



## AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 February 2019

at 7:00 pm

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- 1. Acknowledgement of Country**
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- 3. Apologies**
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- 6. Commemorations and Announcements**
- 7. Public Forum**
- 8. Staff Reports**

## **8.1. General Manager's Reports**

### **8.1.1. GM - 25/02/19 - Prescribed Code of Conduct**

**Report by** General Manager

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#### **Reference**

Min 16-06: Ordinary Meeting of Council Held 8 February 2016.

#### **Summary**

The 2018 Model Code of Conduct for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW were prescribed on 14 December 2018.

Councils must adopt the new Model Code of Conduct and Procedures within 6 months of prescription, (14 December 2018 – 14 June 2019). Councils' existing adopted codes of conduct and procedures will remain in force until councils adopt a new code of conduct and procedures, based on the Model Code of Conduct and Procedures prescribed under the Regulation.

#### **Commentary**

Councils may include supplementary provisions in their adopted codes of conduct and may also impose more onerous requirements than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed in the Model Code of Conduct.

Key changes include:

1. It incorporates the pecuniary interest provisions previously contained in the Local Government Act 1993 and Regulation;
2. New standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
3. New rules governing the acceptance of gifts including mandatory reporting;
4. A new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them; and
5. Councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

Management does not propose any changes to the Prescribed Code of Conduct as circulated by the Department of Local Government.

#### **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. Model Code of Conduct December 2018 Prescribed **[8.1.1.1]**

**Recommendation**

THAT Council

1. Place the Prescribed Code of Conduct on Public Exhibition for a period of 28 days for public comment.
2. Subject to consideration of public comment received, place the matter of adoption of the Prescribed Code of Conduct on the agenda for Council's ordinary meeting in April 2019.

### 8.1.2. GM - 25/02/19 - Prescribed Code of Meeting Practice

**Report by** General Manager

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#### **Reference**

Min 13-335: Ordinary Meeting of Council Held 30 September 2013.

#### **Summary**

The Department of Local Government have issued a revised Code of Meeting Practice with mandatory and non-mandatory sections. Council needs to consider both sections prior to adopting the Model Code as requested by the department.

#### **Commentary**

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) was prescribed on 14 December 2018.

The Model Meeting Code comprises mandatory and non-mandatory provisions. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after the next ordinary council elections. Councils' adopted codes of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions as long as they are not inconsistent with the mandatory provisions.

In the Model Meeting Code, mandatory provisions are indicated in black font and the non-mandatory provisions are indicated in red font. The provisions that are specific to joint organisations are indicated in blue font.

Councils are required to consult with their communities prior to adopting a code of meeting practice.

Until a council adopts a new code of meeting practice, its existing code of meeting practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed (14 December 2018 – 14 June 2019). If a council fails to adopt a new code of meeting practice within this period, any provisions of the council's adopted meeting code that are inconsistent with the mandatory provisions of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Meeting Code.

In addition, irrespective of whether councils have adopted a code of meeting practice based on the Model Meeting Code, all councils (but not joint organisations) will be required to webcast meetings of the council and committees of which all members are councillors from 14 December 2019. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors.

Council committees whose members include persons other than councillors may adopt their own rules for meetings, unless the council determines otherwise.

Administration has reviewed the non-mandatory requirements included in the document and recommends the following clauses for consideration of adoption to Council.

1. Clause 3.2 Timing of Ordinary Meetings. Council can adopt either of Clause 3.1 or 3.2. Clause 3.2 is recommended for adoption. ie

3.2 "The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings".

2. Clause 3.10 Giving Notice of Business. Recommended 7 business days (current practice).

3. Clauses 3.12 to 3.13 inclusive are recommended for adoption. These clauses respectively state-

3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

4. Clauses 3.32 to 3.36 inclusive- Pre-meeting briefing sessions. Management recommends adoption of all clauses as set out hereunder.

3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.

3.33 Pre-meeting briefing sessions are to be held in the absence of the public.

3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.

3.35 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.

3.36 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

5. Section 4 Public Forums. This section is **not recommended** for adoption and is not mandatory. Council should however note the following OLG commentary in the Prescribed Code of Meeting Practice on page 16-

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**

6. Clause 8.1 "Order of Business" is recommended for adoption. Clause 8.1 states-



8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

7. Clause 9.10- Mayoral Minute is recommended for adoption. Clause 9.10 states-

9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

8. Clause 10.9 - Motions requiring expenditure of funds, is recommended for adoption. Clause 10.9 states-

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/ or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

9. Clause 11.11- Voting at Council meetings recorded, is recommended for adoption and reflects current practice. Clause 11.11 states -

11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

10. Clauses 13.1 to 13.7 inclusive – Adoption of multiple items, are recommended for adoption. These clauses state respectively-

13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

11. Clause 15.15- Expulsion from meetings, is recommended for adoption. Clause 15.15 states-

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

12. Clause 17.10 - Rescinding Council decisions, is recommended for adoption. Clause 17.10 states -

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than one business day after the meeting at which the resolution was adopted.

13. Clauses 17.12 to 17.20 inclusive, - Rescissions and correcting errors, are recommended for adoption. These Clauses state-

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three councillors is submitted to the chairperson, and  
(b) a motion to have the motion considered at the meeting is passed, and  
(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) to correct any error, ambiguity or imprecision in the council's resolution, or  
(b) to confirm the voting on the resolution.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

14. Clause 20.24 - Recording of Votes – is recommended for adoption, and reflects current practice. Clause 20.24 states-

20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

## Policy Implications

Nil

### Financial Implications

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

### Legal and Risk Management Implications

Nil

### Attachments

1. Model Code of Meeting Practice for Local Councils in NSW 2018 [8.1.2.1]

### Recommendation

THAT Council

1. Adopt the mandatory clauses of the prescribed Code of Meeting Practice.
2. Adopt the following non – mandatory clauses of the Prescribed Code of Meeting Practice- viz
  - a. Clauses 3.2; 3.10; 3.12 to 3.13 inclusive; 3.32 to 3.36 inclusive;
  - b. Clause 8.1
  - c. Clause 9.10
  - d. Clause 10.9
  - e. Clause 11.11
  - f. Clause 13.1 to 13.7 inclusive
  - g. Clause 15.15
  - h. Clause 17.10; Clause 17.12 to 17.20 inclusive and
  - i. Clause 20.24.
3. Place the Prescribed Code of Meeting Practice as amended on Public exhibition for comment for a period of 28 days after which time the matter together with submissions is to be reconsidered by Council.

**8.1.3. GM - 25/02/19 - DA294/18 - Proposed Rehabilitation of Bell Quarry - Off Sandham Road Newnes Junction**

**Report by** General Manager

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**Reference**

Min No. 17-28 - Ordinary Meeting of Council held on 6 February 2017 – Proposed Rehabilitation of Bell Quarry, Attachments included a map of the project area and an aerial map of Bell Quarry

Min No. 17-345 – Ordinary Meeting of Council held on 27 November 2017 – Proposed Rehabilitation of Bell Quarry Waste Facility, Attachment included Clause 23 of Schedule 1 under State Environmental Planning Policy (State and Regional Development) 2011.

**Summary**

To advise Council of a Development Application (DA294/18) being received for the rehabilitation of Bell Quarry, Lot 23 DP 751631, Off Sandham Road Newnes Junction and advise that the application will be determined by the Regional Planning Panel.

**Commentary**

The proposal is for the rehabilitation of the existing Bell Quarry pit with the final landform to be achieved via the importation of virgin excavated natural material (VENM), excavated natural material (ENM) and other clean fill material sourced from earthworks projects across Sydney and the local regional area. The rehabilitation process involves:

- The importation of approximately 1.2 million cubic metres of VENM, ENM and other clean fill material (subject to specific resource recovery exemptions); is required to fill the site over a period of approximately 15 years;
- Vehicle haulage for a rate of up to 140,000 tonnes per annum (tpa);
- Emplacement and compaction of soil material within the existing quarry voids;
- Shaping of fill to represent the pre-quarry landform and to allow surface water drainage across the final landform;
- Development of a water management system to control surface water discharge throughout the rehabilitation program and from the final landform;
- Revegetation of the site with locally endemic species to provide effective integration with the surrounding landscape.

The proposed development is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulations 2000 as a Waste Management Facility.

The development is Integrated Development under Division 4.8 of the Environmental Planning and Assessment Act 1979 and that requires an activity approval under Section 91 of the Water Management Act 2000, from the Lands & Water Division; Natural Resources Access Regulator; Department of Industry.

Under Section 20 of the State and Regional Development State Environmental Planning Policy, a regional panel may exercise consent authority functions for determination of certain development applications under Part 4 of the Environmental Planning & Assessment Act 1979. If the proposal is considered a designated development (not state significant) for an extractive industry or waste management facility, it is also defined as a regional development under Clause 7 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) and will be determined by the Joint Regional Planning Panel (JRPP).

The Council has no final role in determination of the development application but can make a submission to the Joint Regional Planning Panel for consideration.

## Policy Implications

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

### Policy 7.5 Notification of Development Applications

This Policy does not apply to development applications that are required to be notified under specific legislation. At the date of commencement of this policy this included notification procedures for the following types of development defined under the Environmental Planning and Assessment Act, 1979 and its regulations, including:

- Designated Development;
- Advertised Development including Integrated Development

The development is defined as being Designated Development and Integrated under the Environmental Planning and Assessment Regulations 2000 that states:

### 78 Information to be contained in notice for designated development

*(2) The period referred to under subclause (1) (e) must include the period of 30 days commencing on the day after which notice of the development application is first published in a newspaper under clause 80.*

The application is for 'Designated' and 'Integrated Development' therefore the proposal was notified to surrounding landowners and placed on display for a period of 30 days to coincide with the required newspaper advertising period and therefore complies with Council's Policy.

The application and accompanying Environmental Impact Statement (EIS) was placed on advertisement and sent to all surrounding landowners for a period of 60 days, between 19 January and 20 March 2019.

Once received all submissions be assessed against the proposal.

## Financial Implications

- Budget approved - Nil.
- Cost centre - Nil.
- Expended to date - Nil.
- Future potential impact – Impacts may occur along Sandham Road due to heavy traffic movements. The Road would be required to be upgraded and regularly maintained and managed.

## Legal and Risk Management Implications

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

## Attachments

Nil

## Recommendation

### **THAT**

1. The information on the Bell Quarry Rehabilitation/Waste Facility be noted.
2. Council determine if it wishes to make a submission to the Joint Regional Planning Panel on the application.

**8.1.4. GM - 25/02/19 -DA016/19 Asbestos Disposal Wallerawang Power Station, Wallerawang Ash Repository site**

**Report by** General Manager

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**Summary**

To advise Council of a Development Application (DA016/19) being received for an Asbestos Disposal Area located within the Wallerawang Ash Repository site to the south of Kerosene Vale Ash Repository, north of the Wallerawang Power Station to be accessed from the Power Station via the Angus Place Coal Haul Road.

It is advised that the application will be determined by the Regional Planning Panel.

**Commentary**

The proposal is for the disposal of asbestos waste that will be generated by the Wallerawang Power Station Closure Project. It is estimated that about 7,000 cubic metres of asbestos waste will be generated with a landfill of approximately 11,000 cubic metres capacity.

The asbestos disposal area is proposed to have a footprint of up to 1.8 hectares. It would comprise of six parallel 250-metre long trenches, each three metres wide and three metres deep. Each trench would be excavated and filled progressively as the need arises.

The trenches will be excavated progressively and be filled to a depth of 2.5 metres with bagged or wrapped asbestos waste.

The Wallerawang Power Station Closure Project is estimated to take approximately two years to implement with the proposed asbestos disposal area to be operational throughout this period.

The proposed development is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulations 2000 as a Waste Management Facility.

Under Section 20 of the State and Regional Development State Environmental Planning Policy, a regional panel may exercise consent authority functions for determination of certain development applications under Part 4 of the Environmental Planning & Assessment Act 1979. If the proposal is considered a designated development (not state significant) for an extractive industry or waste management facility, it is also defined as a regional development under Clause 7 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) and will be determined by the Joint Regional Planning Panel (JRPP).

The Council has no final role in determination of the development application but can make a submission to the Joint Regional Planning Panel for consideration.

**Policy Implications**

Policy 7.5 Notification of Development Applications

This Policy does not apply to development applications that are required to be notified under specific legislation. At the date of commencement of this policy this included notification procedures for the following types of development defined under the Environmental Planning and Assessment Act, 1979 and its regulations, including:

- Designated Development;

The development is defined as being Designated Development under the Environmental Planning and Assessment Regulations 2000 that states:

*78 Information to be contained in notice for designated development*

*(2) The period referred to under subclause (1) (e) must include the period of 30 days commencing on the day after which notice of the development application is first published in a newspaper under clause 80.*

The application is for 'Designated' Development' therefore the proposal was notified to surrounding landowners and placed on display for a period of 30 days to coincide with the required newspaper advertising period and therefore complies with Council's Policy.

The application and accompanying Environmental Impact Statement (EIS) are currently placed on advertisement and was sent to all surrounding landowners for a period of 30 days, from 16 February up until 17 March 2019.

Once received all submissions be assessed against the proposal.

**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**

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

**Recommendation**

**THAT**

1. The information on the Asbestos Disposal Area for the demolition of the Wallerawang Power Station be noted.
2. Council determine if it wishes to make a submission on the proposal to the Joint Regional Planning Panel.

## 8.2. Economic Development and Environment Reports

### 8.2.1. ECDEV - 25/02/19 - DA022/18 - Proposed 79 Lot Subdivision- Planning Agreement, 33 Magpie Hollow Road, South Bowenfels

**Report by** Director Economic Development and Environment

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#### Reference

Min No 18 – 281: Ordinary Meeting of Council held on 29 October 2018 - DA022/18 - Proposed 79 Lot Subdivision & Draft Planning Agreement, 33 Magpie Hollow Road.

#### Summary

To advise and seek endorsement of a Voluntary Planning Agreement, relating to the approved subdivision of 1 Lot into 79 lots on land known as Lot 2 & 3 DP 1229039, 33 Magpie Hollow Road South Bowenfels.

