



## AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 May 2019

at 7:00 pm

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- 1. Acknowledgement of Country**
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- 3. Apologies**
- 4. Confirmation of Minutes**
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- 7. Public Forum**
- 8. Staff Reports**

## 8.1. General Manager's Reports

### 8.1.1. GM - 27/05/19 - Code of Conduct and Procedures

Report by General Manager

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#### Reference

Min 19-11: Ordinary Meeting of Council held 25 February 2019.

Min 19-67: Ordinary Meeting of Council held 25 March 2019.

#### Summary

The purpose of this report is to seek Council adoption of the prescribed Code of Conduct and the prescribed Procedures for the Administration of the Code of Conduct.

#### Commentary

At the March 2019 meeting, Council resolved:

**19-67 RESOLVED**

**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.

No changes have been made to the Prescribed Code of Conduct nor the Prescribed Procedures as circulated by the Office of Local Government.

No submissions were received on the draft Code of Conduct or the Procedures for the Administration of the Code of Conduct.

#### 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. Model- Code-of- Conduct- December-2018- Prescribed [8.1.1.1]
2. Prescribed- Model- Code-of- Conduct- Procedures-2018-0 [8.1.1.2]

#### Recommendation

THAT Council adopt the Prescribed Code of Conduct and the Prescribed Procedures for the Administration of the Code of Conduct.

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### 8.1.2. GM - 27/05/19 - Code of Meeting Practice

Report by General Manager

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#### Reference

Min 19-12: Ordinary Meeting of Council held 25 February 2019.

#### Summary

The purpose of this report is to seek Council adoption of the Code of Meeting Practice.

#### Commentary

At the Ordinary meeting of Council held on 25 February 2019 meeting, Council resolved:

**19-12 RESOLVED**

**THAT** Council

1. Adopt the mandatory clauses of the prescribed Code of Meeting Practice.
2. Place the prescribed Code of Meeting Practice as amended on Public Exhibition for a period of 28 days for public comment.
3. Subject to consideration of public comment received, place the matter of adoption of the Code of Meeting Practice on the agenda for Council's Ordinary meeting in May 2019.

Prior to public exhibition, Council's draft version of the prescribed Code of Meeting Practice was amended to include only the mandatory clauses.

The prescribed Model Code of Meeting Practice "Webcasting of Meeting" section includes two notes:

Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.

Councils must include supplementary provisions in their adopted codes of meeting practice that specify **whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time**. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

Section 5.19 of draft Code of Meeting Practice states "meetings are to be livestreamed on the Council's website. The webcast is to comprise of an audio visual recording of the meeting."

Should Council adopt the draft Code of Meeting Practice, it is proposed that Council meetings will be livestreamed on the Council's website from the June 2019 meeting.

The draft Code of Meeting Practice has been placed on public exhibition and no submissions were received.

#### 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**

Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Local Government (General) Regulation 2005. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.

Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the code of meeting practice adopted by the council.

### **Attachments**

1. Model Code of Meeting Practice for Local Councils in NS W\_( Word version)\_ \_ LCC Final Draft **[8.1.2.1]**

### **Recommendation**

THAT Council:

1. Adopt the Code of Meeting Practice with the mandatory clauses of the prescribed Code only included.
2. Note that Council meetings will be livestreamed on the Council's website (as per clause 5.19 of the Code) from the June 2019 meeting.

### 8.1.3. GM - 27/05/19 - Policy 9.5 Councillor Expenses and Facilities

**Report by** General Manager

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#### **Reference**

Min 19-64: Ordinary Meeting of Council held 25 March 2019.

#### **Summary**

The purpose of this report is to seek Council adoption of Policy 9.5 Councillor Expenses and Facilities following a period of 28 days public exhibition.

#### **Commentary**

At the Ordinary meeting of Council held on 25 March 2019, Council resolved to endorse revised Policy 9.5 Councillor Expenses and Facilities for public exhibition and comment for 28 days.

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 6 of the policy are retained as applicable.

The policy was placed on public exhibition which closed on 26 April 2019. No submissions were received on the policy.

#### **Improved Budget Management – Councillor Expenses**

The following budget management improvements have been implemented for Councillor expenses:

- Budget checks prior to approving expenditure;
- Monthly review and analysis of Councillor expense payments compared with budget (completed by EA to GM & Mayor / CFIO);
- Depending on the resolution of Council, advice to individual Councillors when budget allocations have been expended; and
- From 1 July 2019, a report will be provided to the Finance Committee and emailed to all Councillors each quarter outlining spent and remaining funds within the Councillor Expenses and Facilities budget.

Council may determine the following:

- Whether the 2019/20 Councillor professional development / travel expenses budgets be set as a pool amount for all Councillors (i.e. \$18,000 / \$4,500 in total) or as an amount for each Councillor (i.e. \$2,000 / \$500 each); and
- The general travel expenses budget (only \$4,500 for 2019/20) will need to cover Councillor travel to meetings and travel to ALGWA events. An additional \$4,500 could be added to the budget for 2019/20 funded from a transfer from the Governance advertising budget.

#### **Policy Implications**

The revised policy will improve Council's policy framework.

#### **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 - \$17,275
- 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. Policy 9.5 Payment of Expenses - V 7 Draft - Mar 2019 **[8.1.3.1]**

### **Recommendation**

THAT Council:

1. Determine whether the 2019/20 Councillor professional development / travel expenses budgets be set as a pool amount for all Councillors (i.e. \$18,000 / \$4,500 in total) or as an amount for each Councillor (i.e. \$2,000 / \$500 each).
2. Determine whether the general travel expenses budget should be supplemented by \$4,500 for 2019/20 to cover Councillor travel to meetings and travel to ALGWA events (funded by reducing the Governance advertising budget).
3. Adopt the revised Policy 9.5 Councillor Expenses and Facilities with the policy to be updated as resolved for recommendations 1 and 2 above.

#### **8.1.4. GM - 27/05/19 - Notice of Motion - Ruled Unlawful**

**Report by** General Manager

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#### **Summary**

A notice of motion received on 11 April 2019 was, in the opinion of the General Manager, unlawful and pursuant to clause 18(ii) of the Code of Meeting Practice was not therefore included in the agenda for the April meeting.

#### **Commentary**

A notice of motion was received from Cllr Stephen Lesslie after the cut of time for the April 2019 Ordinary meeting of Council. The notice of motion was ruled unlawful by the General Manager and the General Manager's decision is now reported to Council pursuant to clause 18 (ii) of Council's Code of Meeting Practice which is reproduced below for ease of reference.

*18(ii) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.*

#### **Policy Implications**

This report ensures compliance with the adopted Code of Meeting Practice.

#### **Financial Implications**

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

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

Nil.

#### **Attachments**

Nil

#### **Recommendation**

THAT Council note the decision of the General Manager to rule a notice of motion unlawful and exclude it from the business papers of Council pursuant to Clause 18 (ii) of Council's Code of Meeting Practice.

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

### **8.2.1. ECDEV - 27/05/19 - Airly Mine Extension Project MOD 2 SSD5581**

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

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#### **Summary**

To advise Council on a Major Project that has been submitted to the Department of Planning and Environment (the Department) for the Airly Mine Extension Project Modification 2, State Significant Development (SSD) 5581.

#### **Commentary**

Airly Coal Mine is seeking a modification to the Airly Mine's consent SSD 5581 to receive up to 170 ML/year of water at the Mine pit top from Charbon Colliery using rail transport.

The proposed modification includes:

- importation of up to 170 ML/year of water from Charbon Colliery by rail,
- minor amendments to the existing water management system at the pit top to allow discharge of water from the trains to the existing onsite storages.

The modification will facilitate mining at Airly Mine at the approved level, which has an ongoing water shortage, sufficient to limit its long-term mining potential. The 170 ML/year water corresponds to the process water deficit identified in the site water balance in a dry year for the approved activities.

It is proposed to operate one water laden train per day to allow the water transfer. However, trains will be operated on an as-needs basis. Fewer trains may operate based on the deficit identified on average, while in a wet year the water transfer scheme may not be operated regularly, given no deficit has been identified for wet conditions.

The SSD 5581 Project Application Area boundary will remain unchanged and no major changes to the site will be required. The existing water management system will not change significantly. Surface water harvested from the site and the licensed Production Bore will continue to be utilised as processed water prior to importing the additional water from Charbon Colliery.

Hours of operations are not proposed to change from the approved 24 hours per day, seven days per week.

The approved train movements consisting of 5 maximum train movements per day and an average of 2 daily train movements over a calendar year will not change. The proposed water laden train per day to arrive at Airly pit top will comply with the SSD 5581 consent.

#### **Status**

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 14 May 2019. Given the timeframe between Council meetings a submission was made on behalf of Council raising no objections.

#### **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**

Nil

**Recommendation**

**THAT** Council note the information in the report for the Airly Mine Extension Project Modification 2, State Significant Development (SSD) 5581.

## **8.2.2. ECDEV - 27/05/19 - Clarence Colliery Modification 4 to DA504-00, Proposal to Increase Tonnage Limits**

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

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### **Reference**

Min No 13-428: Ordinary Meeting of Council held on 16 December 2013 - Clarence Colliery Modification Application (MOD 2 & 3 to Project Approval DA504/00).

### **Summary**

To advise Council on a Major Project that has been submitted to the Department of Planning and Environment (the Department) for the Clarence Colliery Modification 4 to DA504-00, proposal to increase tonnage amount.

### **Commentary**

The Clarence Coal Mine is seeking approval to modify Condition 7 Schedule 2 of DA 504-00 to allow for:

- An increase to the total allowable coal haulage off-site by road transport from 200,000 tonnes (t) to 300,000 t for a time period up to 31 December 2020; and
- An increase to the total allowable coal haulage off-site to the west by road from 100,000 t to 200,000 t for a limited period of time up to 31 December 2020.

The proposed increase of total coal haulage by road will increase the total number of trucks that transport coal from Clarence Colliery from 25 trucks per day (50 truck movements) to 40 trucks per day (80 truck movements).

The need and purpose of the modification is due to the Springvale Mine experiencing shortfalls in the amount of coal, of the required specification, that is contracted to supply the Mount Piper Power Station (MPPS). The volume of coal held in on-site stockpiles is declining, hence the need for an alternative source of suitable quality coal to supplement the decline in supply. If left unmitigated, on-site stockpiles at MPPS will continue to decline with potential impacts to the efficient operation of MPPS and the supply of electricity to NSW.

Coal haulage to the west by road to MPPS includes the use of Clarence Colliery Road, Chifley Road, the Darling Causeway, Station Street – Mt Victoria, Great Western Highway, Castlereagh Highway, Wallerawang Power Station Haul Road and Mount Piper Power Station Haul Road.

No change to the coal haulage by road to the east is proposed as part of this modification. This will remain at a maximum rate of 200,000 t per calendar year. There will be no change to the currently approved extraction limits, coal handling and preparation or dispatch via rail as part of the proposed modification.

As per Condition 7B Schedule 2 of DA 504-00, trucking of coal to the west occurs only between 7:00 am and 10:00 pm Monday to Saturday and between 8:00 am and 10:00 pm on Sundays and public holidays. These hours of operation are proposed to remain as part of the modification.

A traffic assessment report was submitted with the application and has been referred to the Roads and Maritime Services (RMS) for assessment.

### **Status**

The Environmental Impact Statement was supplied to Council prior to being placed on exhibition. The Department will place the modification on Exhibition and Council will have a chance to make comment.

**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**

Nil

**Recommendation**

THAT the information in the report for the Clarence Colliery Modification 4 to DA504-00, proposal to increase tonnage amount, be NOTED.

**8.2.3. ECDEV - 27/05/19 - Review of Determination DA217/17 Lake Lyell Restaurant - Onsite Effluent Management System**

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

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**Reference**

Min no. 19 – 12 Ordinary Meeting dated 28/05/18

**Summary**

To assess and recommend determination of a Section 8.2 Review of Determination under *Environmental Planning & Assessment Act 1979* (EP&A Act). The Review of Determination is recommended for approval with amended conditions of consent.

**Commentary**

Council is in receipt of a Section 8.2 Review of Determination of development consent DA217/17 being the Lake Lyell restaurant, kitchen, deck, beer garden and amenities on Council land known as Lot 56 DP791926.

A Review of Determination may be requested if the applicant is dissatisfied with the determination. In this instance the applicant is dissatisfied with and seeks to amend the conditions imposed by Water NSW in relation to the on-site effluent management system. The applicant seeks the upgrade of the system as a separate and operational agreement. The applicant has stated that there is not a clear nexus between the conditions and the development application which will result in significant additional obligations to the current lessees that are outside the scope of the current lease agreement.

The specific conditions requested to be amended and or removed are numbered 63 to 66 on the original approval for the upgrade of the existing effluent disposal system that services the entire site.

