



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 22 July 2019

at 7:00 pm

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1. **Acknowledgement of Country**
2. **Present**
3. **Apologies**
4. **Confirmation of Minutes**
5. **Declaration of Interest**
6. **Commemorations and Announcements**
7. **Public Forum**
8. **Mayoral Minutes**
- 8.1. **Mayoral Minute – 22/07/19 – General Manager’s contract of employment (Reappointment)**

Report by Mayor – Councillor Ray Thompson

Reference

Minute 19-158: Ordinary Meeting of Council held 27 May (Reconvened 11 June 2019)

Summary

At the reconvened May Council meeting held 11 June 2019, Council acknowledged the General Manager’s ‘Very Satisfactory’ performance review result and resolved to offer a three (3) year contract of employment (reappointment) to Mr Graeme Faulkner from 29 May 2020 to 29 May 2023.

Commentary

Following resolution 19-158 of the reconvened May Council meeting (held 11 June 2019), a letter of offer of reappointment as General Manager on the same terms and conditions as the current contract was offered by the Mayor and accepted by Mr Graeme Faulkner. Accordingly, a new contract of employment has been prepared and a resolution of Council is required to affix Council’s Seal to the contract.

Policy Implications

Nil

Financial Implications

- Budget approved - Yes
- Cost centre – Employee Costs
- Expended to date – on track
- Future potential impact - Budgeted

Legal Implications

- Compliance with the *Standard Contract of Employment for General Managers of Local Councils in NSW*
- Compliance with Office of Local Government Guidelines

Attachments

Nil

Recommendation

THAT Council authorise the affixing of the Council Seal to the General Manager's three (3) year contract of employment (reappointment) to take effect from 29 May 2020 to 29 May 2023 under the same terms and conditions as Mr Faulkner's current contract of employment.

9. Staff Reports

9.1. General Manager's Reports

9.1.1. GM - 22/07/19 - National General Assembly (NGA19) Conference

Report by General Manager

Reference

Min 19-66 Ordinary Meeting of Council 25 March 2019

Summary

Council delegates represented Lithgow City Council at the Local Government National General Assembly held in Canberra ACT from Sunday 16 June 2019 until Wednesday 19 June 2019.

Commentary

Mayor Ray Thompson, Deputy Mayor Wayne McAndrew, CFIO Ross Gurney and the General Manager Graeme Faulkner, attended the debates and functions held during the General Assembly, and met separately with-

1. former NSW Attorney General Mr Bob Debus,
2. the Hon Patrick Conroy, Shadow Minister for International Development and the Pacific from 2.6.2019, Shadow Minister Assisting for Climate Change from 2.6.2019, and Shadow Minister Assisting for Defence from 2.6.2019. As member for Shortland, NSW he represents not only his community, but various employment generating Industries in the electorate including, coal mining, tourism, fishing, power stations, building industry and poultry farming. The meeting occurred at Federal Parliament.
3. The Mayor and Deputy Mayor of Glen Innes Severn Council who sought information on Lithgow Council's initiative concerning the Mayoral Mental Health Taskforce and Headspace Services provision in the Lithgow LGA.
4. Representatives of Blue Mountains Council who sought a lunchtime meeting to discuss the impact of increasing truck movements from Clarence to Mt Piper through the Mt Victoria community. LCC took the opportunity to also further discuss its proposal for additional electric train shuttle services between Lithgow and Penrith and return.
5. The Deputy Mayor of Cessnock concerning the ongoing development of the mining, tourism and other industries in that LGA, as a prelude to LCC's visit being arranged for later in 2019 to Cessnock Council to understand the difficulties Cessnock faced with their transitioning economy.

Motions Considered at NGA:

121 motions were considered at the NGA focusing in part on the following issues-

- Constitutional recognition of Local Govt
 - Restoration of Financial Assistance Grants to 1% of taxation revenue
 - Local Govt Boundary alterations.
 - Funding for Citizenship programs
 - Direct Federal funding for major infrastructure projects
 - Zonal taxation rebates to foster decentralisation of Industry and Commerce
 - Roads
 - Water Resources
 - The rollout of fast charging stations for electric vehicles
 - Waste Management and Recycling
 - Climate Change
 - Natural Disaster funding for Drought
 - Homelessness
-

- Building Cladding
- The Ice epidemic
- Electricity and Gas Pricing and
- Investment in Regional Cities.

Keynote Speakers:

Keynote speakers at the conference included-

- Acting Prime Minister the Hon Michael McCormack MP
- Karen Middleton, Chief Political Correspondent, The Saturday Paper
- Mr Steven Sammartino, Australian Futurist, Author and Technologist
- Ms Eileen Deemai-Hall CEO, Wujai Wujai Aboriginal Shire Council
- Mr Ben Artup, Exec Director Strategic Projects Bundaberg Regional Council
- Mr Colin Fairweather, CIO, City of Melbourne and
- Ms Romily Madew AO, Chief Executive Infrastructure Australia

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council note the report.

9.1.2. GM - 22/07/19 - Local Government NSW Conference 2019

Report by General Manager

Summary

The Local Government NSW's conference will be held at Warwick Farm from Monday 14 October to Wednesday 16 October 2019.

Commentary

The Local Government NSW Conference is the main policy making event for the local government sector where issues are debated, and motions put forward for consideration by delegates.

As a member of Local Government NSW, Lithgow City Council is able to nominate three voting delegates to the conference and three voting delegates for the Board election.

Motions can be put forward to be considered from 24 June and close on Monday, 19 August 2019. Council will require any motion submissions to be submitted to the General Manager no later than 31 July 2018 to be collated.

Policy Implications

NIL

Financial Implications

Conference registrations

- Budget approved - \$9,000 for Councillor conferences and seminars.
- Cost centre - 10 1059 1000 63206
- Expended to date - Nil
- Future potential impact - Nil

Legal and Risk Management Implications

NIL

Attachments

1. Letter - LGNSW Conference 14-16 October 2019 [9.1.2.1 - 10 pages]

Recommendation

THAT Council:

1. Appoint the Mayor, Deputy Mayor and another Councillor as voting delegates to the Conference.
2. Authorise the General Manager or his delegate to attend the Conference as an observer.
3. Authorise the Mayor to appoint alternate delegates or additional observers if required.

**9.1.3. GM - 22/07/19 - Western Region Community Consultative Committee
Second/Alternate Councillor Delegate**

Report by General Manager

Summary

To appoint an alternate Councillor Delegate to the Western Region Community Consultative Committee.

Commentary

Correspondence from Centennial Coal has been received requesting Lithgow City Council assign a second/alternate Councillor delegate to attend the six monthly Community Consultative Meetings.

This committee comprises Springvale Colliery and Angus Place operations. Councillor Maree Statham is listed as the Lithgow City Council Councillor delegate presently.

Council is requested to nominate a secondary delegate to the Western Region Community Consultative Committee to represent Lithgow City Council in conjunction with Councillor Statham.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Letter - Centennial Coal seeking Alternate Councillor Delegate **[9.1.3.1 - 1 page]**

Recommendation

THAT Council nominate a secondary delegate to the Western Region Community Consultative Committee to represent Lithgow City Council in conjunction with Councillor Statham.

9.1.4. GM - 22/07/19 - Code of Meeting Practice - Non-Mandatory Clauses

Report by General Manager

Reference

Min 19-12 Ordinary Meeting of Council 25 February 2019

Min 19-126 Ordinary Meeting of Council 27 May 2019 (reconvened 11 June 2019)

Min 19-162 Ordinary Meeting of Council 24 June 2019

Summary

Council has adopted the Code of Meeting Practice with the mandatory clauses of the prescribed Code only included (Min. No. 19-126). Since the adoption of the Code of Meeting Practice, it has become apparent that some clauses require further determination by Council.

Commentary

At the Ordinary Meeting of Council on 27 May 2019 (reconvened 11 June 2019), Council resolved:
19-126 RESOLVED

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 live streamed on the Council's website (as per clause 5.19 of the Code) from the June 2019 meeting.

The adopted Code of Meeting Practice excluded all non-mandatory clauses of the Office of Local Government's prescribed Model Code of Meeting Practice. There are, however, clauses in the prescribed Model Code of Meeting Practice which require Council to determine options. Clarification is sought from Council as to which option it chooses to take for these clauses. There is also a minor addition to the Code of Meeting Practice which is recommended for adoption.

