenditure estimates are voted and the revised financial result of (\$364K) operating deficit before capital grants be noted.

COMMENTARY

The July to September Quarterly Performance Report on the 2018-2019 Operational Plan has been prepared and details are provided with the attachment to the Business Paper.

2018/19 Quarterly Budget Comparison			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
Original	50,384	43,337	7,048
September Quarter	49,967	43,678	6,019

2018/19 Quarterly Budget Comparison Fund – Proposed September Review			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
General	31,411	28,733	2,678
Water	7,779	7,517	262
Wastewater	10,506	7,427	3,078

The Chief Financial and Information Officer, as Responsible Accounting Officer, has reviewed the report and stated that that Council's projected financial position at 30 June 2019 will be unsatisfactory compared with the original budget. The statement is made on the basis that operational carryovers of \$302K have added to Council's original expenditure budget. Net budget savings of \$240K were identified in Quarter One 2018/19 which have brought the projected year end deficit to only (\$63K) higher than the original budget deficit of (\$301K).

Cash and Investments

The Quarterly Performance Report states that Council has \$34M held in externally and internally restricted reserves at 30 September 2018. All of these funds are held for specific purposes and cannot be used to fund Council's day to day operations or additional capital works. Most of

Council's reserves are placed in term deposits which provide an important income source to fund Council's services. Unrestricted cash was only \$14K at 30 September 2018.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

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

ATTACHMENTS

1. Quarterly Report 1 July 2018 to 30 September 2018

RECOMMENDATION

THAT Council:

1. Notes the content of the report and the revised budget deficit of (\$364K) for the 2018/19 Operational Plan as detailed in the Quarterly Performance Report for the period 1 July 2018 to 30 September 2018.
2. Council adopts the variations to the Council budget as outlined in the attached report.

ITEM-22 FIN - 26/11/18 - BANKING SERVICES TO COUNCIL

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

REFERENCE

Min No 18-314: Ordinary Meeting of Council held on 29 October 2018.

SUMMARY

This report provides information to Council in response to the following resolution:

18 – 314 RESOLVED

THAT the Council General Manager prepares a report for Council concerning the provisions of banking services for Council and the tender criteria that would be applied.

The criteria in my view should include but not be limited to:

- Cost effectiveness and investment returns
- Banking Royal Commission outcomes relevant to each tenderer
- Community commitments and engagement
- Each tenderer's policies in relation to investment in coal mining and alternative energy
- Effective service provision to Lithgow Council

COMMENTARY

There are two separate and distinct types of banking services utilised by Council –

- day-to-day transactional banking; and
- investments.

Transactional Banking Services

Section 409 (4) of the NSW Local Government Act 1993 (the Act) states:

(4) Pending its expenditure for the purpose for which it is held, money of the kind referred to in subsection

(3) (a), (b) or (c) may not be held otherwise than in an account with a bank, building society or credit

union or in an investment in which such money is, by or under this or any other Act, authorised to be invested.

Section 55 (1)(f) of the Act excludes the provision of banking services from tendering requirements:

(f) a contract for the provision of services to the council (other than a contract for the provision of banking, borrowing or investment services)

As Council's current banking contract relationship spans more than ten years, it is prudent to test the market and call for Expressions of Interest (EOI) for transactional banking services. Due to availability of staff resources, an EOI process for banking services can be scheduled for the 2019/20 year.

The EOI process would need to assess the value to Council of changing its banking services provider (currently Commonwealth Bank of Australia) weighed against the costs (including staff

time) and disruption related to changing Council's merchant services terminals, direct credit and debit arrangements, customer payment facilities (e.g. BPoint) and credit cards.

The standard assessment criteria would include:

1. Pricing;
2. Demonstrated ability and capacity to provide banking and customer payment services as specified;
3. Provision of an implementation plan for transition to the new contract;
4. Qualifications and experience of key personnel proposed to be engaged in the banking relationship;
5. Examples of data analysis and reporting capabilities; and
6. Demonstrated strengthening of local economic capacity.

With regard to other criteria suggested in the Council resolution:

Banking Royal Commission outcomes relevant to each tenderer.

The Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry is due to submit its final report to the Governor-General by 1 February 2019. The Royal Commission's Interim Report (released on 28 September 2018) provides case studies of examples of misconduct at a number of banks, including all of the "Big 4" banks (i.e. CBA, NAB, ANZ, Westpac).

To include criteria relating to Banking Royal Commission outcomes in the EOI for banking services may severely restrict the number of EOIs which could be considered by Council.

Each tenderer's policies in relation to investment in coal mining and alternative energy.

The Market Forces website lists banks which do and do not fund fossil fuels. Bank which fund fossil fuels include CBA, NAB, ANZ and Westpac. Banks with no record of funding fossil fuels and which have provided a position statement include Adelaide Bank, Auswide Bank and a large number of smaller financial institutions (including building societies and credit unions).

To include criteria relating to investment in coal mining and alternative energy in the EOI for banking services may also restrict the number of EOIs which could be considered by Council.

Investments

Investments are held in accordance with the Council's Investment Policy. On 14 August 2017 (Minute No. 17-311), Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011.

In 2017/18, Council received \$774K in interest revenue on its cash and investments.

Any change to restrict Council's investments in financial institutions impacted by Banking Royal Commission outcomes and/or which invest in coal mining and alternative energy would need to be reflected in Council's Investment Policy. Restrictions in Council's investments are likely to have a significant impact on Council's investment revenue. The Operational Plan would need to quantify the lost revenue and determine service reductions to offset the expected loss of income.

POLICY IMPLICATIONS

An Expressions of Interest process for banking services would need to comply with Council's procedures for Purchasing and Tendering.

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – to be determined in the 2019/20 year.

LEGAL AND RISK MANAGEMENT IMPLICATIONS

An Expressions of Interest process for banking services would need to be conducted in accordance with Local Government tendering legislation, including Section 55 of the Local Government Act 1993 and Part 7 of the Local Government (General) Regulation 2005.

RECOMMENDATION

THAT Council:

1. Note the response to the Council resolution (Minute No. 18-314) on banking services.
2. Endorse the proposal to call for Expressions of Interest (EOI) for transactional banking services in the 2019/20 financial year with the EOI criteria to be determined by the administration as is usual practice.

ITEM-23 FIN - 26/11/18 - DROUGHT ASSISTANCE MEASURES

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

REFERENCE

Min No 18-175: Ordinary meeting of Council held on 25 June 2018.

SUMMARY

At the June 2018 meeting, Council resolved:

THAT Council:

1. Promote the Buy A Bail campaign via a link on Council's website.
2. Initiate a program from 1 July 2018 whereby, subject to a registration process, drought affected farmers within the Lithgow Local Government Area (LGA) are eligible for a free standpipe access card and access to the Barton St, Lithgow water standpipe with a 50% reduction on the 2018/19 metered standpipe water usage charge.
3. Note that the registration process proposed in No 2 above will require details of the location of the rural producer; details of their rural enterprise; where the water will be utilised; and details of how their rural enterprise comprises their primary source of income.
4. Note that parties afforded access to water through the program as outlined in No 2 and 3 above will be responsible for the cartage of the water.
5. Note that rate relief may be provided for drought affected farmers within the provisions of Council's adopted Hardship Policy.
6. Provide the Local Land Services with direct Council contacts for Roadside Grazing permits and advise of its intention to provide expedited 72 hour turnarounds on all applications between 1 July and 31 December 2018.
7. Make representation to the RMS to make B.Double loads permissible on non-traditional routes upon application by the permit holder.
8. Note that a report will be prepared for the November meeting (or earlier should the LGA no longer be drought declared) to review the Council's drought assistance measures; provide details of the utilisation of the hardship and water measures by drought affected farmers; and include the financial implications of the reduced cost metered standpipe program.

