



## AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 March 2019

at 7:00 pm

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- 1. Acknowledgement of Country**
- 2. Present**
- 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 - 25/03/19 -DA016/19 Asbestos Disposal Wallerawang Power Station, Wallerawang Ash Repository Site -Additional Information**

**Report by** General Manager

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#### **Reference**

Min No 19-13 - Ordinary Meeting of Council held on 25 February 2019, Proposed Asbestos Disposal Wallerawang Power Station, Wallerawang Ash Repository site

#### **Summary**

To provide further information to Council on Development Application (DA016/19) 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.

At Council's Meeting held on 25 February 2019 it was resolved that the matter be deferred until further information can be provided.

#### **Commentary**

The proposal is for the disposal of asbestos waste that will be generated by the Wallerawang Power Station Closure Project. The site is located 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. The application will be determined by the Regional Planning Panel. The Executive summary to the Environmental Impact Statement (EIS) and locality plan is attached to the business paper. Key aspects of the proposal gleaned from the EIS are:

- 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 trench and fill method would enable the length of open trench to be matched to the volume of asbestos waste being generated by the Wallerawang Power Station Closure Project at any one time. This would also simplify the day-to-day maintenance of the proposed asbestos disposal area by minimising the need for management of erosion and sediment control, soil stockpiles and dust.
- The new asbestos disposal area is proposed in a relatively flat area that is mostly cleared. There is some sparse vegetation across the area comprising of exotic grasses and shrubs that are of minimal biodiversity value.
- The development would cause a minor change to the visual character of the locality, as the area would remain permanently closed from the public to prevent unauthorised access. A perimeter fence and signage would be located around the premise as well as the private haul road.

- The final capping layer would result in a slight change to the topography of the site, however, this would not be visible from the nearest sensitive receivers, particularly once vegetation planted as part of the rehabilitation of the site becomes established.
- 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.
- There are two existing asbestos disposal areas adjacent the Wallerawang Ash Repository, one closed in 1989 and the current disposal area is nearing capacity. Therefore, there is a need for a new location to dispose of asbestos waste generated by the Closure Project.
- The development addresses the requirements for the disposal of asbestos waste outlined in Section 80 of the Protection of the Environment Operations (Waste) Regulation 2014 and would include operational procedures, handling and control measures to minimise the health risks including preventing the generation of dust during the unloading and disposal of asbestos waste, procedures for backfilling trenches, environmental and personal air monitoring.
- Energy Australia holds Environmental Protection Licence 766 to carry out the scheduled activity of 'electricity generation' at the Wallerawang Power Station. The licence applies to ancillary activities carried on at the premises including chemical storage facilities, coal works, crushing, grinding or separating works, energy recovery and waste storage. Limit condition L4.4 requires that asbestos waste only be disposed 'at the approved asbestos burial site'. The licence will need to be varied to include the new asbestos area.
- 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 exhibition and notification 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.

### **Attachments**

1. Executive Summary [8.1.1.1]
2. Locality Plan [8.1.1.2]

### **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.

## 8.1.2. GM - 25/03/2019 - Policy 9.5 Councillor Expenses and Facilities

**Report by** Chief Financial & Information Officer

### Summary

To provide Council with revised Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors and to seek endorsement to place the policy on exhibition for 28 days for public comment.

### Commentary

#### Revised Policy 9.5

The revised Policy 9.5 was developed with reference to the OLG template Councillor Expenses and Facilities Policy. The OLG template policy is provided as a suggested format for Councils in response to requests for guidance on better practice. The template has been prepared to be consistent with the Local Government Act 1993 and Local Government (General) Regulations 2005. The revised policy also ensures that the policy intents of Version 4 of the policy are retained as applicable.

The main expenses and facilities are summarised in the table below. Maximum amounts are reviewed each year as part of the Operational Plan budgetary process.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$4,500 total for all Councillors	Total per year
Interstate, overseas and long distance intrastate travel expenses	Requires a Council resolution including a vote of funds	
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$18,000 total for all Councillors	Total per year
Conferences and seminars	\$9,000 total for all Councillors	Per year
ICT expenses	\$100 per Councillor	Per year
Carer expenses	\$1,800	Total per year
Postage stamps	Use of Council's postage facilities for official communications	
Christmas or festive cards	Provided by Council upon request	
Council vehicle and fuel card	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office	Provided to the mayor	Not relevant

### Councillor Professional Development

Below is a summary of amounts spent on Councillor professional development in recent years. The summary includes professional development activities and excludes annual local government conferences (and associated meals and accommodation).

- 2018/19 YTD - \$10,786 spent; includes \$3.4K for directorship training, \$2.3K for a management summit and \$3K for Australian Local Government Womens Association related costs.
- 2017/18 - \$25,282.41 spent; includes \$14K for Councillor training courses in August 2017, \$2.4K for Code of Conduct training sessions, \$2.2 K for Mindlinx Code of Conduct training and \$2.2K for a Fly Consulting workshop (Womens Development).
- 2016/17 - \$12,126 spent; includes \$9K for training new Councillors and \$2K for a Mindlinx training session.
- 2015/16 - \$7,532 spent; most of the 2015/16 expenditure was for coaching in managing performance and inappropriate conduct.
- 2014/15 - \$2,400 spent, with \$1,200 for a local government Mayors weekend seminar.
- 2013/14 - \$1,822 spent on a Councillor professional development workshop.



- 2012/13 - \$15,277 spent; includes \$5K for managing inappropriate conduct and performance training, \$7K media skills training and \$2K induction for the Mayor.
- 2011/12 - only expenditure was related to registration fees and accommodation for the LGA Annual Conference.

### **New Councillor Induction and Professional Development Guidelines**

In December 2018, the Office of Local Government announced new legislative and regulatory requirements pertaining to Councillor professional development.

Councils' induction and professional development programs are to consist of three elements:

- Pre-election candidate sessions – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged);
- Induction program – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between councillors and with staff; and
- Professional development program – this is to be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.

Councils have been informed that they will need to take immediate steps to develop and deliver a professional development program for the Mayor and each Councillor.

There will be increased costs associated with the new Councillor induction and professional development requirements. The guidelines state "it is to be expected that costs will be higher in the first year of council's term due to the need to deliver an induction program." The costs of conducting pre-election candidate sessions and the Councillor Induction program in the 2020/21 year have not been assessed yet and will cost depend on whether part or all of the program can be delivered in-house.

### **Policy Implications**

Following the 28 day exhibition period, the results of the public exhibition will be reported to Council and the Tendering Policy will be returned to Council for adoption.

### **Financial Implications**

- Budget approved - 2018/19 budget - \$15,000 for Councillor training and \$500 for Councillor travel and accommodation.
- Cost centre - 1059
- Expended to date - \$10,786
- Future potential impact - the allocations for Councillor professional development, travel and accommodation are reviewed for each annual Operational Plan.

### **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. OLG Circular 18-46 Councillor Professional Development **[8.1.2.1]**
2. Councillor Induction and Professional Development Guidelines **[8.1.2.2]**
3. Policy 9.5 Payment of Expenses - New Draft - Mar 2019 **[8.1.2.3]**

## **Recommendation**

THAT Council:

1. Endorse revised Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors be returned to Council for further consideration.

### 8.1.3. GM - 25/03/19 - Review of Policy 9.6 Governance

Report by General Manager

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#### Summary

Council Policy 9.6 Provision of Information to and Interaction Between Councillors and Staff is due for review. Council's current Code of Conduct (parts 6 and 7) and the new Model Code of Conduct (parts 7 and 8), the latter currently on public exhibition, cover the requirements of Policy 9.6 and as such, management recommends the deletion of Policy 9.6.

#### Commentary

Policy 9.6 relates to the "Provision of Information to and interaction between Councillors and Staff" and references the Local Government Act 1993, sections 222, 223, 226, 232 (1), 232 (2), 335, (1) and 335 (2) in the policy. The policy also reproduces section 12 of the *Local Government Act 1993* relating to access to Council records by Councillors, and also refers to Cl 2.9 of the *Local Government Act (General) Regulation* relating to interactions between Councillors and Council staff.

Management is of the view that the Governance requirements addressed by the policy are covered both in the existing and proposed prescribed Codes of Conduct and as such there is no requirement to reproduce the same governance requirements in a policy document.

#### Policy Implications

Deletion of Policy 9.6 in the knowledge that the Governance requirements contained in the policy are addressed in the Model Code of Conduct that applies to Council.

#### 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 9.6 Provision Of Information To And Interaction Between Councillors And Staff [8.1.3.1]
2. Model Code of Conduct - November 2015 - Part 6 & Part 7 - Old Version [8.1.3.2]
3. Part 7 & Part 8 - Model Code of Conduct 2018 - Current Version [8.1.3.3]

#### Recommendation

THAT Council delete policy 9.6 Provision of Information to and Interaction Between Councillors and Staff noting that the same Governance requirements are duplicated in the Model Code of Conduct, both existing and proposed for adoption by Council.