- **Clause 8.1:** it is recommended that that the Order of Business, as resolved by Council at the Ordinary Meeting of Council on 24 June 2019 (Min. No. 19-162) be added as an appendix to the Code of Meeting Practice. Clause 8.1 would then state "*at a meeting of the council, the general order of business is as fixed by resolution of the council (refer to Appendix A "Order of Business" adopted 24 June 2019 (Min. No. 19-162)).*" As also resolved by Council at the 24 June 2019 Ordinary meeting, a report will be brought to a future Council meeting to consider bringing forward Closed Council and Notice of Motion in the Order of Business.
- **Clause 11.6 to 11.11 and Clause 11.13 Voting at Council Meetings:** the Model Code of Meeting Practice includes a note - "*if clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.*" Voting at Council meetings is the subject of a separate (confidential) report to the June meeting which refers to legal advice obtained on the matter. As Council has resolved on the matter of voting at Council meetings at the 29 October 2018 Ordinary Meeting (Min. No. 18-286), it is recommended that mandatory

clauses 11.6 to 11.9 and Clause 11.13 be included and non-mandatory Clause 11.11 be omitted from the Code of Meeting Practice.

- **Clauses 15.14 to 15.16 Expulsion from Meetings:** the Model Code of Meeting Practice includes a note - "*Councils may use either clause 15.14 or clause 15.15*". Council needs to determine to choose either Clause 15.14 or Clause 15.15. Clause 15.16 is in red in the Model Code of Meeting Practice and should be omitted from the adopted Code of Meeting Practice.

The version of the Code of Meeting Practice which was adopted at the Ordinary Meeting of Council on 27 May 2019 (reconvened 11 June 2019) is included as an attachment. An amended version of the Code of Meeting Practice with the clauses noted above highlighted is also attached.

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 NSW Word version_-_ LCC Adopted **[9.1.4.1 - 32 pages]**
2. Model Code of Meeting Practice for Local Councils in NS W_(Word version)_-_ LCC Draft July 2019 **[9.1.4.2 - 33 pages]**

Recommendation

THAT Council:

1. Amend Clause 8.1 of the Code of Meeting Practice to state "*at a meeting of the council, the general order of business is as fixed by resolution of the council (refer to Appendix A "Order of Business" adopted 24 June 2019 (Min. No. 19-162)).*"
2. On the matter of voting at Council meetings, include mandatory clauses 11.6 to 11.9 and Clause 11.13 and omit non-mandatory Clause 11.11 from the Code of Meeting Practice.
3. Determine whether to include Clause 15.14 or Clause 15.15 on the matter of expulsion from meetings and to omit Clause 15.16.

Clause 15.14 states *“all chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.”*

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

4. Adopt the Code of Meeting Practice with the above amendments which reflect only the mandatory clauses of the prescribed Code with Council determining the clauses which include options.

9.2. Economic Development and Environment Reports

9.2.1. ECDEV - 22/07/19 - DA020/19 Subdivision of 1 lot into 4 and Four Dwellings, 7 Cura Close Lithgow

Report by Director of Economic Development & Environment

Reference

Min No 19-132 - Ordinary Meeting of Council held on 27 May 2019 Reconvened 11 June 2019, DA020/19 Subdivision 1 Lot into 4 & 4 Dwellings, 7 Cura Close Lithgow- Call-In Report

Summary

To assess and recommend determination of 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. It is recommended that the development application be refused.

Commentary

The proposal includes the subdivision of Lot 6 DP 1250061 into 4 Torrens title lots with the construction of 4 new dwellings on each lot. Each lot varies in size, all with a similar size of approximately 350m² (range from 354.649m² to 362.170m²).

The subject site is an irregular shaped residential allotment (1,429.14m²) located at the end of Cura Close, Lithgow, that being a small cul-de-sac. The property is vacant of any building structures.

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 were previously part of the former Lithgow Hospital site that was demolished in the early 2000's. The land was then subdivided into 8 lots. There is a variety of development forms surrounding the subject site, with residential to the north and north-east, single dwellings to the west and east and vacant land to the south.

The subject site is a relatively flat site with some steep land towards the rear with slopes in excess of 25% and in some sections up to 30% slope (18 degrees). There is also a drainage easement which affects approximately 4-4.5m of the north, east and western side boundaries of the land.

The land is zoned R1 General Residential in accordance with Lithgow Local Environmental Plan (LEP) 2014. The development being for 4 Torren title subdivision with each lot containing a single dwelling, is permitted with consent on land zoned R1 General Residential under LEP 2014 provided that the land complies with the minimum lot size (MLS) of 300m². Each proposed lot varies in size, all with similar size of approximately 350m² (range from 354.649m² to 362.17m²). Consequently, the development complies with the minimum lot size provisions.

Furthermore, the application was notified to surrounding landowners and placed on display for a period of 14 days and no objections were received.

Whilst the application complies with minimum lot size requirements and no objections have been received by nearby property owners, Council officers have assessed the application as best as they can, given certain requested information has not been forthcoming, and have identified the following key issues which ultimately lead to a recommendation to refuse the application.

1. Lot size and over development

Council officers have concerns that the proposed development is an over development of the site, considering the difficult site constraints that affect the land. The subject site is heavily constrained over three sides by water and sewer easements and steep topography. These constraints limit the usable land area for each proposed dwelling. The steep topography of the land and the proximity to adjoining land owner's also present privacy and solar access concerns. Each dwelling provides for an irregular shaped and unusable configuration of private open space area.

During the process, Council officers requested that consideration be given to the reduction of the built form and the number of proposed lots to a maximum of 2 residential lots and dwellings. However, the applicant has requested the application be determined as submitted.

2. Landscape Plan

Consultation has occurred with Council's Water and Wastewater Officer who has reviewed the Landscaping Plan. While Council's Water and Waste Officer finds the proposed trees acceptable except for two proposed trees covering existing manholes, concern is raised together with the above matters of overdevelopment of the site. The large pine trees at maturity will provide privacy screening to neighbouring property to the north, however solar access to the open space areas of each dwelling will be compromised.

3. Retention of land along the north and north-eastern boundary (rear boundary)

Further information is required to detail how the land will be retained in this section of the site, noting the steep topography and Council's policy regarding no built structures being permissible within the sewer and drainage easements.

Over the past 5 months Council has written to the applicant on a number of occasions as well as undertaking two meetings with the applicant seeking to address these issues in detail. Council officers believe that the information submitted has not been satisfactory to adequately address Council's concerns.

As the above information has not been adequately provided, the applicant has not been able to demonstrate the development would not have an adverse impact on the environment; this includes both the natural and built environments in the locality. The applicant has also not been able to demonstrate compliance with the *Environmental Planning and Assessment Act 1979 Section 4.15 Evaluation* as well as *The Building Code of Australia* and *Lithgow Council's Local Environmental Plan 2014*.

Other Issues

Context and Setting: The proposed development will be located within an established residential area and will have impacts on the context and setting of the area. The surrounding area is generally for residential pursuits with the proposal not considered to be consistent with the density and scale of surrounding residential land uses. While the proposed subdivision meets the minimum lot size of 300m², the majority of land within this immediate locality minimum sized lots are between 700m² to 1200m² as follows:

- 4, 6 and 8 Short Street immediately to the north of the subject site contain a site area of approximately 700m².
- 10 and 10A Short street, a dual occupancy development contain a site area of approximately 1000m²;
- 6 Cura Close – vacant land – 1,200m²
- 5 Cura Close – vacant land – 780m²
- 4 Cura Close – vacant land – 990m²
- 10 Hill Street – vacant land – 775m²

The proposal provides for residential lots between 350m² to 360m², which is well below the surrounding land sizes and would be considered to be out of character with the adjoining residential properties. This reduction in lot sizes could result in land use conflicts with other

residential development in the surrounding area considering the potential for privacy and solar access impacts. These impacts are due to the constraint of the land containing steep topography to the north.

The site is heavily constrained over three sides by water and sewer easements and steep topography to the north and north-east. These constraints limit the usable land area for each proposed dwelling. Council has requested the applicant to provide further information on how the land will be retained in this area. However, this has not been forthcoming. Council staff have concerns that the proposed dwellings may impact the zone of influence of the infrastructure contained within the easements, noting the close proximity of the dwellings to the easement and the need for land retention at the rear. Furthermore, the impact of the development on the drainage patterns, soil erosion and soil stability are unable to be determined. Lack of information has resulted in Council staff not being able to undertake a full assessment of these issues.

The steep topography at the rear of the land and the proximity of the development to adjoining land owners presents privacy and solar access concerns. From site inspections, standing at the rear (northern and north-eastern section) of the subject site, the topography of the land is very steep sloping and one can view the entire backyard areas of each of the dwellings (No.4,6,8 and 10A Short Street), even with the provision of a 1.8m colourbond fence along the rear (northern boundary). A reduction in built form and number of lots could reduce the impact of such privacy concerns.