#### Commentary

At Council's ordinary meeting of 29 October 2018, it was resolved to endorse a draft Planning Agreement for DA022/18 for a subdivision into 79 lots, creating 78 new residential allotments and an open space reserve.

The applicant proposed an offer for a Voluntary Planning Agreement on the 9 October 2018 for the following:

- \$6,200 (per residential lot) cash and 'works in kind' to go toward community facilities and open space;

The draft Voluntary Planning Agreement was placed on public exhibition for a period of 28 days with no submissions being received. Consequently, the Voluntary Planning Agreement is ready for final endorsement by Council. Once endorsed the Voluntary Planning Agreement may be finalised and notified to the Minister for Planning.

#### Policy Implications

##### Policy 7.10 – Planning Agreements

A Voluntary Planning Agreement (VPA) has been negotiated with the developer as per Section 7.4 of the *Environmental Planning & Assessment Act 1979* in relation to DA022/18. The plan has been created as per the Policy. The plan has been advertised appropriately and is ready for final endorsement.

The plan states that the Developer shall make cash contributions and carry out works as follows:

- The Developer shall pay to Council an amount of \$2,550 per allotment to go towards community facilities and open space.
- The Developer shall construct a cycleway 250 metres long within Lot 79 linking the proposed active Open Space area within lot 79 to the new public road in the vicinity of lot 36 (see CEH Survey Drawing 4786\_C\_RD dated 28 December 2017).
- The Developer shall construct a cycleway 140 metres long within Lot 79 linking the proposed active Open Space area within lot 79 to the new public road in the vicinity of lot 58 (see CEH Survey Drawing 4786\_C\_RD dated 28 December 2017).
- The Developer shall upgrade the sewer crossing linking the two cycleways within lot 79 to a 2 metre wide minimum steel bridge to cater for bicycles and pedestrian traffic (see CEH Survey Drawing 4786\_C\_RD dated 28 December 2017).
- Construct a shared cycleway from the intersection of the Great Western Highway to a point adjacent to lot 10 (see CEH Survey Drawing 4786\_C\_RD dated 28 December 2017).



The total of cash and 'works in kind' equates to \$6,200 per residential allotment.

The Policy provides that final endorsement of the Planning Agreement is to be reported to Council.

### **Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact -The endorsement of a Voluntary Planning Agreement will assist Council to provide facilities which will be of benefit towards a public purpose.

### **Legal and Risk Management Implications**

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 7.4 – 7.10) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H). The Voluntary Planning Agreement has been exhibited for a period of at least 28 days pursuant to Section 7.5 of the Environmental Planning and Assessment Act 1979.

### **Attachments**

1. DA022/18 - Proposed 79 Lot Subdivision- Planning Agreement, 33 Magpie Hollow Road, South Bowenfels **[8.2.1.1]**

### **Recommendation**

#### **THAT**

1. Council endorse the Draft Voluntary Planning Agreement proposed for DA022/18 equating to cash and 'works in kind' to a value of \$6,200 (per residential lot) to go toward community facilities and open space.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**8.2.2. ECDEV - 25/02/19 - DA142/18, 137 Lot Subdivision Planning Agreement, Great Western Highway, Bowenfels**

**Report by** Director Economic Development and Environment

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**Reference**

Min No 18 – 279: Ordinary Meeting of Council held on 29 October 2018 - DA142/18 - Proposed 137 Lot Subdivision & Draft Planning Agreement, Great Western Highway.

**Summary**

To advise and seek endorsement of a Voluntary Planning Agreement, relating to the approved subdivision of 1 lot into 137 lots on land known as Lot 2 DP 1049398, Lot 5 DP1230208 and Lot 1 DP 1082148 (Sweetbriar), 994, 998 and Sweetbriar, Great Western Highway, Bowenfels.

**Commentary**

At Council's ordinary meeting of 29 October 2018, it was resolved to endorse a draft Planning Agreement for DA142/18 for a subdivision into 137 lots, creating 134 residential lots a development lot, a drainage lot and a public open space reserve.

The applicant proposed an offer for a Voluntary planning Agreement on the 4 June 2018 for the following:

- \$830,800 in total being \$6,200 (per residential lot) (cash and dedication of land for public reserve) to go toward community facilities and open space;

The draft Voluntary Planning Agreement was placed on public exhibition for a period of 28 days with no submissions being received. Consequently, the Voluntary Planning Agreement is ready for final endorsement by Council. Once endorsed the Voluntary Planning Agreement may be finalised and notified to the Minister for Planning.

**Policy Implications**

Policy 7.10 – Planning Agreements

A Voluntary Planning Agreement (VPA) has been negotiated with the developer as per Section 7.4 of the Environmental Planning & Assessment Act 1979 in relation to DA142/18. The plan has been created as per the Policy. The plan has been advertised appropriately and is ready for final endorsement.

The Policy states that the final endorsement of the Planning Agreement is to be reported to Council.

**Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact -The endorsement of a Voluntary Planning Agreement will assist Council to provide facilities which will be of benefit towards a public purpose.

**Legal and Risk Management Implications**

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 7.4 – 7.10) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H). The Voluntary Planning Agreement has been exhibited for a period of at least 28 days pursuant to Section 7.5 of the Environmental Planning and Assessment Act 1979.

**Attachments**

1. DA142/18, 137 Lot Subdivision Planning Agreement, Great Western Highway, Bowenfels  
[8.2.2.1]

**Recommendation**

THAT

1. Council endorse the Draft Voluntary Planning Agreement proposed for DA142/18 to a value of \$6,200 (per residential lot) comprising cash and dedication of land for public reserve to go toward community facilities and open space.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**8.2.3. ECDEV - 25/02/19 - DA021/18, 87 Lot Subdivision Planning Agreement, 43 Hillcrest Avenue, Bowenfels**

**Report by** Director Economic Development and Environment

---

**Reference**

Min No 18 – 279: Ordinary Meeting of Council held on 29 October 2018 - DA021/18 - Proposed 87 Lot Subdivision & Draft Planning Agreement, 43 Hillcrest Avenue.

**Summary**

To advise and seek endorsement of a Voluntary Planning Agreement, relating to the approved subdivision of 1 lot into 87 lots on land known as Lot 1 DP1230208, 43 Hillcrest Avenue, Bowenfels.

**Commentary**

At Council's ordinary meeting of 29 October 2018, it was resolved to endorse a draft Planning Agreement for DA021/18 for a subdivision into 87 lots, creating 86 residential lots and one drainage lot.

The applicant proposed an offer for a Voluntary planning Agreement on the 12 February 2018 for the following:

- \$533,200 in total being \$6,200 (per residential lot) to go toward community facilities and open space;

The draft Voluntary Planning Agreement was placed on public exhibition for a period of 28 days with no submissions being received. Consequently, the Voluntary Planning Agreement is ready for final endorsement by Council. Once endorsed the Voluntary Planning Agreement may be finalised and notified to the Minister for Planning.

**Policy Implications**

Policy 7.10 – Planning Agreements

A Voluntary Planning Agreement (VPA) has been negotiated with the developer as per Section 7.4 of the Environmental Planning & Assessment Act 1979 in relation to DA021/18. The plan has been created as per the Policy. The plan has been advertised appropriately and is ready for final endorsement.

The Policy states that the final endorsement of the Planning Agreement is to be reported to Council.

**Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact -The endorsement of a Voluntary Planning Agreement will assist Council to provide facilities which will be of benefit towards a public purpose.

**Legal and Risk Management Implications**

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 7.4 – 7.10) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H). The Voluntary Planning Agreement has been exhibited for a period of at least 28 days pursuant to Section 7.5 of the Environmental Planning and Assessment Act 1979.

**Attachments**

1. DA021/18, 87 Lot Subdivision Planning Agreement, 43 Hillcrest Avenue, Bowenfels  
**[8.2.3.1]**

**Recommendation**

THAT

1. Council endorse the Draft Voluntary Planning Agreement proposed for DA021/18 to a value of \$6,200 (per residential lot) to go toward community facilities and open space.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**8.2.4. ECDEV - 25/02/19 - Walker Quarry Modification 2 (DA344-11-2001), 963 Great Western Highway Wallerawang**

**Report by** Director Economic Development and Environment

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**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.

Min No 18 – 335: Ordinary Meeting of Council held on 26 November 2018 – Walker Quarry Modification 2 (DA344-11-2001), 963 Great Western Highway Wallerawang.

**Summary**

To advise Council of the notice of modification issued by the Department of Planning and Environment (the Department) for the Wallerawang/Walker Quarry Pty Ltd Modification 2 (DA 344-11-2001), Lot 6 DP872230, 963 Great Western Highway Wallerawang.

**Commentary**

Council has received the notice of modification by the Department of Planning and Environment who have granted consent for the extension of the quarry for an additional 12 months until such time that an additional modification will be submitted.

It was resolved at Council's Ordinary Meeting held on 26 November 2018 that Council has no objection to the Modification proposal subject to Council's original conditions remaining on the consent.

**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 is the consent authority.

**Attachments**

1. Walker Quarry Modification 2 (DA344-11-2001), 963 Great Western Highway Wallerawang  
**[8.2.4.1]**

**Recommendation**

**THAT** the information in the report on the Wallerawang/Walker Quarry Pty Ltd Modification 2 (DA 344-11-2001), notice of determination be NOTED.

## 8.2.5. ECDEV - 25/02/19 - Proposed Renaming of Old Western Road Rydal and Wards Road Megalong Valley

**Report by** Director Economic Development and Environment

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### Reference

Minute 17-420: Ordinary Meeting of Council held on 14 August 2017  
Minute 17-344: Ordinary Meeting of Council held on 27 November 2017

### Summary

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

### Commentary

#### Background

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

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

#### **17 – 240 RESOLVED**

##### **THAT:**

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

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

The notification process was completed and as a result, Council received a number of expressions of interest which were reported back to the Ordinary Meeting of Council held on 27 November 2017 for consideration and the following was resolved:

#### **17-344 RESOLVED**

##### **THAT:**

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

road names of “Commissariat Road” and “Caloola Halt Road” accordingly. Council is then to notify appropriate landowners and authorities of the new address changes.

The notification of the proposed road names of “Commissariat Road” and “Caloola Halt Road” was completed and as a result, Council received two submissions as detailed below.

**Old Western Road Rydal**

One submission was received objecting to the proposed road name “Commissariat Road” and proposing an alternative name.

Public Submission			Council Comments
Objection/Comment	Alternative Road Name Proposed	Reasoning	
Naming the road Commissariat Road is misleading as the road didn't lead to the Commissariat as much as it led to the No. 2 Stockade that housed the convicts which constructed it, while the Commissariat was located on the opposite side of the river, presumably on a side road.	Bloody Cutting Road	The most distinctive feature of the road is a narrow defile, wide enough to accommodate a single vehicle, that was cut by convicts in irons, through the rocky spur of the ridge some 200m above the old river crossing, therefore, the naming of the road to highlight the existence of the cutting would acknowledge local tradition.	<p>The proposed name of “Bloody Cutting Road” does not comply with the requirements of the AUM, which states:</p> <p><b>6.7 Principles of Road Naming</b>  <b>6.7.5 Acceptable Road Names</b>                      When selecting road names, the following shall be considered:</p> <ul style="list-style-type: none"> <li>Road names shall not be offensive, racist, derogatory or demeaning.</li> </ul> <p>Therefore, it is recommended that the name not be adopted.</p> <p>Alternatively, Council proposes the road be named “<b>Cutting Road</b>” which is compliant with the requirements of the AUM and will still honour the most distinctive feature of the road, being the cutting.</p>

**Wards Road Megalong Valley**

One submission was received objecting to the proposed road renaming and proposing that the current name be retained.

Public Submission – Objection/Comment	Council Comments
<p>The current name of Ward Road should be retained for the following reasons:</p> <p>1. The historical significance</p>	<p>The proposed renaming was <b>previously supported</b> at the Ordinary Meeting of Council held on 14 August 2017 (Min No. 17 – 240) due to the following reasons/concerns:</p>



that the road was named after the Ward family who lived on the neighbouring property Gwen Lea as well as them owning Caloola Halt, Kanimbla Downs and several other properties stretching east of Peach Tree Road many years ago.

2. All residents on this ROW being reviewed, are already using the address of Ward Road. It is acknowledged that all residents will be required to have a street number change, however, by maintaining the existing road name and merely doing a street number change, will be far less onerous on all parties concerned.

1. There is an existing privately owned and maintained Right of Carriageway (ROW) located off Wards Road which provides access to approximately nine (9) properties.
2. The existing address numbering for properties accessing off this ROW is non-sequential and these properties require renumbering.
3. Rural address numbers are allocated based on their distance from the start of the road (its intersection).

As the ROW is an extension off Wards Road, the allocation of distance-based numbering (under Wards Road) to properties located along the ROW, could result in the numbering of properties located further down the Public Road (Wards Road), being too large.

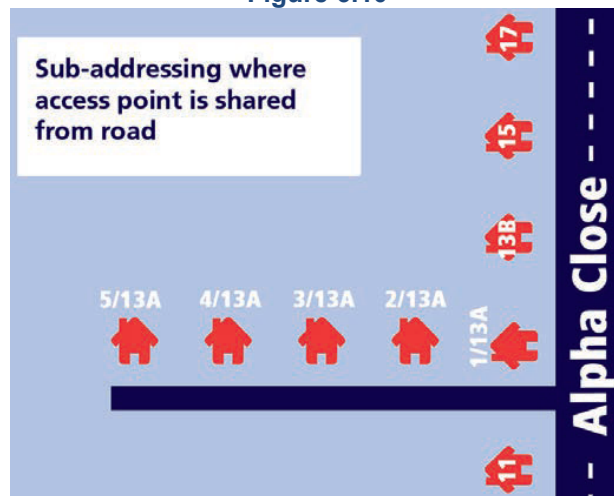
This could create issues for emergency services when trying to locate properties with access directly off Wards Road.

4. The AUM states the following in relation to the naming and numbering of ROWs:

**6.2.3 Use of Suffixes**

Address sites that share access should be treated as sub-address sites and numbering assigned accordingly Refer to Principles Section 6.5 - Sub-Address Numbering. Shared access could be through common property or easements (except where the common property or easement is a private road, in which case it should be named). Refer to Figure 6.10 for example.