The conditions state as follows:

63. *Prior to the issuance of a Construction Certificate, a report prepared by a suitably qualified person shall be submitted to Council for consideration to identify:*
  - a. *the exact design treatment capacity of the existing amended mounds*
  - b. *the existing and proposed wastewater loads generated onsite, including peak and average wastewater loading*
  - c. *any upgrading works required to be carried out to the existing amended mounds.*
64. *Based on advice in Condition 63 above and prior to the issuance of any Occupation Certificate, the existing amended soil mounds shall be repaired and/or reconstructed such that they are functional and operational, and a cut-off/switching mechanism shall be installed at the upper amenities collection well to direct effluent no greater than the design treatment capacity identified by the assessment in Condition 63 above.*
65. *The following improvements/repairs to the existing pump-out system shall be undertaken prior to the issuance of a Construction Certificate for the development:*
  - *install flow meters at all wastewater generation points to measure actual wastewater flow generated at the site,*
  - *install/repair/replace high water level alarms and float activated visual alarms and replace existing submersible pump/s with macerating pump/s as recommended in the Onsite Sewage Management System Review Report for Lake Lyell Recreation Park and Conceptual Upgrade Plan prepared by Whitehead and Associates (dated 25 September 2017).*
66. *The capacity of the existing pump-out system shall also be upgraded, prior to the issuance of a Construction Certificate, in accordance with the recommendations in the Onsite Sewage*

*Management System Review Report for Lake Lyell Recreation Park and Conceptual Upgrade Plan prepared by Whitehead and Associates (dated 25 September 2017) but with the following specific requirements and modifications:*

- *primary treated effluent in excess of the existing design capacity of the amended soil mound and upper amenities collection wells shall be pumped to further collection tanks with a minimum storage capacity of 40,000 litres which shall meet the following requirements:*
  - *be provided with a visible indicator for wastewater level and a visual alarm for excessive wastewater levels*
  - *the alarm shall be triggered when an individual tank volume exceeds 70% of its capacity*
  - *the pump line shall be a 50mm diameter, Class 12 pressure pipe*
  - *the tanks shall be provided with bunding on the downslope side to prevent any spilled or leaked effluent reaching Lake Lyell*
- *all pump lines shall be connected to a pump-out stand concreted into the ground and shall be fitted with a “Kamlock” (or similar) cover that can be readily accessed by pump-out trucks*
- *all pump-out stand shall be located in a spillage well with a valve for the collection of any spilt sewage, and*

*the applicant shall enter into an agreement with a Council-approved tanker pump out service for regular weekly pumping during peak holiday periods and “as needs” pumping during other times.*

The Water NSW conditions require upgrades to the current system and deal with the future upgrade and management at the site as general terms of approval, rather than only for the development application of the restaurant.

The conditions require the repair and monitoring of the existing safeguards on the treatment devices, the commissioning of various reports, investigations and management documents relating to the effluent management on site. The applicant has requested that these be amended as they are currently too onerous for this development.

The Section 8.2 Review of Determination was referred to Water NSW for assessment due to the Review of Determination directly relating to Water NSW conditions of consent. Water NSW have provided the following advice on the 9 May 2019:

*“..... Water NSW has assessed that the development as proposed is likely to achieve a neutral or beneficial effect on water quality, provided appropriate conditions are included in any development consent and are subsequently implemented.*

*Water NSW concurs with Council granting consent to the application subject to the following conditions. This advice replaces Water NSW’s previous concurrence advice provided to Council on 22 October 2018.”*

As a result, the amended conditions of consent included the following additional condition from Water NSW to be implemented:

- *The existing onsite wastewater treatment and disposal system shall be fully replaced/upgraded within 5 years from the date of the Occupation Certificate for this application. The new system shall be suitably designed and located, as agreed to by Water NSW, and shall have capacity to treat and dispose of the total wastewater generated on site for the life of the operations.*

This proposed condition will require Council to undertake works as a result of this application, within 5 years from the occupation of the restaurant. Whilst it not be up to Council to carry out works on behalf of a developer because the proposed development is on Council land, the key difference in this situation is that the works must occur in in event. The existing effluent disposal arrangements for the Lake Lyell recreation area are overloaded and must be addressed irrespective of this development. Therefore, discussions have been held with the Director of Water and Wastewater and Director of Infrastructure Services and as a project to upgrade the effluent disposal system is

planned and budgeted, irrespective of this development, no objection is raised to the proposed condition.

Furthermore, Water NSW have expressed concerns with the existing onsite effluent management disposal which includes regular pump out of the tanks, which is not acceptable long term. A holistic system is required to be able to cope with the influx use of the site in perpetuity. Therefore, the proposed conditions of consent to be imposed as part of this Section 8.2 Review of Determination are amended as follows:

**Removed:**

63. *Prior to the issuance of a Construction Certificate, a report prepared by a suitably qualified person shall be submitted to Council for consideration to identify:*
- a. *the exact design treatment capacity of the existing amended mounds*
  - b. *the existing and proposed wastewater loads generated onsite, including peak and average wastewater loading*
  - c. *any upgrading works required to be carried out to the existing amended mounds.*
64. *Based on advice in Condition 63 above and prior to the issuance of any Occupation Certificate, the existing amended soil mounds shall be repaired and/or reconstructed such that they are functional and operational, and a cut-off/switching mechanism shall be installed at the upper amenities collection well to direct effluent no greater than the design treatment capacity identified by the assessment in Condition 63 above.*

**Amended:**

65. *The following improvements/repairs to the existing pump-out system shall be undertaken prior to the issuance of a ~~Construction~~ **Occupation** Certificate for the development:*
- *install flow meters at all wastewater generation points to measure actual wastewater flow generated at the site,*
  - ***Install a cut/off switching mechanism at the upper amenities collection well to direct effluent no greater than the daily design treatment capacity to the amended soil mound***
  - ***Repair the damage to the amended soil mound to ensure its proper functioning, and***
  - *install/repair/replace high water level alarms and float activated visual alarms and replace existing submersible pump/s with macerating pump/s as recommended in the Onsite Sewage Management System Review Report for Lake Lyell Recreation Park and Conceptual Upgrade Plan prepared by Whitehead and Associates (dated 25 September 2017).*
66. *The capacity of the existing pump-out system shall also be upgraded, prior to the issuance of a ~~Construction~~ **Occupation** Certificate, in accordance with the recommendations in the Onsite Sewage Management System Review Report for Lake Lyell Recreation Park and Conceptual Upgrade Plan prepared by Whitehead and Associates (dated 25 September 2017) but with the following specific requirements and modifications:*
- *primary treated effluent in excess of the existing design capacity of the amended soil mound and upper amenities collection wells shall be pumped to further collection tanks with a minimum storage capacity of 40,000 litres which shall meet the following requirements:*
    - *be provided with a visible indicator for wastewater level and an visual alarm for excessive wastewater levels*
    - *the alarm shall be triggered when an individual tank volume exceeds 70% of its capacity*
    - *the pump line shall be a 50mm diameter, Class 12 pressure pipe*
    - *the tanks shall be provided with bunding on the downslope side to prevent any spilled or leaked effluent reaching Lake Lyell*
  - *all pump lines shall be connected to a pump-out stand concreted into the ground and shall be fitted with a "Kamlock" (or similar) cover that can be readily accessed by pump-out trucks*
  - *all pump-out stand shall be located in a spillage well with a valve for the collection of any spilt sewage, and*

*the applicant shall enter into an agreement with a Council-approved tanker pump out service for regular weekly pumping during peak holiday periods and “as needs” pumping during other times.*

### **Construction Activities**

72. *An Erosion and Sediment Control Plan shall be prepared for all works proposed or required as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall:*

- *meet the requirements outlined in Chapter 2 of NSW Landcom’s Soils and Construction: Managing Urban Stormwater (2004)*
- *be prepared prior to **issuance of a Construction Certificate** and to the satisfaction of Council, and*
- ***include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.***

73. *The **Erosion and Sediment Control Plan** shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity. ~~The controls shall prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system and~~ **Erosion and sediment controls** shall be regularly inspected, monitored and maintained and ~~retained~~ until works have been completed and ~~ground surface stabilised or groundcover re-established.~~*

### **Additional:**

66A. *The existing onsite wastewater treatment and disposal system shall be fully replaced/upgraded within 5 years from the date of the Occupation Certificate for this application. The new system shall be suitably designed and located, as agreed to by Water NSW, and shall have capacity to treat and dispose of the total wastewater generated on site for the life of the operations.*

The proposed Review of Determination under Section 8.2 of the EP&A Act can be approved subject to the above changes to the conditions of consent as outlined in the attached report.

### **Policy Implications**

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

This policy states that:

*Development Applications to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority.*

Given that the property is owned by Council, the proposed Section 8.2 Review of Determination is reported to Council for determination.

### **Financial Implications**

- Budget approved – 2018/19 \$130,715 & 2019/20 \$708,889 for ‘Lake Lyell sewer upgrade’ which would cover the implications of an upgrade as a result of this approval.
- Cost centre - PJ100263
- Expended to date - \$30,715 (feasibility study)
- Future potential impact – The proposed conditions of consent on the Review of Determination implicate Council to upgrade the effluent management system to a more permanent and holistic system for the perpetuity of the site. This would be required to be undertaken 5 years after the occupation of the restaurant approved under DA217/17.

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

The EP&A Act states the following for a Review of Determination:

**8.2 Determinations and decisions subject to review**

- (1) *The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division:*
- (a) *the determination of an application for development consent by a council,*

**8.3 Application for and conduct of review**

- (1) *An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.*
- (2) *A determination or decision cannot be reviewed under this Division:*
- (a) *after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
- (b) *after the Court has disposed of an appeal against the determination or decision.*
- (3) *In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*
- (4) *The review of a determination or decision made by a delegate of a council is to be conducted:*
- (a) *by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or*
- (b) *by another delegate of the council who is not subordinate to the delegate who made the determination or decision.*
- (5) *The review of a determination or decision made by a local planning panel is also to be conducted by the panel.*
- (6) *The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.*

The applicant has submitted a Section 8.2 Review of Determination and the decision is subject to review to Council.

**Attachments**

1. DEVELOPMENT ASSESSMENT REPORT SECTION 8.2 Review of Determination- Lake Lyell **[8.2.3.1]**

**Recommendation**

THAT Section 8.2 Review of Determination under the Environmental Planning and Assessment Act 1979 for DA217/17 Lake Lyell Restaurant be approved subject to amended conditions of consent outlined in the attached report.

**8.2.4. ECDEV - 27/05/19 - DA142/18 (MOD005/19) Modification to Staging to the Original Approval -994 Great Western Highway Bowenfels**

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

Min No 19-15: Ordinary Meeting of Council held on 25 February 2019 - DA142/18, 137 Lot Subdivision Planning Agreement, Greta Western Highway, Bowenfels.

**Summary**

To assess and recommend determination of Section 4.55 Modification of Consent MOD005/19 of Development Application DA149/18 for the amendment to Condition 2 relating to staging for the approved 134 lot residential subdivision.

**Commentary**

Council is in receipt of a Section 4.55 Modification of Consent Application DA149/18 for the amendment to Condition 2 relating to staging for the approved 134 lot residential subdivision. The application relates to land known as Lot 2 DP 1049398, Lot 5 DP1230208 and Lot 1 DP 1082148, 994, 998 and 'Sweetbriar', Great Western Highway, Bowenfels

Condition 2 on the original DA142/18 Consent states:

*2. This development consent is for a **staged approval** being six stages in total being:*

*Stage 1= 1 development lot.*

*Stage 2= 29 residential lots, one drainage reserve and link road reserve to Col Drewe Drive.*

*Stage 3= 21 lots (and construction of link road to Col Drewe Drive).*

*Stage 4= 34 residential lots and one open space lot.*

*Stage 5= 27 lots.*

*Stage 6= 23 lots.*

*The Subdivision Certificate for Stage 1 is not to be released until a sewer connection is made available on Lot 4 DP 1230208.*

*Construction of Stage 3 is not to commence until a road link between James O'Donnell Drive and Col Drewe Drive is constructed, dedicated as a public road and open to traffic.*

The applicant seeks to amend the staging involving the future development lot. The intention of Stage 1 is to separate the future development lot from the residential allotments and for it to be sold as an unserviced lot. The condition as it stands prevents subdividing Lot 2 until Council constructs the new sewer pump station on Lot 4 DP 1230208 and a carrier main is constructed up to Lot 2.

It is requested that Condition 2 is modified to state that a Subdivision Certificate for Stage 2 is not to be released until a sewer connection is made available to Lot 4 DP 1230208.