The applicant provided a landscaping plan that indicates the northern and western elevations proposed to be landscaped with *Thuja occidentalis* 'Emerald Green' ('Smaragd'), an upright growing conifer growing to a maximum height of 5m. With the provision of this landscaping, sporadically planted along the boundaries, considering the 50% grade in topography at the rear of the subject site, there is likely to be some degree of privacy and overlooking from the dwellings into the adjoining residential backyard areas.

Irrespective of Council receiving no objections from adjoining land owners, Council has an obligation to ensure that the planning issues and impacts are considered and are unlikely to have a negative impact on adjoining land owners and the stability of land on the subject site.

Private Open Space: Whilst it is acknowledged that arguments can be made for a demand for housing with little open space it should be noted that each dwelling in this instance provides for an irregular shaped and unusable configuration of private space area for each dwelling. None of the dwellings provide for usable open space areas, with the open space areas being 'left over' sections of land between the dwelling buildings. The open space areas do not provide for dimensions which are useable to accommodate outdoor recreational needs.

Lot Configuration, Size and Frontage Width: New allotments should be regular in shape, with an orientation and alignment that allows for future buildings to have adequate street frontage, optimises solar access, provides for adequate private open space located behind the building line of future dwellings and allow for parking and stormwater measures to be accommodated wholly within the allotment.

The proposed lots are irregular in size and configuration with long, north-south orientation. The lots contain an average frontage width of 5.4m, in comparison with the current lot width of approximately 21m. The proposed lot widths are likely to contribute to problems with the built form, the provision of private open space, privacy and solar access of the proposed dwellings. The proposal provides splayed lots with narrow lot frontages, splaying to a wider rear area. This in turn affects the building configuration and is unable to achieve adequate private open space. The proposal does not provide for an adequate lot configuration, size or width.

Landscaping and Privacy: A major concern with this proposal is the negative privacy impacts that these proposed dwellings will have on adjoining residential properties to the north along 4-10 Short Street. Also the privacy concerns relating to the existing childcare centre and medical centre located at 15 Bridge Street that adjoins proposed Dwelling No.1. The applicant has addressed this issue through the provision of landscaping within the easement area. The applicant has chosen to plant a number of *Thuja occidentalis* 'Emerald Green' – 'Smaagd', semi dwarf cultivar/pyramid shaped conifer, growing to a mature height of approximately 5m.

No objection has been raised by Council's Water and Wastewater Division, with the placement of these trees in the easement, so long as the trees are not planted near existing manholes.

While the landscaping is likely to alleviate a small degree of privacy and overlooking to adjoining neighbours, there will still be a degree of privacy and overlooking from the dwellings into the adjoining residential backyard areas due to the steep topography of the site. Concern is also raised in relation to the impact that the proposed landscaping will have on solar access to the proposed residential allotments. Due to the orientation of the allotments in a north – south orientation, the solar access to the open space areas and the living areas of each dwelling will be compromised.

The applicant has provided some sectional details and photo montage of how the landscape treatment will not affect the solar access to the dwelling. These diagrams have not been drawn to scale and therefore an assessment cannot be undertaken on this documentation and they cannot be seen to be a true representation on how the proposed landscape treatment will affect solar access to the proposed dwellings.

Overshadowing and Solar Access: The applicant has failed to supply Council with shadow diagrams to support the proposed dwellings and therefore Council is unable to determine the impact that each dwelling will have on the adjoining properties in terms of solar access. Further, the impact of the proposed landscaping on the solar access to each of the proposed dwellings is undetermined.

Design Elements of the Dwelling – Carports and garages

The applicant has failed in the design of the new dwellings to locate the garages on the site in an appropriate location. The proposed location is likely to diminish the attractiveness of the streetscape. The garages have been positioned to sit well in front of the proposed dwellings and will dominate views of the dwellings from the street. This in turn will reduce the opportunity for surveillance of the street from dwellings with restriction of views of the buildings from the street.

Policy Implications

Policy 5.1 Building Over Easements

The subject site contains an easement for sewer and stormwater drainage at the rear of the site, along the western, northern and eastern side boundaries. The dwelling structures are proposed to be built outside of this easement area.

Due to the steep topography of the site, Council has requested the applicant to provide information on how the land within the easement areas will be retained; including details of any retaining structures.

Council has been unable to undertake further assessment in relation to these concerns due to limited information being submitted with the application. It is therefore unknown whether the easement would be impacted by the proposed subdivision and new dwellings.

Policy 7.1 Filling and Levelling of Land

Council's Policy 7.1 is applicable to all land within the Lithgow Local Government Area (LGA) and is raised where excavation or the depth of fill exceeds 900mm. The construction of the dwellings will not require fill or excavation that exceeds 900mm, however, there has been no information

submitted with regard to the treatment of the land at the rear of the site, which contains steep topography or how this area will be retained. It is highly likely that some form of retaining wall will be required in this area of the site. No further assessment could be undertaken in regard to this issue due to limited information being submitted.

Policy 7.2 Subdivision – Release of Subdivision Plans

1. Council will endorse subdivision certificates prior to completion of subdivision works only on the following basis:

a) Subdivision works must be substantially complete. “Substantially complete” means that all civil works have been completed including roads, water supply, sewerage and drainage. Minor outstanding works refers to installation of street signage, final rectification/seeding of excavations & batters and landscaping.

b) Works as executed plans must have been submitted to Council and accepted.

c) Security for incomplete works must be provided to Council prior to the endorsement of the subdivision certificate, either by cash deposit or unconditional bank guarantee.

d) The amount of the security must be 100% of the estimated cost of completion of the outstanding works.

2. The General Manager is authorised to determine the amounts of security deposits for outstanding subdivision work and to release security upon satisfactory completion and to vary the time periods for completion of works as deemed necessary.

3. The General Manager is authorised to decline to allow bonding of outstanding subdivisions works where the deferred completion of works would not be in the best interest of Council and the community.

4. The owner of the land to which the subdivision relates must provide written authority allowing Council to enter the site and make all necessary arrangements to have outstanding works completed within six (6) months of the date of the subdivision certificate.

5. The General Manager may sub delegate any function under this policy including the issue of a Subdivision Certificate.

The following condition would have been placed on the consent if approved but it is submitted that the development cannot be approved:

That a Subdivision Certificate Application be lodged to Council for approval.

Policy 7.5 Notification of Development Applications

This policy applies to all applications as below:

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

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

The proposal was notified to surrounding landowners and placed on display for a period of 14 days and therefore complies with Council’s Policy.

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 Councilor Steve Ring and Councilor Cassandra Coleman with the call-in reported at the Ordinary meeting of Council dated 27 May 2019 (re-Convened 11 June 2019); Min No. 8.2.6.

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

1. ECDEV 22-07-19 D A 020-19 Cura Close Section 4.15 Assessment Report [9.2.1.1 - 21 pages]

Recommendation

THAT

1. The Development Application DA020/19 be **REFUSED** due to insufficient details being submitted for Council to formally assess the development under the *Environmental Planning and Assessment Act 1979, Section 4.15 Evaluation* relating to impacts of over development of the land, privacy and overlooking to adjoining residential properties, irregular shaped allotments which result in unusable private open space and solar access concerns to private open space areas of each dwelling. The development has also not been able to demonstrate compliance with *Lithgow Council's Local Environmental Plan 2014*;
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

9.2.2. ECDEV - 22/7/19 - Review of Policy 7.7 - Calling In Development Applications

Report by Director of Economic Development & Environment

Summary

To advise of a review of Council Policy 7.7 - Calling in Development Applications

Commentary

That latest of the Economic Development and Environment policies to be reviewed is Policy 7.7 - Calling in Development Applications. The main changes proposed for this policy simply seek to reflect the Department of Planning and Environment Development Assessment Best Practice guide that recommends the following in situations where councils have call-in procedures:

Notification in writing has been received by at least three councillors that the DA is required to be submitted to the elected council for determination. Any such notification should include reasons or policy position for why the application requires reporting to the council for determination.

It is appreciated that Councillors may have differing views on this issue but from a professional point of view it is considered that a policy change requiring at least 3 Councillors to call in a development application and provide reasons for the call in is the appropriate recommendation to make.

As the alterations proposed in Policy 7.7 are not major, it is suggested that there is no need to publicly exhibit the revised policy prior to its final adoption.

Policy Implications

Policy 7.7 - Calling in Development Applications has been reviewed and amendments proposed.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. Policy 7 7 Calling In Of Development Applications By Councillors final version for Council [9.2.2.1 - 3 pages]

Recommendation

THAT the revised Council Policy 7.7 - Calling in Development Applications (Version 4) as attached to the business paper be adopted and implemented immediately.

