



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 23 September 2019

at 7:00 pm

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1. Acknowledgement of Country

Acknowledgement of Country

I would like to acknowledge the traditional custodians of this land we are on here today, and pay respect to their elders both past, present and emerging.

Declaration of Webcasting

I inform all those in attendance at this meeting, that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements concerning any person, Councillor or employee, and refrain from discussing those matters subject to Closed Council proceedings as indicated in clause 14.1 of the code of meeting practice.

2. Present

3. Apologies

4. Confirmation of Minutes

5. Declaration of Interest

6. Commemorations and Announcements

7. Public Forum

8. Notices of Motion

8.1. Notice of Motion - Cr Goodwin - 23/09/19 - Kiss N Drop

Report by Councillor Darryl Goodwin

Commentary

It has been raised that some schools are lacking this feature, in particular, Lithgow Public School. Ideally this feature should be at each school (where reasonable/available).

Attachments

Nil

Recommendation

THAT Council/TALC Committee please provide a report on the 'kiss & drop' areas of our local schools.

8.2. Notice of Motion - Cr Statham - 23/09/19 - Columbarium Cullen Bullen

Report by Councillor Maree Statham

Commentary

The current Columbarium at Cullen Bullen is almost filled to capacity.

Residents are aware of this concerning situation and are concerned moving forward into the future.

Several of the remaining spaces have already been allocated.

If there are excess funds available from the Drought Funding or Council could secure funding for a Columbarium to be erected at the Cullen Bullen Cemetery residents would be most grateful.

Attachments

Nil

Recommendation

THAT Lithgow City Council seek urgent funding for an addition to the current Columbarium or a new Columbarium to be erected at the Cullen Bullen Cemetery.

8.3. Notice of Motion - Cr Statham - 23/09/19 - Extension of Lithgow City Council Library Hours

Report by Councillor Maree Statham

Commentary

On many occasions I have been approached to lobby for extended hours for the Lithgow City Council Library.

There are many people in our Local Government Area who frequent the three Libraries in the Lithgow Local Government Area regularly.

Requesting additional hours for the Lithgow Library seems extremely reasonable. Lithgow Library offers an exceptional variety of educational resources along with an outstanding collection of reading material, access to the internet and computers etc.

The Library is a busy, productive and very popular hub in the Main Street. Residents and Ratepayers are most fortunate to have such active qualified staff working diligently to provide the public with such a variety and choice of reading materials, exhibitions, films also regular Guest Speakers and authors.

The internet and computers are used constantly and have been well accepted by the community.

Attachments

Nil

Recommendation

THAT Lithgow City Council Library extend the official closing time to 6pm weekdays and 2.30 Saturdays for a trial period of six months.

Management Comment

Lithgow Library Learning Centre Hours
Monday to Friday 9.00 am to 6.00 pm
Saturday 9.00 am to 12.00 noon

Portland Library Hours
Monday Closed
Tuesday 10.00 am-1.00pm, 2.00pm-6.00pm
Wednesday 10.00am-1.00pm, 2.00pm-6.00pm
Thursday 2.00pm - 6.00pm
Friday 2.00pm - 6.00pm
Saturday 9.00am - 12.00pm

Wallerawang Library Hours
Monday Closed
Tuesday 10. am - 1.00 pm & 2.00 pm - 6.00 pm
Wednesday 10 am - 1.00 pm & 2.00 pm - 6.00 pm
Thursday 2.00 pm - 6.00 pm
Friday 2.00 pm - 6.00 pm
Saturday 9.00 am - 12.00 pm

8.4. Notice of Motion - Cr McAndrew - 23/09/19 - Lithgow Rural Fire Service

Report by Councillor Wayne McAndrew

Commentary

Our Local Lithgow RFS on Friday 6th September and continuing from that time responded to the fire emergency at Lidsdale, putting their own volunteers in harm's way to protect people and property. The ability to respond to the emergency so quickly and successfully is in no small way due to the dedication, ability and proximity of our local controllers to respond immediately to the problem and manage the section 44 callout locally. The Lidsdale emergency is testament to the success of local volunteers having the ability to respond to and control any local emergency with back up volunteers when necessary travelling from other areas to assist as our volunteers respond to other distant emergencies when necessary.