It is recommended that Condition 2 is amended to be:

*2. This development consent is for a **staged approval** being six stages in total being:*

***Stage 1= 2 Lots, to be unserviced.***

*Stage 2= 29 residential lots, one drainage reserve and link road reserve to Col Drewe Drive.*

*Stage 3= 21 lots (and construction of link road to Col Drewe Drive).*

*Stage 4= 34 residential lots and one open space lot.*

*Stage 5= 27 lots.*

*Stage 6= 23 lots.*

***A Subdivision Certificate for Stage 2 is not to be released until the matter/s referred to in Condition 61 of this consent are satisfied.***

*Construction of Stage 3 is not to commence until a road link between James O'Donnell Drive and Col Drewe Drive is constructed, dedicated as a public road and open to traffic.*

The following additional condition is also recommended to be placed on the consent and was agreed upon by the applicant:

*15a. A covenant is to be placed on the title of Lot 1 stating that any future development cannot commence until such time that the land is connected to Council's utilities.*

## **Policy Implications**

### **Policy 1.2 Acquisition and Disposal of Assets**

This Policy needs to be considered when Council is considering the acquisition and/or development of assets. This Development Application proposes to construct bio-retention basins, stormwater infrastructure and roads. Two drainage reserves and new road networks will be dedicated to Council as an asset as part of the Subdivision Certificate release process.

This was part of the original approval and is not proposed to be modified or impacted upon by the proposed modification.

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

The proposed development, being for a subdivision, will require compliance with this Policy as part of the Subdivision Certificate release.

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

Council's Policy states:

#### **3.5 Notification of an application for Modification of Development Consent (Section 4.55 of the EP&A Act**

Council will not notify S4.55(1) and S4.55(1A) applications where the Development Assessment Officer is of the opinion that the application involves minimal environmental impact and is unlikely to prejudice any person(s) who were originally notified, any person(s) who previously made a submission or having regard to any matter raised in those submissions.

The modification is minor and would have no impact to the surrounding properties. One submission was received for the original Development Application DA142/18 that did not raise any concerns in relation to staging or service connections. Therefore, the modification was not re-notified as per the above Policy.

#### **7.7 Calling in of Development Applications or Development Application/Construction Certificates by Councillors**

*This policy does not apply to applications to modify development consents unless the modification represents a significant departure from the original application; would involve issues the subject of an objection with the original application; or where the modification application itself has been called in under the processes outlined in this policy.*

The original development application DA142/18 was not called-in by Councillors however was reported to Council for determination on 29 October 2018, and permitted 134 lot residential subdivision, one development lot, drainage reserve, open space and new roads.

As the modification relates to Council's services and future infrastructure, the modification is to be determined at a Council Meeting.

## Policy 7.10 Voluntary Planning Agreements

A planning agreement was made as part of the original application. There are no implications for this modification.

### Financial Implications

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact - A planning agreement was made as part of the original application. The proposed modification will not impact upon the recuperation of finances from this agreement.

### 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 4.55 of the Environmental Planning and Assessment Act 1979.

### Attachments

1. ECDEV 27-5-19 D A 142-18 Subdivision, South Bowenfels, Modification Report [8.2.4.1]

### Recommendation

THAT

1. The Modification of Consent MOD005/19 of Development Application DA142/18 be **APPROVED** subject to conditions on the consent as shown in the attached Section 4.55 report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**8.2.5. ECDEV - 27/05/19 - Proposed Sale of Council land - Pt Lot 68 DP 813538 adjoining Metromix Quarry Marrangaroo**

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

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**Reference**

Min18-208 Ordinary Meeting of Council 23 July 2018

**Summary**

The purpose of this report is to inform Council of the negotiated terms and conditions of a proposed sale of Council land identified as Part Lot 68 DP 813538 Marrangaroo, (having an area of approximately 1.085ha), and to make a recommendation that Council proceed to dispose of the subject land parcel via a contract of sale.

**Commentary**

**Background**

Council received an unsolicited request from Metromix Pty Ltd requesting to purchase Pt Lot 68 DP 813538 having an approximate area of 1.085ha (subject to survey) adjoining the Metromix Marrangaroo Quarry.

The matter was reported to Council on 23 July 2018 as a Confidential Closed Report along with a number of other unsolicited offers to purchase Council land. Council resolved the following (Min No 18-208 (1)).

1. *Supports in principle the sale of Part Lot 68 DP 813538 having an area of approximately 1.085ha to Metromix Pty Ltd. The General Manager or his delegate be authorised to continue on a direct negotiation basis the terms and conditions of that sale with a final report to be presented to Council including a full probity plan.*

On 9 August 2018, Council wrote to Metromix advising of Council's resolution and outlining a set of draft terms for the sale as follows:

- Purchase price of \$10,000 plus any applicable GST
- Metromix Pty Ltd will be responsible for obtaining all relevant approvals and the costs associated with the subdivision of the land from Lot 68 DP 813538 and consolidation with the adjoining quarry site on Lot 1 DP 577347.
- Metromix Pty Ltd will be responsible for all legal costs incurred by themselves and Council in relation to the contract of sale and the registration of the subdivision plan and transfer of title.
- The environmental bund and vegetation screen on the land is to remain in place whilst ever the quarry is in operation and until the site is fully rehabilitated in accordance with the mining lease post the cessation of quarry operations.

Metromix Quarry have agreed to these terms.

**Public land classification**

The land is classified as Operational for the purposes of the Local Government Act 1993 and therefore there are no restrictions in relation to Councils dealings on the sale of the land.

**Valuation Report Summary**

An independent fair market valuation was prepared by Ralph Toyer and Associates, dated 9 May 2018, who has assessed that an unencumbered fee simple interest in possession market value for sale purposes is \$10,000.00.

The proponent's market valuation prepared by Opteon Solutions, dated 26 September 2017 has also assessed that the market valuation for fee simple with vacant possession is \$10,000.00.

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### **Method of sale**

The proposed method of sale has been conducted by direct negotiation as authorised through Council's resolution 18-208(1). The term "direct negotiations" refers to exclusive negotiations between an agency (Council) and a proponent without first undergoing a genuine competitive process.

The direct negotiation with Metromix Pty Ltd has been carried out having regard to Council's Policy 1.6 Land Acquisition and Disposal that was adopted on 29 October 2018 and in accordance with the ICAC "*Guidelines for managing risks of direct negotiation*".

These guidelines do identify that this method of disposal of assets is justified in certain circumstances and that the risks involved can be mitigated by following the following principles:

- The proposal should be consistent with Council's overall strategic directions
- Ensuring that the reason to enter into direct negotiations is made at a senior level
- Ensuring that there are no financial or personal associations between staff and the proponent that could influence decisions (signing of a declaration of interests by all parties)
- Keeping an auditable trail of documentation and records
- Ensuring that the price paid by the proponent is consistent with market values (obtaining an independent market valuation) and
- Segregating the duties of the different components of the process to different staff members.

The process to date has been consistent with Council's Policy 1.6, the ICAC principles above and the process outlined in the Probity Plan attached to this report.

### **Probity Report**

Council's Policy 1.6 requires a probity plan to be prepared.

The purpose of the probity plan is to establish and document tasks, procedures and treatment options for managing the disposal of the subject land. This plan addresses the following:

- achieving the best value for money
- the reason for using direct negotiation
- dealing with any actual or perceived conflicts of interest
- impartiality and separation of the role of Council as a regulator and a landowner
- ensuring accountability and transparency of process.

The probity plan for the disposal of land via sale of Pt Lot 68 DP 813538 Marrangaroo is attached to this report.

### **Policy Implications**

#### **Policy 1.6 Land Acquisition and Disposal**

It is Council's Policy (1.6 – Land Acquisition and Disposal) to acquire and dispose of land in a manner that is consistent with the Guiding Principles for Local Government including:

- achieving best value for money
- being accountable and transparent
- ensuring all interested parties are given a fair chance
- avoiding conflicts of interest
- minimising risk

The process undertaken for this matter accords with the objectives and procedures of this Policy.

### **Financial Implications**

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

- Future potential impact - Revenue from the sale will be held as restricted asset to fund future strategic asset acquisition (land fund reserve).

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

Council will need to enter into a contract of sale with Metromix Pty Ltd. This matter will be coordinated by Council's property officer with Council's Solicitor.

### **Attachments**

1. Probity Plan - Disposal of land - Marrangaroo - Metromix **[8.2.5.1]**

### **Recommendation**

THAT

1. Council dispose, via sale to Metromix Pty Ltd, of Part Lot 68 DP 813538, having an area of approximately 1.085ha (subject to survey), subject to the following terms and conditions:
  - a. Purchase price of \$10,000 plus any applicable GST
  - b. Metromix Pty Ltd will be responsible for obtaining all relevant approvals and the costs associated with the subdivision of the land from Lot 68 DP813538 and consolidation with the adjoining quarry site on Lot 1 DP 577347.
  - c. Metromix Pty Ltd will be responsible for all legal costs incurred by themselves and Council in relation to the contract of sale and the registration of the subdivision plan and transfer of title.
  - d. The environmental bund and vegetation screen on the land is to remain in place whilst ever the quarry is in operation and until the site is fully rehabilitated in accordance with the mining lease post the cessation of quarry operations.
2. Council enter into a contract of sale once the necessary plan of subdivision and consolidation is prepared for registration with NSW Land Registry Service.
3. All proceeds from the sale of the land be held as a restricted asset in the Land Fund Reserve for future strategic asset acquisition.

**8.2.6. ECDEV - 27/05/2019 - DA020/19 Subdivision 1 Lot into 4 & 4 Dwellings, 7 Cura Close Lithgow- Call In Report**

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

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**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 (DA020/19) for a subdivision of 1 lot into 4 lots and 4 new dwellings on land known as Lot 6 DP 1250061, 7 Cura Close Lithgow NSW 2790.

The development includes the subdivision of Lot 6 DP 1250061 into 4 Torrens Title lots with the construction of 4 new dwellings.

The subject site is an irregular shaped residential allotment (1,429.14m<sup>2</sup>) located at the end of Cura Close, Lithgow, that being a small cul-de-sac. The property is located approximately 650m walking distance to the south-east of the Lithgow Main Street. The allotment is part of a number of currently vacant lots that was previously created on the old Lithgow Hospital site. The hospital was demolished in the early 2000's with the land being subdivided for residential purposes.

The application was notified to surrounding landowners and placed on public exhibition until the 6 March 2019. Correspondence has been forwarded to the applicant and a meeting held advising of concerns with the proposed development. The applicant has declined to adjust the application to address these concerns.

**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 Councillor be provided to the General Manager prior to determination of a development application, the application shall not be determined under delegated authority but shall be:

- Reported to the next available Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been 'called in'; and
- Reported to a Meeting of Council for determination where the application is in a state that it can be determined.

The application has been called in by Councillor Steve Ring and Councillor Cassandra Coleman. 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 – Council's Section 94A Contributions and Section 68 Development Servicing Plan will apply to the development.

**Legal and Risk Management Implications**

No specific implications at this point of the process.

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**Attachments**

Nil

**Recommendation**

THAT the calling in of Development Application DA020/19 be noted

**8.2.7. ECDEV - 27/05/19 - Proposed Renaming of Anarel Road Sodwalls**

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

**Summary**

To advise Council of an existing road name in the Lithgow Local Government Area that is non-compliant with the *NSW Addressing Policy No. 2, 2015* and recommend its naming to improve the identification of associated property addresses.

**Commentary**

**Background**

Council has recently received a request from a registered surveyor regarding the provision of property addresses for a subdivision located off Anarel Road, Sodwalls (refer to attachment 1). The existing road name is 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*.

<b>Existing Road Name</b>	<b>Road Naming Concerns</b>	<b>AUM Requirements</b>
Anarel Road, Sodwalls	There are currently two separate access points to Anarel Road which is split by private land (see attached map). This raises concerns for emergency response and service delivery to the associated properties. Given that the western portion of Anarel Road, located off Honeysuckle Falls Road, services only one property which is currently subject to a subdivision approval (being Lots 22, 31, 32, 33, 34, 69 & 110 DP 757076 and Lot 1 DP 1226263, Crown View Honeysuckle Falls Road Tarana NSW 2787)	<p>The AUM states the following in relation to Road Extents:</p> <p><b>6.7.7 Road Extents</b></p> <p>When a road extent is broken into separate sections by redevelopment or redesign, the name shall only be retained on one section and the other section(s) renamed as part of the development process.</p> <p>The extent of each road shall be mapped according to the centreline of the road, and the name shall apply from one end of the road to the other i.e. the point where the road finishes or intersects with other roads.</p>

**Recommended Solution**

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. It is recommended that the following change be undertaken to resolve the existing non-conforming road name and property addressing:

That the western portion of Anarel Road, located off Honeysuckle Falls Road be renamed and renumbered. This change will impact the three (3) new lots being created as part of the subdivision approval.

Road Name	Approximate No. Of Properties with Current Direct Access Off Road	Attachment
Anarel Road – western portion	1 (3 new lots being created as part of the subdivision approval)	1

**Policy Implications**

Nil

**Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – Potential 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 *New South Wales Addressing Policy No. 2, 2015* and the *Roads Act 1993*.