9.2.3. ECDEV 22/7/2019 Austen Quarry MOD 2 (SSD 6084) - Overburden Emplacement Area, Jenolan Caves Road Little Hartley

Report by Director of Economic Development & Environment

Reference

Min No 14-480: Ordinary Meeting of Council held on 15 December 2014
Min No 15-325: Ordinary Meeting of Council held on 14 December 2015
Min No 16-52: Ordinary Meeting of Council held on 21 March 2016 - State Significant Development-6084-Hytec Industries Pty Limited, Austen Quarry Voluntary Planning Agreement

Summary

To advise Council on a Major Project that has been submitted to the Department of Planning and Environment (the Department) for the Austen Quarry MOD 2 (SSD 6084). The proposal is in response to the outcomes of a geotechnical review undertaken at the Quarry that identified a potential geotechnical safety risk associated with the approved design of the overburden emplacement.

Commentary

The proposed modification to SSD 6084 includes:

1. Modification of the approved overburden emplacement boundary, including:
 - the addition of approximately 1.0ha to the overburden emplacement to the north-west; and
 - the removal of approximately 1.5ha from the overburden emplacement to the south-west.
2. Associated clearing of vegetation located within the proposed addition to the overburden emplacement boundary and conservation of vegetation in the area no longer required for the development of the overburden emplacement.

The modification to the overburden emplacement boundary and design is proposed to engineer a potential geotechnical risk that would result, should a large volume of water rest between the retained strip of vegetation and the overburden emplacement. In this instance, there is the potential for loss of contact between the overburden emplacement and the natural surface to occur. This occurrence could result in a shear failure or a localised rotational failure of the approved overburden emplacement.

Overburden management at the Quarry would not change due to the proposed modification and the proposed overburden emplacement would continue to have design characteristics consistent with the existing operation.

The proposed modification would create minor changes to the final landform. Rehabilitation would remain consistent with the existing operation.

All other remaining environmental impacts associated with the ongoing operations would remain consistent with existing approved operations.

Status

The Environmental Impact Statement was supplied to Council for comment which closed on the 25 June 2019. Given the timeframe between Council meetings a submission was made on behalf of Council raising no objections.

The Department advised that the modification application, including the Statement of Environmental Effects (SEE) will not be publicly exhibited due to the minor nature of the modification (Section 4.55(1A)).

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 Austen Quarry MOD 2 (SSD 6084), proposal to amend the design of the overburden emplacement area, be NOTED.

9.2.4. ECDEV - 22/07/19 - Proposed licence to Lithgow Croquet Club Inc.

Report by Director of Economic Development & Environment

Reference

Nil

Summary

This report requests Council's preliminary approval to grant a licence to Lithgow Croquet Club Inc. (ABN 58 796 105 643) (**'the Club'**) for use and occupation of the clubhouse and croquet sports field located on Glanmire Oval.

Commentary

The Club has played croquet at Glanmire Oval since 1955, and recently the NSW Government approved a grant totalling \$160,405 to upgrade the croquet sports field, which forms part of Glanmire Oval.

Glanmire Oval is classified as 'community land', which is governed by the *Local Government Act 1993* (**'the Act'**). The key laws applying to 'community land' under the Act are:

1. exclusive occupation or exclusive use of 'community land' is prohibited, except in accordance with a lease or licence (section 47D);
2. a lease or licence of 'community land' can only be granted in accordance with an express authorisation in the Plan of Management (section 46(1)(b));
3. public notice and exhibition requirements apply to a proposed lease or licence (section 47(1) and 47A(2));
4. approval of the Minister for Local Government is required in relation to a proposed lease or licence in certain circumstances, such as the term exceeds 21 years or submissions from the community are received (section 47(5) and 47A(2)(c));
5. if the term of lease or licence exceeds 5 years and is offered to an organisation other than a non-profit organisation, such lease or licence can only be granted by way of tender (section 46A(3) and 55(3)(e)).

The Club desires to have exclusive use and occupation of the clubhouse and croquet sports field. Therefore, in compliance with the abovementioned laws, it is proposed to grant a licence to the Club on the following terms:

Term (clause 3) - 5 years

Licence fee (clause 4) - The proposed licence fee is \$400 per annum fixed for 5 years. The licence fee payable is contingent upon the licensee being and remaining a not-for-profit organisation throughout the term of the licence.

(Note: For community land used and occupied by not-for-profit organisations that provide a direct benefit to the community, Council typically charges an amount equivalent to Crown Land rent (presently \$490 per annum) with annual CPI reviews. However, the Club has indicated that this amount would pose strain on their limited budget. By way of compromise, the Club has indicated that it can afford to pay a licence fee of \$400 per annum fixed for the term).

Utility charges (clause 8) - The Club must pay all utility and service charges.

Use of premises (clause 7) - Playing croquet and associated purposes, including fundraising activities.

Maintenance and repair (clause 9) - The Club must maintain the premises in its condition at the commencing date and do repairs needed to keep it in that state, except for fair wear and tear. Council must undertake all structural repairs and repairs required due to fair wear and tear.

Insurance (clause 13) - The Club must maintain public liability insurance and any other insurances it is required to hold by law.

Ownership of Assets (clause 15) - The Club acknowledges and agrees that all improvements and chattels on and in the Property, other than the Club's Property, vest in the Licensor absolutely and notwithstanding any monetary or in kind contribution, government grant, donation or benefit attributed by the Club to the improvement of the Property (whether made prior to or during the Term), the Club has no legal, equitable, common law, or other right or interest in the Property, and warrants that it will not make any Claim against the Licensor in this regard.

Position of Council (clause 16) - The Club acknowledges that the Licensor is a consent authority with statutory rights and obligations as a Council under legislation. The Licensor enters into the Licence Agreement in its capacity as Licensor, and the Licence Agreement does not, and is not to be construed as, conferring on the Licensee any right, licence, approval or consent required to be granted by a consent authority; and the Licensee must obtain and maintain throughout the Term of this Licence any approval, consent, authorisation or licenced required for the Use or the Club's activities on the Property.

Indemnities (clause 17) - The Club indemnifies the Licensor in relation to any claim against the Licensor arising out of the Licensee's breach of any laws in relation to its occupancy or use of the premises, but the indemnity does not extend to any claim arising from or contributed to by any negligent act or omission of the Licensor.

Policy Implications

Policy 9.16 Compliance Policy

Financial Implications

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

Legal and Risk Management Implications

Local Government Act 1993.

Attachments

1. 19.06.25 - draft licence agree to Lithgow Croquet Club Inc **[9.2.4.1 - 14 pages]**

Recommendation

THAT

1. Council grant preliminary approval to the proposed Licence Agreement to Lithgow Croquet Club Inc.
2. Council give public notice of the proposed Licence Agreement and place the Licence Agreement on public exhibition for at least 28 days.

3. Following notice and exhibition, the matter be returned to Council for endorsement of the Licence Agreement to Lithgow Croquet Club Inc. with details of any submissions made during the exhibition period and any consequent recommendations or amendments.

9.2.5. ECDEV - 22/0/19 Springvale Water Treatment Project – Modification 3 (SSD 7592 MOD 3)

Report by Director of Economic Development & Environment

Reference

Min No 16 – 318: Ordinary Meeting of Council 21 November 2016 - State Significant Development – SSD 7592 – Springvale Coal Pty Ltd Water Treatment Project.

Min No 19-97: Ordinary Meeting of Council 29 April 2019 - Springvale Water Treatment Project Modification 3.

Summary

To advise Council of the notice of modification issued by the Department of Planning and Environment (the Department) for the Springvale Water Treatment Project (SSD-7592) Modification 3.

Commentary

Council has received the notice of modification by the Department of Planning and Environment who have granted consent for the implementation of a proposed interim water management strategy for the Springvale Water Treatment Project

It was resolved at Council's Ordinary Meeting held on 29 April 2019 that Council has no objection to the Modification proposal subject to Council's original conditions remaining on the consent.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

1. Springvale Mine SS D-7592 Mod 3 Consolidated Consent [9.2.5.1 - 21 pages]

Recommendation

THAT the information in the report on the Springvale Water Treatment Project (SSD-7592) Modification 3, notice of determination be NOTED.

9.2.6. ECDEV - 22/07/19 - Sponsorship Request Lithgow Zig Zag Steam Art Prize

Report by Director of Economic Development & Environment

Summary

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

Commentary

Lithgow's Gang Gang Gallery will host the **Lithgow Zig Zag Steam Art Prize** in October and November 2019. The Exhibition will run from 4/10/2019 - 28/11/2019. Exhibition dates will coincide with the "Rail 150" event planned to celebrate the 150th anniversary of Bowenfels Station.