Figure 6.10



**6.7.3 Roads to be Named**

All formed roads, including private roads (roads for which the care and maintenance is not the responsibility of a Local Government) that are generally open to the public or to services shall

	<p>be named in accordance with these principles.</p> <p>Roads with five or less address sites need not be named if the address sites within the road can be assigned numbers within the adjoining road.</p> <p>The purpose of the most recent notification was to seek expressions of interest from the public, relevant authorities and the Local Aboriginal Land Council (LALC) on the proposed new name of “Caloola Halt Road”.</p> <p>“Caloola Halt” is believed to be an Aboriginal name and accordingly, the proposal was referred to the LALC from which no response was received. Accordingly, as no objections have been received directly in relation to the proposed name from the general public, it is recommended that Council provide a second notification to the LALC and accept submissions for a period of twenty-eight (28) days. If no objections or other proposed road names are received from the LALC, Council should adopt “Caloola Halt Road” and proceed with the online road naming process.</p>
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### Policy Implications

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

### Financial Implications

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

### Legal and Risk Management Implications

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

### Attachments

1. Maps of Proposed Renaming of Old Western Road Rydal and Wards Road Megalong Valley [8.2.5.1]

### Recommendation

**THAT** Council:

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

**8.2.6. ECDEV - 25/02/19 - Energy Australia-Pipers Flat Rail Coal Unloader - Modification 1 to Project Approval 06\_0271 , 708 Pipers Flat Road Wallerawang**

**Report by** Director Economic Development and Environment

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**Reference**

Min No 18 – 290: Ordinary Meeting of Council held on 29 October 2018 – Energy Australia –Pipers Flat Rail Coal Unloader Mod 1, Pipers Flat Road, Wallerawang.

**Summary**

To advise Council of the notice of modification issued by the Department of Planning and Environment (the Department) for the EnergyAustralia-Pipers Flat Rail Coal Unloader (formerly known as the Western Rail Coal Unloader), Modification 1 to Project Approval 06\_0271, the project site being located on Lots 1 and 2 DP 800003, 708 Pipers Flat Road Wallerawang.

**Commentary**

Council has received the notice of modification by the Department of Planning and Environment.

It was resolved at Council's Ordinary Meeting held on 29 October 2018 that Council had no objections to the Modification proposal subject to Council's original conditions remaining on the consent, with the intersection to be upgraded prior to any oversize vehicles accessing the site for the construction of the development.

As such the following original condition was slightly amended and placed on the consent:

*Traffic and Transport Impacts*

*2.30 Prior to oversize vehicles accessing the site, the Proponent shall upgrade the intersection of the site access road and Pipers Flat Road to the satisfaction of the RMS and Council. As part of this upgrade works the Proponent shall, in consultation with the RMS and Council, undertake an Intersection Treatment Study to determine the most appropriate intersection treatment for the intersection of the site access road and Pipers Flat Road. The Study shall give specific consideration to queuing treatments, the need for auxiliary lanes, and other relevant matters as required by the RMS and Council. The study shall be submitted to the RMS and Council for review prior to the commencement of any upgrade of the intersection.*

**Policy Implications**

Nil.

**Financial Implications**

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

**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 is the consent authority.

**Attachments**

1. Notice of Determination for the Energy Australia-Pipers Flat Rail Coal Unloader, Modification 1.

**Recommendation**

**THAT**

The information in the report on the Energy Australia-Pipers Flat Rail Coal Unloader, Modification 1 (Project Approval 06\_0271), notice of determination be NOTED.

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**8.2.7. ECDEV - 25/02/19 - DA324/16 Mount Lambie Service Station, 1940 Great Western Highway, Mount Lambie**

**Report by** Director Economic Development and Environment

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**Reference**

Min No 17-26 - Ordinary Meeting of Council held on 6 February 2017, Proposed Service Station, Truck Stop and Restaurant- Call-In Report

**Summary**

To assess and recommend determination of Development Application DA324/16 for a service station, truck stop and restaurant on land known as Lot 20 DP 837978, 1940 Great Western Highway, Mount Lambie.

**Commentary**

The proposal involves 2 stages; that being:

- Stage 1 involves the construction of a new highway service centre comprising of 12 fuel points and 4 diesel points, canopy, convenience store (shop), a drive through restaurant, associated parking spaces for 18 vehicles (plus truck parking), signage and landscaping.
- Stage 2 involves the construction of the diesel service.

The entire development will be of single storey containing portable and rainwater storage and a new septic system.

The property contains an area of 1.644ha and has direct access from the Great Western Highway. The property was previously used as a service station that burnt down in 2010. Remnants of the old service station are located on the site and would be removed as part of this application.

The operating hours of the development is proposed to be 24 hours per day, 7 days a week.

The property is rectangular in shape and has a slight fall from the Highway to the rear of the site. The property contains a small area of vegetation towards the rear of the site.

**NOTIFICATION**

The proposal was sent to surrounding landowners and placed on public display in Council's Administration Building for two notification periods. During the notification periods, three submissions were received with the following concerns:

1. The development would have an impact on Old Western Road as traffic is expected to increase from and to Rydal from the Highway. Old Western Road is currently a dirt road and is very dangerous and cannot carry additional loads. It is recommended that the dirt section from the corner of Pikes Lane to the Highway is upgraded to a bitumen surface.
2. Insufficient amount of carparking for the development. The submission believes that the basis of the car parking peak demand is not reflected in the actual data in the traffic report.
3. (It is to be noted that since the notification period the plans have amended from two restaurants to one restaurant).
4. The development requires trucks, cars and pedestrians to use the same routes. This is unsafe for all users of the development.
5. There are only 2 truck parking spaces on site; this is considered inadequate for the development.
6. The hours of operation being 24 hours 7 days a week is inappropriate for this location. The hours will create additional noise impacts and potential nuisance associated with a 24/7 operation.

At an onsite meeting, concerns were raised relating to the amount of space on the property for the proposed development, effluent disposal area and drainage runoff, lights and traffic flow to and from Rydal, noise and impacts to Old Western Road.

**Applicants Comment:**

1. Old Western Road serves as an access point to the Great Western Highway from rural holdings and the town of Rydal. The traffic assessment stated that the proposed development does not warrant an upgrade to Old Western Road due to the low volume of use.
2. The traffic and parking assessment that was undertaken for the development stated that the minimum RMS requirements would be met with 24.7 on site spaces, while Council's requirement is for 37.8 or 12.8 on site spaces. The current development provides for 18 vehicle space. This is sufficient for the development as vehicles would be parked on the property for a short period of time.
3. Is it identified within the traffic and parking assessment that all driveways, parking areas etc, comply with the RMS and AS.NZS 2890 2004 Off Street car parking requirements. This along with reduced speed and designated area signage, highlighted pedestrian paths and suitable lighting will provide a safe usable area for patrons of the development.
4. The area identified as truck parking can accommodate up to two B Double vehicles or 4 standard semi-trailer vehicles. The amount provided has not been identified as a significant issue.
5. The location of the proposed development is approximately 20kms from Lithgow and 40kms from Bathurst. This distance means the development is not a point of convenience from either location which reduces the potential of nuisance associated with the 24/7 operation. The closest neighbour is approximately 300m (measured in a straight line). Without even considering the topography and natural sound barriers this distance provides adequate separation. As suggested in the traffic report, the main users of the development will be from passing traffic who are already using the Highway.

**Council Officer's Comment:**

1. The development is proposed to replace the existing service station that was previously burnt down. Traffic previously had the option to go the Great Western Highway or Old Western Road when the original service station was on the property. Old Western Road is currently used by rural properties and the village of Rydal. As such it is unlikely that the service station development would increase traffic on Old Western Road to the current volume of traffic.
2. The gross floor area includes the kitchen and washing up areas, cool room, freezer, a staff office, bathroom amenities and dining area. The dining area would equate to approximately 100m<sup>2</sup> and would therefore require approximately 15 vehicle spaces. 18 Vehicle spaces are proposed for the development, with truck parking to be located within a separate designated area. Due to vehicles having the option for drive-thru and as vehicles would stop for a short period of time, the number of vehicle spaces is satisfactory for the development.
3. Carparking and traffic movements have been assessed by Council's Engineers and the Roads and Maritime Services, who consider that there are adequate spaces for the development.
4. The amended plans show the reduced floor space for buildings; this equates to sufficient vehicle manoeuvring areas and would create less impact to trucks, cars and pedestrians. Suitable signage would also help with safety concerns. It is considered that the amended site plan provides for improved safety across the development site.
5. The amended site plan allows for three B-Double parking areas including a passing lane. It is not expected that the development would result in large numbers of trucks being on the premises at any one given time. Therefore, it is considered that truck parking is sufficient.
6. It is expected that noise from the Highway would be more substantial than the noise predicted for the proposed development once it is operational. The service station is setback from the Highway that separates the development and Old Western Road. The design of the development having the restaurant behind the service centre/convenience

store and the truck stop at the rear of the property would help to reduce potential social and vehicle noise/nuisance impacts.

Following an onsite meeting, the plans have been amended to reduce the number of restaurants from two to one. This would allow suitable vehicle manoeuvring and carparking areas. The effluent disposal and drainage runoff have been assessed by Water NSW and found to be satisfactory. A response to the potential impacts to Old Western Road has been addressed in point 1 and noise addressed in point 5 above. On balance, considering all the issues raised by both authority (RMS) and private submissions that the development application may be approved subject to appropriate conditions.

Finally, whilst it would not be appropriate to impose as a condition of development consent, Council may wish to request that an Electric Vehicle Charging Station be incorporated into the development.

**Policy Implications**

Policy 7.5 Notification Of Development Applications

***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
Bed & Breakfast, Home industries, <b>restaurant</b> or café, Self-Storage Units	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days

The proposal was notified to surrounding landowners and placed on display for two notification periods, the first being undertaken on the 5 January 2017 and the second 9 May 2018 with the plans amended from 2 restaurants to 1 restaurant and minor layout changes to the internal traffic manoeuvring areas.

Policy 7.7 Calling-In of Development Applications By Councillors

This application has been 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 development call-in was reported at Council's Ordinary meeting held on 6 February 2017 (Minute Number 17-26). It was resolved at the meeting to hold an onsite meeting before the DA is reported to Council for determination.

An onsite meeting was held 3 May 2017. The meeting was held with Council, the applicant, landowner and architects and the surrounding landowners.

Concerns were raised relating to the amount of space on the property for the proposed development, effluent disposal area and drainage runoff, lights and traffic flow to and from Rydal, noise and impacts to Old Western Road.

### Financial Implications

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

### 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. DA 324/16 Mount Lambie Service Station Section 4.15 Development Consent Report  
[8.2.7.1]

### Recommendation

THAT

1. The Development Application DA324/16 be **APPROVED** subject to conditions of 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.
3. The applicant be requested to consider incorporation of an Electric Vehicle Charging Station into the development.

**8.2.8. ECDEV - 25/02/19- Licence to Anglican Parish of Lithgow and Amended Generic Plan of Management**

**Report by** Director Economic Development and Environment

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**Reference**

Minute 18-336 Ordinary Meeting of Council held on 26 November 2018

**Summary**

This report seeks Council's endorsement of the Licence to the Anglican Parish of Lithgow and adoption of Council's amended Generic Plan of Management.

**Commentary**

At the ordinary meeting of Council on 26 November 2018 Council granted preliminary approval to:

1. A proposed Licence to the Anglican Parish of Lithgow (underwriting the kids club) to use part of the Wallerawang Memorial Hall for church gatherings and a kids club; and
2. Amend Council's Generic Plan of Management by inserting the community property known as the Wallerawang Memorial Hall (including the four adjoining lots) and categorising them as General Community Use,

Pending compliance with the public exhibition and notice requirements under the *Local Government Act, 1993*.

**Proposed Licence to the Anglican Parish of Lithgow**

The proposed licence was placed on public exhibition from 24 December 2018 until 4pm on Monday 4 February 2019, allowing for submissions in accordance with section 47 of the *Local Government Act 1993*. The community was notified of the public exhibition via notices affixed to the premises, an advertisement in the local newspaper, notice on Council's website and Council's customer service desk, and letters sent directly to residents living in the vicinity of the premises.

No submissions were received in relation to the proposed Licence.

**Proposed amended Generic Plan of Management, including categorisation of lots 1 to 5 in DP15683 as General Community Use**

The amended Plan of Management was placed on public exhibition from 24 December 2018 until 4pm on Friday 8 February 2019, allowing for submissions in accordance with section 38 of the *Local Government Act 1993*. The community was notified of the public exhibition via an advertisement in the local newspaper and notices on Council's website, customer service desk and the local library.

Also, a public hearing was held on 6 February 2019 as required by section 40A of the *Local Government Act 1993*, and an independent convenor was engaged for this purpose in accordance with section 47G(2) of the *Local Government Act, 1993*. The Public Hearing Report was made available at Council's customer service desk on 11 February 2019, in accordance with section 47G(3) of the *Local Government Act, 1993*.

No submissions were received in relation to the amended Generic Plan of Management.

Council has complied with the requirements under the *Local Government Act, 1993* which provide the community with an opportunity to make submissions. No submissions were received from the community and Council may now progress with the matters outlined above and in the report to Council dated 26 November 2018.



### **Policy Implications**

Compliance Policy – 9.16

### **Financial Implications**

- Budget approved – Recurrent Budget
- Cost centre - 4039
- Expended to date - \$408
- Future potential impact - Nil

### **Legal and Risk Management Implications**

Local Government Act, 1993

### **Attachments**

1. Draft Licence to Anglican Parish of Lithgow **[8.2.8.1]**
2. List of Amendments to Plan of Management **[8.2.8.2]**
3. Amended Generic Plan of Management **[8.2.8.3]**
4. Public Hearing Report **[8.2.8.4]**

### **Recommendation**

THAT

1. Council endorse the Licence to the Anglican Parish of Lithgow for the Wallerawang Memorial Hall with effect as soon as possible.
2. Council authorise Council's General Manager to proceed with execution of the Licence Agreement.
3. Council adopt the amended Generic Plan of Management to include the Wallerawang Memorial Hall and categorise it and adjoining lots as General Community Use effective immediately.