COMMENTARY

Although there has been a low level of utilisation of Council's drought assistance measures, it is proposed to continue to offer the measures to drought affected farmers in the Lithgow LGA. The most recent climate outlook from the NSW Department of Primary Industries (September 2018) states:

"The official forecast from the Bureau of Meteorology currently indicates that there is a 50 percent chance of achieving medium rainfall over the coming forecast period (October-December), with high probability of warm conditions. This represents an improvement in the outlook for NSW, although major global climate drivers do not provide a strong signal toward wetter or drier conditions."

The Bureau of Meteorology reports (2/11/18) that Australian maximum temperatures for 2018 to date have been the second warmest on record. With the prospect of a hot and dry summer ahead, it is proposed to further review Council's drought assistance measures in February 2019.

To date, there have been only two requests to utilise the reduced cost metered standpipe program at negligible cost to Council in loss of water revenue.

To date, there have been nil applications for rate relief for drought affected farmers within the provisions of Council's adopted Hardship Policy.

POLICY IMPLICATIONS

Applications for rate relief for drought affected farmers is assessed in accordance with Council Policy 8.6 Hardship Policy.

FINANCIAL IMPLICATIONS

- Budget approved – Nil
- Cost centre – N/A
- Expended to date - Nil
- Future potential impact – estimated to be minimal.

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil.

RECOMMENDATION

THAT Council note:

1. The minimal uptake of Council's drought assistance measures to date.
2. That a report will be prepared for the February 2019 meeting to further review the Council's drought assistance measures.

ITEM-24 FIN - 26/11/18 - PARKING SPECIAL RATE

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

REFERENCE

Min No 07-226: Policy and Strategy Committee Meeting of Council held on 4 June 2007.

SUMMARY

From available records, it has been ascertained Council commenced the levying of a parking special rate on Lithgow CBD business properties in approx. 1975.

At the Policy and Strategy Committee Meeting held on 4 June 2007, Council resolved to receive information on expanding the area covered by the parking special rate and the businesses which would incur the levy.

This report seeks the resolution of Council on the future use of funds raised by the parking special rate.

COMMENTARY

Council's records state that the parking special rate was proposed in 1975 for the provision of car parking areas in the Lithgow CBD. Funds raised from the special rate were initially utilised to repay loans raised for the construction of car parking areas in the Lithgow CBD. In recent years, parking special rate funds have contributed to capital works and maintenance in the Lithgow CBD area.

The 2018/19 Operational Plan states that the parking special rate "is to fund the maintenance of parking facilities within the designated area." The estimated yield of the rate for the 2017/18 year is \$254,768

It is noted that there is no recent resolution of Council to determine the appropriate use of funds raised from the parking special rate.

POLICY IMPLICATIONS

This report sets the policy for the use of parking special rate funds.

FINANCIAL IMPLICATIONS

- Budget approved – 2017/18 parking special rate income budget of \$254,768
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – ongoing use of parking special rate funds

LEGAL AND RISK MANAGEMENT IMPLICATIONS

This report ensures that Council complies with Section 495 of the NSW Local Government Act 1993 with regard to the making and levying of special rates:

- 1) A council may make a special rate for or towards meeting the cost of any works, services, facilities

- or activities provided or undertaken, or proposed to be provided or undertaken, by the council within the whole or any part of the council's area, other than domestic waste management services.
- 2) The special rate is to be levied on such rateable land in the council's area as, in the council's opinion:
- (a) benefits or will benefit from the works, services, facilities or activities, or
 - (b) contributes or will contribute to the need for the works, services, facilities or activities, or
 - (c) has or will have access to the works, services, facilities or activities.

RECOMMENDATION

THAT Council take the following action from the 2019/20 financial year:

1. Utilise the parking special rate for Lithgow CBD capital works and maintenance.
2. Determine a specific program of works which will be funded from the parking special rate for inclusion in each year's Operational Plan.
3. Any parking special rate funds not utilised in a financial year be placed in an internally restricted reserve for future Lithgow CBD capital works and maintenance.

ITEM-25 FIN - 26/11/18 - WRITE OFF SECTION 94A

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

SUMMARY

This report requests Council to consider the write off Section 94A invoices totalling \$54,705.30.

COMMENTARY

During the period 27 November 2013 to 3 April 2016, Council's practice was to create invoices for Section 94A contributions (now known as Section 7.11 contributions) on the Finance system solely for the purpose of keeping track of future Section 94A contributions. This was an incorrect practice as invoices should only be created when Council has earned the right to the contribution on the issue of a construction certificate or occupancy certificate.

S94A contributions are now tracked using an offline register.

On investigation it was discovered that \$48,805.30 of Section 94A invoices have been incorrectly created and \$5,900.00 of Section 94A invoices have been incorrectly receipted. This has resulted in a requirement to write off \$54,705.30 Section 94A invoices. There is a further \$18,530.15 of section 94A invoices still being investigated for potential further write off.

There is no budget for revenue write-offs. A budget variation will be processed as part of the Quarter 2 budget review should Council approved the Section 94A revenue write-off.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

- Budget approved - Nil
- Cost centre - 4039
- Expended to date - Nil
- Future potential impact - \$73,235.45

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil.

RECOMMENDATION

THAT Council write off \$54,705.30 of Section 94 debtor invoices which should not have been included in Council's contributions income from 2013 to 2016.

PEOPLE AND SERVICES

ITEM-26 P&S - 26/11/18 - ANNUAL REPORT

REPORT BY: DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No. 17-358 Ordinary Meeting of Council held on 27 November 2017

SUMMARY

This report provides copies of the 2017/18 Annual Report – A Year in Review and 2017/18 Annual Report – General Purpose Financial Statements.

COMMENTARY

The Local Government Act 1993 states:

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

The 2017/18 Annual Report has been prepared and will be forwarded to the Office of Local Government. A copy of the report has been provided to Councillors in their business papers package.

Copies of the documents which make up the annual report will be placed on Council’s website and available for viewing at the Council’s Administration Centre, the Lithgow Library Learning Centre and branch libraries.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

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

ATTACHMENTS

1. 2017/18 Annual Report – A Year in Review
2. 2017/18 Annual Report 2017/18 – General Purpose Financial Statements

RECOMMENDATION

THAT Council adopt the 2017/18 Annual Report.