The Prize has two components:

- Lithgow Art Prize (Open) - Prize Money \$1,500
- People's Choice Art Prize (Themed) - Prize Money \$500

The request is for Council to sponsor both categories. Benefits offered are:

- Council ownership of the categories with logo on all entry forms.
- Council will be marketed on all social media pages including website.
- Acknowledgements would be made during the promotion of the event and during the exhibition.
- Marketing for the Lithgow Art Prize will occur throughout Central West as well as the Blue Mountains, but expectation is entries from all areas of NSW.
- A representative from Council to 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".

It is recommended that Council consider sponsoring the 2019 **Lithgow Zig Zag Steam Art Prize** within the adopted budget for the 2019/20 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. It is suggested that Council's sponsorship be \$1,500 for the "Open" category.

Policy Implications

Nil

Financial Implications

- Budget approved - 2019/20 budget \$60,000 for Lithgow Regional Economic Development Strategy Execution.
- Cost Centre - PJ 700072.
- Expended to date - n/a.
- Future potential impact - n/a

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council provide sponsorship to the 2019 Lithgow Zig Zag Steam Art Prize to the amount of \$1,500 for the "Open" category.

9.2.7. ECDEV - 22/07/19 - Destination Pagoda

Report by Director of Economic Development & Environment

Summary

To advise Council of the initiative prepared by the Gardens of Stone Alliance known as Destination Pagoda.

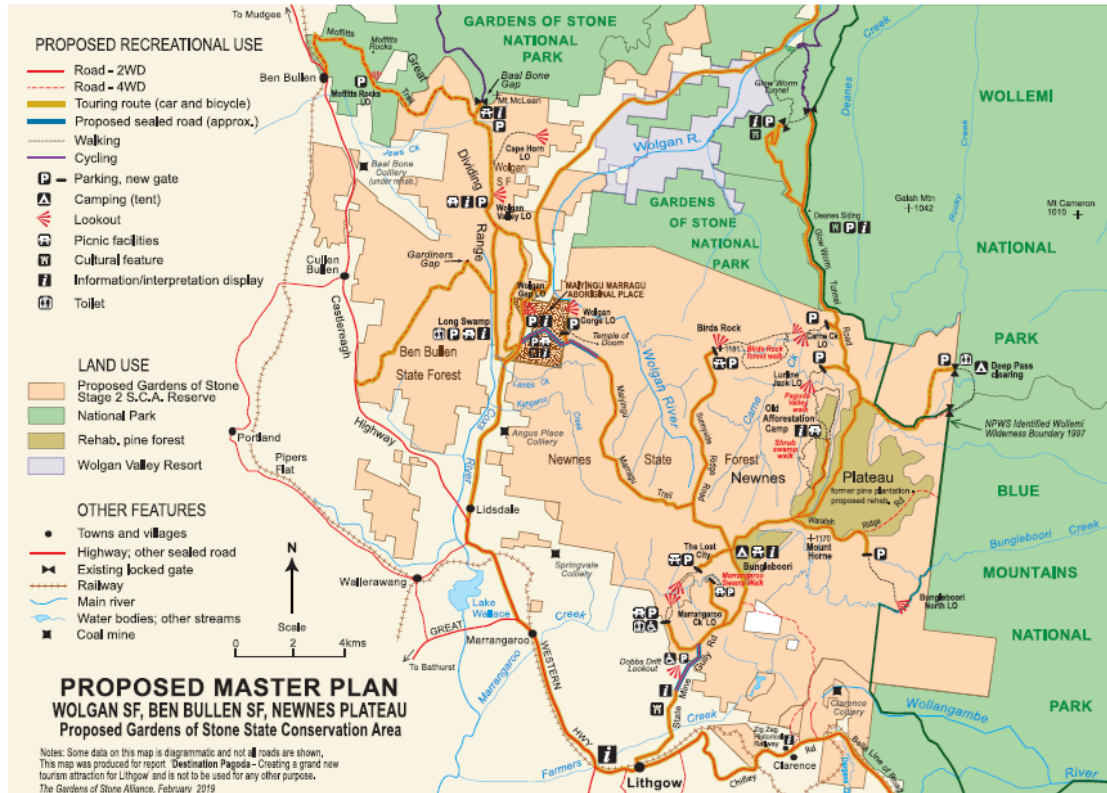
Commentary

The Colong Foundation, Blue Mountains Conservation Society and Lithgow Environment Group have formed a group known as the Gardens of Stone Alliance. The Alliance has developed a plan known as Destination Pagoda.

In summary the plan proposes the transition of State Forests into a State Conservation Area. Destination Pagoda is essentially a conservation initiative that also aims to create visitor attraction through the promotion of Lithgow as a Tourist Destination.

The cornerstone of the initiative is the proposed creation of a new State Conservation area to be known as the Gardens of Stone State Conservation area. The State Conservation area would aim to preserve the unique pagoda landscapes, primarily situated in the Newnes, Ben Bullen and Wolgan State forests. The Pagoda landscapes would be promoted as a tourist destination and the plan predicts economic benefits to the Lithgow Local Government Area.

The location of the proposed conservation area in relation to the Garden of Stones National Park, Wollemi National Park and Blue Mountains National Park is shown on the plan below.



A masterplan is proposed that sets aside the State Conservation area and outlines costs in relation to road upgrades and development of facilities. The road upgrade costs are estimated at \$5.5

million and facilities upgrades \$6.1 million. It is not clear from an examination of the plan how these figures were calculated. The plan indicates that a ten-year cost of establishing and managing the new State Conservation area would be \$31.6 million or \$22.2 million in present value terms. Of the funds required, the plan indicates that Centennial Coal's swamp offset funds of up to \$14 million would be earmarked and the balance would be sourced through:

- Grants from specific Government programs such as NSW Regional Growth and Destination NSW programs for specific reserve establishment projects.
- Reductions in net Government expenditures through mining, road maintenance and pest species management, also by transfer of State Forest expenditures to National Parks and Wildlife Service.
- Other funds from Commonwealth and NSW Governments to support the Local Economy.

Economic benefits through nature-based tourism are predicted, although it is unclear how this is quantified.

In relation to coal mining and State Conservation areas, the plan states the legal position in that a State Conservation area allows underground mining to continue. An examination of the National Parks and Wildlife Act reflects this position although other layers of approval and management are brought into play. For example, the Act provides that a mining interest shall not be granted in respect of lands within a state conservation area without the concurrence in writing of the Minister. However, it should also be noted that the Act provides protection to existing mining interests at Section 47J(2) stating:

Except as provided by this Act, the reservation of lands as, or as part of, a state conservation area does not affect:

- (a) the terms and conditions of any existing interest in respect of those lands from the Crown or the trustees, current and in force at the time of the reservation, or
- (b) the use permitted of those lands under the interest.

An existing interest means any authority, authorisation, permit, lease, licence or occupancy and this includes a mining lease.

Whilst the protection afforded to mining interests in respect of existing mining leases is acknowledged, it is unknown as to whether the status of a State Conservation area would increase the chances of objection during an application process for development consent which would be required irrespective of the existence of a mining lease.

In relation to road upgrades the plan proposes that it would be necessary to seal two steep sections of State Mine Gully Road up to above Dobbs Drift and a steep section of Maiyingu Maragu Road on the Newnes Plateau. The plan indicates that a section from Wolgan Road into Long Swamp could also be considered for sealing. The plan suggests other roads would only require upgrading to two-wheel drive use with regular maintenance and provisions of adequate drainage required. The plan also notes that the Glow Worm Tunnel Road is worthy of attention. It appears that the ongoing management of the roads would vest with the National Parks and Wildlife Service if creation of a State Conservation Area was successful. Certainly, Lithgow Council would not have the resources to accept any additional public roads into its road network.

Councillors have had the benefit of receiving a briefing from Mr Keith Muir of the Colong Foundation in relation to Destination Pagoda and the copy of the proposal is attached to the business paper. All in all, the concept of conservation and nature-based tourism is a commendable one. However, there are still some issues that require more detail and stakeholder consultation. For example, some of the figures have not been quantified and the proposed means of funding is very simplified. There is also a potential impact on forestry operations in that an area shown as "former pine plantation proposed rehab" is believed to be area to be planted for ongoing softwood

operations. Council was not consulted in the preparation of the plan and it is understood that other authorities, eg Forestry Corporation, were also not consulted.

It is considered that Destination Pagoda should be seen as a good first step that could be further developed and refined through proper stakeholder consultation. For example, authorities such as National Parks and Wildlife, Department of Planning and Environment, Forestry Corporation and Crown Lands may have input or positions to put forward. If Council wishes to establish a position on Destination Pagoda it needs to be clear that any position does not potentially provide any tacit commitment to funding and/or ongoing management of road networks; ensuring no impact on existing mining interests or operations; and no impact on forestry operations. It should be noted that none of the current roads within the area are believed to be Council roads.