**8.2.9. ECDEV - 25/02/19 - Lithgow Local Environmental Plan 2014 Amendment 3 - 88  
Pipers Flat Road Wallerawang**

**Report by** Director of Economic Development & Environment

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**Reference**

Minute No 18-187 Ordinary Meeting of Council 23 July 2018

**Summary**

The purpose of this report is to:

- Provide an update on the progress of the planning proposal for LLEP2014(A3);
- Advise of the outcomes of the public exhibition period and community consultation;
- Obtain a Council resolution to proceed with the making of the Draft Local Environmental Plan.

**Commentary**

**Background**

The objective of the Planning Proposal is to amend Lithgow Local Environmental Plan 2014 to enable the subject land (Lot Y DP 407106, 88 Pipers Flat Road Wallerawang) to be further subdivided into residential allotments.

The spot rezoning will result in an amendment to both the land use zoning and minimum lot size applicable to the site as follows:

- a. amend the land zone of the site from R5 Large Lot Residential to R2 Low Density Residential
- b. amend the lot size from 2ha to 800m<sup>2</sup>

**Update**

The Planning Proposal was referred to the Western Region Office of NSW Department of Planning and Environment on 18 September 2018. Council received a Gateway Determination dated 15 October 2018 subject to conditions on 19 October 2018 that required the Planning Proposal to be publicly exhibited for a minimum period of 28 days.

A copy of the Gateway Determination is provided in Attachment 1 to this report.

**Public Exhibition/Community Consultation**

The Planning Proposal was placed on public exhibition for a period of 28 days between 2 November 2018 and 30 November 2018.

To support the exhibition the following was undertaken to accord with the requirements as outlined in Section 5.52 of "*A Guide to Preparing Local Environmental Plans (Department of Planning and Environment August 2016)*" and Council's consultation program as outlined in the Planning Proposal:

- Notification in the local newspaper in Council's Column throughout the exhibition period
- Notification on Council's Website via a dedicated webpage
- Written notification to all adjoining and adjacent landowners
- Written notification to all relevant government authorities and agencies.
- Exhibition material in hardcopy form available for viewing at Council's Administration Centre and all three town libraries during the exhibition period.

This program of consultation has satisfied Condition 1 of the Gateway Determination.

**Overview of submissions received**

Council received a total of five written submissions during the exhibition period, four of which were from public authorities/agencies as detailed in the table below. No submission raised objection to the proposal. There are no unresolved issues with relevant Government Authorities/Agencies.

There is no requirement for a public hearing to be held in response to any submission made.

<b>Name of Submitter</b>	<b>Submission Summary</b>	<b>Planning Response</b>
NSW State Emergency Service	Site is not impacted by riverine flooding but may be impacted by local flooding. SES trusts that Council will require suitable stormwater controls for future development to minimise the impact of potential local flooding.	Noted. Stormwater controls will be assessed and determined as part of the development application phase.
Water NSW	Proposals are required to be prepared in accordance with the principle that water quality in the Sydney Drinking Water Catchment must be protected; the proposal has a neutral or beneficial effect (NorBE) on water quality and that future land use be matched to land and water capability. It is noted that the Strategic Land and Water Capability Assessment for the site identifies the risk to water quality from Residential Sewered development is low. A more detailed site assessment addressing the requirement for NorBE during both construction and operational stages would be required.	Noted. NorBE will be assessed and determined as part of the development application phase.
NSW Rural Fires Service	Site is not mapped as bushfire prone and as such NSW RFS raises no objection.	Noted. No further action required.
Transport for NSW John Holland Rail –Country Regional Network	The subject land to which the proposal relates is in close proximity to an interface point of three separate rail corridors. TfNSW requested that should the Planning Proposal be approved, Council imposes the conditions as outlined in Attachment A of their response. TfNSW raises no objection to the Proposal.	To attach these conditions to the Planning Proposal would require a new clause of the LEP to be created. The matters raised in the conditions are matters that can only be appropriately addressed and considered at the development application phase of the proposal. Some of the conditions would not even apply to the development

		<p>site. Council officer raised this with TfNSW who have since advised that they are happy for the conditions to be considered at the development application phase only.</p>
Private	<p>Concerns regarding any proposed stormwater and sewage reticulation in the vicinity of the existing stand of pine trees and suggests either relocation of those services or removal of the trees to prevent any risk of damage to adjoining property should the root system of these trees be weakened. Existing sewage has issues and has blocked several times with sewage flowing from inspection pit onto private land. Therefore, raises concern over capacity of system to cope with additional load. Concern regarding any discharge of stormwater into table drains on Brays Lane.</p>	<p>Noted.</p> <p>These are matters for assessment and determination within the development assessment phase.</p> <p>Any augmentation to essential services will be considered during the development assessment phase.</p> <p>The development site is within the area of Council's Development Servicing Plan for water supply and sewerage, 2018 and therefore connection to water and sewer will be subject to contributions under that Plan that will address any augmentation to headworks infrastructure.</p>

### Mapping

Council's GIS department have prepared the Local Environmental Plan maps in accordance with the Department's "*Standard Technical Requirements for Spatial Datasets and Maps, 2017*". The Pdf versions of the Lot Zone and Lot Size mapping are provided in Attachment 2 & 3 of this report.

These maps and the spatial data sets will satisfy Condition 2 of the Gateway Determination.

### Next steps in the process

As Council has been delegated authority to exercise the Ministers functions under 3.36 of the Environmental Planning and Assessment Act, the next steps in the process are summarised below:

- Council resolves to proceed with the making of the Local Environmental Plan
- Council directly requests Parliamentary Counsel to draft the legal instrument and to provide an opinion that the Draft Local Environmental Plan can be legally made
- Council resolves to adopt and make the Draft Local Environmental Plan. The General Manager holds the plan making powers delegated to Council from the Minister for Planning to make this Plan. Use of this delegation has been authorised by the Gateway Determination.
- Council requests that the Department notifies the Local Environmental Plan

### Recording of voting on planning matters

Under Section 375A of the Local Government Act, 1993 a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or council committee.

A Planning Proposal and Draft Local Environmental Plan is a planning decision for the purposes of this Division.

### **Policy Implications**

Nil

### **Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – Council's costs of administering the Planning Proposal are met by the applicable fee/charge of \$15,000 paid by the proponent.

### **Legal and Risk Management Implications**

Nil

The Planning Proposal is required to be undertaken in accordance with Part 3 of the Environmental Planning and Assessment Act, 1979.

### **Attachments**

1. Gateway Determination LLEP A 3 **[8.2.9.1]**
2. LLEP A 3 Land Zone Map **[8.2.9.2]**
3. LLEP A 3 Lot Size Map **[8.2.9.3]**

### **Recommendation**

THAT

1. Council forwards the planning proposal, to Parliamentary Counsel Office (PCO) for drafting of the legal instrument and the issue of an opinion that the Draft Local Environmental Plan can legally be made.
2. Following receipt of the legal opinion from the PCO, Council delegate authority to the General Manager to adopt and finalise the making of the Local Environmental Plan without further resolution.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

## 8.2.10. ECDEV - 25/02/19 -DA015/19 Demolition and Deconstruction of the Wallerawang Power Station, Main Street Wallerawang

**Report by** Director Economic Development and Environment

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### Summary

To advise Council of a Development Application (DA015/19) for the demolition & deconstruction of the Wallerawang Power Station on land known as Lot 1 DP 443235, Main Street Wallerawang.

### Commentary

Energy Australia proposes to demolish all remaining above ground structures that were part of the operations of the Wallerawang Power Station. The structures include; cooling towers, chimneys, buildings and warehouses, water tanks, fuel tanks and other storage facilities and associated equipment and plant such as coal handling conveyors, aboveground pipelines and electrical systems.

Once demolition of the structures is completed, the site will be rehabilitated for drainage and erosion control and flora and fauna preservation.

The proposed demolition works have been divided into separate zones. Those zones consist of:

- Demolition zone 1 – Turbine hall and auxiliary bay area;
- Demolition zone 2 – Transformer yard area;
- Demolition zone 3 – Boiler house;
- Demolition zone 4 – Unit precipitators area;
- Demolition zone 5 – Chimney stacks area;
- Demolition zone 6 – Cooling water plant area;
- Demolition zone 7 – Coal handling plant and conveyors area;
- Demolition zone 8 – buildings and workshops;
- Demolition zone 9 – miscellaneous

Features to remain on site following demolition include:

- roads and associated drainage structures
- retention and settling ponds
- reverse osmosis plant and associated infrastructure
- ash water return holding tank
- internal and external security fencing
- 'A' Station flue stack
- ancillary below-ground structures including pipes, concrete slabs, footings, cable tunnels and services
- hardstand areas
- underground services (to be verified as being asbestos free).

The Wallerawang A and B power station chimney stacks are currently listed on the State Heritage Inventory, as a locally significant heritage item. Only Wallerawang A power station chimney stack remains within the site and is proposed to be retained in recognition of its heritage value.

Demolition works would commence once all salvageable equipment or infrastructure has been removed from each zone.

Prior to the dismantling or demolition of any building or structure the process of soft stripping shall be undertaken to remove the following items:

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- Items which constitute hazardous material or controlled waste.
- Building furniture, fixtures and fittings (soft furnishings, doors, windows, fire extinguishers, lighting, floor coverings).
- Items for recycling or reuse including timber, glass, and plastics.

All structures and buildings on-site would be dismantled as far as practicable and mechanically demolished following removal of salvaged items. The chimneys and concrete cooling tower will most likely be demolished using explosive charges.

Conveyors, transfer stations and other ancillary facilities would also be mechanically demolished. Where conveyors are inside tunnels, they would be removed as far as possible to avoid removal and safety issues in the future.

The demolition works are planned to commence upon approval and would take about two years to complete.

The development is Integrated Development under Division 4.8 of the Environmental Planning and Assessment Act 1979 and that requires an activity approval under Section 91 of the Water Management Act 2000, from the Lands & Water Division; Natural Resources Access Regulator; Department of Industry.

### **Policy Implications**

#### Policy 7.5 Notification of Development Applications

This Policy does not apply to development applications that are required to be notified under specific legislation. At the date of commencement of this policy this included notification procedures for the following types of development defined under the Environmental Planning and Assessment Act, 1979 and its regulations, including:

- Advertised Development including Integrated Development;

The development is defined as being Integrated Development under the Environmental Planning and Assessment Regulations 2000. Clause 89 "*What information must be contained in a written notice and a published notice?*" states:

*(3) The period referred to in subclause (1) (d) must include:*

*(a) in the case of nominated integrated development or threatened species development, the period of 28 days, commencing on the day after the day on which the published notice is first published in a newspaper.*

*(4) In this clause:*

*nominated integrated development means integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under:*

*(b) a provision of the Water Management Act 2000 specified in section 4.46 (1) of the Act.*

The application is for 'Integrated' Development' therefore the proposal was notified to surrounding landowners and placed on display for a period of 28 days to coincide with the required newspaper advertising period and therefore complies with Council's Policy.

The application and accompanying Statement of Environmental Effects are currently placed on advertisement and was sent to all surrounding landowners for a period of 28 days, from 16 February up until 15 March 2019.

Once received all submissions will be assessed against the proposal.

### **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**

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.

### **Recommendation**

**THAT** the information on the development application for the demolition and deconstruction of the Wallerawang Power Station be noted.



## 8.2.11. ECDEV - 25/02/19 - Economic Development & Environment Policy Review

**Report by** Director of Economic Development & Environment

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### Summary

To advise Council of the latest policies to be reviewed in the Economic Development & Environment Portfolio.

### Commentary

The review of policies under the oversight of the Economic Development & Environment Department has been continuing with two more policies reviewed. These policies are:

Policy 7.8 - Voluntary Planning Agreements

Policy 8.3 - Main Street Façade Restoration program

The proposed changes to Policy 7.8 Voluntary Planning Agreements has been relatively minor and are shown in the attached version as 'track changes'. It is suggested that there is no need for any further public exhibition or comment on these changes and the new version can just be adopted by Council.

There have been a number of changes to Policy 8.3 which are also shown as 'track changes' in the attached version. Because of the changes it is suggested that this Policy be placed on public exhibition and comments sought.

### Policy Implications

Primarily the subject of this report.

### Financial Implications

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

### Legal and Risk Management Implications

Nil

### Attachments

1. Policy 7.8 Voluntary Planning Agreements [8.2.11.1]
2. Policy 8 3 Main St Façade Restoration Program draft review 2 [8.2.11.2]

### Recommendation

THAT

1. Policy 7.3 Voluntary Planning Agreements Version 3 as attached to the Council Business paper be adopted.
2. Policy 8.3 Main Street Façade Restoration program proposed Version 3 be placed on public exhibition for a period of 28 days with the Policy being reported back to Council for final adoption following exhibition and consideration of any submissions received.

**8.2.12. ECDEV - 25/02/19 - Proposed Invitation to Lithgow and District Chamber of Commerce**

**Report by** Director of Economic Development & Environment

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**Summary**

To seek Council's endorsement to invite the Lithgow District Chamber of Commerce to the next Economic Development Committee to be held on 4 March 2019.

**Commentary**

Council may recall a report to the Economic Development Committee of 3 October 2018 outlining recent discussion with the Lithgow & District Chamber of Commerce. In an endeavour to maintain a mutual understanding of the respective strategies and programs of both parties it would seem appropriate to invite representatives of the Chamber Executive to the next Economic Committee to provide Council with an overview of their plans in this area.

**Policy Implications**

Nil

**Financial Implications**

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

**Legal and Risk Management Implications**

Nil

**Recommendation**

THAT Council invite a representative/representatives of the Lithgow & District Chamber of Commerce to the next Economic Development Committee on 4 March 2019 to provide an overview of their relevant strategies and programs.

## **8.3. Infrastructure Services Reports**

### **8.3.1. IS - 25/02/19 - Tony Luchetti Showground Usage - Ironfest**

**Report by** Director of Infrastructure & Services

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#### **Summary**

This report seeks to inform Council of the ongoing usage requirements of the Tony Luchetti Showground precinct by various members of the community. This information is being provided in light of requests made by the Ironfest event organisers to maximise their use of the facility.

#### **Commentary**

The organisers of the Ironfest event, held at Tony Luchetti Showground on a yearly basis, have recently made representation to Council that it would like to explore the extension of their use of the facility. Currently, bookings made for the Ironfest event are for use of the facility as a whole, excluding any facilities subject to permanent tenure by other organisations.