Attachments

Nil

Recommendation

THAT Council thank and commend our local RFS fire management for the efforts they have made in protecting our Lidsdale and Lithgow communities

8.5. Notice of Motion - Cr Maree Statham - 23/09/19 - Mobile Reception Kanimbla Valley

Report by Councillor Maree Statham

Commentary

Outlying areas of the Lithgow Local Government Areas are desperately requiring more efficient Mobile reception and should be entitled to have coverage for personal use and emergencies. The much needed phone coverage for the areas surrounding Table Rock Road, Marsden Swamp Road, Cullenbenbong Road, Glen Chee Road, Gangbenang Road and several areas in the Kanimbla Valley are lobbying for service in these areas.

This is not a luxury, it is a necessity for the safety and security of the Residents and Ratepayers of this area of the Lithgow Local Government Area.

Attachments

1. Megalong Valley - Telstra Mobile Phone Tower [8.5.1 - 4 pages]

Recommendation

THAT Lithgow City Council support the request from Residents and Ratepayers by way of an URGENT submission to Visionstream Pty Ltd. for effective Mobile Coverage in the above areas of Lithgow Local Government Areas.

8.6. Notice of Motion - Cllr D Goodwin - 23/09/2019 - Naming of Street or Laneway

Report by Councillor Darryl Goodwin

Commentary

I have been approached by the family of Rae Swift to name an un-named road or laneway in honour of her for all her volunteer work over the last 45+ years plus in the administration, coaching, managing, refereeing, organising and mentoring young people of the local area in Basketball.

As most local people would know, Rae Swift and the swift family are synonymous with basketball in Lithgow. For over 45 years Rae's volunteer work kept children off the streets in some form or another at the Basketball stadium. The children she has met have no doubt developed important social skills, athletic ability, friendships, maturity and leadership skills as a direct result of her interactions.

Rae was known Australia wide in the basketball circles. She was awarded the NSW Basketball long service award in 2007 and the Bunny Abbott volunteer of the year award in 2014. People that had worked with Rae over the 45+ years were in the process of nominating Rae for an Order of Australia medal however Rae passed away prior to the nomination becoming valid.

A laneway that may be appropriate would be the unnamed laneway that runs off Carbine Street, between Enfield Avenue and Rifle Parade Lithgow this is close to where Rae lived.

Attachments

Nil

Recommendation

THAT the administration investigate an unnamed street or laneway that would be appropriate to name after Rae Swift

8.7. Notice of Motion - Cllr D Goodwin - Hassans Walls Lookout Road

Report by Councillor Darryl Goodwin

Commentary

The recent accident that has occurred on Hassans Walls road along the dirt road heading to Hassans Walls Lookout badly injuring a local girl has drawn my attention to major issues that we as a Council need to address.

For many years' drivers, particularly young drivers have been using the windy dirt road to drift around the tight bends in the dirt. The speed drivers are doing is dangerous to drivers, passengers, bushwalkers, runners and mountain bike riders.

As Lithgow is growing and the era of healthy lifestyles is taking hold, the walk up to Hassans Walls Lookout is becoming more and more popular with many people using the road recreationally from dawn to dusk.

At this point in time vehicle users, walkers, riders and runners are using the dirt road together. There is no delineation between pedestrian traffic and vehicular traffic causing a safety issue.

Attachments

Nil

Recommendation

THAT Lithgow council investigate the safety aspect of the road with the intention of designing a designated walking track and investigate the possibility of a program where the road would be sealed from the bottom of Hassan's Walls lookout road to Hassans walls lookout. This may have to include the possibility of funding from the State or Federal Government if appropriate.

8.8. Notice of Motion - Cllr D Goodsell -23/09/2019- Traffic Lights on Great Western Highway

Report by Councillor Deanna Goodsell

Commentary

I have serious safety concerns for residents at the newly installed traffic lights on the Great Western Highway. (Intersection of Bayonet Street and Flint McClelland Avenue)

Turning Right from Bayonet Street onto the Great Western Highway towards Bathurst, there is minimal visibility of oncoming cars from Flint McClelland Ave which are travelling straight across the highway to Bayonet Street. The approaches from Bayonet Street and Flint McClelland Ave to the Great Western Highway are both on a steep incline.

Residents have had incidents travelling in both directions.