**Attachments**

1. Map overview of Anarel Road Sodwalls [8.2.7.1]

**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 the western portion of “Anarel Road” and the associated review of address numbering.
2. Any submissions (including objections and proposed road names) be reported back to Council for consideration, prior to commencing the online road naming process.

## 8.2.8. ECDEV - 27/05/19 - Proposed Renaming of Old Western Road Rydal

**Report by** Director of Economic Development & 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  
Minute 19-18: Ordinary Meeting of Council held on 25 February 2019

### Summary

To advise Council of an update on the proposed renaming of Old Western Road Rydal.

### 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 a number of submissions which were reported back to the Ordinary Meeting of Council held on 25 February 2019 for consideration and the following was resolved:

**19-18 RESOLVED**

THAT Council:

1. Notify affected landowners and any relevant authorities of the proposed road name "Bloody 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 "Bloody Cutting Road" and "Caloola Halt Road" accordingly and notify appropriate landowners and authorities of the new address changes.

No objections were received to “Caloola halt Road” and the naming of this road may proceed. The notification of “Bloody Cutting Road” resulted in two submissions detailed below:

**Old Western Road Rydal**

Objection/Comment	Public Submission		Officers Comments
	Alternative Road Name Proposed	Reasoning	
This is defamatory to the Lithgow LGA, will cause loss of income, investment, reputational damage will be incurred.	-	-	Whilst the use of the term “bloody” may be offensive to some, it may also accurately reflect the history surrounding the road. Council officers have contacted Geographical Names Board who have indicated it would raise no objections to the proposed road name of “ <b>Bloody Cutting Road</b> ”.
Bloody Cutting Road is inappropriate for this road as this has been known as the Black Cutting for all of my memory. As this is also not appropriate, I propose that the road	Back Waters Road	This is what the locals and fisherman now call this as is leads to the back waters of Lake Lyell.	Although the proposed road name is descriptive of the area, the land adjoining Lake Lyell is privately owned and could encourage recreationalists onto the land to access

<p>be named Back Waters Road.</p>			<p>Lake Lyell. This may also result in additional unsealed road maintenance burdens on Council.</p> <p>As an alternative, it is noted that “<b>Back Waters Road</b>” also complies with the requirements of the AUM should Council choose to propose the road be named “<b>Back Waters Road</b>” which would be a reasonable option if Council had concerns with the name “<b>Bloody Cutting.</b>”</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**

Nil

**Recommendation**

THAT Council proceed with the online road naming process and gazette the road name of “Bloody Cutting Road” accordingly and notify appropriate landowners and authorities of the new address changes.

## 8.2.9. ECDEV - 27/05/19 - Sponsorship Request Lithgow Art Prize 2019

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

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### Summary

The purpose of this report is to inform Council of a sponsorship request received for the 2019 Lithgow Contemporary Art Prize.

### Commentary

Lithgow's Gang Gang Gallery and the Lithgow Library will host the Lithgow Contemporary Art Prize for its second year in July 2019.

The Exhibition will run from 4/10/2019 - 4/11/2019. Exhibition dates will coincide with the "Rail 150" event planned to celebrate the 150<sup>th</sup> anniversary of Bowenfels Station.

The Lithgow Art Prize has three components:

Lithgow Art Prize (Open)	Prize Money \$5,000
Zig Zag Art Prize (Themed)	Prize Money \$3,000
Youth Art Prize (ages 15 - 24)	Prize Money \$2,000 (This will be exhibited at Lithgow Library).

The request is for Council to sponsor \$5,000 for the Open Art Prize. Benefits offered are:

- *Council ownership of that category with your Logo on all entry forms that can be downloaded from our site.*
- *Council will be marketed on all our social media pages including our website. We will be marketing the Lithgow Art Prize throughout Central West as well as the Blue Mountains but expect to have entries from all areas of NSW.*
- *Acknowledgements would be made during the promotion of the event and during the exhibition.*
- *We would be happy to have a representative from Council open the exhibition on the Saturday 5th October 2019.*

The Lithgow Regional Economic Development Strategy 2018-2022 has a strategic direction of: "*Fostering a Collaborative and Vibrant Community led by a Diverse and Inclusive Culture.*" A priority action is "*supporting and promoting arts in the region*".

Administration's recommendation is that Council consider sponsoring the 2019 Lithgow Art Prize as part of its budget deliberations for the 2019/2020 financial year. Though not specifically allocated, it may be possible to consider the sponsorship as one activity that sits within the Economic Development Project Fund for 2019/2020.

### Policy Implications

Nil

### Financial Implications

- Budget approved – draft 2019/20 budget \$60,000 for Lithgow Regional Economic Development Strategy.
- Cost centre – PJ 700045.
- Expended to date - n/a.
- Future potential impact - n/a.

### Legal and Risk Management Implications

Nil.

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**Attachments**

Nil

**Recommendation**

THAT Council consider sponsoring the 2019 Lithgow Art Prize as part of its final budget deliberations for the 2019/2020 financial year.

### 8.3. Water and Wastewater Reports

#### 8.3.1. WWW - 27/05/19 - Water Report

**Report by** Director of Water & Wastewater

#### Reference

Min No 19-101 Ordinary Meeting of Council 29/04/19

#### 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

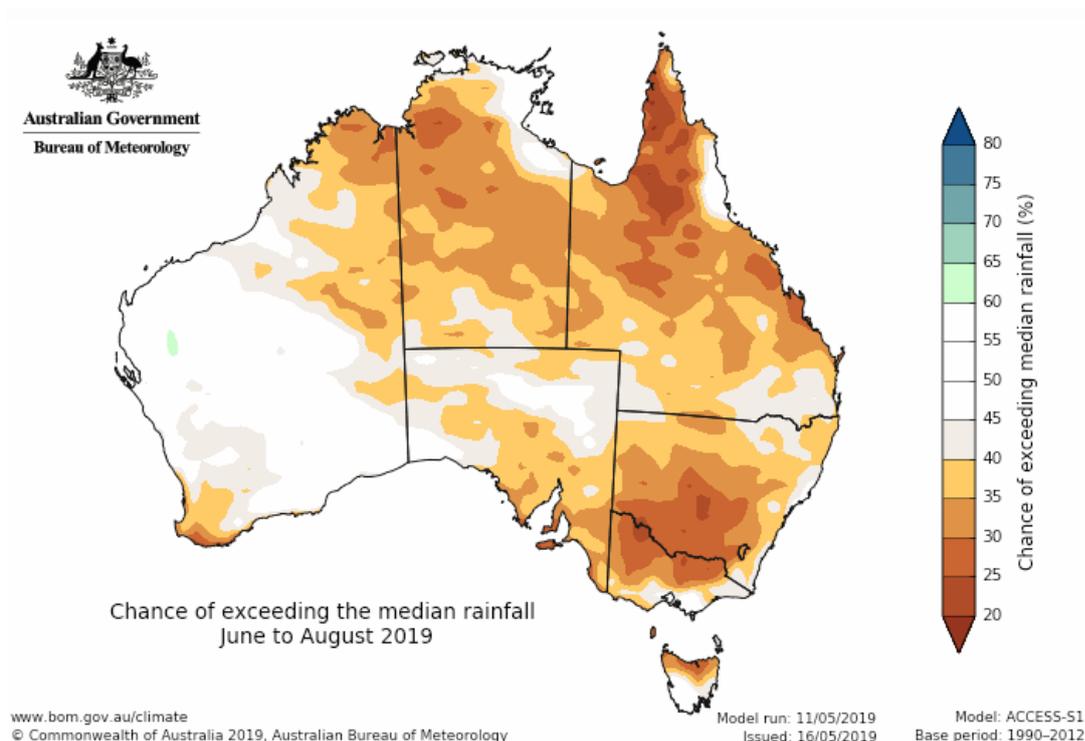
Farmers Creek No. 2 Dam capacity on Monday 13th May 2019 was down 5.1m or 47.85%.

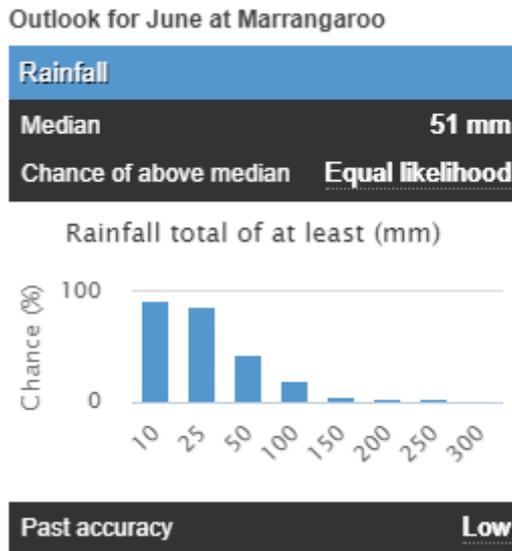
Oberon Dam capacity on Monday 13th May 2019 was 40.5%. Total volume banked is currently approx. 6.3%, so storage adjusted for bank is 34.2%. Level 2 restrictions on the FRWS are now in effect.

#### Climatic and Rainfall Outlook

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

- The winter (June to August) climate outlook, issued 16 May 2019, shows large parts of Australia are likely to be drier than average.
- Warmer than average winter days are likely for most of Australia. Much of the east and west of the country has a very high chance (greater than 80%) of having warmer winter days.
- Climate influences for this outlook include the increased chance of a positive Indian Ocean Dipole (IOD) event forming during winter, and a gradual weakening of the El Niño-like pattern in the tropical Pacific.





**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>Licence Limit (ML/a)</b>	<b>1500</b>	<b>1293</b>	<b>1778</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
March	151.9	0	57.9
April	96.8	0	64.3
<b>TOTAL</b>	<b>1197.9</b>	<b>318.7</b>	<b>597.5</b>

**Clarence Water Transfer Scheme**

The Clarence Water Transfer Scheme is not currently operating.

**Oakey Park Water Quality Summary**

Oakey Park Water Treatment Plant has been temporarily shutdown. The shutdown commenced Tuesday 7 May 2019. No health-based ADWG values were exceeded for the period 10/04/19 to 07/05/2019. Whilst this shutdown is occurring water is being drawn in from FRWS.

**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 26/04/19 and taken to Sydney Water for testing. There was one (1) non-compliance recorded at the Wallerawang Sewage Treatment Plant for the month April 2019. Result for Total Nitrogen returned was 12.7mg/L

with the Licence limit being 10mg/L. 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, Rydal up till the 7<sup>th</sup> May 2019. Post 7<sup>th</sup> May FRWS is supplying the whole LGA. There were no exceedances of health-based ADWG values for the period 10/04/19 to 16/05/2019.

### **Water Reticulation Complaints**

Council received 6 complaints during the period 10/04/19 to 16/05/2019 concerning water quality issues, these were all isolated incidences. The water mains were flushed in all instances of water quality complaints and no follow up reports of dirty water from these locations have been received.

### **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 notes the water report.

## 8.4. Finance and Assets Reports

### 8.4.1. FIN - 27/05/19 - Special Rate Variation - IPART Determination

**Report by** Chief Financial & Information Officer

#### Reference

Min 17-151	Extra Ordinary Meeting of Council 15 May 2017
Min 17-194	Ordinary Meeting of Council 26 June 2017
Min 18-96	Ordinary Meeting of Council 23 April 2018
Min 18-165	Ordinary Meeting of Council 25 June 2018
Min 18-227	Ordinary Meeting of Council 27 August 2018
Min 18-254	Ordinary Meeting of Council 24 September 2018
Min 18-262	Ordinary Meeting of Council 24 September 2018
Min 18-352	Ordinary Meeting of Council 26 November 2018
Min 19-03	Extra Ordinary Meeting of Council 29 January 2019

#### Summary

This report seeks Council's endorsement and approval of the Independent Pricing and Regulatory Tribunal's (IPART) determination on the Council's application for a Special Rate Variation (SRV) from the 2019/20 financial year.

#### Commentary

In January 2019, the Council resolved to proceed with making an application to IPART following consideration of the outcomes of an extensive community engagement process. IPART has made its determination based on careful assessment of the Council's application against criteria set by the Office of Local Government.

#### IPART'S Determination

On 13 May 2019, IPART announced that it had decided to approve the proposed SRV **in part** for an increase of **9.0%**. The rate increase may be retained in the Council's general income base permanently.

The decision reflects IPART's concern that the Council did not ensure the higher figure was broadly understood by the community, in the context of the substantial impact of the proposed increase on ratepayers. IPART stated in its media release "over 66 submissions received from the community mentioned the 9.0% total cumulative impact instead of the requested 11.7% cumulative increase".

As the 2019/20 rate peg of 2.7% was announced by IPART on 11 September 2018, Council could only specify the proposed cumulative increase of 11.7% in its community consultations from that date. Earlier communications referred to the proposed increase as being 9% plus rate peg.