The attachment to this report identifies all of the buildings available for use by any hirer of the Tony Luchetti precinct, excluding the fields, trotting track and athletics facilities themselves as these facilities are not subject to any ongoing, semi-permanent usage arrangements.

Within the table all fields that are shaded yellow indicate buildings which are currently utilised during the Ironfest event, either in part or in their entirety. It is noted that all unshaded facilities are subject to year-round use by formal lease or by convention and are not used during the Ironfest event. Please note the exception of the old amenities which are not suitable for use and have been replaced by the new amenities.

The image is used for explanatory purposes and directly relates to the Building IDs listed in the table.

From this information, it is apparent that there is no scope for the Ironfest event to utilise additional buildings and facilities within the Tony Luchetti Showground precinct. Discussion will continue with Council and its administration regarding the use of assets external to Tony Luchetti such as the Watsford and Conran Ovals.

#### **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. Tony Luchetti Showground Usage - Ironfest **[8.3.1.1]**

**Recommendation**

THAT Council note the report identifying the past and current use of the Tony Luchetti Showground precinct both by Ironfest and other local organisations both on an ad-hoc and permanent basis.

### 8.3.2. IS - 25/02/19 - Request For Maintenance of Portland Golf Club

Report by Director of Infrastructure & Services

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#### Summary

This report seeks to obtain a resolution from Council regarding a request from the Portland Golf Club management for Council to effect maintenance on private property.

#### Commentary

On 16 November 2018, Council staff met with the management of the Portland Golf Club regarding ongoing maintenance issues within the facility. Currently, the Portland Golf Club satisfy their own maintenance requirements however this work is reliant on volunteers. During this meeting, it was explained that in the past, volunteers were not difficult to find with adequate membership numbers. However currently, with dwindling membership and an ageing member base, such volunteers are almost impossible to attract.

On the 30 November 2018, Infrastructure Services staff met with the management of the Portland Golf Club to determine the scope of the maintenance requirements. From initial discussion, a subsequent site inspection and their correspondence (Attachment 1), the Portland Golf Club are requesting that Council perform maintenance on their private grounds to achieve the following objectives:

1. Maintaining the stormwater drain (>100m length) that runs adjacent to Pipers Flat Road, within the Golf Club property; and
2. Mowing the two banks adjacent to the car park.

Please note Attachment 2 which indicates the areas to which this maintenance request relates. Prior to making a decision regarding this request, the following points should be considered.

- The attached correspondence alleges that previous General Managers gave undertakings to allocate \$10,000 per year to the maintenance of this privately-owned facility. No written confirmation of this undertaking can be found by Council staff or can be provided by the Portland Golf Club as such undertakings were verbal only.
- The Portland Golf Club is a community organisation reliant on the goodwill of volunteers to continue providing services to the Portland community. While the organisation does receive income from memberships, such memberships are dwindling.
- Provided that service levels are defined and agreed, maintenance (mowing only) of the embankment (pictured in Attachment 2) will come at minor cost to Council. Should the level of service be defined at four visits per year at 4 hours per visit (conservative and includes travel time), expected costs to Council would be \$513.60 per visit and \$2,054.42 per year. This additional yearly cost will result in a reduction in service elsewhere to cover increased maintenance scope.
- Maintenance of the stormwater drain is much more involved. Inspections indicate that over the years, the drain has received minor maintenance and as a result, there is evidence of erosion threatening the integrity of the sides of the drain itself. Should Council clear the drain by spraying with herbicide (the only possible method to clear the drain), it is likely that this condition would worsen through further erosion. Should Council assume maintenance responsibilities, it may come to be that it is responsible for hastening the speed of erosion through removal of the stabilising vegetation.
- Lastly, the Golf Club is private, and should Council show goodwill and agree to perform maintenance at Council's cost, it sets a precedent for other community groups to request maintenance of privately owned assets, at Council's cost.

Infrastructure Services staff have attempted to locate available funding within Council's roadside maintenance or public facilities maintenance budgets to cover the costs of maintaining this private facility. As it stands, Council has already affected a 9.5% reduction in service levels to ensure that it is able to live within its means. This allowed Council to commit to a level of service that is commensurate with budgetary constraints, including ongoing efficiency improvements. While not impossible, adding additional scope to the already exorbitant mowing schedule in light of this significant growing season will increase the strain on Council's mowing resources and result in concessions elsewhere within Council's maintenance program.

Lastly, noting the above considerations, it is strongly suggested that Council deny requests to maintain the stormwater drainage within the Portland Golf Club for the reason of removing itself from the risk of ongoing erosion and failure in this area, should vegetation clearing be effected.

### **Policy Implications**

Nil

### **Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - \$2,054.42 per year for embankment maintenance only

### **Legal and Risk Management Implications**

Potential for ongoing risk of maintenance and liability should Council accept responsibility for the unformed, privately-owned storm water drain.

### **Attachments**

1. Images of Portland Golf Club Embankment and Drain **[8.3.2.1]**
2. Email Request for Maintenance to Portland Golf Club **[8.3.2.2]**

### **Recommendation**

THAT Council

1. Note the report and deny requests for ongoing maintenance of privately-owned land within the Portland Golf Club until such a time it has reduced its asset renewal backlog of Council-maintained assets to an acceptable level; and
2. Recommend the management of Portland Golf Club apply for financial assistance as per the requirements of Policy 4.2 - Financial Assistance to assist with the maintenance of this privately-owned asset.

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**8.3.3. IS - 25/02/19 - Infrastructure Services Policy Review**

**Report by** Director of Infrastructure & Services

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**Reference**

Min. No.: 18-340: Ordinary Council Meeting of 26 November 2018.

**Summary**

This report provides an update to Council regarding the recent public exhibition of Policy 10.4 – Bus Shelters / Street Seating and Policy 10.5 – Footpath Reservations – Works Requirements and seeks resolution from Council to adopt these two amended policies.

**Commentary**

At the Ordinary Meeting of Council held 26 November 2018, Council resolved the following:

**18 – 340 RESOLVED**

**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 Footpaving be adopted and implemented immediately.

**MOVED:** Councillor S Ring **SECONDED:** Councillor D Goodwin

**CARRIED – Unanimously**

**FOR**

Councillor W McAndrew  
Councillor C Coleman  
Councillor D Goodsell  
Councillor D Goodwin  
Councillor S Lesslie  
Councillor S Ring  
Councillor J Smith  
Councillor M Statham

**AGAINST**

NIL

Both Policy 10.4 – Bus Shelters / Street Seating and Policy 10.5 – Footpath Reservations – Works Requirements have been on exhibition for the required 21 day period and the standard notification process has been undertaken. In addition, the policy amendments were communicated through Councils ‘Have Your Say’ website for additional publicity. No submissions have been received in relation to the proposed changes to Policy 10.4 and 10.5.

### **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. POLICY 10.4 Bus Shelters / Street Seating **[8.3.3.1]**
2. POLICY 10.5 Footpath Reservations – Works Requirements **[8.3.3.2]**

### **Recommendation**

THAT Council

1. Endorse and adopt Policy 10.4 – Bus Shelters / Street Seating in light of no public submissions being received after the mandatory 21-day public exhibition period; and
2. Endorse and adopt Policy 10.5 – Footpath Reservations – Works Requirements in light of no public submissions being received after the mandatory 21-day public exhibition period.



**8.3.4. IS - 25/02/19 - Mobile Black Spot Program - Kanimbla Valley**

**Report by** Director of Infrastructure & Services

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**Reference**

Min. No.: 18-315: Ordinary Council Meeting of 29 October 2019

**Summary**

This report seeks to inform Council of correspondence from Senator Hon. Bridget McKenzie regarding Council's recent request for consideration of the Kanimbla Valley in relation to Black Spot Funding and action.

**Commentary**

At the Ordinary Meeting of Council held 29 October 2018, Council resolved the following:

**18 – 315 RESOLVED**

**THAT** Lithgow City Council write to both the Local Member Mr Andrew Gee and the Minister for Regional Communications about the lack of adequate mobile coverage in this area and seek the Minister's support to address the issue.

**MOVED:** Councillor S Ring **SECONDED:** Councillor J Smith

**CARRIED** – Unanimously

**FOR**

Councillor R Thompson  
Councillor W McAndrew  
Councillor D Goodsell  
Councillor D Goodwin  
Councillor S Ring  
Councillor J Smith  
Councillor S Lesslie  
Councillor M Statham  
Councillor C Coleman

**AGAINST**

Nil

A response was received from Senator Hon. Bridget McKenzie detailing that in response to Council's correspondence, which was received in conjunction with submissions from Mr. Andrew Gee, nominations for funding were made for Lowther and the Kanimbla Valley under Round 4 of the Mobile Black Spot Program. This correspondence is attached. These nominations were received and have been added to the Database for consideration in Round 4.

The due date for applications under this program was the 10 January 2019 and as such, it is expected that nominations are currently being considered.

**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. Letter from Senator the Hon Bridget McKenzie - Mobile Black Spot Program - Kanimbla Valley [8.3.4.1]

### **Recommendation**

THAT Council note the correspondence from Senator Hon. Bridget McKenzie regarding the inclusion of both Lowther and Kanimbla Valley for consideration under Round Four of the Mobile Black Spot Program.

**8.4. Water and Wastewater Reports**

**8.4.1. WWW -25/02/19 - Water Report**

**Report by** Director Water & Wastewater

**Reference**

Min No 18-:345 Ordinary Meeting of Council 26/11/18

**Summary**

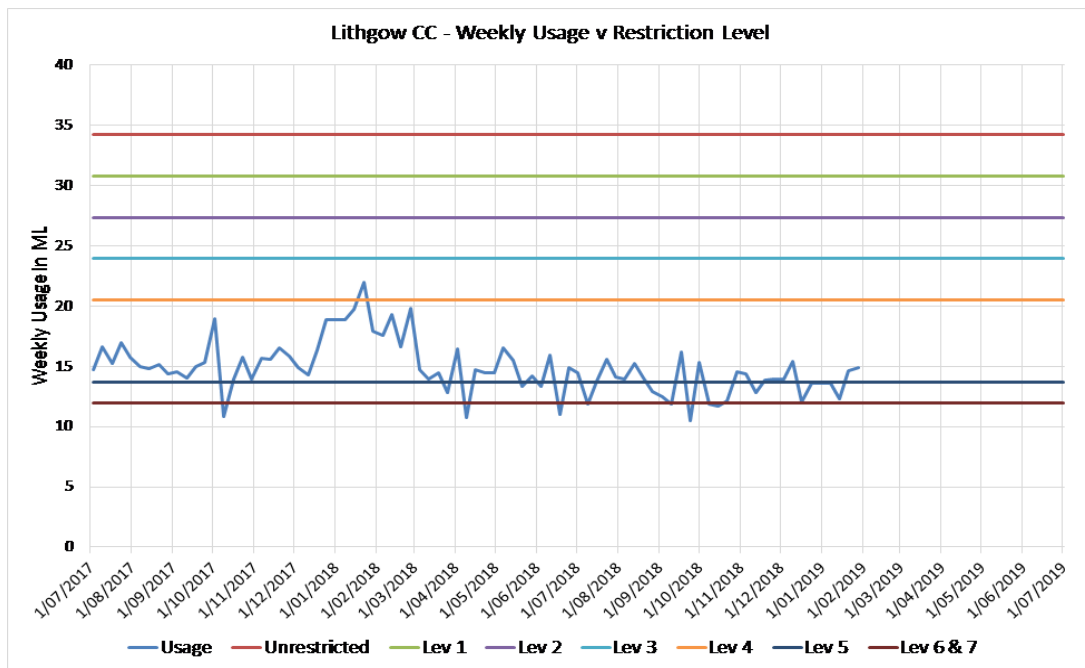
This report provides an update on various water management issues.

**Commentary**

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

Farmers Creek No. 2 Dam capacity on Monday 11th February 2019 was 84%.

Oberon Dam capacity on Monday 11th February 2019 was 46.2%. Total volume banked is currently approx. 6.3%, so storage adjusted for bank is 39.9%. Level 2 restrictions on the FRWS are now in effect. At this point Council is currently unaffected as current demands are lower than level 4 restriction levels as per the below.

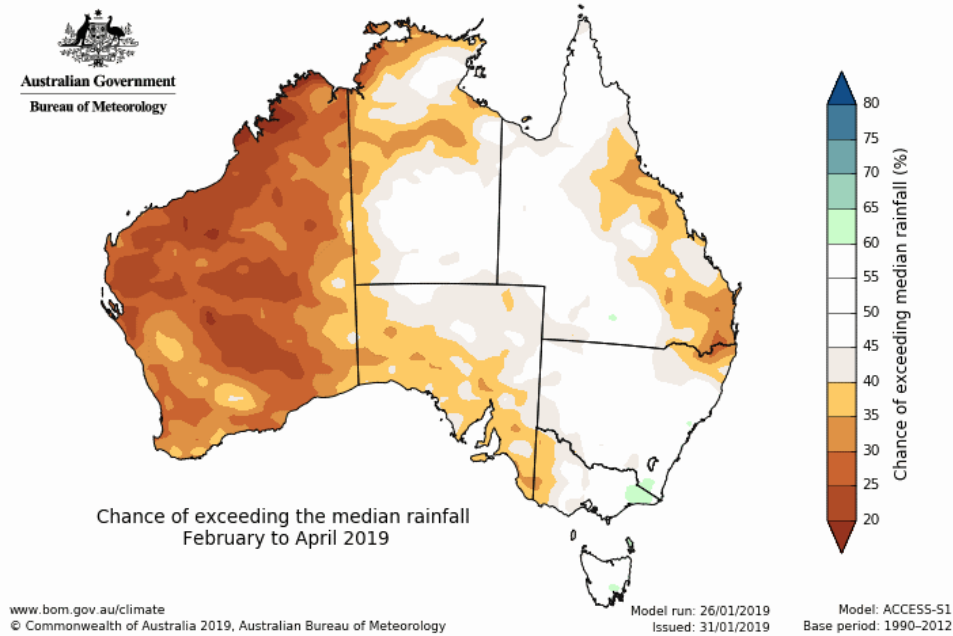


**Climatic and Rainfall Outlook**

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

- Much of western and southern Australia, and parts of the northeast, are likely to experience a drier than average three months from February through April 2019.
- Days and nights are very likely to be warmer than average for most of Australia. This follows Australia's warmest December and what looks almost certain to be the warmest January on record.
- The Pacific Ocean is currently at El Niño WATCH, meaning there is an elevated chance (50%) of El Niño developing during autumn 2019. El Niño's typically result in warmer and drier than usual conditions, and a later autumn break for southern and eastern Australia.