#### **8.1.4. GM - 25/03/19 - National General Assembly 16-19 June 2019**

**Report by** General Manager

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##### **Summary**

The National General Assembly of Local Government Conference will be held Sunday 16 – Wednesday 19 June 2019 at the National Convention Centre in Canberra.

##### **Commentary**

This year NGA 19 is Future Focused as the NGA's 25th anniversary is marked, celebrating past achievements whilst firmly focused on the future.

The theme this year acknowledges that change is constant - *"we know you want your council to be positioned to seize the opportunities and reap the rewards for your communities."*

This year's NGA will be held shortly after the federal election making it an opportune time for Local Government to *"make sure the incoming government is focussed on the future of our sector, and the future prosperity and wellbeing of our communities. When we come together, the power of our collective voices working to sustain vital funding and programs for local government cannot be denied"*.

The program for this year's NGA is extensive, with multiple streams of specialist presentations. A range of keynote speakers will inform and inspire attendees.

All of the motions that are supported at the NGA are submitted to the ALGA board for consideration and, ultimately, to advance the cause of Local Government and the communities we serve. Motions close on 29 March 2019.

##### **Policy Implications**

Nil

##### **Financial Implications**

- Budget approved - 2019/20 Operational Plan (to be approved).
- Cost centre - 1059
- Expended to date - N/A
- Future potential impact - N/A

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

Nil

##### **Attachments**

1. National General Assembly 19 Registration Brochure **[8.1.4.1]**
2. NGA 19 Discussion Paper **[8.1.4.2]**

##### **Recommendation**

THAT Council:

1. Appoint the Mayor, Deputy Mayor and one other Councillor as attendees to the NGA 2018 Conference.
2. Authorise the General Manager and Chief Financial and Information Officer to attend the Conference.

### 8.1.5. GM - 25/03/19 - Code of Conduct Procedures

Report by General Manager

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#### Reference

Min No 19-11: Ordinary meeting of Council held on 25 February 2019.

#### Summary

At the February 2019 meeting, Council resolved:

**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 Code of Conduct on the agenda for Council's ordinary meeting in May 2019.

#### Commentary

The Office of Local Government (OLG) has released *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* which are prescribed under section 440AA of the Local Government Act (LGA) and the Regulation. Under section 440AA, each council is required to adopt procedures for the administration of their adopted Code of Conduct based on the Model Procedures prescribed under the LGA and Regulation.

The purpose of this report is to inform Council that both the prescribed Code of Conduct and the Procedures for the Administration of the Code of Conduct have been placed on public exhibition until 28 March 2019. **No changes were made to the OLG's prescribed model procedures prior to placing the document on public exhibition.**

#### 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

Under section 440 of the LGA, each council is required to adopt a Code of Conduct based on the Model Code of Conduct prescribed under the Regulation. Under section 440AA, each council is required to adopt procedures for the administration of their adopted Code of Conduct.

#### Attachments

1. prescribed- Model- Code-of- Conduct- Procedures-2018 0 [8.1.5.1]
2. Draft Code of Conduct [8.1.5.2]

## Recommendation

### **THAT** Council:

1. Note that the prescribed Procedures for the Administration of the Code of Conduct have been placed on public exhibition together with the prescribed Code of Conduct.
2. Subject to consideration of public comment received, place the matter of adoption of the Code of Conduct and the Procedures for the Administration of the Code of Conduct on the agenda for Council's ordinary meeting in May 2019

## **8.2. Economic Development and Environment Reports**

### **8.2.1. ECDEV - 25/03/19 - Hy-Tec Quarry Voluntary Planning Contribution 2017-2018**

**Report by** Director Economic Development and Environment

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#### **Reference**

- Min No 14-480: Ordinary Meeting of Council held on 15 December 2014, Austen Quarry Stage 2 Extension Project (SSD 6084).
- Min No 15-325: Ordinary Meeting of Council held on 14 December 2015, SSD-6084 - Hy-Tec Industries Pty Limited, Austen Quarry, Voluntary Planning Agreement.
- Min No 16-52: Ordinary Meeting of Council held on 21 March 2016, State Significant Development - 6084 – Hy-Tec Industries Pty Limited, Austen Quarry Voluntary Planning Agreement.
- Min No 18-24: Ordinary Meeting of Council held on 26 February 2018, Hy-Tec Quarry Planning Contribution 2016-2017.

#### **Summary**

To advise Council of the expressions of interest and to endorse payment for the Hy-Tec Quarry Voluntary Planning Agreement to go towards community projects.

#### **Commentary**

On 15 July 2015, the Department for Planning and Environment granted Development Consent for an extension to the Austen/Hy-Tec Quarry (State Significant Development-6084) on land known as Lots 1 and 2 DP 1005511, Lot 31 DP 1009967 and Lot 4 DP 876394,391 Jenolan Caves Road Hartley. The development was approved to continue to supply up to 1.1 million (M) tpa of quarry products to the Applicant's concrete batching plants and to external markets.

As per a condition on the consent and to Council's resolution made at Council's Ordinary Meeting held 21 March 2016, 25% of the contribution is to be allocated to the Hartley Progress Association to go towards facilities and infrastructure in the Hartley area which may at its discretion be spent on maintenance, upkeep or improvements to the Hartley School, Hartley Annex Hall or surrounds. On 8 November 2018, an amount of \$5,078.75 was paid to the Hartley Progress Association.

The remaining contribution balance is to be determined via an Expression of Interest process and distributed on an annual basis. For the 2017 period the expression of interest was carried out by Austen/Hy-Tec Quarry with the following submissions received:

**The Hartley District Progress Association** seeks a contribution of \$9,150.00 for the Hartley Stopped Dyke Walking Track. The proposal is to develop a walking track from the Historic Hartley School to the Hartley Historical Site. The proposal will provide an opportunity for recreational walking by Valley residents. The track is proposed to run down the north side of the highway and under the highway bridge to the Hartley Historic site.

The Hartley District Progress Association is aware that landowners' consent will be required. Apparently both Crown Lands and NPWS have been the subject of positive preliminary consultations already. As for any works within the road reserve, the Progress Association appreciate that the requisite approval to proceed will be necessary.

The track passes through open sclerophyll forest. Apart from the benching of the track and removal of grass, no other vegetation is expected to need removal. The track will be driven by minimalist principles and will be no more than 500mm wide. The terrain through which it passes is gently sloping to a maximum slope estimated at 6%. Track formation will in most cases be limited to clearing the

grass off the underlying granite gravel soil with minimal benching of the terrain where the slope warrants it.

In the interim the minimal maintenance obligation will be met by local volunteers. In most places the track will be self-maintaining and kept clear by use.

**Council Officer's Comment:** Consent from the landowner/s will need to be established prior to works commencing. This may include Roads and Maritime Services, Crown Lands Department (Hartley Historical Site), Council and/or private landowners.

Whilst providing funding to the project is supported 'in principle', further information should be obtained relating to the safety and insurance (particularly for any works proposed on Council land/road reserve); owner's consent; and traffic impacts. Council should also request that the Progress Association issue a map detailing the exact location of the track.

**Portland and District Olympic Pool** seeks a contribution of \$15,993.00 for the replacement of the pool main water circulation pump, replacement of pipework and strainers. The proposal will improve the reliability of critical pool infrastructure. The proposal would help to reduce energy consumption by installing a modern and more efficient pump system.

**Wallerawang Men's Shed** seeks a contribution of \$2,993.00 to purchase a table saw package. The table saw will allow the Men's Shed to safely, accurately and consistently cut timber for projects. At present the Men's Shed hand cut larger sheet type material.

The aim of the Planning Agreement is to allow for the provision of community facilities for public use within the Local Government Area. From the submissions received, the three applications can be supported as they meet the criteria for community facilities and infrastructure. Further information should be obtained from the Hartley District Progress Association to Council's satisfaction prior to the release of funds.

### **Policy Implications**

Nil

### **Financial Implications**

- Budget approved - N/A though funds are held from contributions by Hytec.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – N/A
- Other - The financial implications for Council are the receipt by Council of a development contribution being a monetary contribution to go towards public facilities and infrastructure within the Lithgow Local Government area. The Hy-Tec Quarry operates at a capacity of 1.1 million tonnes per annum of quarried product transported from the site, this equates to \$20,315.03 being received by Council for the 2017 period including the remainder amount from the previous 2016-2017 period being \$24,751.08.

The Hartley Progress Association plus the three additional applications equates to \$33,211.75. The remaining \$11,854.38 would be carried over into the 2018 community grants.