ITEM-27 P&S - 26/11/18 - SPECIAL RATE VARIATION NOTIFICATION OF INTENTION TO IPART

REPORT BY: DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No 18-96 Ordinary Meeting of Council held on 23 April 2018
 Min No 18-165: Ordinary Meeting of Council held on 25 June 2018
 Min No 18-227: Ordinary Meeting of Council held on 27 August 2018
 Min No 18-262: Ordinary Meeting of Council held on 24 September 2018

SUMMARY

At the Council meeting held on 23 April, Council resolved **THAT:**

3. *Council confirm Long Term Financial Plan Scenario 3 as its preferred option for financial sustainability and notify the Independent Pricing and Regulatory Authority (IPART) of its intention to prepare an Application for a Special Variation based on the table below:*

SRV Information	Proposed Application
<i>Type of Special Rate Variation</i>	<i>Application under Section 508(2) of the NSW Local Government Act – being an increase in a single year.</i>
<i>Percentage increase</i>	<i>9% in 2019/20 (to replace the expiring 4.77% SRV in 2019/20).</i>
<i>Permanent or temporary increase</i>	<i>A permanent increase which is retained within the rate base.</i>
<i>Purpose of the Special Rate Variation</i>	<i>Primary purposes (based on IPART categories):</i> <ul style="list-style-type: none"> • <i>Improvements in financial sustainability;</i> <i>and</i> • <i>Reductions in backlogs for asset maintenance and renewal.</i>

4. *Council staff prepare an Application for a Special Rate Variation and submit the draft application for endorsement prior to the 2018/19 SRV deadline.*

This report provides information regarding Council's Notice of Intention to IPART to apply for a permanent 9% per year (plus the annual rate peg) Special Rate Variation from 2019/20 as follows:

Maintain the current SRV + rate peg + one-off (permanent) 4.23% SRV
 Council proposes to apply to retain the current SRV of 4.77% which expires on 30 June 2018. Council also plans to request an additional one-off SRV of 4.23%. The total SRV application will be for a 9% increase in rates revenue (i.e. the current 4.77% SRV plus a new 4.23% SRV). The 2.7% rate peg will also be added. The impact on ratepayers will be a new 4.23% SRV plus the rate peg. The projected total SRV income (from maintaining the current SRV plus adding the new SRV) is estimated at \$1.178 million for the 2019/20 year.

COMMENTARY

Like many other NSW Councils, our roads, footpaths, buildings, drainage and other community assets are ageing and need to be renewed or upgraded. We know that our community places a high value on these assets, in particular our road network. Our assets in their current state are continually deteriorating and need costly maintenance. To improve our public assets we need to spend more money on maintaining and renewing these assets to ensure that they meet the needs of our community.

The proposed Special Rate Variation is an important step to help maintain and manage our current assets to ensure that we deliver services in line with community expectations and remain financially sustainable into the future.

Council is proposing to increase funding for the following assets.

- Transport (sealed roads, unsealed roads, footpaths, cycleways, bridges and road drainage)
- Stormwater Drainage
- Buildings

Increasing the level of funding for these assets will allow council to renew those which are currently in a poor condition. It will also ensure that the number of assets in poor condition does not continue to grow. It is essential that our community assets are safe, in working order and meet community expectations. The expenditure will ensure that the Fit for the Future asset benchmarks are met over time.

The remainder of the increased funding (approx. \$100,000 p.a.) will be spent on business improvement initiatives which will either generate additional revenue or reduce long-term costs.

The table 1 below shows the current amount of funding allocated each year, towards renewal and maintenance work across our main asset types, as well as recommendations for increases to improve their condition.

Asset Type	Current Maintenance & Renewal Budget (\$'000 p.a.)	Proposed increase in Investment (\$'000 p.a.)	Proposed Total Investment (\$'00)	Proposed % increase in investment
Transport	4,188	725	4,913	17%
Stormwater Drainage	107	100	207	93%
Buildings	831	250	1,051	26%

Changing the way we do things

Transport and stormwater infrastructure

Council currently spends approximately \$19 million on asset maintenance and renewal each year however we should be investing an additional \$1.1 million per year.

In 2016/17 Council undertook a review of its works program with the aim of reducing Council's ongoing asset depreciation costs. Percentages of maintenance funding were reallocated to renewals projects. The allocation is based on the expected percentages of renewal works required over a 12 month period based on analysis of the previous 5 years of maintenance expenditure data. Included in this analysis is a breakdown of salary, plant and materials expenses to more accurately break down the requirements.

The purpose of this renewal budgeting in addition to maintenance funding is to ensure allocation of recurrent maintenance funds to works that extend the life of an asset rather than simply maintain an asset to its expected end-of-life. Typically, these works would be conducted based

on best practice intervention points, ensuring works are performed prior to capital reconstruction being required. This process comes with two main benefits, the first being a reduction in capital expenditure over time due to extended asset life spans and the second a reduction in ongoing asset depreciation rates if intervention points are followed.

Stormwater improvements are of major significance, particularly within the urban Lithgow area. Currently, Lithgow is subject to substantial new development which is causing an increase in stormwater flow through aging infrastructure installed anywhere between 10 and 70 years ago. This issue is causing flood-related problems downstream. Previously, Council's aging stormwater infrastructure was not acknowledged during the scoping and budgeting phase of the capital works planning process. This partly resulted in the over spend on Council's resheeting program. Additional resources will be provided to stormwater locating during the project scoping phase into the future. This will ensure that a holistic approach is taken to road and stormwater management.

Buildings

Council through its public toilet improvement program is replacing a number of aged non-compliant public toilets with modern Exeloo type facilities. These structures are self-cleansing and electronically controlled so that they can be opened and closed at pre-set times. Cost to the community is reduced through a reduction in call-outs for additional cleaning, less staff time on repairs resulting from vandalism and opening and closing the facility. It also provides a modern, clean toilet facility for use by ratepayers and visitors to Lithgow.

Improvements have already been completed to the Administration Centre and the Centrelink Office with the installation of computer controlled Building Management Systems for the operation of the heating and cooling systems in these buildings. This is aimed at reducing overall operating cost and overall energy consumption through reduction in gas and electricity usage in these buildings.

New LED lighting has been installed in the Administration Centre and Centrelink to also reduce the greenhouse footprint and overall operating costs.

2019-2029 Long Term Financial Plan – Sustainable Assets Scenario

The 2019-2029 Long Term Financial Plan (LTFP) includes a Sustainable Assets Scenario, which locks in further organisational improvements and identifies the need to apply to replace the existing infrastructure special rate variation (SRV) of 4.77% when it expires. In the 2019-29 LTFP scenario, a replacement SRV is planned to commence in 2019/20. It is proposed to apply for a replacement SRV to commence in 2019/20, following the expiry of the current SRV.

If Council is successful in an application for a new permanent SRV of 9% to commence in 2019/20, together with the proposed improvement measures included in the LTFP, Council will be assured of its financial sustainability and will be able to meet all of the Fit for the Future (FFTF) ratios over the 10 year term of the LTFP. The proposed SRV represents the continuation of the existing 4.77% SRV together with a further 4.23%. The ongoing identification of organisational efficiencies, cost savings and maximisation of revenue will assist Council to overcome its financial sustainability challenges with the lowest possible impact on ratepayers. The preferred scenario is that Council seeks an SRV of 9% when the existing SRV for infrastructure improvements expires at the end of 2018/19. The new SRV in 2019/20 will mean an additional increase of 4.23% for ratepayers at that time, plus the rate peg of 2.7%. This, when combined with other improvement measures, enables Council to operate with a surplus which provides additional cash resources to help fund extra infrastructure renewals. These financial results make the Council 'fit' in accordance with the Office of Local Government guidelines. In the LTFP Scenario, Council is able to meet the operating performance ratio from 2019/20 onwards. Council will closely monitor its operating result and budget to ensure an operating surplus is retained. This means that Council will continue to operate largely within its existing funding levels and implement a number of improvement initiatives, including ongoing service reviews, to ensure

ratepayers receive an agreed affordable level of service and that the services are provided in an efficient and cost effective manner.

While the LTFFP Scenario does mean that Council will seek another SRV of 9% from 2019/20, the actual impact on ratepayers is only an additional 4.23% plus the rate peg. If there was no approved SRV in 2019/20, ratepayers could expect a fall in their rates of 4.77%. Without a new SRV, the rate peg (which is 2.7% for 2019/20) would be applied to the lower rate base resulting in a net decrease in rates of approximately \$624,000. In the SRV Scenario, 2019/20 ratepayers will receive a further 4.23% increase in that year plus the rate peg. Council will continue its efforts to find further improvements to reduce the reliance on the additional SRV application.