Policy Implications

Nil

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - Nil with respect to this report in general. However, Council's position should not infer any commitment to, for example, road network upgrade or maintenance.

Legal and Risk Management Implications

Nil in considering this report in general.

Attachments

1. Destination Pagoda [9.2.7.1 - 60 pages]

Recommendation

THAT

1. Council note the report on the initiative by the Garden of Stones Alliance known as Destination Pagoda.
2. Council encourage the Gardens of Stone Alliance to engage with all relevant government authorities and industry representatives in relation to the plan.
3. The Gardens of Stone Alliance be thanked for their recent presentation to Council on Destination Pagoda.

9.2.8. ECDEV - 22/07/19 - Economic Development Committee - Terms of Reference

Report by Director of Economic Development & Environment

Reference

Ordinary Meeting of Council 25 September 2017 Minute No. 17-262

Summary

To provide Council with amended terms of reference for its Economic Development Committee.

Commentary

When Council first established its Economic Development Committee on 25 September 2017 Minute No. 17-262, the Committee was set up with membership consisting of all Councillors. Since this time there have been occasions when it has been difficult to convene a meeting of the committee due to lack of a quorum. To assist in resolving this situation and to also refine the terms of reference, revised terms of reference have been prepared (attached to the business paper).

The revised Terms of Reference reduce the number of Councillor members to four, with voting membership also comprising the General Manager and Director of Economic Development & Environment. It is not proposed to alter the meeting frequency or to any great extent deviate from the original terms of reference. However, the revised Terms of Reference should provide a mechanism whereby the committee can meet on a regular basis and meetings not lapse through the lack of a quorum.

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. GM - 250917 - Economic Dev TOR Version 2 Revision 2 [9.2.8.1 - 5 pages]

Recommendation

THAT

1. Council adopt the amended Terms of Reference for its Economic Development Committee as attached to the business paper.
2. That four Councillors nominate to the Economic Development Committee noting that the Mayor will be a member ex-officio.
3. Council appoint the Chair and Deputy Chair of the Economic Development Committee.
4. Council note that the appointments to the Committee, Chair and Deputy Chair will be reviewed when Council considers membership of its committees on an annual basis.

9.3. Water and Wastewater Reports

9.3.1. WWW – 22/07/19 – Water Report

Report by Director of Water & Wastewater

Reference

Min No 19- 167 Ordinary Meeting of Council 24 June 2019

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 8th July 2019 was down 4.3m or 54.38%. Clarence Transfer System is currently operating.

Oberon Dam capacity on Monday 8th July 2019 was 37.9 %. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 31.4%. Level 2 restrictions on the FRWS are now in effect. Level 3 Restriction trigger is 25% of the adjusted storage.

Climatic and Rainfall Outlook

- The following climatic and rainfall outlook is taken from the Bureau of Meteorology website.
- The winter climate outlook, issued 30 May 2019, suggests a drier than average winter is likely for much of eastern and parts of southern Australia.
- Daytime temperatures during winter are very likely to be warmer than average.
- With more cloud-free days and nights expected, there is an increased risk of frost in susceptible areas.
- Climate influences include the expected development of a positive Indian Ocean Dipole and a weakening of El Niño-like patterns in the tropical Pacific.
- Below average winter rainfall is likely for much of eastern Australia, southeastern SA, and WA's southern coast.

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

Total for 2017/18	1,388.1	760.2	810.4
Licence Limit (ML/a)	1500	1293	1778
Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	118.8	176.7	69.8
August	106.9	142.0	56.0
September	104.7	0	51.0
October	139.3	0	65.6
November	116.4	0	55.0
December	128.8	0	41.4
January	121.4	0	82.7
February	116.6	0	53.8
March	158.3	0	57.9

April	96.8	0	64.3
May	72.5	0	46.0
June	38.1	0	118.9
TOTAL	1318.6	318.7	762.4

Clarence Water Transfer Scheme

The Clarence Water Transfer Scheme is currently operating and transferring on average 7ML/d.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant has been temporarily shutdown. The shutdown commenced Tuesday 7 May 2019. Due to water break at Duckmaloi Council was required to feed the villages from 17 May 2019 to 27 May 2019 until the repair could be undertaken. FRWS have continued to feed into Lithgow from the 2 July 2019. 1 health-based ADWG value was exceeded for the period 12 June 2019 to 12 July 2019. Results received 5 July 2019 indicated a sample collected from 2 Cook Street, Lithgow on Tuesday 25 June 2019 exceeded the Health target for Mercury with a result of 0.0013. The exceedance was dealt with in accordance with Council Drinking Water Management System and the requirements of NSW Health and repeat samples collected on the next business day.

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 25/06/19 and taken to Sydney Water for testing. At the time of writing the report the results had not been received.

Fish River Water Scheme Water Quality Summary

FRWS has been supplying the whole system since 2nd July 2019. There were two (2) exceedances of ADWG values for the period 16/05/19 to 12/07/2019. Results received 26/06/2019 indicated a sample collected from Railway Avenue, Portland on Tuesday 18/06/2019 exceeded the Aesthetic target for Iron with a result of 0.57mg/L, the target being 0.3mg/L and the Health target for Nickel with a result of 0.03mg/L, the target being 0.02mg/L. All exceedances were dealt with in accordance with Council Drinking Water Management System and the requirements of NSW Health which requires a repeat sample be taken which all returned a result below the target levels.

Water Reticulation Complaints

Council received 6 complaints during the period 13/06/19 to 12/07/2019 concerning water quality issues, these were all isolated incidences. The water mains were flushed in all instances of water quality complaints.

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 the June 2019 Water Report be noted.

9.4. Finance and Assets Reports

9.4.1. FIN - 22/07/19 - Investment Report June 2019

	Chief Financial & Information Officer
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Reference

Min No 19-171: Ordinary meeting of Council held on 24 June 2019.

Summary

To advise Council of investments held as at 30 June 2019 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy.

Commentary

Council's total investment portfolio, as at 30 June 2019 when compared to 31 May 2019, has increased by \$1,540,000 from \$28,280,000. to \$29,820,000. Cash in Council's bank account decreased by \$1,287,446.54 from \$1,546,550.02 to \$259,103.48.

There is an overall increase in cash and investments of \$1,028,343.06 since 31 May 2019, which is due to the prepayment of the Financial Assistance Grant 2019-20.

If the movement in the bank account is negative, this is shown as a net redemption. If the movement in the bank account is positive this is shown as a net new investment.

The movement in Investments for the month of June 2019 were as follows:

Opening Balance of cash and investments as 01 June 2019	\$29,826,550.02
Plus New Investments – June 2019	\$8,500,000.00
Less Investments redeemed – June 2019	-\$8,247,446.54
Closing Balance of cash and investments as at 30 June 2019	\$30,079,103.48

A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received (e.g. Water, Wastewater, Stormwater, Domestic Waste, Parking) or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

Policy Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 14 August 2017, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011.

Financial Implications

- YTD interest income budget approved – \$760,605
- Cost centre - 3259
- YTD Income to date - \$827,033
- Future potential impact – Nil

The Council's interest income for 2018/19 is \$66K is over budget due to a combination of reserve balances being greater than forecast and improved investment returns.

Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget

estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

Legal and Risk Management Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 14 August 2017 Council adopted a revised Investment Policy and investments comply with this Policy.

Risk is managed by taking a conservative approach to managing Council's investments and only investing in term deposits.

CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investments Policy.

Ross Gurney
Chief Financial and Information Officer (Responsible Accounting Officer)

Attachments

1. Market Value - June Report [**9.4.1.1 - 1 page**]

Recommendation

THAT

1. Investments of \$29,820,000 and cash of \$259,103.48 for the period ending 30 June 2019 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

9.4.2. FIN - 22/07/19 - Policy Review - Policy 8.6 Hardship Policy

Report by Chief Financial & Information Officer

Reference

Min No 17-311: Ordinary Meeting of Council held on 23 October 2017.

Summary

The purpose of this report is to seek Council adoption of a revised Hardship Policy.

Commentary

Version 5 of the Hardship Policy was adopted by Council at the 23 October 2017 Ordinary Meeting (Min. No. 17-311).

The policy has been revised to make improvements in relation to the Hardship Committee's review of applications. Other changes are minor alterations to wording.

The key proposed changes to Policy 8.6 Hardship Policy are:

- The Hardship Committee to include the Customer Service Supervisor as a representative external to Finance.
- The addition of a provision for the General Manager to review any hardship decisions.

Policy Implications

Adoption of a revised Policy 8.6 Hardship Policy.