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

Nil



## **Attachments**

1. Hartley District Progress Association- Walking Track [8.2.1.1]
2. Portland and District Olympic Pool [8.2.1.2]
3. Wallerawang Men's Shed [8.2.1.3]

## **Recommendation**

### **THAT**

1. Council endorse \$18,986.00 of the Hy-Tec Quarry 2017 contribution to be allocated and distributed to the Portland and District Olympic Pool and the Wallerawang Men's Shed.
2. Council seek further information from the Hartley District Progress Association, relating to safety and insurance; owner's consent; traffic impacts and also a map detailing the exact location of the track.
3. Subject to the information submitted being to the General Manager's satisfaction, the General Manager be authorised to distribute funds to a maximum of \$9,150.00 to the Hartley Progress Association.
4. Council advise Hy-Tec Quarry that they may proceed to advertise for expressions of interest for the 2018 community contribution period and a report be provided to Council when submissions have been received.

**8.2.2. ECDEV - 25/03/19 - DA300/18 Subdivision 1 Lot into 2 - Lot 42, DP 751636 - Castlereagh Highway Blackmans Flat**

**Report by** Director Economic Development and Environment

**Reference**

Min No: 18-275 Ordinary Meeting of Council held on Monday 24 July 2018

**Summary**

To advise Council of a Development Application (DA300/18) lodged for a subdivision on land known as Lot 42 DP 751636, Castlereagh Highway Blackmans Flat NSW 2790.

**Commentary**

**Details of Proposal**

Lot 42 DP 751636 (approximately 27.42 ha) currently contains land used in association with the Springvale Coal Mine and Development Consent has been granted for a future Solid Waste Landfill (388/05DA). The land is partially vegetated, retains a downslope of approximately 11% towards the east and is entirely landlocked with no existing legal access (see Figure 1).



**Figure 1 – Surrounding Area and Ownerships – Lot 42 DP 751636 is Landlocked**

The proposed development intends to subdivide the land into two separate lots (see Figure 2) to facilitate easier land management of the two previously approved land uses, as described below:

Proposed Lot	Description
Lot 1 (approximately 16.9 hectares).	To contain the future Blackmans Flat Solid Waste Landfill Depot (approved under 388/05DA). Access to the site will be provided via a Right of Carriageway (ROW) over proposed Lot 2 and a Licence Agreement (between current landowners) from Castlereagh Highway over the existing private road located on adjoining Lot 2 DP 126483 and Lot 1 DP 88503.
Lot 2 (approximately 10.3 hectares).	To contain a coal handling area associated with Springvale Coal Mine. Access to the site will be provided via a Licence Agreement (between current landowners) from Castlereagh Highway over the existing private road located on adjoining Lot 2 DP 126483 and Lot 1 DP 88503.

The proposed subdivision will not change the pre-existing access issues associated with the site being landlocked (see Figure 1).

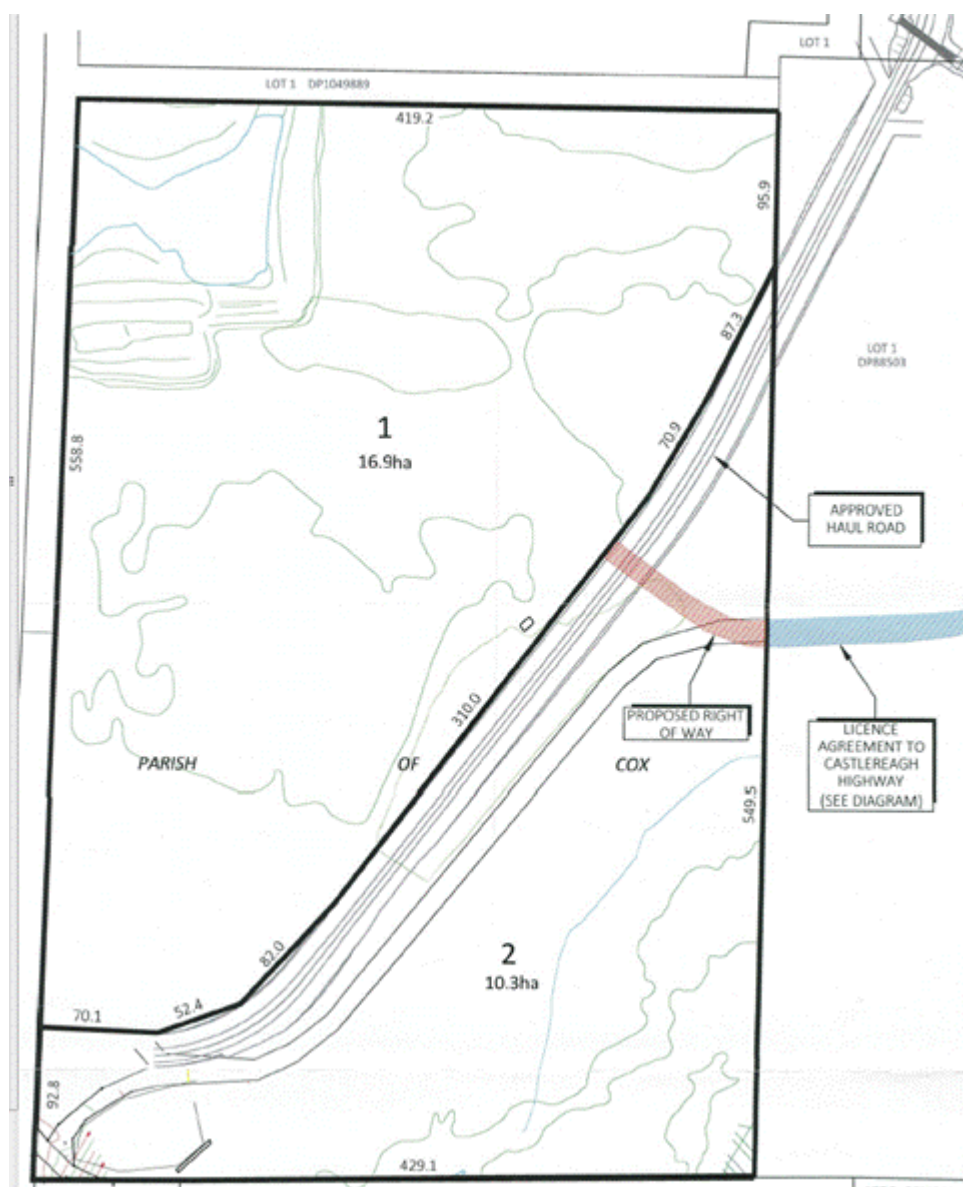


Figure 2 – Plan of Proposed Subdivision – 1 lot into 2 – Lot 42 DP 751636

## Permissibility

The proposed development is permitted with consent on land zoned SP2 Infrastructure (Purpose – Waste or Resource Management Facility) under *Lithgow Local Environmental Plan (LEP) 2014*, as the primary purpose of the subdivision is to facilitate easier land management of the previously approved Blackmans Flat Solid Waste Landfill Depot (388/05DA) on individual Lot 1 and subsequently, the previously approved Springvale Coal Mine (SSD-5579) on separate Lot 2.

## **Policy Implications**

### ***Policy 4.8 Consultation with Indigenous People***

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken upon lodgement of the Development Application, which identified that there are twenty-two (22) Aboriginal sites recorded in or near 1000 metres of Lot 42 DP 751636 (with six (6) sites located within 200 metres of the land). Accordingly, it was considered that the development may give rise to the operation of Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) and the application was referred to the following local Aboriginal communities, in accordance with Section 6.3 of Council Policy 4.8.

- Mingenah Aboriginal Corporation
- Bathurst Aboriginal Land Council

No written submissions were received from any Aboriginal groups and further assessment (as addressed under Sections 5.3.1 and 5.3.6 of this report) identified that due to previous Development Consents issued in relation to the land, the subdivision does not give rise to Part 6 of the NPW Act.

### ***Policy 7.2 Subdivision – Release of Subdivision Plans***

The subdivision (if approved) will not be released by Council until such a time that all conditions of consent have been satisfied (as applicable). It will be conditioned that any necessary works be completed prior to the release of a Subdivision Certificate.

### ***Policy 7.5 Notification of Development Applications***

The proposed development is not exempt from requiring neighbour notification under Section 2 of Council Policy 7.5. Therefore, the development was required to be notified to surrounding landowners and placed on public display for a period of 14 days, during which time no submissions were received.

### ***Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land***

Council Policy 7.6 is applicable to the proposed development as it is to be located on land owned by Lithgow City Council. In accordance with Clause 1 of Policy 7.6, the application is required to be referred to the Ordinary Meeting of Council for determination.

## **Financial Implications**

- Budget approved – NA
- Cost centre – NA
- Expended to date – NA
- Future potential impact – Cost of subdivision works for Council as the landowner.