Another benefit of the LTFFP Scenario is that the cash reserve balance for general fund trends upwards from 2024. This places Council in a sound cash position with ongoing capacity to fund asset renewals.

Table 1 - Proposed allocation of additional revenue obtained from Special Rate Variations commencing 2019/20 (subject to annual review of Service and Asset Management Plan priority risk assessment and best value resource allocation to achieve service level targets).

Service	Option 1 Service Levels Improved	Option 2 Service Levels Reduced
	Council proposes to apply to retain the current SRV of 4.77%. Council also plans to request an additional one-off SRV of 4.23%. The total SRV application will be for a 9% increase in rates revenue (i.e. the current 4.77% SRV plus a new 4.23% SRV). The 2.7% rate peg will also be added. The impact on ratepayers will be a new 4.23% SRV plus the rate peg. The project total SRV income from maintaining the	On 1 July 2019, the current 4.77% SRV expires. A 2.7% rate peg would be added to the lower rate base. The projected loss of rates revenue due to the expiry of the Current SRV is estimated at \$624,000 for the 2019/20 year.
Transport Service Levels	<p>\$4,913 per annum</p> <ul style="list-style-type: none"> Funding the shortfall between Council's existing budget and works required to return Council's sealed and unsealed road assets to a serviceable standard. Provide the funding required to effect sealed and unsealed road asset improvements such as increases to width, pavement strengthening and drainage reconstruction to increase longevity of such assets. Funding required renewal of footpath and bridge assets while continuing to maintain service 	<p>\$4,383 per annum</p> <p><i>As for Option 1 but with \$530k less funding for required work:</i></p> <ul style="list-style-type: none"> Renewal and maintenance of sealed road network. Reduced ability to effect transport asset improvements to increase longevity and effectiveness of expenditure. Increased requirement to defer essential asset improvements to future Operational Plans.
Stormwater Drainage Service Levels	<p>\$207,000 per annum</p> <ul style="list-style-type: none"> Stormwater management infrastructure gaps. 	<p>\$107,000 per annum</p> <p><i>As for option 1 but with \$107k less funding for required work:</i></p> <ul style="list-style-type: none"> Stormwater management

Building Service Levels	\$1.051 million per annum <ul style="list-style-type: none"> Improve building compliance Public toilet upgrade in town centres Building renewal. 	\$957,000 per annum <i>As for option 1 but with \$94k less funding for required work:</i> <ul style="list-style-type: none"> Public toilet upgrade in town centres
Business Improvement Service Levels	Approximately \$100,000 per annum <ul style="list-style-type: none"> Initiatives which will either generate additional revenue or reduce long-term costs. 	No specific budget <ul style="list-style-type: none"> Limited improvements within existing budget constraints.

Table 4: Likely impact of Options on Key Financial Performance Measures

Measure	Option 1 - Service Levels Improved	Option 2 Service Levels Reduced
Operating Performance Ratio: Measures Council's achievement of containing operating expenditure within operating revenue (including depreciation) <i>Benchmark: should be > zero</i>	By 2019/20 	
Assets Renewal Ratio: The Council's ability to renew built assets relative to rate at which they are depreciating. <i>Benchmark: should be</i>	By 2019/20 	
Infrastructure Backlog Ratio: The proportion of the backlog against the total value of Council's infrastructure. <i>Benchmark: should be <2%</i>	Over the 10 Years of the LTFP 	
Debt Service Ratio: The percentage of Council revenue used to service debt. <i>Benchmark: should be below 10%</i>	By 2019/20 	
Summary	Significant improvement in most key financial performance measures (particularly the Operating Performance Ratio and the Asset Renewal Ratio) with a need to continue addressing the infrastructure backlog.	Unsustainable financial position with significant deterioration in built infrastructure and reduction in service levels.

How has the Council considered the capacity of the community to pay?

- The Council has completed a full analysis of the community's capacity to pay additional rates and this will be detailed in the Long-Term Financial Plan 2019-2029 being publicly exhibited from 27 November - 11 January.
- Within available funding, the Council is committed through its integrated planning to building a sustainable future for the Lithgow Local Government Area that supports the creation of a vibrant economy / town centres providing increased local employment opportunities and advocating for the provision of services and facilities that meet the needs of all age groups and special needs groups.
- The Council has a Hardship Policy to accommodate the special needs of those unable to pay their rates in full on time. The Council is committed to working with such ratepayers to agree on affordable payment plans.
- Council has developed a Rates Calculator which is available on the Have Your Say website, www.haveyoursay.lithgow.com. To use the calculator you will need to know the valuation of your property that is set by the Valuer General. This value is based on the land value only and does not include any improvements such as buildings. The valuation of your property can be found in the financial details section of your rate notice.
- Please Note:
- This rates calculator is only for the base property rates and does not include other charges such as waste, sewerage or water charges.

Likely impact of Scenario 1 and Scenario 2 on average rates

Impact on average rate	Average Rate	Average Rate 2019/20	Variance \$ per annum	Variance \$ per week
Residential Rates				
Scenario 1	763.00	745.00	-18.00	
Scenario 2	763.00	814.00	51.00	1.00
Business Rates				
Scenario 1	3,950.00	3,860.00	-90.00	
Scenario 2	3,950.00	4,217.00	267.00	5.13
Farmland Rates				
Scenario 1	1,439.00	1,407.00	-32.00	
Scenario 2	1,439.00	1,536.00	97.00	1.86
Mining Rates				
Scenario 1	160,461.00	156,819.00	-3,642.00	
Scenario 2	160,461.00	171,260.00	10,799	207.67

Community Engagement

A detailed Community Engagement Action Plan is included in the Special Rate Variation Community Engagement Strategy available on the www.haveyoursay.lithgow.com. However, the following is a summary of key dates (including IPART deadlines) for Councillors to inform them of the process moving forward.

Action	Date
Report to Extra Ordinary meeting of Council for adoption for exhibition of the: <ul style="list-style-type: none"> • Supplementary Combined 2017-21 Delivery Program & 2018/19 Operational Plan. • Revised document suite for the Resource Strategy; Supplementary 2019-2029 Long Term Financial Plan, Supplementary 2018-2028 Strategic Asset Management Strategy and Supplementary 2018-2022 Workforce Plan. 	26 November 2018

<ul style="list-style-type: none"> • Endorsement of proposal to submit an application for Special Rate Variation. 	
Exhibition of IPR supplementary document suite and Community Engagement for Special Rate Variation.	26 November – 11 January
Notification to IPART of Council's intention to apply for a special rate variation or minimum rates increase.	30 November 2018
Extra Ordinary Meeting of Council for final endorsement of the 2019/20 Special Rate Variation Application to IPART.	29 January 2019
Special Rate Variation applications due to IPART	11 February 2019
Determinations announced for Special Rate Variation and Minimum Rate Variation by IPART	14 May 2019

In April 2018, as part of the exhibition of the Draft 2018/19 Operational Plan, Council commenced engaging with the community on the proposed Special Rate Variation and the report to the Council meeting in June, identified community submissions received regarding the proposal. Since then Council has continued to engage the community using the following methods:

- Have Your Say Website – Special Rate Variation microsite includes:
 - Fact sheets
 - Link to key council plans and strategies
 - Rates Calculator
 - Asset Management Study information pack and survey results
- Media releases
- Social media posts and monitoring
- Asset Management Study telephone survey undertaken by Micromex Consulting
- Service Review Community Reference Panel
- Information published in Council eNewsletters; Council Connections (weekly) and Have Your Say (monthly)

Moving forward, Council will be undertaking the following community engagement activities between 27 November and 11 January:

- Exhibition of the following documents on Have Your Say Website:
 - Supplementary Combined 2017-2021 Delivery Program and 2018/19 Operational Plan.
 - 2019-2029 Long Term Financial Plan, Supplementary 2018-2028 Strategic Asset Management Plan and Supplementary 2017-2021 Workforce Strategy.
- Micromex Consulting to undertake random telephone survey to gauge levels of community support for the SRV at the beginning of December.
- Listening Post to be conducted in Cook Street Plaza.
- Community Survey on Have Your Say Website (following Micromex telephone survey until 11 January)
- Promotion by Media release, social media, eNewsletters (Council Connections and Have Your Say), Council Column.
- Fact Sheets/Infographs/Case Studies on Have Your Say website.
- Information video by the Mayor on the website.
- Letter from the Mayor mailed to all ratepayers at the beginning of December.
- Rates Calculator on the Have Your Say Website.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Community Survey

- Budget approved - \$66,000

- Cost centre - 600076
- Expended to date - \$45,713.64
- Future potential impact - Nil

Service Review

- Budget approved - \$133,024
- Cost centre - 700048
- Expended to date - \$34,316.25
- Commitments - \$15,710.85
- Future potential impact - Nil

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil

ATTACHMENTS

1. Supplementary Combined 2017-21 Delivery Program and 2018/19 Operational Plan
2. Supplementary 2017-21 Workforce Plan
3. 2019-29 Long Term Financial Plan
4. 2018-28 Strategic Asset Management Plan

RECOMMENDATION**THAT**

1. Council notify the NSW Independent Regulatory and Pricing Tribunal of its intention to lodge an application under Section 508(2) of the NSW Local Government Act for a permanent 9% increase in 2019/20 (to replace the expiring 4.77% Special Rate Variation in 2019/20) for the primary purposes (based on IPART categories) of:
 - a. Improvements in financial sustainability; and
 - b. Reduction in backlogs for asset maintenance and renewal.
2. The following documents be placed on public exhibition for a minimum of 28 days. This will include the following documents:
 - a. Supplementary combined Delivery Program 2017– 2021 and Operational Plan 2018/19.
 - b. 2019-2029 Long Term Financial Plan
 - c. Supplementary 2017-2021 Workforce Plan
 - d. 2018-2028 Strategic Asset Management Plan
3. The closing date for submissions is Friday 11 January 2019.

ITEM-28 P&S - 26/11/18 - PORTLAND AND WALLERAWANG SKATEPARKS

REPORT BY: DIRECTOR PEOPLE & SERVICES

REFERENCE

Min 18-81: Ordinary Meeting of Council held 26 March 2018

SUMMARY

This report provides Council with an update on progress with the construction of upgraded skateparks in Portland and Wallerawang.

COMMENTARY

Background

Council allocated \$200,000 (\$100,000 per skatepark) in the 2017/18 Operational Plan for the construction of upgraded skateparks in Portland and Wallerawang. Consultation was undertaken with young people in both communities following which Council called for a Design and Construct tender (TEN 04/17) in late 2017.

The tender evaluation committee reviewed the three tenders received and recommended to Council that given the limited design that could be achieved with these funds, it would be in Council's and the community's best interest to secure further funding before proceeding with the construction of both skate parks.

Council then resolved at the Ordinary Meeting of Council held 26/3/18 (Item 27) to decline to accept the tender submission, to look at construction of Wallerawang and Portland Skate Parks in the 2018/19 budget and to include the Wallerawang and Portland Skate Parks in the Stronger Communities Program Grant Application.

Funding

Council was successful in its application for Round 2 Stronger Country Communities Program funding with \$400,000 approved (\$200,000 per skatepark). In addition, Council allocated a further \$100,000 per skatepark in the 2018/19 Operational Plan, bringing the total Council allocation to \$200,000 per skatepark - \$400,000 per skatepark including grant funds.

Current situation

The proposed locations were Tweedie Park, Wallerawang and Kremer Park, Portland, and development applications were submitted for both locations which are currently under assessment.

Tweedie Park Wallerawang, adjacent to the Wallerawang Memorial Hall. This is Council owned land comprised in Lots 2 to 5 DP15683 and classified as 'community'.

Under section 35 of the Local Government Act 1993, land classified as 'community' is required to be managed and used in accordance with the plan of management that applies to the land. Presently this land is not included in Council's Plan of Management, and therefore Council's current Plan of Management will need to be amended to include the land at Item 8.9 - Schedule of General Community Use Areas. Prior to this, Council is required to categorise the land as 'General Community Use', which is recommended under this report.

Plans of management can be amended at any time, but any amendment must follow the same process that applies to adoption of a Plan of Management (section 41). Therefore, Council is required to:

- give public notice (section 38)
- place the draft Plan of Management on public exhibition for at least 28 days, and accept submission for a period of at least 42 days from the date the draft plan is placed on public exhibition (section 38)
- conduct a public hearing (section 40A(1)).\

Council has today submitted a separate report under the heading 'Wallerawang Memorial Hall – Licence and amendment to Plan of Management'. Tweedie Park is located adjacent to the Wallerawang Memorial Hall, and it is proposed that the amendment to the Plan of Management to include Tweedie Park will occur at the same time as the amendment to include the Wallerawang Memorial Hall.

Kremer Park Portland, on the footprint of the existing skatepark in front of Tennis Courts. This is Crown land comprised in Lot 531 DP902158.

By report dated 23 July 2018 (minute 18-189), Council was briefed about the Crown land reforms, which took effect on 1 July 2018, and the associated native title requirements. As Kremer Park is Crown land, Council is required to satisfy the relevant requirements under the Native Title Act 1993 prior to commencement of any development. Council is aware that there is a current Native Title claim over Kremer Park and much Crown Land within the Lithgow LGA.

Advice received from the NSW Crown Land Department is that Council will need to ensure that it complies with any procedural requirement that affords a right of referral, notification or negotiation with any claimant Native Title Body and Council will have to notify the Native Title Body of the proposed development. Compensation may also be payable. This is new legislation with few if any precedents therefore it is very difficult to know at this stage how lengthy and complicated the process will be.

The complexity, and potential long delays with navigating the Native Title issues, are very likely to result in unacceptably long delays with the construction of the skatepark in Kremer Park. These delays will lead to community dissatisfaction, and possibly place the grant funding at risk.

For these reasons, consideration has been given to alternative sites in Portland. Discussions are underway with user groups and the Portland Pool association regarding siting of the skatepark on the Williwa Street frontage of Saville Park as shown on the attached plan. The administration is aware of some community concerns regarding this site in terms of the aesthetic impact on the site. However the benefits of this site include:

- Proximity to the commercial district provides some supervision.
- Limited noise and disturbance as there are no surrounding residential houses
- Being located next to the pool could increase pool patronage in summer
- Nearby toilets

Alternative sites were explored including the southern end of Saville Park however this area is owned by Portland Bowling Club and Green Park on Lime Street however this park is Crown Land controlled by Council therefore the same Native Title issues would apply as in Kremer Park.

Once discussions are finalised with Saville Park user groups and further site investigations completed, the DA will be further progressed with a view to calling for tenders in early 2019.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - \$400,000 plus a further \$400,000 in approved funding
- Cost centre - 50100 (Wallerawang), 50101 (Portland)
- Expended to date – approximately \$11,000 per skatepark.
- Future potential impact -

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Site Map - Alternatives

RECOMMENDATION

THAT Council:

1. Note the progress on development of skateparks in Portland and Wallerawang.
2. Grant preliminary approval to amend the Plan of Management by adding Tweedie Park as General Community Use category in 8.9 of the Plan of Management.
3. Resolve to give public notice of the proposed amended Plan of Management and place it on public exhibition and conduct a public hearing.
4. Following completion of the requirements outlined in 2 and 3 above, the matter be returned to Council for adoption of the amended Plan of Management, with details of any submissions made during the exhibition periods and any consequent recommendations or amendments.