Attachments

Nil

Recommendation

THAT Council staff provide a report as to whether the Road Safety Guidelines are currently being complied with at this intersection, in particular, turning right from Bayonet Street onto the Great western Highway & travelling over the highway from Flint McClelland Avenue to Bayonet Street.

8.9. Notice of Motion - Cllr D Goodsell - 23/09/2019 - Parking At Wallerawang Public School

Report by Councillor Deanna Goodsell

Commentary

Council has recently put the following interim measures in place in consultation with Wallerawang Public School and Energy Australia to increase the safety of the students and the whole school community.

- Concrete blocks were installed opposite WPS to restrict vehicular access to an irregular area, popular for parent pick up with limited visibility in Lake Wallace.
- At the recent TALC committee meeting (5/9/19), a recommendation was passed to extend a no parking zone outside WPS due to insufficient safe parking space (These implementations will enhance student and community safety while adversely affect the available space for parking for families of WPS)
- Council staff have drafted concept plans for a permanent solution for parking at Wallerawang Public School.

To date, these plans have been communicated to the Department of Education and Roads and Maritime Services on a number of occasions. As yet Council has received no substantial support. Construction of this carpark is essential in providing permanent facilities that will ensure the safety of children and their parents while picking up and dropping off from the Public School. The safety of our children is of utmost concern, and both the RMS and Department of Education are stakeholders in this important project.

Attachments

Nil

Recommendation

THAT Council Contact Hon. Paul Toole MP in his capacity as Minister for Regional Transport and Roads to request assistance in lobbying financial support of both the Department of Education and Roads and Maritime Services for the construction of a new car park within Lake Wallace, for the purpose of child safety in and around Wallerawang Public School.

8.10. Notice of Motion - Cllr D Goodsell - 23/09/2019 - Paediatric Services

Report by Councillor Deanna Goodsell

Commentary

I have been researching the lack of Paediatric Services within our community for several months. I have had discussions with numerous Medical Practitioners as well as a Paediatric Specialist who services our area.

Our LGA has very complex medical, behavioural, psychological and developmental problems in young children, who without intervention become at serious risk of developing long term mental health problems.

Families can wait up to 12 months for a Paediatric appointment locally, these lengthy delays can adversely affect the individual and the family home unit.

During this term of Council, we have taken up the baton to improve Mental Health Services in our community.

I believe there is a great divide in our community in regard to families abilities to access Paediatric Services. We need to ensure that all members of our community have equal access to Health Services.

Recommendation

THAT Council write to both the local member Paul Toole and the Federal Member Andrew Gee requesting that they raise the matter with their Health Ministers as a matter of priority and request a meeting between Council and the Ministers.

9. Staff Reports

9.1. General Manager's Reports

9.1.1. GM - 23/09/19 - Nominations for and Election for the Position of Deputy Mayor for 2019 to 2020

Report by General Manager

Summary

S231 of the NSW Local Government Act 1993 states that "Councillors may elect a person from among their number to be the Deputy Mayor". This report sets out the procedure for the election of the Deputy Mayor, if so decided, for the coming one year period.

Commentary

Councillors **may** elect one from their number to be the Deputy Mayor. The person is to be elected for a one-year term as per Min. No. 16-237 resolved at the Ordinary meeting of Council 28 September 2016.

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:-

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

The procedure for the election of Deputy Mayor is:

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

Nominations

Nominations are now invited for the Office of Deputy Mayor for the 2019 to 2020 term (until September 2020). The election of Deputy Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Deputy Mayor of Lithgow City Council is elected by the Councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Deputy Mayor.

Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

Nomination

A councillor may be nominated without notice for election as Deputy Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one councillor is nominated for the position of Deputy Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidates then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause "absolute majority" in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Lithgow City Council has traditionally held the vote by the 'Open Voting' method.

General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

Notes:

- (i) Nomination forms for the position of Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Monday 23rd September 2019 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) "Open Voting" means voting by a show of hands or similar means;
- (iv) "Ballot" has its normal meaning of secret ballot; and
- (v) "Ordinary Ballot" means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nominations forms for the position of Deputy Mayor are coloured **GREEN** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

Additional fees, if any, for holding the position of Deputy Mayor are to be **deducted** from payments to the Mayor. **No fees** are presently paid by Lithgow City Council for the holder of the position of Deputy Mayor.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 231 of the Local Government Act 1993 provides that the councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term.

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 outlined in the report.