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

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



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

Given that the development involves the subdivision of only one lot into two, the estimated cost of subdivision works (including the costs of or incidental to preparing, executing and registering subdivision plans and any related covenants or easements) is not expected to be greater than \$100,000. Therefore, no development contribution is required to be paid for the subdivision of land.

### Legal and Risk Management Implications

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

No vegetation clearing has been proposed as part of this Development Application and access to Lot 1 will be provided over a previously constructed access way (see Figure 3). Therefore, the development is not likely to significantly affect threatened species under Section 7.2 of the *Biodiversity Conservation Act 2016*.



Figure 3 – Access to Proposed Lot 1 Previously Constructed – No Additional Clearing Required

#### ***Roads Act 1993***

Access to the development is proposed via Castlereagh Highway which is owned and controlled by the NSW Roads and Maritime Services (RMS). Accordingly, the application was referred to the NSW RMS for assessment, from which no objections were raised. Accordingly, the development is consistent with the requirements of this Act.

#### ***Environmental Planning and Assessment Act 1979***

All matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into consideration, as addressed in Attachment 1. The primary issues are outlined in the attached development assessment report including reference to Lithgow Local Environmental Plan 2014 and State Environmental Planning Policies.

### Attachments

1. Development Assessment Report - DA 300/18 – SUBDIVISION 1 LOT INTO 2 - LOT 42 DP 751636 [8.2.2.1]

### Recommendation

THAT:

1. Development Consent be granted to Development Application (DA300/18), subject to the conditions specified in the attached Section 4.15 Assessment Report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

### 8.2.3. ECDEV - 25/03/19 - Proposed Road Naming "QE Park Lane" Lithgow to "Blanchard Lane" Lithgow

**Report by** Director Economic Development and Environment

#### Reference

Min No: 12-491 Ordinary Meeting of Council held on 12 December 2012

#### Summary

To advise Council of a proposed road renaming from "QE Park Lane" Lithgow to "Blanchard Lane".

#### Commentary

Council has received a submission from a member of the public, proposing to rename "QE Park Lane", which adjoins the western side of Queen Elizabeth Park and the eastern boundary of residential properties located off Hassans Walls Road in Lithgow (see Figure 1), to "Blanchard Lane".



Figure 1 – "QE Park Lane" (Yellow) Proposed to be Renamed to "Blanchard Lane" - Located in Lithgow NSW 2790, Adjoins the Western Side of Queen Elizabeth Park and the Eastern Side of Residential Properties Located off Hassans Walls Road

By way of background, a report was presented to the Ordinary Meeting of Council held on 17 December 2012, which discussed the proposed renaming of the western portion of "Guy Street" located in Morts Estate NSW 2790. The Council resolved to support the name "Crowle Street" for that specific road naming proposal and reserve the "Blanchard" name for later use, as below:



**12-491 RESOLVED**

**THAT** Council:

1. Support the name “Crowle Street” for the western section of the current Guy Street and undertake an Expression of Interest notification with residents and emergency services of the proposed naming. If no objection is raised then Council shall proceed to notification of the proposed road name and advise the Emergency Services and Government Gazette of this road name.
2. Naming after William Harvey Blanchard Senior be utilised at some future point in time.

The public submission provides the following reasons for the proposed road renaming:

Mr William Harvey Blanchard Snr (Bill) passed away on 28 May 2006.

He had a long association with Lithgow Council and served the community as an Independent Alderman for 25 years and Deputy Mayor for 8 years. He also served on various sub-committees and Central West Boards during his time on Council, travelling away at his own expense with no allowances paid, for the betterment of his community. Bill served alongside Jim Robson, Harold Coates and Reg Gillard who were all well respected and long serving Alderman and have been recognised in similar ways. A testament to his popularity was the fact that when polling was declared, he topped the poll each time he stood, which in itself was a remarkable achievement for an independent candidate who had no backing from any group ticket or political party.

A quote from former Mayor Ald Jim Robson in the Lithgow Mercury 27 September 1973 – *“I wondered over the years how Ald Blanchard had won so easily at elections when statistics were against him as an independent. I learned it was because of the way he represented people honestly”*.

Bill was dedicated to his civic duties. He always spoke his mind, stood up for what he thought was in the best interests of Lithgow and its residents and always represented the “underdog”. He spent many hours of his own time to ensure people who had a problem with Council had a satisfactory resolution to their issues. As an Alderman he was introduced to the Queen in February 1954 on her visit to Lithgow.

Bill was born at 28 Ferro Street Lithgow and lived at 26 Ferro Street at the time of his death. His father came to Lithgow to work on building the Zig Zag tunnels and resided in a bag humpy at Clarence. In recognition of his father’s work on the tunnels, Bill and his parents were invited guests on the first electric train to travel through the tunnels on the electrification of the Sydney line. Bill had a long association with the railway in Lithgow, working as a fireman on the steam trains for many years.

As a committed citizen he always placed the community ahead of himself spending many hours helping people with problems. He bathed people less fortunate, who were found at the city dump, which was a place to go for the homeless in those days. He would often do this prior to people going into institutions or half way houses. He would also buy them meals out of his own pocket to ensure they were fed. He was very generous to those who were down on their luck or out of work. When he and his wife had a small shop in Ferro Street, he would often give food away to customers whom he knew didn’t have much, so the kids had something to eat. Many hours were also spent writing letters for those who would turn up at the door and needed help.

Bill was also an active member of the Lithgow Show Society and served as Secretary for many years. This was done all while working long hours in employment and raising a young family.



Bill is remembered as a man of conviction, a prolific letter-writer and a hard worker for his community and anyone who needed him. Therefore, a street named after Bill in recognition of his services to the community, would be an appropriate gesture.

As more than 12 years have passed since late Bill Blanchard Snr passed away, some final recognition of his outstanding local government and community service would be appreciated.

### **Policy Implications**

Road naming in Lithgow is guided by the requirements of the *NSW Addressing User Manual 2016* (AUM) and *Council Policy 10.10 Addressing, Road Naming and Locality Naming*.

### **NSW Addressing User Manual 2016 (AUM)**

The road naming proposal generally complies with the requirements of Section 6.7 “Principles of Road Naming” under the NSW AUM, excepting Section 6.7.9 “Amending Road Names” which states:

#### **6.7.9 Amending Road Names**

Road names are intended to be enduring, and the renaming of roads is discouraged unless there are compelling reasons for a change. Issues that can prompt renaming include the redesign of a road, changed traffic flow, mail or service delivery problems, duplication issues and addressing problems.

Whilst the reasoning for the use of “Blanchard Lane” as a **new road name** is supported and compliant with the requirements of the AUM, there are no compelling reasons to **rename** “QE Park Lane”.

### **Council Policy 10.10 Addressing, Road Naming and Locality Naming**

Under Council Policy 10.10, road renaming proposals must comply with the following:

#### **2. Road Naming**

a) That all road naming be undertaken in accordance with the AUM and the Online Road Naming System.

g) Requests for re-naming of an existing road will only be accepted for assessment if it meets the criteria of 6.7 of the AUM and an alternative name is provided for consideration. All re-naming proposals, if accepted to be assessed by Council, will require notification calling for submissions to all affected landowners.

As there are no compelling reasons to **rename** “QE Park Lane” under Clause 6.7.9 of the NSW AUM, the proposed renaming does not technically comply with Council Policy 10.10. However, the

current name of “QE Park Lane” may not be well known due to an absence of road naming signage. Also, no property addresses have been allocated to this road name and any potential impact of a renaming proposal is likely to be minor. Therefore, it is considered acceptable that Council commence the process of seeking expressions of interest for the proposed renaming.

#### **Financial Implications**

- Budget approved – NA
- Cost centre – NA
- Expended to date – NA
- Future potential impact – Cost of street 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 *Roads Act 1993*.

#### **Attachments**

Nil

#### **Recommendation**

##### **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 “QE Park Lane” in Lithgow NSW 2790 to “Blanchard Lane”.
2. Any submissions (including objections and alternate proposals) be reported back to Council for consideration, prior to commencing the online road naming process.

**8.2.4. ECDEV - 25/03/19 - DA015/19- Call In of Development Application - Demolition and Deconstruction of Wallerawang Power Station, Main Street Wallerawang**

**Report by** Director Economic Development & Environment

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**Reference**

Min No 19-22 - Ordinary Meeting of Council held on 25 February 2019, Proposed Demolition & Deconstruction of the Wallerawang Power Station, Main Street Wallerawang.

**Summary**

To inform Council of the 'call in' of a development application, pursuant to Council's policy 7.7.

**Commentary**

Council is in receipt 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.

The application has been notified to surrounding landowners and placed on public exhibition.

**Policy Implications**

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 application has been called in by Councillor Wayne McAndrew and the advice to this Council meeting is pursuant to Council policy.

**Financial Implications**

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

**Legal and Risk Management Implications**

No specific implications at this point of the process.