The approved SRV represents an increase of 1.53% on 2018/19 rates (including the expiring SRV of 4.77%) plus the 2.7% standard rate peg increase. Council may increase the average residential rate by \$29 in 2019-20. IPART's decision means the Council is now able to increase the average residential rate by \$29 in 2019/20. Average business rates would rise by \$165, average farmland rates by \$55 and average mining rates would increase by \$6,099 in 2019/20.

The breakdown of the approved SRV is shown in the table below:

**Box 1.1 IPART Decision – Lithgow City Council**

**Approved Special Variation: percentage increase to general income**

	2019-20
Increase above rate peg – permanent	6.3
Rate peg	2.7
<b>Total increase</b>	<b>9.0</b>

IPART has attached conditions to its decision as shown below:

**Conditions attached**

IPART's approval of the Council's application for a special variation in 2019-20 is subject to the following conditions:

- ▼ The Council uses the additional income from the special variation for the purposes of improving financial sustainability and as outlined in the council's application and listed in Appendix B.
- ▼ The Council reports in its annual report for each year in 2019-20 and 2020-21 on:
  - The program of expenditure that was actually funded by the additional income
  - The actual revenues, expenses and operating balance against the projected revenues, expenses and operating balance, as outlined in the Long Term Financial Plan provided in the council's application, and summarised in Appendix C
  - Any significant variations from its proposed expenditure as forecast in the current Long Term Financial Plan and the reasons for such variation
  - Expenditure consistent with the council's application and listed in Appendix B, and the reasons for any significant differences from the proposed expenditure, and
  - The outcomes achieved as a result of the actual program of expenditure.
- ▼ The Council is required to reduce its income for Year 2019-20 to reflect the expiring special variation amount of \$636,992 before increasing its general income for that year.

**No increase in Water, Sewer or Waste Charges for 2019/20**

For 2019/20, Council has not increased water or sewer charges in the draft Operational Plan. Council proposes to reduce waste charges by decreasing the special waste charge for kerbside recyclables from \$28 to \$22 per service for 2019/20.

**Comparison of Lithgow Council Rates with Neighbouring Councils**

As part of its considerations, IPART reviewed Lithgow Council's rates with those of neighbouring Councils. IPART found that Lithgow's average 2016/17 residential rates of \$689 without the proposed SRV were **33% lower than the average** for Group 4 councils and **43% lower than the weighted average** of neighbouring councils. This is shown in the table below:

**Table 4.4 Lithgow City Council – comparison of rates and socio-economic indicators with neighbouring councils and Group 4 averages (2016-17)**

Council (OLG Group)	Average residential rate (\$) <sup>a</sup>	Average business rate (\$)	Median annual household income (\$) <sup>b</sup>	Ratio of average rates to median income (%)	Outstanding rates ratio (%)	SEIFA Index NSW Rank <sup>c</sup>
Blue Mountains (7)	1,457	3,365	76,336	1.9	3.4	105
Bathurst (4)	992	3,962	68,120	1.5	5.5	84
Oberon (10)	769	853	64,428	1.2	7.3	59
Mid-Western (4)	832	1,813	58,812	1.4	3.6	44
<b>Lithgow (4)</b>	<b>689<sup>d</sup></b>	<b>3,521</b>	<b>51,168</b>	<b>1.3</b>	<b>5.4</b>	<b>17</b>
Group 4 average	1,032	3,746	62,430	1.7	4.3	-

**Impact of IPART’s Determination**

IPART’s partial approval of Council’s Special Rate Variation application would result in Council levying **\$801K** of income above the rate peg for 2019/20. This compares with **\$1.144M** of income above the rate peg had the application been approved in full. The difference in income between IPART’s decision and Council’s application is **\$343K**.

As Council’s draft 2019/20 Operational Plan has been completed and placed on public exhibition, the draft Operational Plan will need to be amended prior to consideration by Council at the June meeting. **\$343K** in rates income will be removed from 2019/20 draft budget. To ensure that Council maintains a balanced operating result (before capital) budget for 2019/20, the SRV **maintenance** program will be reduced by \$343K. Most of the reduction in expenditure will be in transport and building maintenance. **There will be no change to the proposed SRV asset renewal program.**

The SRV Works Program was prepared **in addition** to Council’s usual 2019/20 works program. The reduction in the SRV maintenance program **will not impact Council’s normal service standards for roads and building maintenance.** The partial approval of Council’s SRV application means that Council will not be able to complete all of the additional maintenance works that had been proposed in the SRV application.

The changes to the draft SRV program are shown in the table below:

<b>Special Rate Variation 2019/20</b>		
<b>Renewal works to the following roads: .</b>	<b>Original Application to IPART 11.7%</b> <small>(4.77% + 4.23% plus rate peg 2.7%)</small>	<b>Approved by IPART 13/5/2019 9%</b> <small>(6.3% + 2.7%)</small>
First Street, Lithgow	140,000	140,000
William Street, Portland	65,000	65,000
View Street, Lidsdale	35,000	35,000
Red Hill Road, Upper Turon	125,000	125,000
<b>Total Road Renewal</b>	<b>365,000</b>	<b>365,000</b>

General Asset Transport Maintenance	360,000	100,000
<b>Total Transport SRV Program</b>	<b>725,000</b>	<b>475,000</b>
<b>Renewal of the following drainage infrastructure:</b>		
Alison Close, Wallerawang Drainage	75,000	75,000
<b>Total Drainage Renewal</b>	<b>75,000</b>	<b>75,000</b>
General Asset Drainage Maintenance	25,000	17,000
<b>Total Drainage SRV Program</b>	<b>100,000</b>	<b>92,000</b>
<b>Renewal works to the following buildings:</b>		
Pioneer Park Toilet Replacement	125,000	125,000
Union Theatre Lighting and Sound Renewal	50,000	50,000
<b>Total Buildings Renewal</b>	<b>175,000</b>	<b>175,000</b>
General Asset Building Maintenance	75,000	Nil
<b>Total Buildings SRV Program</b>	<b>250,000</b>	<b>175,000</b>
<b>Business Improvement Capital Project:</b>		
Installation of Solar Panels - Aquatic Centre	69,542	69,180
<b>Total Business Improvement SRV Program</b>	<b>69,542</b>	<b>69,180</b>
<b>TOTAL EXPENDITURE SPECIAL RATE VARIATION</b>	<b>1,144,542</b>	<b>801,180</b>

### Reasons for IPART's Determination

IPART assessed the Council's application against the SRV Guidelines and found that the application demonstrated that Council met the criteria of financial need, reasonable impact on ratepayers and IP&R documents exhibition. IPART found that Council only partly demonstrated community awareness of the proposed SRV and on this basis, only partially approved Council's SRV application.

IPART's determination acknowledged Council's financial need for the proposed SV to enhance its financial sustainability and to reduce its infrastructure backlog.

IPART's findings are summarised on pages 4-6 of their Determination Report which is included as an attachment to this report.

### Planning for the Future

The Office of Local Government (OLG) still expects Council to demonstrate its financial sustainability by meeting the OLG's operating and asset management performance benchmarks over the 10 year term of the Long Term Financial Plan.

IPART stated in its media release "this decision enables the Council to commence implementing its expenditure program in 2019/20, whilst considering whether to apply for a special variation in future years." The partial approval of Council's SRV application may require Council to consider a future SRV application, as well as to find efficiencies and reduce services to allocate sufficient funding to asset renewal and maintenance over the years ahead.

Other Councils are in a similar situation with regard to asset renewal and maintenance backlogs. For example, a recent media report stated that Bathurst Regional Council is considering a Special Rate Variation application to clear its \$92M asset maintenance backlog.

### **Council's Hardship Policy**

The Council adopted an updated Hardship Policy at the Ordinary Meeting of Council held 23 October 2017 (Min 17-311).

The objective of the Hardship Policy is: *to provide assistance to ratepayers suffering financial hardship, with outstanding debts due to council and to provide an administration process to determine applications promptly.*

Council recognises the impact of the approved special variation increase on the community and its capacity to pay. Council will carefully monitor any hardship sustained by any ratepayer and work with them to achieve a satisfactory outcome.

### **Policy Implications**

Nil.

### **Financial Implications**

- Budget approved - \$1,144,542 proposed 2019/20 SRV income & expenditure budget; \$801,180 has been approved by IPART. The draft 2019/20 budget will be amended to remove \$343,362 of income and expenditure.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - a 10 year shortfall in SRV income which will need to be addressed in the next update of Council's Long Term Financial Plan.

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

The Special Rate Variation will assist the Council in renewing and maintaining its assets so they do not deteriorate as quickly to a level where they become unsafe or do not meet necessary standards. The Council has an obligation to manage risks within its financial capacity.

### **Attachments**

1. L G- Determination- Lithgow- City- Councils-application-for-a-special-variation-for-2019-20 [8.4.1.1]
2. Media- Release- Special-rate-variations-determined-for- Lithgow- City- Council-13- May-2019 [8.4.1.2]
3. fact-sheet-decisions-on-councils'-requests-for-special-variations-for-2019-20-13-may-2019 [8.4.1.3]
4. Lithgow signed letter to council and instrument [8.4.1.4]

### **Recommendation**

THAT Council:

1. Notes the partial approval by the Independent Pricing and Regulatory Tribunal (IPART) under S508(2) of the Local Government Act 1993 of the Council's application for a permanent Special Rate Variation from 1 July 2019.
2. Notes the following conditions of approval:
  - a. The Council uses the additional income from the special variation for the purposes of improving financial sustainability and as outlined in the council's application.
  - b. The Council reports in its annual report for each year in 2019-20 and 2020-21 on:
    - The program of expenditure that was actually funded by the additional income,

- The actual revenues, expenses and operating balance against the projected revenues, expenses and operating balance, as outlined in the Long Term Financial Plan provided in the council's application,
  - Any significant variations from its proposed expenditure as forecast in the current Long Term Financial Plan and the reasons for such variation
  - Expenditure consistent with the council's application and listed in Appendix B, and
  - The reasons for any significant differences from the proposed expenditure, and
  - The outcomes achieved as a result of the actual program of expenditure.
- c. The Council is required to reduce its income for Year 2019-20 to reflect the expiring Special variation amount of \$636,992 before increasing its general income for that year.
3. Endorses and approves the IPART determination on the Council's application for a special variation to rates for implementation from the 2019/20 year.

#### **8.4.2. FIN - 27/05/19 - Finance Committee Terms of Reference**

**Report by** Chief Financial & Information Officer

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#### **Reference**

Min 17-300: Ordinary Meeting of Council held 23 October 2017.

#### **Summary**

At the Ordinary meeting of Council held on 25 February 2019 Council resolved:

#### **17 – 300 RESOLVED**

THAT Council:

1. Agree to establish a Finance Committee
2. Adopt the draft Terms of Reference for the Finance Committee attached to this paper.
3. Appoint three Council representatives; Councillor Thompson, Councillor Ring and Councillor McAndrew.

This report seeks Council endorsement of revised Terms of Reference for the Finance Committee.

#### **Commentary**

As the Finance Committee has been meeting for more than 12 months, management determined that it was timely to review the Terms of Reference for the Finance Committee.

The key proposed changes to the Terms of Reference are:

- Refining the Committee's responsibilities to reflect the evolving role of the Committee; and
- Clarification of the voting membership of the Committee (to be the 3 Councillor members of the Committee and the General Manager or his / her nominee).

The only other changes to the Terms of Reference were to improve the clarity of wording.

#### **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. Finance Committee TOR V 2 [8.4.2.1]

#### **Recommendation**

THAT Council adopt the revised draft Terms of Reference for the Finance Committee.

**8.4.3. FIN - 27/05/19 - Local Government Remuneration Tribunal Determination**

**Report by** Chief Financial & Information Officer

**Reference**

Min No 18-231: Ordinary meeting of Council held on 27 August 2018.

**Summary**

The Local Government Remuneration Tribunal (the Tribunal) is established under Chapter 9, Part 2, Division 4 of the Local Government Act. The Tribunal’s role is to determine categories of Councils then to determine the maximum and minimum amounts of fees to be paid to Mayors and Councillors in each of the categories.

The Tribunal has now determined the Mayoral and Councillor fees for the 2019/20 financial year. This report recommends the Mayoral and Councillor fees be set for the 2019/20 year as per the determination.

**Commentary**

**Allocation of Councils into Categories**

The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are set out in the table below and are unchanged from 2018.

<b>Metropolitan</b>	<b>Non-metropolitan</b>
Principal CBD	Regional City
Major CBD	Regional Strategic Area
Metropolitan Large	Regional Rural
Metropolitan Medium	Rural
Metropolitan Small	

Under the current classifications, Lithgow remains classified as Regional Rural.

**Determination of Fees**

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the State government’s policy on wages.