ITEM-29 P&S - 26/11/18 - WOMEN'S ADVISORY COMMITTEE

REPORT BY: DIRECTOR PEOPLE & SERVICES

REFERENCE

Min-18- 310: Ordinary Meeting of Council 29 October 2018.

SUMMARY

At the Ordinary Meeting of Council held 29 October 2018, (Min18 – 310), Council resolved that the General Manager provides a report to Council, taking costs into consideration, on the benefits of establishing a Lithgow City Council Women's Advisory Committee.

The following report outlines the costs and benefits associated with establishing a Lithgow City Council Women's Advisory Committee.

COMMENTARY

The primary role of Women's Advisory Committees in the local government context is to:

- Provide advice to Councils on matters relating to women's participation, representation and leadership in community life;
- Advise Councils on barriers to women's participation, emerging women's issues, aspirations and initiatives so as to further progress gender equity in local communities; and
- Promote and celebrate successes, milestones and participation of women.

Women's Advisory Committees are generally made up of a group of volunteers from diverse backgrounds and sectors, such as education, health, law enforcement, domestic violence, Aboriginal groups, community organisations and political spheres. Committees generally meet on a bi-monthly or quarterly basis, and present a constant source of community consultation for Councils.

Other benefits of Women's Advisory Committees include:

- Alignment with good governance and Council's corporate social responsibility goals;
- A dedicated group to progress gender equity in Lithgow and improve the economic, social and physical wellbeing of women and girls across the Lithgow LGA; and
- Strategic and practical advice to improve participation and leadership opportunities for women in the Lithgow LGA.

The costs associated with establishing a Women's Advisory Committee largely depend on whether the Committee will be directly funded. If the Committee will not be directly funded, then the cost of administration, programs and events will need to be borne by Council within the standard Council budget process.

LGAs that have established Women's Advisory Committees include:

Blacktown City Council <https://www.blacktown.nsw.gov.au/Community/Our-people/Women>,
Ryde City Council <https://www.ryde.nsw.gov.au/Council/Committees/Advisory-Committees/Status-of-Women>, and Hobsons Bay City Council (Victoria)
<http://www.hobsonsbay.vic.gov.au/Council/Mayor-and-Councillors/Council-committees/Women39s-Advisory-Committee>

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – nil
- Cost centre – nil
- Expended to date - nil
- Future potential impact – Minor administration costs and the costs of possible programs and events.

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Local Government Act 1993 Sect 355

RECOMMENDATION

THAT Council notes the report on the costs and benefits associated with establishing a Lithgow City Council Women’s Advisory Committee.

**ITEM-30 P&S - 26/11/18 - ASSISTANCE IN RELOCATION OF THE LITHGOW
INFORMATION AND NEIGHBOURHOOD SERVICES (LINC)**

REPORT BY: DIRECTOR PEOPLE & SERVICES

SUMMARY

Lithgow Information and Neighbourhood Centre (LINC) are currently exploring options to relocate to more suitable premises. LINC currently rent a Council owned building at 1 Padley Street Lithgow. Council has been informally approached by LINC to assist them in finding premises that is suitable for the services they provide to the Lithgow LGA.

COMMENTARY

LINC receives recurrent funding to provide seven community support and community development services from a range of sources including NSW Department of Family and Community Services', Ageing Disability and Home Care (ADHC) and Community Services, Multicultural NSW and the Commonwealth Government's Department of Health. LINC also receives funding from the National Disability Insurance Scheme through services supplied to their clients. LINC's services continue to expand in line with community need and expectations.

Council has been made aware that the current LINC premises are not adequate given the range of services and activities that LINC provides to the community. Various options such as relocation to another building, establishment of new facilities on a greenfield site and the demolition and reconstruction on the existing Council owned building site have been mooted.

Although LINC is a not for profit organisation, approval to assist the LINC organisation in its commercial endeavours is required.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved – nil
- Cost centre – nil
- Expended to date - nil
- Future potential impact – Minor administration costs and the costs of possible programs and events..

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil

RECOMMENDATION

THAT Council authorise the General Manager and Management to assist LINC in their efforts to improve existing facilities and/or explore other more appropriate and suitable premises and report back to Council.

ITEM-31 P&S - 26/1118 - REVIEW OF COUNCIL POLICIES

REPORT BY: DIRECTOR PEOPLE AND SERVICES

SUMMARY

Policy 4.8 Consultation with Aboriginal People and Policy 4.5 Art Painting Collection have been reviewed and are presented for Council's consideration.

COMMENTARY

Policy 4.8 Consultation with Aboriginal People

First adopted by Council in 2010, Policy 4.8 details Council's consultation process in relation to matters that affect the Indigenous communities and groups, Indigenous heritage values and places of Indigenous significance.

Recommended Changes

Most recommended changes (as tracked) are minor and relate to terminology other than the following:

Section 3 Use of This Policy

- New references are included to Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000 and Lithgow Local Environmental Plan 2014.
- A new provision is included that consultation with Aboriginal people in relation to Crown Lands, including native title considerations, will be undertaken in accordance with a separate policy to be developed by Council. This reflects recent changes to the Native Title Act.

Section 6.2 Plans of Management

Removal of application of the policy to Crown Lands in accordance with recent changes to the Native Title Act.

Policy 4.5 Art Painting Collection

Policy 4.5 details how Council will develop, maintain and display a permanent artwork collection which primarily reflects the development of art and artists in the Lithgow Local Government Area (LGA).

This policy has been reviewed to provide a more coherent and robust means of managing the collection.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL & RISK MANAGEMENT IMPLICATIONS

Reputational risk will be mitigated by these revised policies.

ATTACHMENTS

1. Revised Policy 4.8 Consultation with Aboriginal People and
2. Policy 4.5 Art Painting Collection with tracked changes.

RECOMMENDATION

THAT Council Adopt revised Policy 4.8 Consultation with Aboriginal People and Policy 4.5 Art Painting Collection.

COUNCIL COMMITTEE MINUTES

ITEM-32 P&S - 26/11/18 - YOUTH COUNCIL MINUTES - 16 OCTOBER 2018

REPORT BY: DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No 18 – 95 Ordinary Meeting of Council held on 23 April 2018.
Min No 18 - 267 Ordinary Meeting of Council held on 24 September 2018.

SUMMARY

This report details the minutes of the Youth Council meeting held on 16 October 2018.

COMMENTARY

At the 16 October 2018 Youth Council meeting, various items were discussed, including:

- Youth Week 2019
- Young Change Agents

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Local Government Act 1993

ATTACHMENTS

1. Minutes of the Youth Council Meeting held on 16 October 2018.

RECOMMENDATION

THAT Council adopt the minutes and endorses the recommendations of the Youth Council meeting held on 16 October 2018.

ITEM-33 FIN - 26/11/18 - AUDIT COMMITTEE MEETING MINUTES 19 OCTOBER 2018

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

SUMMARY

This report summarises the Minutes of the CTA Audit Committee Meeting held on 19 October 2018.

COMMENTARY

The meeting was the delayed Quarter One 2018/19 meeting of the CTA Audit Committee, which was established in partnership with Oberon Council.