**Recommendation**

**THAT** the calling in of Development Application DA015/19 be noted

## 8.2.5. ECDEV - 25/03/19 - EPA Waste Less Recycle More Grant Applications

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

### Summary

Policy 8.9 External Grant Funding states *“formal Council resolution is required prior to grant funding being applied for amounts over \$50,000 that are not included in the Delivery Program / Operational Plan.”*

The purpose of this report is to advise Council of the submission of four grant applications under the NSW EPA Waste Less Recycle More program. Due to the short lead time, the grant applications were authorised by the General Manager and Mayor, in accordance with Policy 8.9.

### Commentary

Policy 8.9 was adopted by Council at the February meeting. At the time of adoption of the policy, the Waste & Recycling Coordinator had been preparing four grant applications under the NSW EPA Waste Less Recycle More program. The closing date for applications was 14 March 2019. Following authorisation by the General Manager and concurrence of the Mayor, these applications have now been submitted.

A summary of the grant applications is provided below:

Landfill site	Grant funding sought	Total project cost
Cullen Bullen	\$196,000	\$375,000
Glen Davis	\$105,000	\$140,000
Capertee	\$189,000	\$259,000
Wallerawang	\$198,000	\$1,060,000
<b>TOTAL</b>	<b>\$688,000</b>	<b>\$1,834,000</b>

The Cullen Bullen closure project is proposed in the draft 2019/20 Operational Plan and should the application be successful then this would represent a \$196,000 saving to Council for the project. The Glen Davis, Capertee and Wallerawang landfill site projects are not included in the draft 2019/20 Operational Plan. The intention for the 3 projects is to undertake a more thorough analysis of project implementation should the grant applications be successful, prior to formally accepting and signing of any funding agreement. This would occur in line with Council's operational review of rural landfills. With the pending NSW election, the EPA grant contact has indicated a decision on grant applications is likely to take longer (up to 6 months). This will allow sufficient time to properly assess the implications of agreeing to the grant funding. Whilst all the projects will need to occur and successful grant funding would provide significant savings to Council, the timing may need to be brought forward and the implications of this will need to be considered.

Should it be recommended that the landfill site projects proceed, (funded from the approved grants and waste reserve) a report to Council would be prepared at that time. In those circumstances the likely recommendation would be the addition of the 3 projects to the 2019/20 Operational Plan at the next available Quarterly Budget Review.

### Policy Implications

Compliance with Policy 8.9 External Grant Funding.

### **Financial Implications**

- Budget approved – Nil for 2018/19.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – possible budget variation at a 2019/20 Quarterly Budget Review with any Council funding from the waste reserve.

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

Nil. Should the EPA offer grant funding based on the applications, Council is still not committed until signing of a funding agreement.

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Note the submission of four grant applications under the NSW EPA Waste Less Recycle More Program which have been authorised in accordance with Policy 8.9 External Grant Funding.
2. A further report be provided to Council should it be recommended that the Glen Davis, Capertee and Wallerawang landfill site projects be added to the 2019/20 Operational Plan.

## **8.2.6. ECDEV - 25/03/19 - Policy 7.5 Notification of Development Applications**

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

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### **Reference**

Min No 18-292 Ordinary Council Meeting of 29 October 2018

### **Summary**

To seek Council approval for the adoption of the amended version of Council Policy 7.5 - Notification of Development Applications.

### **Commentary**

At Council's ordinary meeting of 29 October 2018 it resolved to place revised Policy 7.5 - Notification of Development Applications on public exhibition for a period of 21 days with the policy being reported back to Council for final adoption following exhibition and consideration of any submissions received.

The revised policy was placed on public exhibition with no submissions received. Staff have picked up small changes proposed to be made for clarity purposes for notification of dwellings and also to reduce the need for notification of sheds in rural areas. A note has also been added to ensure consistency with the Government Information (Public Access) Regulation 2018 to protect privacy and commercial confidentiality. These changes are shown as track changes on the version attached to the business paper.

### **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 7-5 Notification of D As Revision Final Draft After Exhibition **[8.2.6.1]**

### **Recommendation**

THAT

1. The revised version of Policy 7.5 - Notification of Development Applications attached to the business paper be adopted by Council.
2. The revised policy come into effect for any development applications lodged on or after 1 April 2019.

### **8.2.7. ECDEV - 25/03/19 - Request for Sponsorship - Ironfest**

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

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#### **Summary**

To advise Council of a request for Corporate Sponsorship by Ironfest and to seek the resolution of Council.

#### **Commentary**

Council has received a request from Ironfest to contribute to the 2019 event by way of Corporate Sponsorship. The amount requested by Ironfest relate to what the organisers term a “festival ready site’ which essentially covers facility hire, waste removal, traffic control, cleaning etc. Whilst traffic control would not be feasible for Council for the 2019 event given the short time frame, the other items would equate to approximately \$15,000.

By way of history, in previous years an arrangement had been in place whereby Ironfest received the benefit of recurrent financial assistance from Council. The assistance amount then offset any charges to Ironfest for the event through Council facility hire fees etc. In 2017/2018 the amount of financial assistance from Council was \$12,300.

With the removal of the recurrent financial assistance category in 2018, Ironfest did not request funding under revised Policy 4.2 Financial Assistance. With the 2019 event drawing closer, Ironfest has sought a sponsorship arrangement with Council. It is envisaged that a similar arrangement would be put in place, whereby the amount of Corporate Sponsorship would offset Council’s fees etc associated with the hire of facilities and any works carried out by Council.

There is no doubt that Ironfest has grown to be a significant event which benefits the local economy. In this context, Council support of the event through a sponsorship arrangement is not seen as unreasonable. The decision to provide sponsorship and if so, the extent thereof, is of course a matter for Council’s discretion. Should Council determine that it wishes to provide sponsorship, then potential savings have been identified in other areas that could offset the sponsorship with a net nil impact on the 2018/2019 budget position.

Ironfest has indicated that Council’s sponsorship would be promoted in Ironfest’s marketing and advertising material. Ironfest sponsorship is consistent with Council’s strategic objectives in relation to economic development and tourism. Should Council vote a sponsorship amount, a formal sponsorship agreement will be prepared.

#### **Policy Implications**

Policy 6.1 - Corporate Sponsorship is applicable.

#### **Financial Implications**

- Budget approved - Nil
- Cost centre – Should Council concur, it is proposed to offset the Corporate Sponsorship cost by reallocating funds from Cost Centres 700035 Main Street Facades program - \$5000; 600105 Implementation of Destination Management Plan - \$5000; 600159 Halloween - \$5000 (as the event ran in surplus in the current financial year)
- Expended to date – Nil.
- Future potential impact – Nil net impact on budget if Council concurs with the recommendation.

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

A formal agreement between the parties would be executed. The agreement would include, for example, specification of media recognition of Council's sponsorship and standard "non-disparagement" and "good public image and reputation" provisions.

The potential risks of Corporate Sponsorship are mostly reputational, as to where it chooses to allocate funds. However, such perceptions are subjective, and it is open to Council as to how it expends its funds having regard to the benefits that may be achieved for the community and consistency with Council's strategic objectives.

### **Attachments**

1. Request for Council Support for Ironfest 2019 [8.2.7.1]

### **Recommendation**

THAT

1. Council provide Corporate Sponsorship for the 2019 Ironfest event in the amount of \$15,000 subject to a formal agreement between the parties in relation to media coverage and the inclusion of standard non-disparagement/good public image and reputation provisions.
2. The Corporate Sponsorship be funded through reallocation of funds at the Quarter 3 budget review from the following Cost Centres:
  - 700035 – Main Street Facades Program – Reduced by \$5,000
  - 600105 – Implementation of Destination Management Plan – Reduced by \$5,000
  - 600159 – Halloween – Reduced by \$5000
3. The General Manager be authorised to execute the sponsorship agreement on behalf of Council under delegated authority.