The 2019/2020 determination for all categories is set out in the table below with the range for Regional Rural councils highlighted.

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

### Setting of Fees

The NSW Local Government Act 1993 requires:

#### 248 Fixing and payment of annual fees for councillors

- (1) A council must pay each councillor an annual fee.
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

In addition to the above fees Council also provides the Mayor with a motor vehicle which is available for private use. No lease fee is currently payable for this.

Councils set Councillor and Mayoral fees for each financial year based on the Tribunal's determination. The level of fees accords with each Council's category as set by the Tribunal.

For Lithgow City Council, it is recommended that the Councillor and Mayoral fees be increased by 2.5%, which is consistent with the Tribunal's general determination.

### Policy Implications

Nil.

### Financial Implications

- Budget approved - \$112,500 for 2019/20
- Cost centre - 1059 – General Administration Elected Members
- Expended to date - N/A (applies from 1 July 2019)
- Future potential impact - Nil.

### Legal and Risk Management Implications

Council is required under the Local Government Act 1993 to pay the remuneration in accordance with the limits set by the Tribunal.

### Attachments

1. 2019 Annual Determination - Local Government Remuneration Tribunal April 2019 [8.4.3.1]

**Recommendation**

THAT Council:

1. Set the remuneration in 2019/20 for Councillors at \$11,119 (2.5% increase on 2018/19).
2. Set the remuneration in 2019/20 for the Mayor at \$23,546 (2.5% increase on 2018/19).
3. Set the 2019/20 car lease payable by the Mayor at Nil.

**8.4.4. FIN - 27/05/19 - 2019/20 Emergency Services Levy Increase**

**Report by** Chief Financial & Information Officer

**Summary**

This report informs Council of a significant increase in the Emergency Services Levy from 1 July 2019 and recommends that Council write to the local State member and the Minister for Local Government seeking that the State government cover the additional cost or that the cost increases be deferred to a future year..

**Commentary**

The Emergency Services Levy Act 2017 permits the collection of funds from local councils, insurance companies and foreign insured policy holders, to support the work of emergency services in NSW. Councils pay 11.7 per cent of the costs of fire and emergency services in NSW. Insurance providers include the levy as part of property insurance premiums.

The NSW Government has made changes to workers’ compensation to provide better protection for volunteer and career firefighters affected by work-related cancers. This has resulted in a significant increase in the cost of providing emergency services across the State, which will be shared, as per the usual funding arrangements, between insurance providers, the State Government and local councils.

The quantum of the year-on-year increase for Lithgow City Council is \$108,596 which equates to a 21% increase in the levy. The table below shows the increase in the levy from 2018/19 to 2019/20.

<b>Year</b>	<b>Emergency Services Levy</b>
2018/19	\$517,040
2019/20	\$625,636
<b>Increase</b>	<b>\$108,596</b>

**Lithgow Council was only notified of the levy increase on 7 May 2019 on the issue of the annual invoice from Revenue NSW. There has been no consultation or prior notice of the increase. The levy increase will also be reflected in higher insurance costs for property owners, including those affected by drought.**

The email from Revenue NSW which accompanied the levy increase also states “further ESL increases are anticipated in the following year to recover the additional costs incurred during 2018/19.”

Council allowed for a 2.5% increase in the Emergency Services Levy from 2018/19 to 2019/20. The extraordinary increase in the levy equates to a **budget shortfall of \$72K**. As Lithgow Council has completed its draft 2019/20 Operational Plan (now on public exhibition), the Council has no option except to remove an operational project from the 2019/20 budget. It is proposed to defer the Hassans Walls Reserve Mine Subsidence Audit project from the 2019/20 Operational Plan.

It is recommended that Council write to the local State member and the Minister for Local Government seeking that the State government cover the additional cost of providing emergency services in NSW or that the cost increases be deferred to a future year.

Council administration has already informed Local Government NSW of the impact of the increase in the levy. On 9 May 2019, Local Government NSW issued a media release calling upon the State government “to listen to the concerns of local governments, cover the additional \$14m for 2019/2020 and work with local government and emergency services to find a better and fairer path forward.” The media release is included as an attachment to this report.

### **Policy Implications**

Nil.

### **Financial Implications**

- Budget approved - 2019/20 draft budget \$553,500
- Cost centre - PJ 800037
- Expended to date - nil for 2019/20
- Future potential impact - 2019/20 budget shortfall of \$72,136

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

Nil.

### **Attachments**

1. LG NSW Media Release - 9 May 2019 - Emergency Services Levy **[8.4.4.1]**
2. OLG Circular 19-06 - Changes to emergency services funding arrangements **[8.4.4.2]**

### **Recommendation**

THAT

1. Council note the information provided in the report with regards to a substantial increase in the 2019/20 Emergency Services Levy.
2. Endorse the deferral of the operational project Hassans Walls Reserve Mine Subsidence Audit from the 2019/20 Operational Plan to cover the \$72K budget shortfall pending any action by the State Government to rescind the levy increase.
3. Council write to the local State member and the Minister for Local Government seeking that the State government cover the additional cost of providing emergency services in NSW or that the cost increases be deferred to a future year.

#### 8.4.5. FIN - 27/05/19 - 2018/19 Quarter Three 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 January 2019 to 31 March 2019 with a recommendation that variations to income and expenditure estimates are voted and the revised operating result before capital grants of (\$316K) be noted.

#### Commentary

Details of the January to March 2019 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
March Quarter	47,855	44,451	3,404

2018/19 Quarterly Budget Comparison by Fund – March Review			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
General	32,500	30,508	1,992
Water	7,120	7,027	93
Wastewater	8,234	6,915	1,319

The Chief Financial and Information Officer, as Responsible Accounting Officer, has reviewed the report and stated that Council's projected financial position at 30 June 2019 will be **satisfactory** compared with the original budget. This is the first time in recent years that Council has reported a satisfactory projected financial position.

There have been additional costs added to the 2018/19 original budget which include:

- Necessary operational carryovers of \$302K.
- An increase in operating employment costs following review of the Capital Works Program. 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.
- Additional employment costs related to award / step increases, high priority additional positions and overtime for urgent works.

The additional costs have been offset by the following remedial action:

- Identification of net \$240K of budget savings / additional revenue in Quarter One 2018/19.
- \$512K of budget savings in materials and contracts identified in Quarter Three 2018/19.
- \$247K adjustment to the rates and annual charges budget to match projected revenue.

An organisation-wide operating efficiencies and cost savings program will continue for the remainder of the 2018/19 year.

The January to March 2019 Quarterly Budget Review Report also includes information on the following:

- There are a total of (\$5.6M) of budget variations for the 2018/19 capital works program. These mainly relate to sewer projects transferred to the 2019/20 year and the removal of the CBD Revitalisation Stage 2 and Main Street Footpath upgrade projects (the CBD Revitalisation grant application was unsuccessful).
- Only 48% of the revised capital budget has been expended to 31 March 2019. Significant expenditure is expected in coming weeks, including for the smart water meters project.
- The forecast for restricted assets (reserves) indicates a \$1M deficit at 30 June 2019. This will be addressed with a review of internally restricted funds at the end of the financial year.

### **Policy Implications**

Nil.

### **Financial Implications**

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

### **Legal 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. 201819 January\_ March Report Quarterly Report Final **[8.4.5.1]**

### **Recommendation**

THAT Council:

1. Notes the content of the report and the revised operating result before capital grants of (\$316K) for the 2018/19 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 January 2019 to 31 March 2019.
2. Council adopts the variations to the Council budget as outlined in the attached report.

#### 8.4.6. FIN - 27/05/19 - Rates & Charges Write Off

Report by Chief Financial & Information Officer

##### Summary

The purpose of this report is to recommend that the rates and charges listed in the attached table in the sum of \$40,528.50 be written-off as not economical to recover in accordance with Clause 131(4)(d) of the Local Government (General) Regulation 2005.

##### Commentary

Clause 131(4)(d) of the Local Government (General) Regulation 2005 states:

- (4) An amount of rates or charges can be written off under this clause only:
- (a) if there is an error in the assessment, or
  - (b) if the amount is not lawfully recoverable, or
  - (c) as a result of a decision of a court, or
  - (d) if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.**

The table attached to this report lists amounts of rates and charges that are not economical to recover. The precise reason for each recommended write-off is listed in the table. In the case of each rates account listed, the Valuer-General has cancelled the rateable land value. Therefore, the rates account is no longer a valid rates account and the land rated to each rates account is no longer a rateable parcel of land. In all cases, the land is owned by the Crown and the rates and charges were levied on a lessee or licensee who no longer holds the lease or licence. Most of the amounts owing were levied in excess of ten years ago.

The rates and charges recommended for write-off have been accounted as a receivable amount in Council's Statement of Financial Position (balance sheet). The financial impact for the 2018/19 year will be to add to Council's debt write-off expense.

##### Policy Implications

Nil.

##### Financial Implications

- Budget approved - nil budget for 2018/19 debt write-offs.
- Cost centre - N/A
- Expended to date - nil for 2018/19 rates and charges write-offs.
- Future potential impact - an improvement in Council's key performance measure - rates, annual charges, interest and extra charges outstanding percentage (reported in the Annual Financial Statements).

##### Legal and Risk Management Implications

Nil.

##### Attachments

1. Rates Balances not Recoverable 24 April 19 **[8.4.6.1]**

##### Recommendation

THAT Council:

1. Write off the rates and charges listed in the attached table in the sum of \$40,528.50 as the amounts are not economical to recover in accordance with Clause 131(4)(d) of the Local Government (General) Regulation 2005.
2. Write off interest accrued to date for the rates and charges listed in the attached table.

#### 8.4.7. FIN - 27/05/19 - Write-off - S94A, Bad Debts and Inventory

**Report by** Chief Financial & Information Officer

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#### **Reference**

Min 18-350 Ordinary Meeting of Council 26 November 2018

#### **Summary**

For Council to consider the write-off of remaining S94A invoices, bad debts and obsolete / scrapped inventory for the financial year ending 30 June 2018.

#### **Commentary**

##### **S94A Invoices**

At the November 2018 meeting, Council resolved to write off \$54,705.30 of Section 94 debtor invoices which should not have been included in Council's contributions income from 2013 to 2016.

In the November 2018 report, it was noted that a further \$18,530.15 of section 94A invoices was still being investigated for potential further write off. The investigation has now concluded with the finding that the remaining **\$18,530.15** of invoices had been incorrectly created.

##### **Obsolete and Scrapped Inventory**

Following the December 2018 storm damage to the Store, the Procurement Coordinator has reviewed the inventory which was held in Council's Store. The Procurement Coordinator compiled a list of inventory which either had not been issued in five years or was obsolete. The listing of obsolete and scrapped inventory is attached to this report and the total value is **\$25,876.71**.

##### **Bad Debts**

Finance has identified a number of bad debts which are not recoverable for a variety of reasons. The bad debts are included as an attachment to this report with the reason for each debt not being collected. Many of the debts are 5 to 7 years old. In recent years, Council has improved its debt collection practices, including issuing regular statements and taking collection action as appropriate. The total value of the bad debts is **\$30,434.83**.

For the older debts, advice will be sought from Council's external auditors as to whether debts older than five years can be written-off to Council's retained earnings and thus have no impact on Council's 2018/19 bad debt expense.

##### **Policy Implications**

Nil.

##### **Financial Implications**

- Budget approved - Nil.
- Cost centre - 3269 - General Purpose Revenue
- Expended to date - \$54,705.30 of S94A debtor invoices were written off in November 2018.
- Future potential impact - Nil.

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

Local Government Code of Accounting Practice and Financial Reporting and Australian Accounting Standards Board – AASB137 – Provisions, Contingent Liabilities and Contingent Assets and AASB1049 – Whole of Government and General Government Sector Financial Reporting.

##### **Attachments**

1. Obsolete & Scrapped Inventory May 2019 **[8.4.7.1]**
2. AR - WRITE OFFS 2019 **[8.4.7.2]**

## Recommendation

THAT Council write-off:

1. \$18,530.15 of S94A invoices at 30 June 2018 in accordance with AASB1049 – Whole of Government and General Government Sector Financial Reporting.
2. \$25,876.71 of obsolete and scrapped inventory at 30 June 2018 in accordance with AASB1049 – Whole of Government and General Government Sector Financial Reporting.
3. \$30,434.83 of unrecoverable debts at 30 June 2018 in accordance with AASB1049 – Whole of Government and General Government Sector Financial Reporting.

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

### **8.5.1. PS - 27/05/19 - Drought Communities Programme - Extension - Submissions & Recommendations**

**Report by** Director of People & Services

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#### **Reference**

Council recently called for submissions/ideas for eligible Drought Communities Programme funding from residents and groups within the Lithgow LGA (see attached media release). Submissions closed on 10 May 2019. Six (6) submissions from community groups were received each outlining possible eligible projects (see attached submissions). One submission provided an indicative cost estimate.