Attachments

1. Deputy Mayor Election Form 2019 [9.1.1.1 - 1 page]

Recommendation

THAT Council:

1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected for a one year term.
3. Hold an election for the position of Deputy Mayor using the open voting method
4. Determine the fee that is to be paid to the Deputy Mayor, if any.

9.1.2. GM - 23/09/19 - Delegations to Deputy Mayor 2019-2020

Report by General Manager

Summary

This report is for Council to consider granting Delegations of Authority to the Deputy Mayor to assist the functioning of Council.

Commentary

Section 226 of the Local Government Act 1993 (the Act) outlines the role of the Mayor.

Section 231(3) of the Act provides:

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

It is proposed to allocate additional delegations to the **Deputy Mayor** as follows:

1. Function of the Deputy Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

2. General Manager's Performance Review

In the absence of and with authorisation from the Mayor, chair a meeting of all Councillors convened to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

The additional functions are practical delegations which assist the smooth functioning of the Council. Such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

Policy Implications

As outlined in the report.

Financial Implications

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

Legal and Risk Management Implications

Council is limited in the functions that can be delegated. This is provided for in Section 377 of the New South Wales Local Government Act 1993.

Attachments

Nil

Recommendation

THAT Council, to supplement the functions outlined in Section 231(3) of the New South Wales Local Government Act 1993, delegate the following:

1. To the Deputy Mayor of Lithgow City Council:

a. Function of the Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

b. General Manager's Performance Review

In the absence of and with authorisation from the Mayor, chair a meeting of all Councillors convened to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

2. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

9.1.3. GM - 23/09/19 - Proposed Strategic Direction and Strategies

Report by General Manager

Summary

This paper seeks formal Council endorsement for the strategic direction and strategies discussed at Council's facilitated discussions during March 2019 and April 2019 focusing on -

- Transitioning to a diversified Industrial and Economic base.
- Integrating with and leveraging on the growth in Western Sydney and
- Advocacy aligned to the two previous points.

Commentary

Council discussed its forward strategy at independently facilitated meetings in Lithgow in March and April 2019. Those discussions were held in a context of (refer attachments) –

- Federal and NSW elections being finalised;
- Continuing uncertainty re policy concerning coal fired power stations at federal and state levels;
- Continuing high levels of Youth unemployment in the Lithgow LGA;
- Ongoing reporting requirements to the OLG relating to the "Fit for the Future" status of Lithgow Council;
- The ongoing Drought in NSW;
- Continuing cost shifting from the State Government to the Local Government sector (eg Road transfers such as Hughes Lane and financial costs such as the Emergency Services Levy beyond 2019/20);
- The development of Western Sydney and the proposed Aerotropolis proximate to Badgerys Creek;
- The "crowding out" of the Hawkesbury agricultural lands into other potential areas including the Lithgow LGA; and
- The continuing decline in traditional retail activity because of the growth of online selling and delivery of product.

As a consequence of the discussion, those Councillors present at the strategic planning forum suggested that Council's forward strategy should –

- Represent a simplified summary of key elements that could be achieved within Council's financial means;
- Reference Council's adopted strategies in the Community Strategic Plan (CSP) and Council's Regional Economic Development Strategy (REDS) developed in partnership with the Department of Premier and Cabinet, in the simplified summary; and
- Provide broad reference to Council's SMART CITIES plan that was to be developed.

In accordance with the Councillors request, a review of the Community Strategic Plan and Regional Economic Development strategy has been undertaken, and the key elements of both summarised into three simple strategies. The strategies facilitate the direction the meeting discussed and agreed to take. Those three key strategies are:-

- Transitioning to a diversified Industrial and Economic base.
- Integrating with and leveraging on the growth in Western Sydney and
- Advocacy aligned to the two previous points.

1. **Transitioning** to a prosperous and attractive location with a growing population and diversified industrial and economic base. This is represented diagrammatically below in diagram 1 and picks up the relevant strategies relating to the transition.



2. **Integrating:** Aligning with key strategic partners such as Penrith and Western Sydney to achieve mutually beneficial goals. This is also represented diagrammatically below in diagram 2 and picks up the relevant strategies relating to Integration.