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

1. Policy 8.6 - Hardship Policy - V 6 - Draft **[9.4.2.1 - 4 pages]**

Recommendation

THAT revised Policy 8.6 Hardship Policy be adopted and implemented immediately.

9.5. People and Services Reports

9.5.1. PS - 22/07/19 - Petition to Permanently Fly the Aboriginal Flag on the Sydney Harbour Bridge

Report by Director of People & Services

Summary

Council has received a request that it host a petition asking the NSW Legislative Assembly to permanently fly the Aboriginal flag alongside the Australian and NSW flags on the Sydney Harbour Bridge.

Commentary

Council has received a request from Cheree Toka, a Kamilaroi woman with family ties to North Western NSW, Gunnedah and Moree and an Inner West resident, for Council to host a petition asking the NSW Legislative Assembly to permanently fly the Aboriginal flag alongside the Australian and NSW flags on the Sydney Harbour Bridge for 365 days a year, rather than 15 days a year at present during certain occasions such as Australia Day, Reconciliation Week and NAIDOC week.

In order for the campaign to be recognised by the NSW Parliament, 10,000 signatures are required to lodge into parliament.

Ms Toka advises that the following NSW councils currently host the petition:

- Inner West Council
- Shell Harbour Council.
- Bogan Shire Council.
- Blue Mountains City Council.
- City of Sydney Council

Council has sought advice from Mingaan Aboriginal Corporation which supports this request.

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. ECM 1679654 v 1 Request - Support for Campaign to have Indigenous Australian Flag Placed on Harbour **[9.5.1.1 - 7 pages]**

Recommendation

THAT Council host a petition at the administration centre and libraries asking the NSW Legislative Assembly to permanently fly the Aboriginal flag alongside the Australian and NSW flags on the Sydney Harbour Bridge.

9.5.2. PS - 22/07/19 - Arts Outwest

Report by Director of People & Services

Reference

Min 18-199 Ordinary Meeting of Council held 23 July 2018

Min 19-174 Ordinary Meeting of Council held 24 June 2019

Summary

At the Ordinary Meeting of Council held 24 June 2019 (Min 19-174), Council resolved that the administration provide a report on the membership of Arts Outwest inclusive of a new three-year MOU at the next Council meeting.

Commentary

Arts Outwest is a regional arts advocacy and support organisation that operates across the Central West region. Arts Outwest's mission is to promote, facilitate, educate and advocate for arts and culture in the Central West. Arts Outwest is funded by contributions from Central West councils and funding from the State and Federal governments. It received Recurrent Financial Assistance from Lithgow City Council for a number of years in accordance with three-year Memoranda of Understanding (MOU's) under which Council paid a per capita amount based on Estimated Resident Population. The most recent MOU expired in June 2018.

In July 2018, Council amended Financial Assistance Policy 4.2 to delete the Recurrent Financial Assistance category and to require all applicants to apply for Non-Recurrent Financial Assistance. This policy amendment also applied to several previous recurrent assistance recipients including the Lithgow Show, Ironfest, LINC and Tidy Towns.

In 2018/19 Council paid \$10,000 Non-Recurrent Financial Assistance to Arts Outwest.

Should Council resolve to enter a new MOU with Arts Outwest, it would be open to Council to provide financial assistance on a per capita basis as requested (15,707.74 GST inclusive) or to pay a reduced amount. No funds are allocated in 2019/20 for this purpose and the 2019/20 Financial Assistance allocation is now fully allocated.

Due to current budget constraints, should Council determine to enter a new MOU with Arts Outwest and to provide financial assistance, the Administration would need to identify services / program to be reduced to enable funding to be granted to Arts Outwest.

Policy Implications

Nil

Financial Implications

- Budget approved - NIL
- Cost centre - N/A
- Expended to date - NIL
- Future potential impact - Approximately between \$10,000 and \$15,707.74

Legal and Risk Management Implications

Nil

Attachments

1. ECM 1176342 v 1 Lithgow AOW MOU 2015 pdf [9.5.2.1 - 3 pages]

Recommendation

THAT Council:

1. Note the report on Arts Outwest.
2. Determine whether to enter a new Memorandum of Understanding (MOU) with Arts Outwest (on similar terms to previous MOUs) with the implication that financial assistance will be provided to Arts Outwest.
3. Should Council determine to enter a new MOU with Arts Outwest, it is recommended that the amount of financial assistance be set at \$10,000 p.a. The Administration would need to identify services / program to be reduced at the Quarter 1 2019/20 budget review to enable funding to be granted to Arts Outwest.

9.5.3. PS - 22/07/19 - Men's Health Advisory Committee - Terms of Reference

Report by Director of People & Services

Reference

Min. No. 18 –311: Ordinary Meeting 29 October 2018

Summary

At the October 2018 Ordinary Meeting, Council resolved that the administration provide a report on the establishment of a Men's Health Advisory Committee under s355 of the Local Government Act and that the Administration organises a public meeting to discuss the scope of the Committee's terms of reference.

Commentary

Men's health problems are a significant issue both nationally and within our own local community. Nationally one in 8 men will experience depression and 1 in 5 men will experience anxiety at some stage in their lives. In 6 out of every 8 suicides, it is men that take their own lives. The number of men who die by suicide in Australia is nearly double the annual national road toll.

Prostate Cancer: is diagnosed mainly in men aged over 50 years and occurs when cells in the prostate grow and divide abnormally, creating a tumour. Excluding some forms of skin cancer, prostate cancer is the most common type of cancer diagnosed in Australian men, with more than 19,000 diagnosed each year.

Male fertility issues: Male infertility can be a sign of another health condition, such as testosterone deficiency or testicular cancer. Other associated problems can include physical or psychological, or a combination of both. Infertility can sometimes indicate diabetes or hypertension (high blood pressure) and highlights the importance of getting checked out by a GP.

These and other health issues are not only life threatening but can severely impact quality of life and the relationships men have with their families.

A draft Terms of Reference has been prepared and is attached to this report and the administration recommend that this document be used as the basis for community consultation with input from men's health professionals within our community.

Policy Implications

Nil

Financial Implications

- Budget approved - Nil
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact - Committee support and promotional activities

Legal and Risk Management Implications

Nil.

Attachments

1. Men s Health Advisory Committee Draft Terms of Reference [9.5.3.1 - 7 pages]

Recommendation

THAT Council endorse the draft Terms of Reference for a Men's Health Advisory Committee.

9.5.4. PS - 22/07/19 - Drought Communities Programme - Application Status Report

Report by Director of People & Services

Reference

Minute 19-122: Ordinary Meeting of Council 27 May 2019.

Summary

Following a twenty-one (21) day consultation period (that included the Easter and ANZAC Day holiday period) the Administration submitted an application on 5 June 2019 to the Department of Industry, Innovation, and Science for \$1M in Drought Communities Programme funding (see media release attachments). To date, no response has been received from the Department.

Commentary

As at the date of this report (12 July 2019), Council has not received notification from the Federal Government that its application has been successful or unsuccessful. The Administration contacted the relevant Government Department on 21 June and again on 4 July to expedite the approval process (see attachments).

Due to delays in executing a funding deed, the project team tasked with administering the project and ensuring that the project meets project milestones has expressed concern that this project will fail to meet the 31 December 2019 deadline for completion.

The Administration has sought the assistance of the local Federal Member, Mr Andrew Gee (see attachments) requesting that his office:-

1. Expedite, on behalf of Council, the approval of the Drought Communities Programme funding for Lithgow City Council and,
2. Should Council be successful in its application for Drought Communities Programme funding, explore options for an extension of the project completion date beyond 31 December 2019.

Policy Implications

NIL

Financial Implications

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

Legal and Risk Management Implications

Should the application for funding be successful, Council must comply with the funding deed conditions including the extremely short project completion date.

Attachments

1. ECM 1679812 v 1 Notification - Applications for Grant Funding Open - March 2019 - Drought Communities [9.5.4.1 - 8 pages]
2. Attachment 2 - Media Release Update 2 Drought Extension [9.5.4.2 - 2 pages]
3. Attachment 3 - Attachment to Media Release - Update 2 Drought Extension - Resolution 19-122 of 27 Ma [9.5.4.3 - 1 page]
4. Attachment 5 - Email R E_ Application DC P 000397 [SE C= UNCLASSIFIED] [9.5.4.4 - 1 page]
5. Attachment 6 - Email R E_ Application DC P 000397 [SE C= UNCLASSIFIED] [9.5.4.5 - 2 pages]

6. Attachment 4 - Email F W_ Application DC P 000397 [SE C= UNCLASSIFIED] **[9.5.4.6 - 3 pages]**
7. Andrew Gee - Drought Communities Funding **[9.5.4.7 - 3 pages]**

Recommendation

THAT Council notes the Drought Communities Programme Application status report.