- Much of western and southern Australia, and parts of eastern Queensland, are likely to experience a drier than average three months.
- In contrast, most of central and eastern Australia shows no strong swing towards either wetter or drier than average conditions this February through April. In February, parts of Victoria and NSW over and near the Great Dividing Range have an increased chance of being wetter than usual.



**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 2018/2019**

<b>Total for 2017/18</b>	<b>1,388.1</b>	<b>760.2</b>	<b>810.4</b>
<b>Month</b>	<b>Oakey Park WTP (ML)</b>	<b>Clarence Transfer (ML)</b>	<b>Fish River Supply (ML)</b>
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
November	116.4	0	55.0
December	128.6	0	41.4
January	121.4	0	82.7
<b>TOTAL</b>	<b>832.4</b>	<b>318.7</b>	<b>421.5</b>

**Clarence Water Transfer Scheme**

The Clarence Water Transfer Scheme is not currently 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 17/11/18 to 15/02/19 from the 26 samples collected at the OPWTP.

### **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 27/11/18, 18/12/18 and 29/01/19 and taken to Sydney Water for testing. There were no non-compliances recorded at Council's treatment plants for the months of November 2018, December 2018 and January 2019. 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 17/11/18 to 15/02/19.

### **Water Reticulation Complaints**

Council received 43 complaints during the period 17/11/18 to 15/02/19 concerning water quality issues, many of which are related to with attempted isolations of the system. 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.

On the 20<sup>th</sup> December 2018 staff were advised NSW Health of an E.coli detection from a sample collected on the 18<sup>th</sup> December 2018 at the Endeavour Park sample site. The result indicated a detection of 3. Staff immediately implemented the incident protocol from the Drinking Water Management System in consultation with NSW Health. A repeat sample was collected as well as samples from surrounding areas and sent to NSW Health Labs for retest. A Hygiene Survey was undertaken to confirm the integrity of the network .e.g. no damage to reservoirs, no vandalism etc. which included undertaking internal water sampling to confirm adequate disinfection was being maintained within the network.

Samples were received by the NSW Health Lab at 3pm on the 20<sup>th</sup> December 2018 for urgent analysis. Results received at 9.30am 21<sup>st</sup> December 2018 returned a zero count. Under the protocol Council could resume normal sampling/operations without the need for the implementation of a Boil Water Notice. The failed sample was as a result of contaminant of the sample during collection.

### **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

**Recommendation**

THAT Council note the water report.

## 8.4.2. WWW - 25/02/19 - Exemption from Water Supply and Sewerage Special Rates Policy

Report by Director Water & Wastewater

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### Reference

Min No 18 – 211 Ordinary Meeting of Council held 23 July 2018  
Min No 18 – 344 Ordinary Meeting of Council held 26 November 2018

### Summary

This report seeks the approval to implement Policy 8.10 Exemption from Water Supply and Sewerage Special Rates immediately.

### Commentary

Policy 8.10 Exemption from Water Supply and Sewerage Special Rates was presented to Council at the Ordinary Meeting of Council on 26<sup>th</sup> November 2018.

The policy sets Councils position with regard to the application of the *Section 558* of the *Local Government Act 1993*.

The Water and Wastewater Department seeks a resolution of Council to implement the policy immediately as there were no submissions received in relation to this policy during the 28-day public exhibition period.

### Policy Implications

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 and Risk Management Implications

Nil

### Attachments

1. Policy 8.10 Exemption to Water Supply and Sewerage Special Rates [8.4.2.1]

### Recommendation

THAT Council adopt the Policy No. 8.10 Exemption from Water Supply and Sewerage Special Rates and implement the policies immediately.

## **8.5. Finance and Assets Reports**

### **8.5.1. FIN - 25/02/19 - Policy Review**

**Report by** Chief Financial & Information Officer

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#### **Reference**

Min 18-299: Ordinary Meeting of Council held 29 October 2018.  
Min 18-300: Ordinary Meeting of Council held 29 October 2018.

#### **Summary**

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

#### **Commentary**

At the Ordinary meeting of Council held on 29 October 2018 Council resolved:

MINUTE NO. 18-299

THAT Council:

1. Endorse draft Policy 8.9 External Grant Funding for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 8.9 External Grant Funding be returned to Council for consideration.

MINUTE NO. 18-300

THAT

1. Council endorse Policy 8.1 Excessive Water Usage Allowance for Breakages for public exhibition and comment for 28 days.
2. Following the exhibition period, the policy be returned to Council for consideration.

The policies were placed on public exhibition which closed on 7 December 2018. No submissions were received on either of the policies.

#### **Policy Implications**

Implementation of new Policy 8.9 External Grant Funding and revised Policy 8.1 Excessive Water Usage Allowance for Breakages.

#### **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 and may provide further guidance with regard to statutory obligations.



### **Attachments**

1. Draft Policy 8.1 Excessive Water Usage Allowance For Breakages Oct 2018 **[8.5.1.1]**
2. Draft Policy 8.9 External Grant Funding V 1 **[8.5.1.2]**

### **Recommendation**

THAT Council adopt the following policies as exhibited:

- Policy 8.9 External Grant Funding
- Policy 8.1 Excessive Water Usage Allowance for Breakages

## 8.5.2. FIN - 25/02/19 - New Policies

**Report by** Chief Financial & Information Officer

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### Summary

To provide Council with new Policy 9.9 Internal Reporting Policy and new Policy 9.21 IT Infrastructure Security. The report also seeks endorsement to place the policies on exhibition for 28 days for public comment.

### Commentary

Policy 9.9 Internal Reporting Policy replaces the former Public Interest Disclosures Policy. The Internal Reporting Policy is drawn from NSW Ombudsman documents to ensure that the policy is fully compliant with all related legislation.

Policy 9.21 IT Infrastructure Security was developed as a management response to an issue raised in the 2017/18 Interim Audit Management Letter. The auditors noted a need to strengthen Council's IT policies. In particular, the auditors observed that Council had no documented IT infrastructure policy. Feedback on the draft IT Infrastructure Security policy was sought from Council's contract external auditors, Crowe Horwath, and the NSW Audit Office.

### Policy Implications

Following the exhibition period for Policy 9.9 Internal Reporting and Policy 9.21 IT Infrastructure Security, the policies will be returned to Council for further consideration.

### 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

Policy 9.9 Internal Reporting Policy will assist Council to meet its legislative compliance requirements. Policy 9.21 IT Infrastructure Security strengthens Council's IT policies and implements a recommendation of the external auditors.

### Attachments

1. Policy 9.9 Draft Internal Reporting V 5 **[8.5.2.1]**
2. Policy 9.21- IT-infrastructure-security **[8.5.2.2]**

### Recommendation

THAT Council:

1. Endorse Policy 9.9 Internal Reporting and Policy 9.21 IT Infrastructure Security for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 9.9 Internal Reporting and Policy 9.21 IT Infrastructure Security be returned to Council for further consideration.

### 8.5.3. FIN - 25/02/19 - Access to Information Held Policy Review

**Report by** Chief Financial & Information Officer

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#### **Reference**

Min No. 18-298: Ordinary Council Meeting of 29 October 2018.

#### **Summary**

At the Ordinary meeting of Council held on 29 October 2018 Council resolved:

THAT the revised Policy 9.11 Access to Information Held be adopted and implemented immediately.

Policy 9.11 Access to Information Held was updated to incorporate legislative changes following the commencement of the Government Information (Public Access) Regulation 2018 (GIPA Reg 2018) on 1 September 2018.

Following the changes to the GIPA regulation, the NSW Government has now enacted the Government Information (Public Access) Amendment Act 2018

#### **Commentary**

Policy 9.11 Access to Information Held has now been revised to include the following legislative changes:

- When calculating the value of a government contract for the purpose of the contract register under Division 5 of Part 3 the GIPA Act, GST must be included in the total value of the contract;
- A change to the categories of information for which there is a conclusive presumption of an overriding public interest against disclosure (re information subject to legal professional privilege);
- Changes to the list of factors that decision-makers may take into account when deciding whether an application would involve an unreasonable and substantial diversion of Council's resources;
- A change to the grounds on which an application can be refused if the information is already available to the applicant; and
- New section 92A provides that the Information Commissioner has 40 working days to complete the review of a decision and make any recommendations

#### **Policy Implications**

Adoption of updates to Policy 9.11 Access to Information Held due to legislative changes.

#### **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 and may provide further guidance with regard to statutory obligations.

**Attachments**

1. Policy 9 11 Access to Information Held V 4 Draft **[8.5.3.1]**

**Recommendation**

THAT revised Policy 9.11 Access to Information Held be adopted and implemented immediately.

#### **8.5.4. FIN 25/02/19 - Fraud and Corruption Control Policy**

**Report by** Chief Financial & Information Officer

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##### **Summary**

To provide Council with new Policy 9.2 Fraud and Corruption Control Policy. The report also seeks endorsement to place the policy on exhibition for 28 days for public comment.

##### **Commentary**

In June 2018, the Audit Office of NSW released its report on Fraud Controls in Local Councils. A key finding was that “many councils have substantial room for improvement in their fraud control systems”.

In recognition of the findings of the Audit Office report and as part of planned improvements to financial management, Council has developed a Fraud and Corruption Control Policy. The policy outlines the methodology for detecting, deterring and minimising the risk of fraudulent behaviour and corrupt conduct.

The policy has been developed with reference to:

- The Audit Office of NSW report on Fraud Controls in Local Councils;
- The Audit Office of NSW Fraud Control Improvement Kit (February 2015); and
- “Best practice” policies of other Councils.

The Fraud and Corruption Control Policy are supported by a Fraud and Corruption Control Plan and a customised Fraud Risk Assessment which have been endorsed by the Executive Management Team. The policy, plan and risk assessment will be subject to regular review, with a formal review of the policy and plan each 2 years.

##### **Policy Implications**

Following the exhibition period for Policy 9.2 Fraud and Corruption Control Policy, the policy will be returned to Council for further consideration.

##### **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**

Policy 9.2 Fraud and Corruption Control Policy will assist Council to meet its legislative compliance requirements and to implement better practices for detecting, deterring and minimising the risk of fraudulent behaviour and corrupt conduct.

##### **Attachments**

1. Policy 9.2 Draft Fraud and Corruption Control Policy V 1 **[8.5.4.1]**

**Recommendation**

THAT Council:

1. Endorse Policy 9.2 Fraud and Corruption Control Policy for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 9.2 Fraud and Corruption Control Policy be returned to Council for further consideration.

**8.5.5. FIN - 25/02/19 - Request for Consideration - Excessive Water Account - Property 58910**

**Report by** Chief Financial & Information Officer

**Summary**

To provide a report on a request from the owner of the property 58910 seeking financial consideration for an excessive water account. The property owner is seeking consideration on the grounds of and financial hardship as they are a pensioner.

**Commentary**

Council is in receipt of a request from the property owner seeking financial relief for a water account totalling \$3,673.85. This is due to a concealed leak in which a pipe in the roof broke. The owner, an elderly pensioner diagnosed with dementia and no longer living at the property, was not aware that there was a leak at the property until the roof caved in.

The water account was read by Council water meter readers on 21 August 2018. A high read was noted with a read of 2,478 on the meter and consumption of 841KLS and a charge of \$3,673.85. Council Officers tried to make contact via visits to the property and telephone contact, however, were unsuccessful in notifying the owner. The leak has since been rectified.

Consumption at this property has recently been minimal with the past 4 water accounts listed below.

<b>DATE</b>	<b>METER READING</b>	<b>QUARTERLY CONSUMPTION</b>	<b>AMOUNT</b>	<b>DAILY AVERAGE</b>
31/05/2018	1637	6 KLS	\$18.96	0.006
20/02/2018	1631	1 KLS	\$3.16	0.011
22/11/2017	1630	0 KLS	\$0.00	0.00
15/08/2017	1630	3 KLS	\$9.33	0.029

Council staff attended the property again on 29 November 2018 to perform the 2<sup>nd</sup> quarter read. The read on this date was 2,480 on the meter, which means only 2 KLS of water has been used since 21 August 2018.

The property owner originally wrote to Council on 5 November 2018 requesting a rebate. As per adopted Policy 8.1 'Excessive Water Usage Allowance for Breakages (version 4), a 50% rebate amounting to \$1,836.93 was applied. An outstanding balance of \$1,836.92 remains with daily interest accruing. The property owner is seeking a further rebate for the outstanding balance and for subsequent charges being at the second-tier rate of \$4.85 per kilolitre for the remainder of the financial year. Being a pensioner, the property owner faces great difficulty in paying the outstanding charges.

When averaged using the previous four readings prior to when the leak occurred, an estimate of the account for the property would be 2 KLS charged at the tier 1 rate \$3.23 resulting in a total charge of \$6.46.

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

**Policy Implications**

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

Changes to Policy 8.1 have been proposed to allow “In cases where an applicant has a pensioner / concession discount, a full rebate of the difference between the average consumption and the water account for the period of the breakage.” The draft revised Policy 8.1 will be considered for endorsement at the February 2019 meeting.

**Financial Implications**

The impact on water revenue will be an additional reduction of \$1,830.46. This will reduce the Water Fund’s cash reserves at the end of financial year. Write-offs have not been included in the current budget.

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

**Legal and Risk Management Implications**

Nil

**Attachments**

Nil

**Recommendation**

**THAT** Council:

1. Charge the owner of Property 58910 \$6.46 for the water account during the period of the undetected leak and write-off the remaining balance of \$1,830.46.
2. Based on the property owner’s estimated water usage of 2KLS for the billing period, allow up to 246 KLS of water usage for the remainder of the 2018/19 year at the tier 1 rate of \$3.23.
3. Advise the property owner in writing of Council’s resolution.