At the CTA Audit Committee Meeting held on 19 October 2018, the following items were discussed:

- The need for an appropriately resourced internal audit function, shared between Lithgow and Oberon Councils.
- Plans to proceed with one internal audit project in 2018/19. Contract / project management was determined to be the common project to be carried out by both Councils.
- The process for engaging an internal auditor and the options for appointment (direct employment or contractor).
- The need to review and update the Risk Registers for both Councils.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

The functions of the CTA Audit Committee assist in the management and minimisation of risk at Council.

ATTACHMENTS

1. Minutes of the CTA Audit Committee Meeting held on 19 October 2018.

RECOMMENDATION

THAT Council endorses the CTA Audit Committee October meeting minutes.

ITEM-34 FIN - 26/11/18 - FINANCE COMMITTEE MEETING MINUTES 12 NOVEMBER 2018

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

SUMMARY

This report provides details of the Minutes of the Finance Committee Meeting held on 12 November 2018.

COMMENTARY

At the meeting of the Finance Committee held on 12 November 2018, the following items were discussed and noted:

- Confirmation of the minutes of the meeting held on 8 October 2018 (endorsed by Council on 29 October 2018 - Minute No. 18-307).
- Auditor presentation – 2017/18 financial results and audit.
- Audit Plan – remaining key dates.
- 2018/19 Quarter 1 Budget Review report.
- Responses to Cr Ring's November finance related queries.
- October monthly performance report to the Office of Local Government.
- The 2017/18 and 2018/19 Audit Action Lists.
- One item if general business.

The following business paper recommendations were endorsed by the Committee:

Council Investments Report October 2018

THAT

1. Investments of \$32,420,000 and cash of \$212,303.82 for the period ending 31 October 2018 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

The following business papers were referred by the Committee to the Council meeting:

- Audit Committee Meeting Minutes 19 October 2018
- Banking Services to Council
- Financial Statements for the Year Ended 30 June 2018
- Parking Special Rate
- Write Off Section 94A
- Drought Assistance Measures

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes from the Finance Committee Meeting held 12 November 2018.

RECOMMENDATION

THAT Council:

1. Adopt the minutes of the Finance Committee held on 12 November 2018 and the items not requiring a resolution of Council;
2. Adopt the Committee's endorsement of recommendations proposed in the Finance and Assets business papers to be put to the November Council meeting.
3. Endorse the recommendations proposed in the Council Investments Report October 2018.

ITEM-35 P&S - 26/11/18 - COMMUNITY DEVELOPMENT COMMITTEE MINUTES AND FINANCIAL ASSISTANCE

REPORT BY: DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No 18-41:	Ordinary Meeting of Council held on 26 February 2018
Min No 18-72:	Ordinary Meeting of Council held on 26 March 2018
Min No 18-72:	Ordinary Meeting of Council held on 28 May 2018
Min No 18-199:	Ordinary Meeting of Council held on 23 July 2018
Min No 18-263:	Ordinary Meeting of Council held on 24 September 2018
Min No 18-269:	Ordinary Meeting of Council held on 24 September 2018

SUMMARY

This report details the Minutes of the Community Development Committee Meeting held on 13 November 2018 including Round 2 Financial Assistance requests.

COMMENTARY

At the Community Development Committee held on 13 November 2018, numerous items were discussed by the Committee including Round 2 2018/19 Financial assistance requests.

The Committee considered the Financial Assistance requests and recommends that Council provide Financial Assistance to 7 projects to the value of \$26,985.

The allocation of \$26,985 Round 2 Financial Assistance as recommended in this report will leave a further \$14,323 remaining for allocation by Council during the current financial year.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - \$106,500
- Cost centre - 600059
- Expended to date - \$65,192
- Future potential impact – nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Community Development Committee Meeting held on 13 November 2018.

RECOMMENDATION

THAT Council

1. Notes the Minutes of the Community Development Committee held on 13 November 2018.
2. Provides \$26,985 Round 2 Non-Recurrent Financial Assistance to the following 7 projects:

	Organisation	Project Outline	Amount requested	Amount Recommended	Comment
1.	Mitchell Conservatorium 2019 Scholarship Project	To support local young people to develop their musical skills, and enable them to perform at local events.	\$2,000	\$2,000	
2.	Aftercare Lithgow Random Weaving Workshop	A mindfulness workshop for Aftercare clients teaching weaving with natural fibres. Encourages focus, improved cognitive function, and the learning of new skills. An inclusive workshop - will also be open to community members.	\$1,285	\$1,285	
3.	Lithgow Show 2019 Lithgow Show	Funding to help run the 2019 Lithgow Show.	\$12,000	\$12,000	
4.	Lithgow City Orchestra Scholarships	Offer two scholarships to local music students learning an orchestral instrument as an incentive to join the orchestra.	\$2,700	\$2,700	
5.	CWA – Wallerawang Lidsdale Branch Rate Reimbursement	2017/18 Rate Reimbursement	\$400	Deferred	Council policy is that Financial assistance will not be provided retrospectively other than for Council fee waiver requests within the current financial year. Once the applicant has paid the equivalent of \$400 General Rate component of 2018/19, the matter will be brought back to Council.

	Organisation	Project Outline	Amount requested	Amount Recommended	Comment
6.	Capertee Progress Association Hall Improvement and Repairs	Repair to ceiling in storeroom, weatherproof storage shed, maintenance of stairs, maintenance to the ceiling of the main part of the hall.	\$3,000	Deferred	This application to be deferred until quotes are provided
7.	LINC Community Suicide Prevention Training	An education program to strengthen our local suicide prevention knowledge. To educate more community members in suicide prevention and have more gatekeepers in the community.	\$3,000	\$3,000	
8.	One Mob Deadly Dance & Didge Days	Host a minimum of three sessions for the wider Aboriginal and Torres Strait Islander community to learn skills such as Aboriginal contemporary dance and Didgeridoo playing.	\$3,000	\$3,000	
9.	Wallerawang Kids Club Rent waiver	The waiving of rent for the use of the rear of Wallerawang community hall.	\$900	Deferred	Deferred until further information is obtained from applicant.
10.	Lithgow Area Women's Shed Women's shed training and development	Provide practical and professional tool-based workshops and training to further develop the skills of the members and encourage others to participate more fully in the life of the community.	\$3,000	\$0	Deferred until further information can be obtained on possible premises and alternative training opportunities
11.	Portland Golf Club 2018 Open	Hold the Portland Open Golf tournament	\$3,000	\$3,000	Previously received recurrent funding

	Organisation	Project Outline	Amount requested	Amount Recommended	Comment
12.	Lithgow Bible Church Playground equipment upgrade	New play equipment and softfall in church playground that is also used by general public.	\$7,520	\$0	The project is based in church grounds so not open to general public other than church user groups.
	TOTAL		\$41,805	\$26,985	

3. Notes that Financial Assistance Requests from Wallerawang Kids Club, Wallerawang/Lidsdale CWA, Lithgow Area Women's Shed and Capertee Progress Association will be brought back to a future Council meeting for consideration.

NOTICE OF MOTION

ITEM-36 NOTICE OF MOTION - 26/11/18 - INVITATION TO SMALL BUSINESS COMMISSIONER

REPORT BY: COUNCILLOR STEVE RING

COMMENTARY

At the recent Local Government Conference, Ross Gurney (Councils Chief Financial Officer) and I met with the Small Business Commissioner Robyn Hobbs and the Director of the Small Business Commission Kylie Bryden-Smith. The purpose of the meeting was to explore how the Small Business Commission can work with Council to assist local small businesses.