#### **Summary**

In March 2019, Council was informed that the Commonwealth Government's Drought Communities Programme would be extended to include the Lithgow LGA. The invitation from the Minister to participate in this program provides Council with an opportunity to apply for up to \$1 Million for local community infrastructure and other drought relief projects for communities impacted by drought.

#### **Commentary**

##### **Objectives and Outcomes**

The Drought Communities Programme (the Programme) is designed to support local community infrastructure and other drought relief projects for communities who have been impacted by drought (see attached Programme Guidelines).

The objective of the Programme is to deliver support to targeted drought-affected regions of Australia by funding:

- local community infrastructure and
- other drought relief projects.

Funding will target infrastructure and other projects that:

- provide employment for people whose work opportunities have been impacted by drought
- stimulate local community spending
- use local resources, businesses and suppliers
- provide a long-lasting benefit to communities and the agricultural industries on which they depend.

The intended outcomes of the program are to:

- increase employment in regions by providing work for locals and/or farmers and farm labourers/staff/contractors whose employment opportunities have been affected by drought
- improve levels of economic activity in regions
- increase productivity in regions
- enable better retention of businesses, services and facilities.

The Department of Industry, Innovation and Science is responsible for administering the grant opportunity on behalf of the Department of Infrastructure, Regional Development and Cities.

Council may use prequalified local contractors in the VendorPanel system for projects with a value below \$150,000. For any projects above \$150,000, Council can build a 'local supplier' criterion into the evaluation methodology. In summary, Council can demonstrate that local suppliers will be engaged by:

- Selecting suppliers to quote from Council's prequalified list of local contractors; and
- Building a 'local business' criteria into any tender evaluations, should the value of the project exceed the tendering threshold as set out by the Local Government Regulation.

### **Eligibility**

To be eligible the project must:

- Meet project requirements
- Include eligible activities and eligible expenditure
- Have at least \$25,000 per application in expenditure
- Be undertaken in the project period

The Timeframe for applications and expenditure is extremely tight as all projects must be completed no later than 31 December 2019. In reality the deadline for completion is effectively the 20<sup>th</sup> of December due to the Christmas/New Year holiday period.

The Administration has collated and reviewed the six (6) community submissions and provided a broad cost estimate for thirteen (13) recommended projects. Project proposals submitted internally by the Council Administration have also been reviewed.

The Recommendation includes projects that address the issues of Community Wellbeing, Drought Preparedness, Transport & Access, Tourism and Economic Diversification, Water Conservation and Management, and Weed Control.

### **Selection Process**

The Program Delegate (an AusIndustry senior responsible officer with responsibility for the program), decides which grants to approve taking into account the application assessment and the availability of grant funds.

The Program Delegate's decision is final in all matters, including: the approval of applications for funding, the amount of grant funding awarded, and the terms and conditions of funding. The Department of Industry, Innovation and Science have advised Council that they will not review decisions about the merits of an application.

### **Policy Implications**

Nil

### **Financial Implications**

- Budget approved - nil
- Cost centre - N/A
- Expended to date - nil
- Future potential impact – project management cost impact to be included in budgets.

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

If successful Council must comply with the Drought Communities Programme funding requirements.

### **Attachments**

1. Media Release - Drought assistance extension one million **[8.5.1.1]**
2. NSW Farmers Submission to Lithgow Council Drought Communities Programme **[8.5.1.2]**
3. Tarana Valley Community Group Submission **[8.5.1.2]**
4. Submission - Drought relief and mitigation program **[8.5.1.2]**
5. Private Submission **[8.5.1.2]**
6. Wallerawang Lidsdale Progress Assoc - Suggestions for Drought Relief Fund **[8.5.1.3]**
7. Portland Golf Club - Drought relief and mitigation program **[8.5.1.4]**
8. Drought Communities Programme Grant opportunity guidelines **[8.5.1.5]**

**Recommendation**

THAT the Administration prepare and submit application(s) to the Department of Industry, Innovation and Science for funding under the Drought Communities Programme for the following projects:

		Estimate
1	Community hall and facility upgrades including accessibility ramps, car parks, toilets and handrails, pathways etc.	\$375,000
2	Playground improvements	\$35,000
3	Youth programmes in general aimed at skill building and resilience	\$25,000
4	Mental Health & Well Being Community Plan	\$50,000
5	Education days to upskill primary producers, particularly in ways to best handle drought conditions. Education aimed at regenerative agriculture and land use, which may lead to positive changes in farming practices	\$40,000
6	Local trials to compare and test the benefits/problems/viability/economic benefits of compost use on pastures.	\$25,000
7	Rydal Toilets	\$120,000
8	Tourism sign posting	\$50,000
9	Portland Golf Club water harvesting from the clubhouse roof for storage and reticulation.	\$30,000
10	Improve water access for firefighting in Capertee at fire brigade sheds	\$25,000
11	Sporting facilities water conserving irrigation systems	\$130,000
12	Eradication of noxious weeds	\$45,000
13	Weed control – African Love Grass	\$50,000
	<b>Total</b>	<b>\$1,000,000</b>

## 8.5.2. PS - 27/05/19 - Policy 9.14 - Risk Management

**Report by** People and Services

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### **Summary**

A Risk Management Policy is presented to Council for consideration to be placed on public exhibition for 28 days.

### **Commentary**

This is a new Policy for Council and is aligned to both internal and external committees' Terms of Reference.

### **Policy Implications**

Following the exhibition period for the Risk Management Policy, the policy will be returned to Council for further consideration.

### **Financial Implications**

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

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

Outline Council's commitment and implementation of Council Enterprise Risk Management Framework.

Council must actively manage and control its risk. This Policy is designed to assist Council and Management in its Risk Management Programme.

### **Attachments**

1. Policy 9 14 RISK MANAGEMENT V 2 May 2019 **[8.5.2.1]**

### **Recommendation**

THAT Council:

1. Endorse the Risk Management Policy for public exhibition and comment for 28 days.
2. Following the exhibition period that the Risk Management Policy be returned to Council for further consideration.

### 8.5.3. PS - 27/05/19 - Nominations to Community Development Committee

**Report by** Director of People & Services

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#### **Summary**

Three nominations received from people wishing to join Council's Community Development Committee are presented for Council's consideration.

#### **Commentary**

Council advertised during April 2019 for replacement members to fill vacancies on the Community Development Committee.

Three applications have been received from:

Gaye MacFarlane

Linda Hines

Kas Hilton

The Committee Terms of Reference include the following membership:

Two (2) Councillors – Councillors Coleman and Statham

One (1) staff representative of the General Manager

One (1) Member from the retail and business services sector

Six (6) community members including individuals or organisations representing people with a disability/ the frail aged/carers.

There are three (3) current community member vacancies on the committee.

The principal responsibilities of the Community Development Committee include advising Council on:

- Relevant community service matters.
- Council's community engagement processes.
- Planning for community celebration events during Australia Day, Seniors Week,
- NAIDOC Week and Children's Week.
- The access needs of frail aged people and/or people living with a disability.

The three applicants demonstrate an interest in becoming members of the Committee and relevant experience in contributing to its work. It is recommended therefore that Council appoint Gaye MacFarlane, Linda Hines and Kas Hilton to the Community Development Committee until the 2020 Local Government elections when all committee positions become vacant.

#### **Policy Implications**

NIL

#### **Financial Implications**

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

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

Nil

**Attachments**

1. Gaye Mac Farlane [8.5.3.1]
2. Kas Hilton [8.5.3.2]
3. Linda Hines [8.5.3.3]

**Recommendation**

THAT Council appoint Gaye MacFarlane, Linda Hines and Kas Hilton to the Community Development Committee.

#### **8.5.4. PS - 27/05/19 - Women's Advisory Committee Terms of Reference**

**Report by** Director of People & Services

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#### **Reference**

Min-18- 355: Ordinary Meeting of Council 26 November 2018.

#### **Commentary**

A meet and greet evening event was held 9 April 2019 and all 21 Women who expressed an interest in participating in the Women's Advisory Committee were in attendance. A number of Councillors were also in attendance. (see attached media release)

In order to create a Committee of Council under Section 355 of the Local Government Act, Council must first approve the Terms of Reference for the Committee (see attached Terms of Reference).

It is proposed that an "action-based" model is adopted that will enable working groups to focus on key issues/projects and report back to the Committee according to an agreed timeframe.

#### **Policy Implications**

Compliance with Council's standard terms of reference for Committees.

#### **Financial Implications**

- Budget approved - nil
- Cost centre - N/A
- Expended to date - nil
- Future potential impact – Cost of events and support services

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

Compliance with Code of Conduct

#### **Attachments**

1. council.lithgow.com- Inaugural Meeting of the Lithgow Council Womens Advisory Committee [8.5.4.1]
2. Women's Advisory To R March 2019 DRAFT (4) [8.5.4.2]

#### **Recommendation**

THAT

1. The Women's Advisory Committee is established under Section 355 of the Local Government Act and
2. The Womens' Advisory Committee Terms of Reference are adopted for the Committee

**8.5.5. PS - 27/05/19 - Policy - Organisational Resilience - Business Continuity Policy**

**Report by** Director of People & Services

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**Summary**

To provide Council with an Organisational Resilience and Business Continuity Plans (BCP) Policy for consideration to be placed on public exhibition.

**Commentary**

This is a new Policy for Council and will support Business Continuity in the event of business disruption(s).

**Policy Implications**

For exhibition to the public pending final adoption at a future Council meeting.

**Financial Implications**

- Budget approved - n/a
- Cost centre - n/a
- Expended to date - nil
- Future potential impact – External review of Council's BCP

**Legal and Risk Management Implications**

This Policy supports Council's Enterprise Risk Management Framework.

**Attachments**

1. Organisational Resilience - LCC Business Continuity Policy V 1 **[8.5.5.1]**

**Recommendation**

THAT Council:

1. Endorse the Organisational Resilience and Business Continuity Plans (BCP) Policy for public exhibition and comment for 28 days.
2. Following the exhibition period that the Organisational Resilience and Business Continuity Plans (BCP) Policy be returned to Council for further consideration.

## 9. Council Committee Reports

### 9.1. IS - 27/05/19 - Operation Committee Meeting Minutes 20th March 2019

**Report by** Director of Infrastructure & Services

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#### Summary

This report details the Minutes of the Operations Committee Meeting held on 20<sup>th</sup> March 2019.

#### Commentary

At the Operations Committee held on 20<sup>th</sup> March 2019, there were numerous items discussed including;

- Road Maintenance and Management – Service Delivery and Risk

The following items were outside the Committees delegation and require Council to formally consider the recommendations:

- **Requests for Infrastructure Upgrade – Thompson Street and Railway Avenue, Portland**  
**THAT** Council:  
consider improvements to the intersection of Railway Avenue and Thompson Street, Portland as outlined in the report in line with other regional priorities as part of the draft Operational Plan for 2019/20.

Council would need to nominate a project to be removed from the draft 2019/20 Capital Works Program (included as an attachment to this report).

- **Unsuccessful Funding – Building Better Regions Fund Round 3**  
**THAT** Council:  
1. Retain the funding in a reserve to use as co-funding for future infrastructure projects: and  
2. A report be brought to the next Operations Committee meeting to identify and discuss future options for the expenditure of this funding.

The funding is the Lithgow CBD Revitalisation Stage 2 Council contribution.

- Update – Portland Footpath Gardens and Golf Club Maintenance / Renewal  
**THAT** Council:  
Note the report regarding progress on resolving the request for maintenance of stormwater infrastructure within the Portland Golf Club and the footpath gardens within the Portland CBD.

#### Policy Implications

Nil

#### Financial Implications

- Budget approved - as detailed in the commentary above.
- Cost centre - various.
- Expended to date - N/A
- Future potential impact - N/A

#### Legal and Risk Management Implications

Nil

## **Attachments**

1. Operations Committee Meeting - Draft Minutes - 20 March 2019 [9.1.1]
2. Capital Business Cases Capital - 2019-20 FINAL [9.1.2]

## **Recommendation**

That Council:

1. Notes the Minutes of the Operation Committee Meeting of 20<sup>th</sup> March 2019
2. Consider improvements to the intersection of Railway Avenue and Thompson Street, Portland as outlined in the report in line with other regional priorities as part of the draft Operational Plan for 2019/20 (funded by removal of a project from the draft 2019/20 capital works program); and
3. Retain the funding in a reserve to use as co-funding for future infrastructure projects (Lithgow CBD Revitalisation Stage 2 Council contribution funds); and
4. Note the report regarding progress on resolving the request for maintenance of stormwater infrastructure within the Portland Golf Club and the footpath gardens within the Portland CBD

## 9.2. PS - 27/05/19 - Community Development Committee Minutes 9th April 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 19-81: Ordinary Meeting of Council held on 25 March 2019

### Summary

This report provides the minutes of the Community Development Committee meeting held 9 April 2019.