### 8.3. Water and Wastewater Reports

#### 8.3.1. WWW - 25/03/19 - Water Report

**Report by** Director of Water & Wastewater

#### Reference

Min No 19-29 Ordinary Meeting of Council 25/02/19

#### Summary

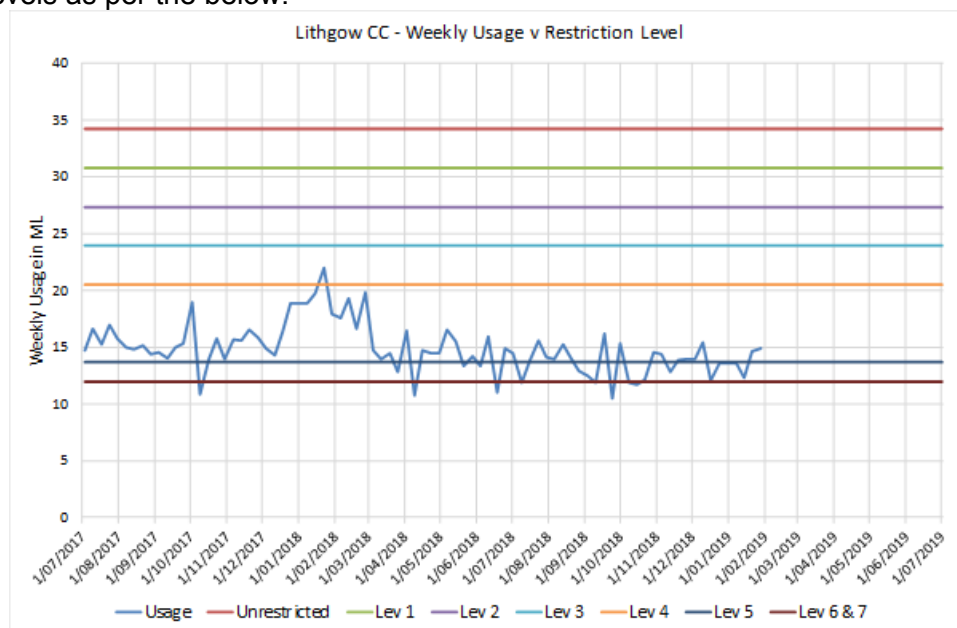
This report provides an update on various water management issues.

#### Commentary

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

Farmers Creek No. 2 Dam capacity on Monday 11th March 2019 was down 3.9m or 58%.

Oberon Dam capacity on Monday 11th March 2019 was 43.6%. Total volume banked is currently approx. 6.3%, so storage adjusted for bank is 37.3%. 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.

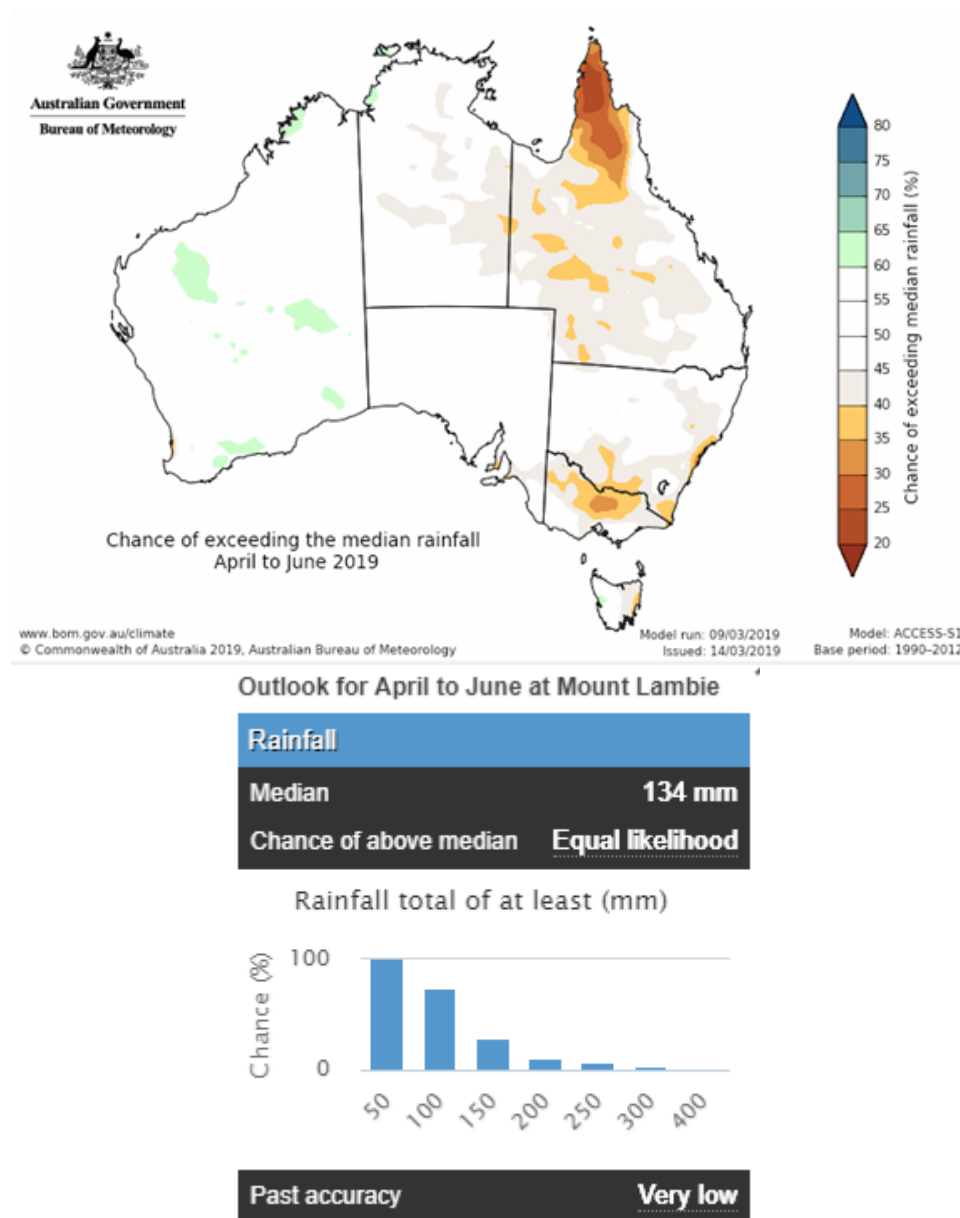


#### Climatic and Rainfall Outlook

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

- The April to June climate outlook, issued 14 March 2019, indicates a drier than average three months is likely for the Cape York Peninsula in Queensland, and scattered parts of southeast Australia. The rest of the country generally shows no strong tendency towards a wetter or drier than average three months.
- Warmer than average days and nights are likely for almost all of Australia for April to June. For daytime temperatures, the chances of being warmer than median are very high (greater than 80%) for northern and eastern Australia.
- The Bureau's climate model, as well as the majority of other international climate models, suggest the tropical Pacific will warm to El Niño levels during autumn. However, if an El Niño develops, its drying influence upon eastern Australia is weaker in autumn but

strengthens in the winter months. There are also sea surface temperature patterns in the Indian Ocean that may influence the later part of the forecast period.



### 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
February	116.8	0	53.8
<b>TOTAL</b>	<b>949.2</b>	<b>318.7</b>	<b>475.3</b>

### Clarence Water Transfer Scheme

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

### Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently only supplying water to Lithgow with WaterNSW supplying water to the villages for the period. No health-based ADWG values were exceeded for the period 15/02/19 to 14/03/2019 from the 13 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 26/02/19 and taken to Sydney Water for testing. There were no non-compliances recorded at Council's treatment plants for the month February 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 15/02/19 to 14/03/2019. Results received 13/03/2019 indicated a sample collected from Railway Avenue, Portland on Tuesday 05/03/2019 exceeded aesthetic values for Colour and Iron. This exceedance was dealt with in accordance with Council Drinking Water Management System and the requirements of NSW Health.

### Water Reticulation Complaints

Council received 22 complaints during the period 15/02/19 to 14/03/2019 concerning water quality issues, many of which are related to attempted isolations of the system as part of the Bridge Street mains renewal and incident which occurred on corner of Main Street and Lithgow Street. 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 health values. Exceedances where generally for turbidity and iron.

### 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**

Nil

**Recommendation**

THAT Council note the water report.

## 8.4. Finance and Assets Reports

### 8.4.1. FIN - 25/03/19 - Tender Delegations Report March 2019

**Report by** Chief Financial & Information Officer

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#### Reference

Min 18-195: Ordinary Meeting of Council held 23 July 2018.  
Min 18-215: Ordinary Meeting of Council held 27 August 2018.

#### Summary

To advise Council of tenders which the General Manager has used his delegated authority to accept with a contract value of up to \$500,000.

#### Commentary

At the Ordinary meeting of Council held 27 August 2018 Council resolved:

18 – 215 RESOLVED

**THAT** the:

1. Council note that there were no exercised delegations to approve tenders between 24 July and 22 August 2018.
2. **Report only be brought to Council when the delegation has been exercised.**

I am informing Council that the following tender was approved by the General Manager under delegated authority.

**Project:** undertake repairs, re-sheeting and drainage improvements to a 4.8km stretch of Palmers Oakey Road, Palmers Oakey.

**Tender accepted:** Gracey's Earthmoving

**Amount:** \$297,395 (excluding GST)

Gracey's Earthmoving received the highest overall score and scored highly across all evaluation criteria.

#### Policy Implications

The tender process and evaluation complies with Council's Tendering Policy 1.4 and Council procedures for Purchasing and Tendering.