The Commission can assist in a number of ways inclusive of:

- Small Business Friendly Councils Program
- Bringing the Indoor Out
- Reducing Red Tape
- Looking ahead: Preparing Small Business for the Future

During the discussion the Commissioner indicated that she would be willing to attend a working breakfast with Council and local Small Businesses during 2019 and that there were opportunities to work more closely with Lithgow Council.

RECOMMENDATION

THAT Lithgow Council:

1. Write to the Small Business Commissioner with the intent of establishing a working relationship with the Commission.
2. Organise a business breakfast or similar event during 2019 and invite the Commissioner and her Senior staff to discuss issues concerning the ongoing management and development of small businesses within the Lithgow LGA.

ITEM-37 NOTICE OF MOTION - 26/11/18 - SCHOOL BASED APPRENTICESHIPS AND TRAINEESHIPS

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

The 2018 School year will end next month and most children across the state will begin to think about the summer holidays ahead.

However, it is time for Lithgow City Council to consider what it can offer regarding employment opportunities for those children.

For employers, taking on a school-based apprentice or trainee means providing job opportunities for young people and developing the skill base of tomorrow.

For the young people it means undertaking a combination of industry-specialised training through one day per week of paid of employment, whilst undertaking the HSC. They gain an industry recognised national qualification and credit towards their HSC, as well as setting themselves up for a career. Some apprenticeships and traineeships can contribute towards the ATAR.

Lithgow City Council is one of the major employers in the Lithgow Local Government Area and, as such, has a responsibility to demonstrate that it is a leader in developing the local labour force.

RECOMMENDATION

THAT The General Manager provide a report to Council on the benefits of championing the School-based Apprenticeship and Traineeship scheme at Lithgow City Council in as wide a range of professions as possible.

ITEM-38 NOTICE OF MOTION - 26/11/18 - ALGWA CONFERENCE 2019

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

The Australian Local Government Women's Association (ALGWA) NSW Branch supports and promotes women in local government.

The annual conference of the ALGWA NSW will be held on 4-6 April 2019 in Liverpool. The conference will include speakers, workshops and wellness activities and will be a wonderful opportunity for many women to engage in learning and networking that will assist in personal and professional development.

FINANCIAL IMPLICATIONS

- Budget approved – \$15,000 (Councillors' training budget)
- Cost centre – 1059
- Expended to date – \$6,427 (43% of full year budget)
- Future potential impact – N/A

RECOMMENDATION

THAT Lithgow City Council:

1. Support the attendance of the current female Councillors at the ALGWA NSW Conference 2019.
2. Take advantage of the early bird registration fee which is available until 20 January 2019.

BUSINESS OF GREAT URGENCY

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

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

CLOSED COUNCIL

**ITEM-39 CONFIDENTIAL - CLOSED COUNCIL - ECDEV - 26/11/18 - 32 IAN HOLT
DRIVE LIDSDALE ZONING ISSUES**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

Reason for Confidentiality

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

REFERENCE

18-313 Ordinary Meeting of Council 29 October 2018

SUMMARY

To advise Council of the receipt of Legal Advice in relation to zoning issues surrounding the property 32 Ian Holt Drive Lidsdale.

RECOMMENDATION

THAT Council consider the information in relation to the zoning issues pertaining to the property 32 Ian Holt Drive Lidsdale in Confidential Council in accordance with Section 10A(2)(g) of the Local Government Act 1993.

**ITEM-40 CONFIDENTIAL - CLOSED COUNCIL - ECDEV - 26/11/18 - 21 PROTO
AVENUE, LITHGOW**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

Reason for Confidentiality

This report is CONFIDENTIAL in accordance with Section 10A(2)(d)(i) and 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public on the grounds referred to in those sections of the Act.

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

SUMMARY

The purpose of this report is to inform Council about the current position of the lease of 21 Proto Avenue Lithgow, the action taken by Council to date, the legal advice received by Council, and Council's proposed action on the matter.

RECOMMENDATION

THAT Council consider the report in relation to 21 Proto Avenue, Lithgow, in accordance with section 10A(2)(d)(i) and 10A(2)(g) of the Local Government Act, 1993.

**ITEM-41 CONFIDENTIAL - CLOSED COUNCIL - ECDEV - 26/11/18 - EROSION
 ADJACENT TO 2 BELLS ROAD LITHGOW**

REPORT BY: DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

Reason for Confidentiality

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

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

REFERENCE

Min 18-24: Ordinary Meeting held on 28 May 2018

SUMMARY

The purpose of this report is to advise Council of an offer to resolve an erosion issue adjacent to 2 Bells Road Lithgow.

RECOMMENDATION

THAT Council consider the report Erosion Adjacent to 2 Bells Road, Lithgow in accordance with section 10A (2)(d)(i) of the Local Government Act 1993.

ITEM-42 CONFIDENTIAL - CLOSED COUNCIL - IS - 26/11/18 - ACTIVE TRANSPORT PLAN

REPORT BY: DIRECTOR INFRASTRUCTURE SERVICES

Reason for Confidentiality

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

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

SUMMARY

This report seeks to transfer funds to allow Council to develop an Active Transport Plan for Lithgow and the surrounding villages.

RECOMMENDATION

THAT Council consider the report Active Transport Plan in closed Council in accordance with Section 10A (2) (c) and (d) of the Local Government Act 1993.

**ITEM-43 CONFIDENTIAL - CLOSED COUNCIL - IS - 26/11/18 - MAIN STREET
REVITALISATION STAGE 2**

REPORT BY: DIRECTOR INFRASTRUCTURE SERVICES

Reason for Confidentiality

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

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

SUMMARY

This report is to provide an update on the strategic planning for Main Street Revitalisation Stage 2.

RECOMMENDATION

THAT Council consider the report Main Street Revitalisation Stage 2 in closed Council in accordance with Section 10A (2) (c) and (d) of the Local Government Act 1993.

**ITEM-44 CONFIDENTIAL - CLOSED COUNCIL - IS - 26/11/18 - PROPOSED
ELECTRIC VEHICLE CHARGING STATION**

REPORT BY: DIRECTOR INFRASTRUCTURE SERVICES

Reason for Confidentiality

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

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

SUMMARY

This report seeks Council support for the installation of two NRMA funded electric vehicle charging stations within the Eskbank Street carpark, Lithgow.

RECOMMENDATION

THAT Council consider the report Proposed Electric Vehicle Charging Station in closed Council in accordance with Section 10A (2) (d) of the Local Government Act 1993.

**ITEM-45 CONFIDENTIAL - CLOSED COUNCIL - IS - 26/11/18 - SEALED ROAD
REPAIR AND IMPROVEMENT PROGRAM**

REPORT BY: DIRECTOR INFRASTRUCTURE SERVICES

Reason for Confidentiality

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

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

SUMMARY

This report summarises the tender process undertaken by Council, to select a contractor to undertake the repair and sealing of four regional roads. These roads include Glen Alice Road, Ganbenang Road, Forty Bends Road and McKanes Falls Road.

RECOMMENDATION

THAT Council consider the report Sealed Road Repair and Improvement Program in closed Council in accordance with Section 10A (2) (d) of the Local Government Act 1993.

ITEM-46 CONFIDENTIAL - CLOSED COUNCIL - FIN - 26/11/18 - WEED CONTROL SERVICES

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

Reason for Confidentiality

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

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

SUMMARY

This report seeks determination from Council to award Tender 06/18, the Provision of Weed Control Services, to a panel of providers.

RECOMMENDATION

THAT Council consider the report in relation to the awarding of Tender 06/18, the Provision of Weed Control Services, to a panel of providers in Closed Council in accordance with Section 10A (2) (d) of the Local Government Act 1993.