### Commentary

At the Community Development Committee meeting held on 9 April 2019, various items were discussed including signage to the Lithgow Adventure Playground and Council's Disability Inclusion Access Plan.

### 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. CDC Minutes 9 April 2019 [9.2.1]

### Recommendation

THAT Council note the minutes of the Community Development Committee Meeting held on 9 April 2019.

### **9.3. IS - 27/05/19 - Sports Advisory Committee Meeting Minutes 10th April 2019**

**Report by** Director of Infrastructure & Services

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#### **Summary**

This report details the Minutes of the Sports Advisory Committee Meeting held on 10<sup>th</sup> April 2019

#### **Commentary**

At the Sports Advisory Committee held on 10<sup>th</sup> April 2019, there were numerous items discussed by the committee including:

- 2019 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
- Booking Requests

#### **Policy Implications**

Nil.

#### **Financial Implications**

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

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

Nil.

#### **Attachments**

1. Draft Minutes - SAC - 10 April 2019 **[9.3.1]**

#### **Recommendation**

THAT Council note the minutes of the Sports Advisory Committee held on the 10<sup>th</sup> April 2019.

**9.4. ECDEV - 27/05/2019 - Environmental Advisory Committee Meeting 8th May 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 8 May 2019.

**Commentary**

At the Environmental Advisory Committee meeting held on 8<sup>th</sup> May 2019 there were 8 items on the agenda which are outlined in the attached minutes. Whilst no item specifically requires a Council resolution it would be useful for Council to endorse the minutes particularly to provide extra weight to the correspondence proposed to Energy Australia and Springvale Coal as outlined in item 6 requesting an adequate environmental flow for the Upper Cox's River.

**Policy Implications**

NIL

**Financial Implications**

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

**Legal and Risk Management Implications**

NIL

**Attachments**

1. Environmental Advisory Committee - MINUTES Final **[9.4.1]**

**Recommendation**

THAT Council endorse the minutes of the Environmental Advisory Committee held on 8<sup>th</sup> May 2019.

## 9.5. CFIO - 27/05/19 - Finance Committee Meeting Minutes 13th May 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 13 May 2019.

### Commentary

At the meeting of the Finance Committee held on 13 May 2019, the following items were discussed and noted:

- The announcement by IPART that the Special Rate Variation for Lithgow City Council has been partially approved.
- The revised Councillor Expenses and Facilities Policy which will be considered by Council at the May meeting. Two matters are to be considered by Council regarding pooling of Councillor professional development / travel expenses budgets and supplementation of the 2019/20 general travel expenses budget.
- Review of the rating structure for power stations.
- The 2018/19 Quarter Three Budget Review report. Council's projected position at 30 June 2019 will be **satisfactory** at year end as net budget savings have been identified to bring the projected position close to the original budget.
- Review of May Finance and Assets reports – the Local Government Remuneration Tribunal Determination report, Rates and Charges Write-off report, Finance Committee Terms of Reference report and the Unreasonable Complainants report (reports for consideration at the May Council meeting).
- April monthly performance report to the Office of Local Government.
- Audit Action List (all 2018/19 audit actions are now completed).

### Council Investments Report April 2019

THAT

1. Investments of \$28,235,000 and cash of \$138,498.56 for the period ending 30 April 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 Finance Committee Meeting 13 May 2019 **[9.5.1]**

### Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 13 May 2019 and note the items not requiring a resolution of Council;
2. Endorse the recommendations proposed in the Council Investments Reports for April 2019.

## 9.6. IS - 27/05/19 - Operations Committee Meeting Minutes 14th May 2019

Report by Director of Infrastructure & Services

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### Summary

This report details the Minutes of the Operations Committee Meeting held on 14<sup>th</sup> May 2019.

### Commentary

At the Operations Committee held on 14<sup>th</sup> May 2019, there were numerous items discussed including;

- Transfer Lidsdale Street from Crown Land to Council
- Hutchinson Road Ben Bullen – Dedication to Council

The following items were outside the Committees delegations and require Council to formally consider the recommendations:

- **Portland Garden Bed Improvements – Wolgan and Williwa Street**  
THAT Council consider the allocation of sufficient funds in the 2019/20 Operational Plan to cover the concreting proposed in Williwa and Wolgan Street.

Council would need to nominate a project to be removed from the draft 2019/20 Capital Works Program (included as an attachment to this report). Total project value for all garden beds (including concreting and gravel) equals \$30,000. For concreting works only, a budget of \$15,000 is required.

- **Portland Golf Club Stormwater Drainage Improvements**  
THAT Council allocate the funding for Option one improvement of the Portland Golf Club stormwater drainage during consideration of the draft 2019/20 Operational Plan.

Council would need to nominate a project to be removed from the draft 2019/20 Capital Works Program (included as an attachment to this report). Total project budget required to pipe the drain is \$40,000. However, it was proposed by the Committee to extend the drain to Bell Street, mow it four times per year and remove the tree blocking flow. A budget of \$5,000 is required for this work.

- **Main Street Lithgow Bin Replacement**  
THAT Council reallocate \$30,000, from the PJ100375 – Rural Roads Gravel Re-sheeting project to purchase 12 bin enclosures and 240L bins to be installed in Main Street, Lithgow.

The funding reallocation would be a transfer from 2018/19 capital budget savings. Savings were realised by the Administration sourcing free material and transport from the RMS for use in road resheeting projects (sourced from Great Western Highway upgrades).

- **Proposed Purchase of Compaction Roller**  
THAT Council reallocate \$117,000 from the 2019/20 Capital Plant Replacement budget to the 2018/19 Capital Plant Replacement budget to facilitate the purchase the two second hand compaction rollers.

A budget variation to purchase two second hand rollers has been included in the 2018/19 Quarter 3 budget review.

- **Shade Structure Installation – Cook Street Plaza**

THAT Council reallocate \$67,000 from the CBD revitalisation Stage 2, to the Lithgow CBD Revitalisation Stage 1 for the supply and installation of two shade shelters in Cook Street Plaza.

The shade structures would be funded from existing reserves which would be reimbursed from the 2019/20 parking special levy funds.

### **Policy Implications**

Nil.

### **Financial Implications**

- Budget approved - as detailed in the commentary above.
- Cost centre - various.
- Expended to date - N/A
- Future potential impact - N/A

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

Nil.

### **Attachments**

1. Operations Committee Meeting Minutes 14 May 2019 [9.6.1]
2. Capital Business Cases Capital - 2019-20 FINAL [9.6.2]

### **Recommendation**

That Council:

1. Endorses the Minutes of the Operation Committee Meeting of 14<sup>th</sup> May 2019; and
2. Consider the allocation of sufficient funds in the 2019/20 Operational Plan to cover the concreting proposed in Williwa and Wolgan Street (funded by removal of a project from the draft 2019/20 capital works program); and
3. allocate the funding for Option one improvement of the Portland Golf Club stormwater drainage during consideration of the draft 2019/20 Operational Plan (funded by removal of a project from the draft 2019/20 capital works program); and
4. reallocate \$30,000, from the PJ100375 – Rural Roads Gravel Re-sheeting project to purchase 12 bin enclosures and 240L bins to be installed in Main Street, Lithgow (2018/19 capital budget funding); and
5. reallocate \$117,000 from the 2019/20 Capital Plant Replacement budget to the 2018/19 Capital Plant Replacement budget to facilitate the purchase the two second hand compaction rollers (2018/19 Quarter 3 budget variation); and
6. reallocate \$67,000 from the CBD revitalisation Stage 2, to the Lithgow CBD Revitalisation Stage 1 for the supply and installation of two shade shelters in Cook Street Plaza (funded from 2018/19 reserves).

## 9.7. IS - 27/05/19 - Sports Advisory Committee Meeting Minutes 15th May 2019

Report by Director of Infrastructure & Services

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### Summary

This report details the Minutes of the Sports Advisory Committee Meeting held on 15<sup>th</sup> May 2019

### Commentary

At the Sports Advisory Committee held on 15<sup>th</sup> May 2019, there were numerous items discussed by the committee including:

- 2019 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
- Booking Requests

The following items were outside the Committees delegations and require Council to formally approve the recommendation:

- Item 6.1 - Council provide *Adam Doonan* with \$500.00 toward the cost of participating in the Finke Desert Race.

### Policy Implications

Nil.

### Financial Implications

- Budget approved - \$112,500 non-recurrent financial assistance
- Cost centre – PJ 600059
- Expended to date - \$74,937
- Future potential impact – Nil.

### Legal and Risk Management Implications

Nil.

### Attachments

1. Draft Minutes - Sports Advisory Committee Meeting - 15th May 2019 **[9.7.1]**

### Recommendation

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on the 15<sup>th</sup> May 2019; and
2. Approve financial assistance of \$500.00 from the current allocation for sports related financial assistance (Policy 4.2 Financial Assistance) for *Adam Doonan* toward the cost of participating in the Finke Desert Race.

## 10. Notices of Motion

### 10.1. Notice of Motion - 27/05/19 - Building Committee

**Report by** Councillor Stephen Lesslie

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#### **Recommendation**

THAT Lithgow Council establish a Building Committee to examine and make recommendations to Council about any Building Application or Development Application referred to it.

This Committee is to consider any Building Application or Development Application referred to it by the Mayor or General Manager; any matter "called in" by any Councillor; any application where the land area is greater than one hectare; any application where the development application is higher than a two storied house and any application where the cost of the development is greater than two million dollars.

The General Manager to delegate appropriate staff to service the Committee and to draw up terms of reference.

Such terms of reference should include provisions that all Councillors are automatically members of the Committee and that a quorum for the Committee be four members.

The Committee to be open to the public and have the power to allow applicants and members of the public to address the Committee.

The Committee to have the power to adjourn and, if deemed necessary, to have site inspections.

The Committee to have the power to close the Committee for confidential items should such a recommendation be made to the Committee by the General Manager or his delegate and carried by the Committee.

The Chairman to be appointed by the Council and in the event of an equality of votes to have a casting vote.

#### **Management Comment:**

Building Applications have not existed since 1998. The closest modern-day equivalent to a Building Application would be a Construction Certificate. A Construction Certificate is a certificate to the effect that the detailed construction plans and specifications of a development are consistent with the development consent and comply with the Building Code of Australia. A Construction Certificate can only be issued by an Accredited Certifier. Accredited Certifiers may be Private or employed by a council. Council employs several accredited certifiers with varying levels of accreditation. Whilst any construction certificate's issued by Council's certifiers are on behalf of the Council, neither the elected Council nor a Committee would have the authority to determine a Construction Certificate or direct an accredited certifier in the performance of their obligations as certifiers.

**10.2. Notice of Motion - 27/05/19 - Legal Budget Breakdown**

**Report by** Councillor Stephen Lesslie

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**Recommendation**

THAT A report be brought down on the breakdown of the expenditure of the legal budget for the next meeting of the Finance Committee.

**10.3. Notice of Motion - 27/05/19 - Australian Local Government Women's Association NSW**

**Report by** Councillor Cassandra Coleman

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**Commentary**

At the 2019 Australian Local Government Women's Association NSW conference in Liverpool I, Councillor Cassandra Coleman, was elected unopposed to the position of President.

Across the state, I will be able to actively promote and showcase the Lithgow Local Government Area as a place to visit and to stay.

Our first schedule meeting is to be held next month in Forbes NSW, due to the urgency of the matter I am seeking clarification and support from Council in this role.

**Attachments**

Nil

**Recommendation**

THAT Lithgow City Council provide continuing support to Councillor Cassandra Coleman in her role as President of The Australian Local Government Women's Association NSW.

**Management Comment**

As the 2018/19 Councillor expenses budget has been fully expended, Council will need to vote a budget allocation for travel / accommodation expenses for Councillor Coleman's meeting in Forbes. A budget allocation without cost savings / extra income to offset will add to Council's planned deficit operating result (before capital) for 2018/19.

Management recommends that delegates to external committees or bodies prepare a report after each meeting identifying the tangible benefits derived for the Lithgow Community and that the report be tabled at the earliest possible Council meeting.

## **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

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### FIN - 27/05/19 - Unreasonable Complainants

#### 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: -

- (f) matters affecting the security of the council, councillors, council staff or council property

#### Summary

To inform Council of recent instances where the General Manager has limited customers' access to Council in accordance with Policy 4.6 Customer Service and Unreasonable Complainants Policy.

### IS - 27/05/19 - Replacement of Roadside Fencing - Wolgan Road, Wolgan Valley

#### 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: -

- (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,

#### Summary

Subsequent to a report presented to Council on 29 April 2019, this report seeks a resolution from Council regarding the replacement of privately-owned boundary fencing which was removed as part of a Council project involving the realignment and seal of Wolgan Road, Wolgan Valley commencing September 2007.

#### Recommendation

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