#### Financial Implications

- Budget approved - \$519,897 2018/19 Capital budget.
- Cost centre - 100286
- Expended to date - \$49,485
- Future potential impact - Nil.

#### Legal and Risk Management Implications

The tender process for the Road Repair and Improvement Program was conducted in accordance with Local Government tendering legislation, including Section 55 of the *Local Government Act 1993 (The Act)* and Part 7 of the *Local Government (General) Regulation 2005*. The General Manager has been requested to accept the recommendations of the Tender Evaluation Group under his delegation in accordance with Section 377 (i) of *The Act*.

Council will enter into Australian Standards Contract AS4000 with the recommended tenderer.

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**Attachments**

Nil

**Recommendation**

**THAT** Council note that the exercise of the General Manager's delegation to approve a tender in March 2019.

#### 8.4.2. FIN - 25/03/19 - Upper Macquarie County Council - Additional Funding Request

**Report by** Chief Financial & Information Officer

##### Summary

The Council has received a request from Upper Macquarie County Council (UMCC) for additional weed biosecurity funding over three years from 2019/20. The additional funding request totals \$48,441 above the estimated rate peg for the next three years.

##### Commentary

In November 2018, UMCC wrote to all constituent councils seeking additional funding. The General Manager of UMCC attended the February Councillor Information Session and presented a summary of the UMCC long term financial plan and funding restructure as proposed. The additional funding will ensure the viability of the County Council and deliver continuity of services, particularly roadside weed spraying. UMCC has no legislative or regulatory basis to compel member Councils to pay contributions, hence the funding request must be approved by individual Councils.

The additional funding request is related to the implementation of a new 10 year UMCC Strategic Business Activity Plan. The plan restructures the County Council budget with a view to providing much more reliable, better-targeted and more consistent performance across the current range of core services. UMCC recognises the budgetary pressures of its constituent Councils and has kept the funding request to the minimum necessary (deliberately modest but also realistic) to ensure longer-term viability of the local weed control authority while at the same time spreading the financial impact on constituent councils over some years.

Whilst no detailed cost / benefit analysis of Council's UMCC membership has been conducted, Council benefits greatly from UMCC's weed control program and management of Biosecurity Act obligations. Council's 2018/19 contribution of \$182,918 would alternatively provide 1 FTE position and limited plant and equipment for a weed spraying program if Council were to take on the work of UMCC. UMCC is also able to access specialised grants and UMCC obtained \$924K of grants in the 2017/18 year for regional weed control programs. The UMCC General Manager stated at the Information Session that local contractors are engaged for weed spraying programs.

Given the new biosecurity legislation requirements, it would be a challenge for Council to demonstrate a more efficient or effective service if delivered in house, even with the increased UMCC contribution.

All other constituent Councils (Bathurst, Oberon and Blayney) have now agreed to accept the UMCC request for additional funding. The implication of Lithgow City Council rejecting the UMCC additional funding request would be that the Council would need to take on some of UMCC's current workload, particularly roadside weed spraying. For Council to take on UMCC's roadside weed spraying program, even higher costs would be incurred, and additional strain placed on Council's limited resources.

UMCC is requesting that Lithgow City Council provide a cumulative total of \$48,441 over 3 years as additional contributions as shown below:

Year	Additional Contribution	Annual Contribution	% Increase*
2019/2020	\$15,750	\$203,240	11.1%
2020/2021	\$16,144	\$224,072	10.2%
2021/2022	\$16,547	\$245,423	9.5%
2022/2023	-	\$251,559	2.5%

\*including an estimated 2.5% rate peg.

As each additional contribution is provided, it would then become part of the new normal annual contribution and subject to the annual Rate Peg increase.

### **Policy Implications**

Nil.

### **Financial Implications**

- Budget approved - \$182,918 (2018/19)
- Cost centre - 2109
- Expended to date - \$182,918
- Future potential impact - \$48,441 over 3 years.

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

UMCC is the control authority for biosecurity weed threats (formerly known as noxious weeds) in the areas of Bathurst Regional Council, Blayney Shire Council, Lithgow City Council and Oberon Council.

With limited exceptions, the Local Government Act 1993 applies to UMCC in the same way as it applies to other Councils and under Section 8 of the Act the County Council has the same charter as any other council.

UMCC is also governed by other acts of Parliament, particularly the Biosecurity Act 2015 which came into effect from 1 July 2017 and repealing the Noxious Weeds Act 1993. The Biosecurity Act provides the opportunity to streamline and modernise the way weeds are managed in NSW.

Under the new Act the UMCC is a local control authority and has the following functions:

- the prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds,
- to develop, implement, co-ordinate and review weed control programs,
- to inspect land in connection with its weed control functions,
- to keep records about the exercise of the local control authority's functions under this Act

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Accepts the UMCC additional funding request for a total sum of \$48,441 over three years from 2019/20.
2. Includes an additional UMCC contribution of \$15,750 in the draft 2019/20 Operational Plan.
3. Informs the UMCC General Manager of Council's decision.



## **8.5. People and Services Reports**

### **8.5.1. PS - 25/03/19 - Progress update on the Mayor's Mental Health Taskforce**

**Report by** Director of People & Services

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#### **Reference**

Min 18 –99 Ordinary Meeting of Council 23 April 2018

#### **Summary**

The report below provides an update on the current business and activities of the Mayor's Mental Health Taskforce.

#### **Commentary**

Over the last twelve months the Mayor's Mental Health Taskforce has been working with the Centre for Rural and Remote Mental Health (CRRMH) to conduct research and consultation in Lithgow, and to explore options for addressing mental health and wellbeing. The findings of this project are outlined in a report titled, *Mental Health and Wellbeing in the Lithgow Community: Key Findings and Recommendations* (attached) and provided a foundation for the development of a community mental health and wellbeing plan for Lithgow.

In addition, in December 2018, Lithgow City Council organised a Mental Health and Wellbeing Community Workshop. The purpose of the workshop was to provide feedback to the community on the research findings of the CRRMH, and to workshop some local solutions, identify priorities, and develop strategies and objectives for each priority area. One of key outcomes of this workshop was the formation of a steering committee and the development of a mental health and wellbeing community plan (report attached).

The aim of a unified and strategic community plan would be to incorporate a range of short and longer-term strategies to address mental health promotion, prevention, early intervention, treatment, support and rehabilitation across sectors. Developing and implementing a mental health plan for the community will provide the opportunity to coordinate programs, services and initiatives under one banner, and advocate for the mental health needs of the Lithgow community.

While the Mayor's Mental Health Taskforce supports the development of a strategic plan in principle, it currently lacks the required resources and capacity to drive its development and implementation. Developing and implementing such a plan would require financial and human resources. Initial costings to engage a consultant to do this work are in the vicinity of \$30,000, however, this does not include support over the long-term. The life cycle of a strategic plan can extend over a 2-4 year period and requires the commitment of a project co-ordinator to drive progress and create change over time.

During the 2019/20 budget bid process a business case for \$30,000 for the development of a community mental health plan was submitted. To date the business case has not been approved for 2019/20 due to budget constraints. Once Council's budget permits (either through savings and/or in a future budget), an initial \$30K would assist with establishing a steering committee, drafting the community mental health plan, promotional activity, and possibly implementing some of the short-term actions. Furthermore, the document would serve as a tool for advocacy and could assist with securing future grant funds to employ a project co-ordinator to assist with the long-term sustainability of the plan.

The development of a community mental health and wellbeing plan would provide a grass roots and systematic approach to enhancing the wellbeing of the community and supporting those affected by

mental illness. It will also provide an opportunity for diverse community groups, service providers, schools, health industry professionals and the community to come together and work in a constructive way to sustain a healthy and well Lithgow community.

**Policy Implications**

Nil

**Financial Implications**

- Budget approved – Nil
- Cost centre - N/A
- Expended to date - Nil
- Future impact - \$30,000 achieved either through savings and or in a future budget year.

**Legal and Risk Management Implications**

Nil

**Attachments**

1. Lithgow Community Mental Health and Wellbeing Report - June 2018 Final **[8.5.1.1]**
2. Report Lithgow Mental Health and Wellbeing Community Workshop Dec 2018 **[8.5.1.2]**

**Recommendation**

THAT Council note the update and attachments given in the report in relation to the Mayor's Mental Health Taskforce.

## **9. Council Committee Reports**

### **9.1. FIN - 25/03/19 - Audit Committee Meeting Minutes 13 December 2018**

**Report by** Chief Financial & Information Officer

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#### **Summary**

This report summarises the Minutes of the CTA Audit Committee Meeting held on 13 December 2018.

#### **Commentary**

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

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

- The progress of action on the contract and project management internal audit project.
- Review of risk registers and the risk framework.
- Models for conducting an internal audit program (i.e. in-house or outsourced).