**8.5.6. FIN - 25/02/19 - Request for Consideration - Excessive Water Account & Hardship Application - Property 48150**

**Report by** Chief Financial & Information Officer

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**Summary**

To provide a report on a request received from the owner of the property 48150 seeking financial consideration for an excessive water account. The property owner is seeking consideration on the grounds of financial hardship as they are a pensioner.

**Commentary**

Council is in receipt of a request from the property owner seeking financial relief for a water account totalling \$928.99 (during the leak period), as well as a request on financial hardship grounds to waive the remainder of the water account, an overall amount of \$1,540.93 (with daily interest accruing). The owner, an elderly pensioner, was unaware of an undetected leaking toilet until receiving a higher water account.

The property owner originally wrote to Council on 12 November 2018 requesting a rebate. As per adopted Policy 8.1 'Excessive Water Usage Allowance for Breakages (version 4)', a 50% rebate amounting to \$464.49 was applied. An outstanding balance of \$1,540.93 remains with daily interest accruing. The property owner is seeking a further rebate for the outstanding balance. Being a pensioner, the property owner faces difficulty in paying the outstanding charges.

When averaged using the previous four readings the water account averages out at \$55.93 per quarter. The property owner has been paying off the account by irregular payments. The owner is obeying by a payment arrangement on his rates account.

**Policy Implications**

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

Changes to Policy 8.1 have been proposed to allow "In cases where an applicant has a pensioner / concession discount, a full rebate of the difference between the average consumption and the water account for the period of the breakage." The draft revised Policy 8.1 will be considered for endorsement at the February 2019 meeting.

**Financial Implications**

The impact on water revenue will be an additional reduction of \$1,485.00. This will reduce the Water Fund's cash reserves at the end of financial year. Write-offs have not been included in the current budget.

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

**Legal and Risk Management Implications**

Nil

**Attachments**

Nil

**Recommendation**

**THAT** Council:

1. Charge the owner of Property 48150 \$55.93 being their average consumption amount for the water account and write-off the remaining balance of \$1,485.00.
2. Advise the property owner in writing of Council's resolution.

### 8.5.7. FIN - 25/02/19 - Drought Assistance Measures

Report by Chief Financial & Information Officer

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#### Reference

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

Min No 18-348: Ordinary meeting of Council held on 26 November 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.

At the November meeting, Council resolved to further review the drought assistance measures in February 2019.

#### Commentary

The low level of utilisation of Council's drought assistance measures has continued with no hardship rate relief applications and no requests for reduced cost standpipe access since the November meeting. With the change to the new metered Barton St standpipe, there is no longer a need to offer free access cards. The availability of the drought assistance measures has been promoted via media release, Council's website and the weekly Council Column.

The January 2019 climate outlook from the NSW Department of Primary Industries states:

*During January 2019 drought conditions across New South Wales (NSW) have re-intensified despite some storms and localised easing of the drought on the eastern seaboard. There has been no break from drought conditions in the west of the state, further prolonging this severe event for many producers. The Combined Drought Indicator (CDI) shows that 99.8% of NSW is experiencing drought conditions, with 36.8% being classified as Intense Drought, 44.2% as Drought and 18.8% categorised as Drought Affected.*

It is proposed to continue Council's drought assistance measures with a further review in June 2019. Promotion of the drought assistance measures will continue.

### **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 - expected to be minimal

### **Legal and Risk Management Implications**

Nil.

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Note the minimal uptake of Council's drought assistance measures to date.
2. Continue the drought assistance measures with a review to be reported to the June 2019 meeting.

**8.5.8. FIN - 25/02/19 - 2018-19 Quarter Two Budget Review**

**Report by** Chief Financial & Information Officer

**Summary**

This report provides the Quarterly Budget Review Report on the 2018-2019 Operational Plan for the period of 1 October 2018 to 31 December 2018 with a recommendation that variations to income and expenditure estimates are voted and the revised operating result before capital grants of (\$432K) be noted.

**Commentary**

Details of the October to December Quarterly Budget Review Report are provided with the attachment to the Business Paper. Below is a summary table:

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
December Quarter	49,161	44,684	4,477

2018/19 Quarterly Budget Comparison Fund – Proposed December Review			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
General	32,874	30,223	2,651
Water	7,778	7,394	384
Wastewater	8,506	7,068	1,438

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 have added to Council’s original expenditure budget.

Net budget savings of \$240K were identified in Quarter One 2018/19. In Quarter Two, there has been an increase in operating employment costs following review of the Capital Works Program. In the original budget, a significant portion of fixed employee costs were allocated to the Capital Program. Following a review, some major capital projects have been partially or fully rescheduled to the 2019/20 year. Related fixed employee costs have been redirected to operating and maintenance projects. The Capital Works Program budget has been revised from a total of \$43.8M to \$31.1M, mainly due to the rescheduling of Wastewater projects and budget savings from the Portland Sewerage Treatment Plant project.

For the remainder of the 2018/19 year, remedial action to deal with the unsatisfactory position includes:

- a. Review of the materials and contracts budget in Quarter Three 2018/19 to identify cost savings, particularly in Water and Wastewater.
- b. Review of the general fund rates and annual charges budget in Quarter Three 2018/19 to match projected revenue.
- c. The continuation of an organisation-wide operating efficiencies and cost savings program.

### **Cash and Investments**

The Quarterly Budget Review Report states that Council held \$31.1M in externally and internally restricted reserves at 31 December 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.

### **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 Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out the 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. October - December 2018 Quarterly Report Final Format with cover **[8.5.8.1]**

### **Recommendation**

THAT Council:

1. Notes the content of the report and the revised operating result before capital grants of (\$432K) for the 2018/19 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 October 2018 to 31 December 2018.
2. Council adopts the variations to the Council budget as outlined in the attached report.

## **8.6. People and Services Reports**

### **8.6.1. PS - 25/02/19 - Delivery Program - Six Monthly Progress Report**

**Report by** Director of People & Services

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#### **Reference**

Min No.18-165 Ordinary Meeting of Council held on 25 June 2018

#### **Summary**

This report provides copies of the July to December Progress Report against the combined 2017-21 Delivery Program and 2018/19 Operational Plan.

#### **Commentary**

The Local Government Act 1993 S404(5) states:

*“The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months”.*

The July to December Progress Report against the combined 2017-21 Delivery Program and 2018/19 Operational Plan has been compiled in accordance with the requirements under the Local Government (General) Amendment (Planning and Reporting) Regulation 2009. A copy of this report has been provided to Councillors within their Business Papers Packages.

The document will be placed on Council’s website and made available for viewing.

#### **Policy Implications**

There are no policy implications as a result of the July to December Progress Report.

#### **Financial Implications**

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

#### **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. Six Monthly Report 2018 19 Final **[8.6.1.1]**

#### **Recommendation**

THAT Council note the July – December Progress Report against the combined 2017-21 Delivery Program and 2018/19 Operational Plan.

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**8.6.2. PS - 25/02/19 - Drought Assistance - Federal Government Income Supplement & Coordination of Drought Relief Efforts**

**Report by** Director of People & Services

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**Reference**

Min 18-214: Ordinary Meeting of Council

**Summary**

In 2018 the General Manager wrote to State and Federal members to *inter alia* advocate for the importance of grant based financial support for drought affected farmers in the Lithgow LGA, and to request refinement of state and federal drought assistance distribution networks. The Federal Member for Calare Mr Andrew Gee MP has provided Council with a response from The Hon David Littleproud, Federal Minister for Agriculture and Water Resources.

**Commentary**

Councillors will recall Ordinary Council Meeting Resolution 18-214 that the General Manager write to the state and federal members to: -

1. Ask the State and Federal Governments provide grant funds to affected farmers in lieu of no interest and low interest loans, both of which have the effect of increasing the indebtedness of farmers in a climate where they have no capacity to service the loans, and consequently increase the likelihood of farm loss in the medium term to lenders.
2. Note the advice of local farmers that the shortage of water is impacting the quality of fruit and vegetables grown such that they are not competitive with imported produce. Should this trend continue food security for NSW will be affected as consumers and retailers increase their dependency on imported foods and there needs to be a willingness by Australian consumers to purchase Australian grown produce for the industry to survive.
3. Canvass support from regional and rural Councils to develop a NSW and Australian food security strategy and education campaign to raise the profile of these issues with Australian consumers and retailers.
4. Call on both Federal and NSW State Governments to refine the assistance distribution networks to farmers so that relevant financial and other assistance is properly administered, targeted and distributed as efficiently as possible, avoiding wastage and best intentioned assistance that is of limited relevance for farming families and communities.
5. Publicise the information available to farmers on our web site.

Through Mr Andrew Gee Member for Calare, the Federal Minister for Agriculture and Water Resources The Hon David Littleproud has provided detail of the Federal Government's existing 'Farm Household Allowance' (FHA) Program (attached). When paid to both members of a household at the maximum rate (over four years) the FHA can provide over \$100,000 in regular support payments. The FHA also provides eligible farmers funds to access financial advice and training. In addition to fortnightly support payments, the FHA Program is currently offering a lump sum payment scheme to assist farmers manage the current drought. Up to \$12000 is available to FHA eligible farm households.

The Federal Government's FHA Program is demand driven and therefore no eligible farmer will miss out on support. Further, eligibility is based on individual circumstances and does not require a drought declaration.

With respect to drought assistance distribution networks, the Federal Minister notes the appointment of the Coordinator General for Drought (Major General Stephen Day DSC, AM) with



responsibility for the coordination of service delivery including the Drought Commissioners for New South Wales and Queensland, and the NSW and QLD Farm Liaison Officers. The Coordinator General for Drought is supported by the Joint Agency Drought Taskforce within the Department of Prime Minister and Cabinet.

### **Policy Implications**

Nil

### **Financial Implications**

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

### **Legal and Risk Management Implications**

Nil

### **Attachments**

1. Correspondence from Mr Andrew Gee MP - Drought Assistance in NSW - David Littleproud **[8.6.2.1]**

### **Recommendation**

THAT Council

1. Notes correspondence from Mr Andrew Gee, Member for Calare and correspondence from the Hon. David Littleproud Federal Minister for Agriculture and Water Resources regarding the various forms of federal grant assistance under the Farm Household Allowance Program (FHA) for drought affected farmers; and promotes the FHA Program on Council's website for the information of drought affected farmers and their families.
2. Notes correspondence from Mr Andrew Gee, Member for Calare and correspondence from the Hon. David Littleproud regarding the establishment of a Coordinator General for Drought, Major General Stephen Day DSC, AM.

### 8.6.3. PS - 25/02/19 - Glen Davis Memorial Plaques

**Report by** Director of People & Services

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#### **Summary**

Former Glen Davis township resident Mr Roger Mika met with Council officers late last year to discuss an opt-in voluntary proposal to allow former residents of Glen Davis township (between 1938 – 1954) to affix small commemorative name plaques to the exterior brick wall of the Glen Davis Memorial Hall.

#### **Commentary**

Mr Mika's proposal as outlined in the attached email proposes that people who lived in Glen Davis between 1938 and 1954 (and their descendants) be permitted (at their cost) to purchase house-brick sized metallic name plaques for fixing to the exterior brick wall of the Glen Davis Community Hall.

The Glen Davis Community Association Inc. coordinate the use and bookings of the Glen Davis Hall. Council own the site and the building and are responsible for its routine maintenance.

The Glen Davis Community Association Inc. has indicated to Council their willingness to support the proposal provided they do not bear any costs associated with the name plaques (see attached email from the Glen Davis Community Association Inc.).

Interested parties would need to arrange the manufacture and delivery of the plaques at their own cost and provided the plaque was fabricated out of suitable material and of the specified "house-brick" size would be able to source the plaque from any business specialising in this type of product.

This proposal if implemented would promote further community and visitor interest in the Glen Davis locality and highlight the contribution of the ordinary people who lived and worked in Glen Davis when it was an important centre for shale oil production during the period 1938 - 1954.

The impact on Council resources is considered by the Director Infrastructure Services to be very minor and would involve our maintenance crews fixing the plaques to the wall only when they have scheduled maintenance in the Glen Davis area. Council would need to provide temporary storage of memorial plaques at the Administration Office pending transport to Glen Davis.

#### **Policy Implications**

Nil

#### **Financial Implications**

- Budget approved - Nil
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact – minor incidental cost of affixing plaques to the exterior wall of the Hall

#### **Legal and Risk Management Implications**

Nil

### **Attachments**

1. Glen Davis Community Assoc - Plaque Approval **[8.6.3.1]**
2. Glen Davis Quotes **[8.6.3.2]**

### **Recommendation**

THAT Council approve the Glen Davis memorial plaque proposal as outlined in this report and thank Mr Mika and the Glen Davis Community Association Incorporated for their input and co-operation.

## 9. Council Committee Reports

### 9.1. ECDEV - 25/02/19 - Lithgow Local Heritage Advisory Committee Meeting Minutes - 12 November 2018

**Report by** Director of Economic Development & Environment

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#### Reference

Min 18-40 Ordinary Meeting of Council 26 February 2018  
Min 18-71 Ordinary Meeting of Council 26 March 2018  
Min 18-201 Ordinary Meeting of Council 23 July 2018  
Min 18-266 Ordinary Meeting of Council 24 September 2018

#### Summary

This report details the Minutes of the Lithgow Local Heritage Advisory Committee Meeting held on 12 November 2018.

#### Commentary

At the Lithgow Local Heritage Advisory Committee held on 12 November 2018, there were 8 items on the agenda as follows:

1. Welcome/present/ apologies/declaration of interests
2. Confirmation of Minutes from previous Meeting
3. Standing agenda items and carried forward actions
4. Nomination of new member – Representative- Building/Property and Development Industry
5. Lithgow Pottery
6. Committee Effectiveness/Resourcing
7. General Business
8. Next meeting

The Committee discussed all items and the recommendations and actions of the Committee in relation to each item are identified in the attached minutes.

The Committee has made the following recommendations to Council in relation to items 3, 4, and 7 for further consideration.

#### **Item 3 – Local Heritage Grant Fund**

Recommendation:

Committee recommend Council to include an amount of \$10,000, in the 19/20 Operational Plan, to establish a Local Heritage Grant to fund \$ for \$ amounts of up to \$2000 per application for urgent works (maintenance) for LEP listed heritage items/places.