10. Council Committee Reports

10.1. IS - 22/07/2019 - Minutes of the Sports Advisory Committee Meeting 19th June 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Sports Advisory Committee Meeting held on 19 June 2019.

Commentary

At the Sports Advisory Committee held on the 19 June 2019, there were numerous items discussed by the Committee including:

1. 2019 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
2. Booking Requests

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Sports Advisory Committee Meeting - 19 June 2019 [**10.1.1 - 6 pages**]

Recommendation

THAT Council note the minutes of the Sports Advisory Committee Meeting held on the 19 June 2019.

10.2. IS - 22/07/2019 - Operations Committee Meeting Minutes 3rd July 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Operations Committee Meeting held on 3rd July 2019.

Commentary

At the Operations Committee held on 3rd July 2019, there were numerous items discussed including;

- Changes to Aquatic Centre Opening Hours

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

- **Streets Opening Coordination Council**

THAT

1. Council notes the report on the benefits to Lithgow City Council of membership to the Streets Opening Coordination Council; and
2. Council allocate \$5,000.00 from the Main Street Stormwater Improvements project to fund membership to the Streets Opening Coordination Council.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT minutes - Operations Committee Meeting - 3 July 2019 [**10.2.1 - 5 pages**]

Recommendation

THAT Council:

1. Notes the Minutes of the Operation Committee Meeting of 3 July 2019
2. Council notes the report on the benefits to Lithgow City Council of membership to the Streets Opening Coordination Council; and
3. Council reallocate \$5,000.00 from the Main Street Stormwater Improvements project to fund membership to the Streets Opening Coordination Council.

10.3. FIN - 22/07/19 - Audit Committee Meeting Minutes 13 June 2019

Report by Chief Financial & Information Officer

Summary

This report summarises the Minutes of the Central Tablelands Alliance (CTA) Audit Committee Meeting held on 13 June 2019.

Commentary

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

At the CTA Audit Committee Meeting held on 13 June 2019, the following Lithgow City Council items were presented and discussed:

- Business Arising and Action List – the focus on internal audit for the next 12 months from July 2019 was discussed. For the 12 months from July 2019, the Finance Committee will ensure that the responsibilities of the Audit Committee are met.
- April Council resolution (Min No. 19-116) - plans to develop a three year Internal Audit Strategy and plan were discussed. A representative of Centium presented the final report for the internal audit of Contract and Project Management systems and processes. Actions to implement recommended improvements will proceed over the 2019/20 year.
- The Quarter 3 2018/19 Budget Review, Draft 2019/20 Operational Plan and interim audit update were presented and discussed.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

1. 190613 Minutes Internal Audit Committee - 13 June 2019 [**10.3.1 - 7 pages**]

Recommendation

THAT Council endorses the CTA Audit Committee 13 June 2019 meeting minutes.

11. Notices of Motion

11.0. Notice of Motion - 22/07/19 - Small Business Friendly Council Conference 16 & 17 May

Report by Councillor Steve Ring

Commentary

18 – 362 RESOLVED

THAT Lithgow Council write to the Small Business Commissioner with the intent of establishing a working relationship with the Commissioner through an invitation to the Economic Development Committee and appropriate staff.

The inaugural two-day Conference was an important stage in the ongoing management of the Small Business Friendly Council Initiative established in 2017 by the Small Business Commissioner. Sixty-nine Councils were represented at the Conference with over 200 participants.
Small Business Friendly Council Initiative

One hundred and eight of the one hundred twenty-eight New South Wales Councils have signed up to the Small Business Friendly Council Program. The program provides NSW councils with information, initiatives and resources that build capabilities that assist councils to support local business. The resources and initiatives are open to all councils in NSW, free of charge.

Easy to do Business initiative

An integral part of SBFC, the Easy to do Business initiative (EtdB) provides councils with a digital platform and state-wide policy solutions that make it easier for small businesses to start up and grow.

EtdB reduces red tape and eliminates forms, enabling small businesses to obtain streamlined and faster approvals. It also provides councils with decision-ready applications and significant efficiency gains.

For example, it has streamlined the process for cafes, restaurants and small bars to start up their business, reducing application times from up to 18 months and 48 forms to less than three months and a single online form.

Nine councils participated in a trial in 2017 to reduce the process for outdoor dining for restaurants, cafés and other food-based businesses and this resulted in a two-day approval process.

Key take home messages

More than 710,000 small businesses in NSW representing 96% of all businesses.

61% are sole traders and of the 39% that employ staff:

69% are Micro Business 1 – 4 staff;

24.3% Small 4 – 19 staff;

6.2% Medium 20 – 199 staff;

0.5% Large 200 plus staff.

1 in 10 new small businesses fail in the first year and half do not survive past four years.

One of the most complex regulators to deal with is local government. Councils have lots of regulatory responsibilities but poorly resourced.

The speed of change of society (particularly digitization and Artificial Intelligence) means that we need to understand current trends in planning for the future and not base our decisions on extrapolation of what occurred in the past.

Natural disasters not only affect whole communities but can have a severe impact on small businesses. It is not enough just to have a Disaster Management Plan; communities need a disaster recovery plan.

Attachments

1. Small Business Friendly Councils Initiative **[11.0.1 - 2 pages]**
2. Easy-to-do- Business-fact-sheet **[11.0.2 - 2 pages]**
3. Notes From Small Business Friendly Council Conference **[11.0.3 - 14 pages]**

Recommendation

THAT Lithgow City Council:

1. Join the Small Business Friendly Initiative
2. Join the Easy to do Business Initiative.

12. Questions with Notice

12.1. Question with Notice - Cr Coleman - Customer Service Charter

Report by Councillor Cassandra Coleman

Customer Service Charter:

I note the Customer Service and Unreasonable Complainants Policy.
Policy 4.6

1. Service Commitment

1.3 Council staff will strive to respond to all correspondence received from customers within fourteen days.

An acknowledgement letter may be sent where investigations are such that more than 14 days are required to respond.

1.6 Council staff will answer incoming calls clearly stating their name, department and/or position. Unanswered calls will divert to another member of staff or to voice mail.

Voice mail messages will receive a response within 24 hours.

Attachments

Nil

Recommendation

What is the response time from the relevant department once they have received the correct phone messages from the Customer Service desk?

12.2. Questions with Notice - Cr Coleman - Over Payment of Rates Policy

Report by Councillor Cassandra Coleman

Attachments

Nil

Question with Notice

What is Council's policy regarding overpayment of Council rates by local residents? How are refunds actioned and the time frame for said refund?

12.3. Question with Notice - Cr Lesslie - 22/07/19 - Energy Australia Project Clarification

Report by Councillor Stephen Lesslie

Commentary

There has been recent local media report (ABC Central West, 8 July 2019) about an upgrade of the Mt Piper Power Station. However, the only project detailed on the Energy Australia website is an article on the Energy Recovery Project.

To quote the Energy Australia website:

“The project, an Australian first, involves using non-recyclable plastics, linen and cardboard, known as refuse derived fuel (RDF), in a specifically-designed boiler to create steam.”

Attachments

Nil

Question with Notice

Could the Council ascertain if this is the project announced by NSW Energy Minister Matt Kean and Energy Australia?

12.4. Questions with Notice - Cr Lesslie - 22/07/19 - Grandstand Cleanliness

Report by Councillor Stephen Lesslie

Commentary

I have been approached by members of the community about the state of the grandstand at the Tony Luchetti Sportsground, specifically, the quantity of pigeon droppings on the floor and stairs. There is a wire netting between the seats and the girders holding up the roof, but either the droppings were not cleaned up before the netting was installed or there is a hole in the roof which allows pigeons access and has resulted in large amounts of excrement accumulating on the girders. These droppings then fall down into the public areas causing a mess.

Attachments

Nil

Question with Notice

Could this be investigated and rectified?

13. 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.

14. Closed Council

14.1. Confidential Report - FIN - 22/07/19 - Request for Financial Assistance

Report by	Chief Financial & Information Officer
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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

The Chief Executive Officer of Access Industries for the Disabled Ltd has written to Council seeking financial assistance for their Lithgow laundry operations.

This report provides background information on Council's response to a 2018 request for an exemption from the water tariff rates applied to their commercial laundry operations. The report also considers whether Council can provide financial assistance to Access Industries which is in accordance with Council's policies.

14.2. Confidential Report - GM - 22/07/19 - Superceding Council Resolutions - Recording of Votes of Councillors

Report by	General Manager
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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: -

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

Summary

Legal advice has now been received confirming that a Council resolution passed in October 2018 requiring Councillor voting at Council meetings to be recorded stands and is not superseded by the recent adoption of a new Code of Meeting Practice.

Recommendation

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