#### **Policy Implications**

Nil

#### **Financial Implications**

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

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

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

#### **Attachments**

1. Central Tablelands Alliance Internal Audit Committee Meeting - Minutes 13 December 2018  
[9.1.1]

#### **Recommendation**

**THAT** Council endorses the CTA Audit Committee October meeting minutes.

## **9.2. ECDEV- 25/03/19- Lithgow Local Heritage Advisory Committee Minutes 18 February 2019**

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

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### **Reference**

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
Min 19-42	Ordinary Meeting of Council 25 February 2019

### **Summary**

This report details the Minutes of the Lithgow Local Heritage Advisory Committee Meeting held on 18 February 2019.

### **Commentary**

At the Lithgow Local Heritage Advisory Committee held on 18 February 2019, there were 6 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. Heritage Sub-Committee – Heritage Vision
5. General Business
6. 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 5 for further consideration:

### **Item 5- General Business**

**THAT** Council write to the local State Member urging the relevant State Governments to have a more proactive role in the management and protection of crown land sites such as Hyde Park and Maiyingu Marragu given their cultural and historical significance.

### **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

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## **Attachments**

1. Minutes 18 February 2019 **[9.2.1]**

## **Recommendation**

THAT

1. Council receives and notes the minutes of the Lithgow Local Heritage Advisory Committee held on the 18 February 2019.
2. Council write to the local State Member urging the relevant State Government authorities to have a more proactive role in the management and protection of Crown land sites such as Hyde Park and Maiyingu Marragu given their cultural and historical significance.

### **9.3. PS - 25/03/19 - Community Development Committee Minutes 26 February 2019**

**Report by** Director of People & Services

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#### **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  
Min No 19-46: Ordinary Meeting of Council held on 25 February 2019

#### **Summary**

This report details the Minutes of the Community Development Committee Meeting held on 26 February 2019.

#### **Commentary**

At the Community Development Committee held on 26 February 2019, numerous items were discussed by the Committee including financial assistance requests. One financial assistance request is recommended for funding with the others deferred.

#### **Policy Implications**

NIL

#### **Financial Implications**

- Budget approved - \$106,500 financial assistance budget.
- Cost centre - 600059
- Expended to date - \$81,020
- Future potential impact - \$23,225 remaining after this new allocation

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

NIL

#### **Attachments**

1. CDC Minutes 26 February 2019 **[9.3.1]**

#### **Recommendation**

THAT

1. Council notes the minutes of the Community Development Committee held on 26 February 2019.
2. Council provides \$2,255 Round 2 2018/19 Non-Recurrent Financial assistance to Capertee Progress Association for hall improvements and repairs.

#### **9.4. ECDEV - 25/03/19 - Economic Development Committee Meeting Minutes - 4 March 2019**

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

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##### **Summary**

This report details the Minutes of the Economic Development Committee Meetings held on 4 March 2019.

##### **Commentary**

At the Economic Development Committee Meeting held on 4 March 2019 the following key items were discussed with recommendations to Council in the attached minutes.

- Lithgow Economy Scorecard
- Lithgow Tourism Alliance
- Lithgow Destination Movie Campaign 2018/2019
- Lithgow Halloween 2018
- Mount Blaxland Proposed Walking Trail
- Development of 5 Industry Clusters/Networks to advance Economic Development Outcomes
- Presentation by Decline in Retail Working Party
- Progress Update on Lithgow REDS
- Invitation to Small Business Commissioner
- Invitation to Local Chambers and Business Associations

##### **Policy Implications**

Nil

##### **Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - Outlined in the reports within the attached minutes if relevant.
- Future potential impact - Outlined in the reports within the attached minutes if relevant.

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

Nil

##### **Attachments**

1. Economic Development Committee Minutes 4 March 2019 **[9.4.1]**

##### **Recommendation**

THAT the recommendations of the Economic Development Committee meetings of 4 March 2019 be adopted.

## **9.5. FIN - 25/03/19 - Finance Committee Meeting Minutes 11 March 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 March 2019.

### **Commentary**

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

- Rating queries – responses provided by the Revenue Manager, Dennis Gooley.
- Finance update (financial results to 28 February 2019 and progress of developing the 2019/20 budget).
- Review of LG Analyser data for Lithgow Council.
- Auditor-General Report on Local Government 2018 and the CFIO's response to the report.
- Review of March Finance and Assets reports – Upper Macquarie County Council additional funding request; Review of Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors; and Audit Committee Meeting Minutes 13 December 2018 (reports for consideration at the March Council meeting).
- February monthly performance report to the Office of Local Government.
- The 2017/18 and 2018/19 Audit Action Lists.

Four external grant funding applications were discussed in General Business and the Mayor authorised the EPA Waste Less Recycle More grant applications.

The following business paper recommendations were endorsed by the Committee:

### **Council Investments Report February 2019**

#### **THAT**

1. Investments of \$30,630,000 and cash of \$975,716.67 for the period ending 28 February 2019 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

### **Policy Implications**

Nil.

### **Financial Implications**

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

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

Nil.



### **Attachments**

1. Minutes Councillor Finance Meeting 11 March 2019 **[9.5.1]**
2. FI N\_-\_110319\_-\_ Investment Report February 2019 **[9.5.2]**

### **Recommendation**

**THAT** Council:

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

## **10. Notices of Motion**

### **10.1. NOTICE OF MOTION - 25/03/19 - The Lithgow Valley Plaza**

**Report by** Councillor Deanna Goodsell

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#### **Commentary**

During the last few weeks I have been approached by some members of the community who wished to relay their concerns about the state of the Lithgow Valley Plaza shopping centre. It is extremely disappointing and despairing to see the continued disrepair and deterioration of one of our most popular shopping precincts.

The Lithgow Valley Plaza is a privately-owned business. I am hoping with some Council & community feedback; this establishment will respond and maintain the Plaza to an acceptable standard for residents and visitors.

Why should the community be complacent and accepting of its poor &unappealing presentation? Besides the obvious risks throughout the exterior, there is also the question of presentation and civic pride.

There are a number of State Government agencies that have oversight of Council, but I am unsure as to the level of oversight for public safety for the plaza.

Some of the issues raised are-

- Deteriorated and cracked paving paint.
- Smell from sewer in garden bed at Liquorland
- Garden bed at main entrance (sewer) filled with gravel coal base.
- Large & dangerous potholes throughout.
- Displaced gutters and irregular carpark surfaces.
- Aged deteriorated signage.
- Deteriorated line marking in general car parking.
- Unclear Line marking for pedestrian crossing/safety.
- Unclear Disabled parking marking.
- Tree stumps left.
- Dangerous and irregular unstable gutters.
- Exit grates missing and dangerous.
- Drainage grates missing and/or broken.
- Unappealing garden beds throughout
- Railway sleepers dislodged onto footpath.
- Broken and failing fencing.

#### **Attachments**

1. Photos - Lithgow Valley Plaza **[10.1.1]**

#### **Recommendation**

THAT Council Administration liaise with Lithgow Valley Plaza Shopping centre management with a view to making them aware of the community concerns expressed and to request a response to the issues raised if possible.

**10.2. NOTION OF MOTION - 25/03/19 - Erosion Adjacent to 2 Bells Road, Lithgow**

**Report by** Councillor Cassandra Coleman

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**Recommendation**

THAT A full report be prepared and then presented to the next Council meeting detailing the history of and the progress in the rectification of the erosion occurring in Ida Falls Creek adjacent to 2 Bells Road, Lithgow.

**Management Comments:**

Report to Confidential Council contained in the agenda papers for meeting 25 March 2019.

### **10.3. NOTICE OF MOTION - 25/3/19 - Interruption to Water Supply**

**Report by** Councillor Darryl Goodwin

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#### **Commentary**

There have been recurring interruptions to the water supply in multiple locations in the Lithgow area. Notably the cbd has had major interruptions resulting in closure of businesses. The gravity of an interrupted essential service like water cannot be minimised.

Councillors need to be made aware of what has transpired and a detailed response from council staff as to what they have identified as the problem and specifically what steps have been taken by staff to address the problem.

#### **Attachments**

Nil

#### **Recommendation**

THAT the Director of Water and Waste Water provide a detailed report to councillors as a matter of urgency to respond to these questions.

## **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 COUNCIL - CLOSED COUNCIL - 25/03/19 - VARIOUS REPORTS**

**REPORT BY:** General Manager

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#### **Reason for Confidentiality**

The reports listed below are **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: -

##### **12.1 Confidential – Close Report – ECDEV - 25/03/19 - Lithgow Landfill Waste Disposal Contract**

(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 - 25/03/19 - 21 Proto Avenue Lithgow**

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

##### **12.3 Confidential – Closed Report – ECDEV - 25/03/19 - Erosion Adjacent to 2 Bells Road Lithgow**

- (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 in accordance with Section 10A(2) of the Local Government Act 1993.