#### **Item 4 – Appointment to Committee of new member - Representative- building/property and development industry**

Recommendation:

Committee recommend that Council not endorse the nomination from Mr Johan Nilsson and encourage Mr Nilsson to instead nominate as a community member of the Committee should a position become vacant in the future.

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### **Item 7 – General Business**

The Committee advises Council that it considers, in principle, that the ‘Bloody Cutting’ and No 2 Stockade are important heritage assets and recommends that Council take appropriate measures towards conservation of the area.

### **Policy Implications**

Nil

### **Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - \$10,000 Local heritage Grant Fund for consideration in the 2019/20 Operational Plan budgetary process.

### **Legal and Risk Management Implications**

Nil

### **Attachments**

1. Lithgow Local Heritage Advisory Committee Meeting Minutes - 12 November 2018 **[9.1.1]**

### **Recommendation**

THAT

1. Council receives and notes the minutes of the Lithgow Local Heritage Advisory Committee held on the 12 November 2018.
2. Council adopts the Committees recommendations in relation to items 4 and 7 as outlined in this report.
3. In relation to item 3, Council adopts the Committees recommendation to the extent that an amount of \$10,000 is included in the draft operational plan for consideration as part of budget/operational plan process.

**9.2. IS - 25/02/19 - Sports Advisory Committee Meeting Minutes - 28 November 2018**

**Report by** Director Infrastructure Services

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**Summary**

This report details the Minutes of the Sports Advisory Committee Meeting held 28 November 2018.

**Commentary**

At the Sports Advisory Committee Meeting held 28<sup>th</sup> November 2018, the following items were discussed:

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

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

- New Member Request – Wallerawang Junior Rugby League

**Recommendation**

THAT Council accept the representative from Wallerawang Junior Rugby League.

- Request for Fee Waiver – Western Wildfires Cricket Association

**Recommendation**

THAT Council waive the booking fees for the 2018/19 season games for Western Wildfires Cricket Association.

- Request for Fee Waiver – Easter Festival Committee Portland & Fusion Australia Ltd

**Recommendation**

THAT Council waive the booking fee for the Easter Family Festival in April 2019.

**Policy Implications**

Nil

**Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – Fee total of \$776.00 not received due to fee waivers.

**Legal and Risk Management Implications**

Nil

**Attachments**

1. Sports Advisory Committee Meeting- Draft Minutes - 28 November 2018 **[9.2.1]**

## Recommendation

THAT Council:

1. Note the Minutes of the Sports Advisory Committee Meeting held 28 November 2018; and
2. Accept the representative from Wallerawang Junior Rugby League; and
3. Waive the booking fees for the 2018/19 season games for Western Wildfires Cricket Association; and
4. Waive the booking fee for the Easter Family Festival in April 2019.

### **9.3. IS - 25/02/19 - Operations Committee Meeting Minutes - 3 December 2018**

**Report by** Director Infrastructure Services

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#### **Summary**

This report details the Minutes of the Operations Committee Meeting held 3 December 2018.

#### **Commentary**

At the Operations Committee Meeting held 3<sup>rd</sup> December 2018, the following items were discussed:

- Cullen Bullen Sewerage Scheme – Update
- Portland Sewerage Treatment Plant – Update
- CBD Revitalisation Project Stage 2 – Update
- Drought Management & Integrated Water Cycle Management Strategy
- Portland Footpath Concerns

#### **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 Committee Meeting - Draft Minutes - 3 December 2018 **[9.3.1]**

#### **Recommendation**

THAT Council:

1. Accept the update regarding the Cullen Bullen Sewerage Scheme; and
2. Accept the update regarding the Portland Sewerage Treatment Plant; and
3. Accept the update regarding Stage 2 of the Lithgow CBD Revitalisation Project; and
4. Council accept the update regarding the Drought Management & Integrated Water Cycle Management Strategy; and
  - a. Look to finalise the Memorandum of Understanding with Centennial Coal; and
5. Note the report regarding the ongoing condition and maintenance of the Portland central business district footpaths.



## 9.4. IS - 25/02/19 - Operations Committee Meeting Minutes - 4 February 2019

Report by Director Infrastructure Services

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### Summary

This report details the Minutes of the Operations Committee Meeting held 4 February 2019.

### Commentary

At the Operations Committee Meeting held 4<sup>th</sup> February 2019, the following items were discussed:

- Upcoming Endeavour Energy Works
- Lone Pine Tree – Queen Elizabeth Park
- Operations Committee Terms of Reference

### 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 Committee Meeting - 4 February 2019 - Draft Minutes **[9.3.1]**

### Recommendation

THAT Council:

1. Note the report regarding proposed upgrades to electricity supply infrastructure by Endeavour Energy in the vicinity of Main Street, Lithgow and Read Avenue, Lithgow; and
2. Note the report on the Lone Pine Tree – Queen Elizabeth Park and inform the resident of the considerable backlog of asset renewals and maintenance required within the Recreation function and deny the request for additional Council funding for works in this area; and
3. Note the report detailing amendments to the Operations (Works) Committee Terms of Reference; and
  - a. Recommend the appointment of Councillor D. Goodsell as the third voting member and Councillor J. Smith as the fourth voting member of the Operations Committee in line with the amended Terms of Reference.

**9.5. PS - 25/02/19 - Community Development Committee Minutes - 8 January 2019**

**Report by** Director of People & Services

**Reference**

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  
 Min No 18-361: Ordinary Meeting of Council held on 26 November 2018

**Summary**

This report details the Minutes of the Community Development Committee Meeting held on 8 January 2019.

**Commentary**

At the Community Development Committee held on 8 January 2019, numerous items were discussed by the Committee including the Australia Day Awards and naming of the new adventure playground.

**Australia Day Awards**

The committee considered a number of nominations received and made the following awards which were presented at the Queen Elizabeth Park Australia Day Ceremony.

<b>Category</b>	<b>Nominees</b>	<b>Awarded to</b>
Young Volunteer of the Year	Elyse Hudson	Elyse Hudson
Open Volunteer of the Year	Sue Murdoch	Sue Murdoch
Young Citizen Achievement	Emily Bennett	Emily Bennett
Open Citizen Achievement	Ramsay and Suzie Moodie	
	Helen and Sharon Riley	Helen and Sharon Riley
Service to the Community – Organisation	Lithgow Highland Pipe Band	Lithgow Highland Pipe Band
Recognition of Outstanding Event of the year	Lithgow Chapter of the Eastern Start 900 <sup>th</sup> anniversary event	
	Resilience Music Festival 2018	Resilience Music Festival 2018
	Scottish Heritage of Lithgow – Family History Society	

**Adventure Playground Naming**

Council called for name nominations from the public, including schools for the new adventure playground. Nominations closed on 19 December 2018.

A number of suggestions were received and considered by the Community Development Committee.

The Committee resolved not to endorse these but to instead recommend the naming of Lithgow Adventure Playground. Being a regional level park that aims to attract visitation from outside the LGA, the Committee considered that it is important to include the words Lithgow and adventure in the name.

The naming of the playground does not require the endorsement of the Geographical Names Board (GNB) but does need to undertake in accordance with GNB place naming guidelines. The naming guidelines include that names should be easy to pronounce, spell and write and preferably not exceed 3 words of 25 characters.

The Geographical Names Board has further advised that Endeavour Park is not officially assigned in the geographic names register. Accordingly, the Community Development Committee recommends that Council request that the Geographical Names Board of NSW gazette the official naming of Endeavour Park.

### **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. CDC Minutes 8 January 2019 [9.4.1]

### **Recommendation**

THAT COUNCIL

1. Notes the Minutes of the Community Development Committee held on 8 January 2019.
2. Endorse the official naming of the new adventure playground as Lithgow Adventure Playground and advise the Geographical Names Board of NSW of such.
3. Further request that the Geographical Names Board of NSW gazette the official naming of Endeavour Park.

## 9.6. ECDEV - 25/02/19 - Environmental Advisory Committee - 6 February 2019

Report by Director of Economic Development & Environment

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### Summary

This report details the Minutes of the Environmental Advisory Committee Meeting held on 6 February 2019.

### Commentary

At the Environmental Advisory Committee meeting held on 6 February 2019 there were 6 items which are outlined in the attached minutes.

### Policy Implications

NIL

### Financial Implications

- Budget approved - NIL
- Cost centre - NIL
- Expended to date - NIL
- Future potential impact - 2019/20 budget business case to be considered for a Bushland Management Officer position, estimated at \$130K p.a. including on-costs.

### Legal and Risk Management Implications

NIL

### Attachments

1. Environmental Adviosry Committee - Mintues - 6 February 2019 [9.5.1]

### Recommendation

THAT

1. Council note the minutes of the Environmental Advisory Committee held on 6 February 2019.
2. The Environmental Advisory Committee be advised that the potential reinvestment of savings from solar projects into further solar projects/programs will be a future consideration.
3. Council note the Environmental Advisory Committee's intention to form a sub-committee for the formulation of a Street Tree Plan.
4. The Environmental Advisory Committee be advised that the budget bid for the position of Bushland Management Officer in the 2019/2020 financial year will be considered as part of the draft Operational Plan/Budget process.
5. The Environmental Advisory Committee be advised that continuation of the position of Landcare Coordinator beyond the end of the financial year will be dependent on external funding.

## **9.7. FIN - 25/02/19 - Finance Committee Meeting Minutes - 11 February 2019**

**Report by** Chief Financial & Information Officer

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### **Summary**

This report provides details of the Minutes of the Finance Committee Meeting held on 11 February 2019.

### **Commentary**

At the meeting of the Finance Committee held on 11 February 2019, the following items were discussed and noted:

- Confirmation of the minutes of the meeting held on 12 November 2018 (endorsed by Council on 26 November 2018 - Minute No. 18-360).
- 2018/19 Quarter Two budget review report.
- Responses to Cr Ring's queries related to his rates comparison spreadsheet and the Office of Local Government Time Series Data.
- January monthly performance report to the Office of Local Government.
- The 2017/18 and 2018/19 Audit Action Lists.
- Review of Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors (report now deferred to the March meeting).

The following business paper recommendations were endorsed by the Committee:

### **Council Investments Report November 2018**

#### **THAT**

1. Investments of \$32,100,000 and cash of \$761,561.14 for the period ending 30 November 2018 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

### **Council Investments Report December 2018**

#### **THAT**

1. Investments of \$29,765,000 and cash of \$649,236.81 for the period ending 31 December 2018 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

### **Council Investments Report January 2019**

#### **THAT**

1. Investments of \$29,140,000 and cash of \$91,638.30 for the period ending 31 January 2019 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:

- New policies (Policy 9.9 Internal Reporting and Policy 9.21 IT Infrastructure Security).
- Policy reviews (Policy 8.9 Grant Funding and Policy 8.1 Excessive Water Usage Allowance for Breakages).
- Policy 9.11 Access to Information Held policy review.
- Policy 9.2 draft Fraud and Corruption Control Policy.
- Request for consideration excessive water account Property 5891.
- Request for consideration excessive water account Property 48150.

### **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. Draft - Finance Committee Meeting Minutes - 11 February 2019 **[9.5.1]**

### **Recommendation**

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 11 February 2019 and note the items not requiring a resolution of Council;
2. Endorse the recommendations proposed in the Council Investments Reports for November 2018, December 2018 and January 2019.

## **9.8. IS - 25/02/19 - Sports Advisory Committee Meeting Minutes 13 February 2019**

**Report by** Director of Infrastructure & Services

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### **Summary**

This report details the Minutes of the Sports Advisory Committee Meeting held 13 February 2019.

### **Commentary**

At the Sports Advisory Committee Meeting held 13<sup>th</sup> February 2019, the following items were discussed:

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

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

- New Member Request – Lithgow Workmen's RLFC

### **Recommendation**

THAT Council accept the representatives from Lithgow Workmen's RLFC.

### **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. Sports Advisory Committee Meeting- Draft Minutes - 13 February 2019 **[9.6.1]**

### **Recommendation**

THAT Council:

1. Note the Minutes of the Sports Advisory Committee Meeting held 13 February 2019; and
2. Accept the representatives from Lithgow Workmen's RLFC.

## **10. Notices of Motion**

### **10.1. Notice of Motion - 25/02/19 - Water Stations**

**Report by** Councillor Cassandra Coleman

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#### **Commentary**

While at the Tidy Towns awards in Wagga Wagga I was impressed by the Council's initiative in installing bottle refill stations to discourage the use of single-use plastic water bottles. In other Council areas I have observed 3-phase water stations - eg. At Eurobodalla's adventure park - which combine a bubbler, a water tap and an animals' drinking bowl, to maximise the use made of our water resources.

#### **Recommendation**

THAT Lithgow City Council management investigate the cost and benefits to the community and environment of installing Hydration Stations which incorporate a bubbler, tap and animal bowl, in high use areas such as Queen Elizabeth Park, Cook Plaza and the new adventure playground in Endeavour Park.



## **11. Business of Great Urgency**

In accordance with Clause 241 of the Local Government Act (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 if:

- 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.

## 12. Closed Council

### 12.1 CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Lithgow Landfill Waste Disposal Contract

#### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A (2) 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
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

### 12.2 CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Lithgow Uniting Church - Approach to Purchase or Lease Council Land

#### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A (2) 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, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

### 12.3 CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Native Title Manager

#### Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)

### 12.4 CONFIDENTIAL - CLOSED REPORT - IS - 25/02/19 – Recreation Capital Budget Reallocation

This report is **CONFIDENTIAL** in accordance with Section 10A (2) 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, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

**12.5 CONFIDENTIAL - CLOSED REPORT - WWW - 25/02/19 - Smart Metering Project Proposal**

This report is **CONFIDENTIAL** in accordance with Section 10A (2) 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, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

**12.6 CONFIDENTIAL - CLOSED REPORT - WWW - 25/02/19 - Cullen Bullen Sewerage Scheme**

This report is **CONFIDENTIAL** in accordance with Section 10A (2) 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

**12.7 CONFIDENTIAL - CLOSED REPORT - FIN - 25/02/19 - Review of Insurance Provider**

This report is **CONFIDENTIAL** in accordance with Section 10A (2) 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, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

**Recommendation**

**THAT** Council Resolve to move into Closed Council to consider the confidential reports as listed in the Agenda