3. **Advocacy:** The Mayor, Deputy Mayor and Councillors have over the last 24 months lobbied Federal, State, Local Government and Industry representatives on a number of issues including:-

- The reduction of the 30% per capita component of FAGS grants to 10%;
- The establishment of "Head Space" services in Lithgow;
- The facilitation of repurposing proposals for the disused Wallerawang Power station site; and
- Additional train services from Lithgow to Penrith and Sydney.

Councillors' ability to advocate and lobby could be further focussed on the two strategic aspects of Transition and Integration, and Council may wish to consider the establishment of a community based working party to assist in the development of an engagement strategy aimed at public and private sector entities to further Lithgow LGA's interests.

Community based working parties have so far been successful in addressing tourism and retail industry research for the Economic Development Committee, resulting in adopted recommendations contain tangible objectives.

Policy Implications

Nil.

Financial Implications

- Budget approved - development of an engagement strategy would need to be completed within existing budgets.
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – to be determined.

Legal and Risk Management Implications

Nil.

Attachments

1. TIA Report [9.1.3.1 - 10 pages]
2. Article - Council considers implications of a CBD with fewer retailers - Western Advocate [9.1.3.2 - 1 page]
3. Article - Population decline in regions SMH 30/08/19 [9.1.3.3 - 1 page]
4. Article - As cities grow parts of regional Australia disappear and get angry - SMH 30/08/19 [9.1.3.4 - 4 pages]

Recommendation

THAT Council

1. Endorse the strategic direction and strategies discussed at Council's facilitated discussions during March 2019 and April 2019 focusing on -
 - Transitioning to a diversified Industrial and Economic base;
 - Integrating with and leveraging on the growth in Western Sydney; and
 - Advocacy aligned to the two previous points.
2. Authorise the General Manager to extend an invitation to members of the Lithgow LGA community with relevant experience, to participate on a community based working party with the objective of developing an engagement strategy targeting public and private sector entities, consistent with Council's adopted Transition and Integration Strategies.
3. The General Manager further report the list of Interested Community Members to Council together with the terms of Reference for the Working Party prior to it being convened.

9.1.4. GM - 23/09/19 - Telecommunications- Mobile Coverage

Report by General Manager

Summary

This report discusses mobile phone coverage difficulties experienced within the Lithgow LGA district.

Commentary

There have been a number of recent observations from community members conveyed to Council's Administration, that access to adequate mobile telephone coverage within the Lithgow CBD and LGA, does not necessarily correlate to the coverage identified in access maps contained on the websites of the relevant telecommunications providers.

One complaint received indicated that two of three mobile towers operated by one provider in the Lithgow LGA were not working and subject to maintenance with the effect that the remaining tower was congested with mobile traffic and operating at an inefficient level. The veracity of this claim has not been tested, however prior to engaging with the providers operating in the area, it is suggested that Council seek community feedback on any difficulties that may exist.

Administration seeks Council permission to-

1. Invite and aggregate comment from affected Lithgow residents who are experiencing difficulties with mobile phone coverage from their telecommunications providers within the Lithgow CBD and LGA areas.
2. Engage with relevant providers (and other licensed wholesalers) to ascertain if coverage difficulties can be addressed (if they exist) or improved for Lithgow LGA residents.
3. In circumstances where identified difficulties experienced by existing providers cannot be addressed, approach Lithgow LGA residents in an endeavour to aggregate demand and explore other provider options that provide better coverage for affected mobile users.

Policy Implications

Nil – The proposal is consistent with Council's strategic direction to promote accessible communications infrastructure within the LGA

Financial Implications

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

Legal and Risk Management Implications

No discernible risk – Third Party responsibility.

Attachments

1. Network Coverage Checker - Vodafone Australia [9.1.4.1 - 1 page]
2. Optus 4 G map 2 [9.1.4.2 - 1 page]
3. Optus 4 G map 1 [9.1.4.3 - 1 page]
4. Customer Resource Center Guides Coverage Maps Telstra Next- G - 4 GX Coverage Maps [9.1.4.4 - 1 page]

Recommendation

THAT Council direct the Administration to-

1. Invite and aggregate comment from affected Lithgow residents who are experiencing difficulty with mobile phone coverage from their telecommunications providers within the Lithgow CBD and LGA areas.
2. Engage with relevant providers (and other licensed wholesalers) to ascertain if coverage difficulties can be addressed or improved for Lithgow LGA residents.
3. In circumstances where the difficulties experienced by existing providers cannot be addressed, approach Lithgow LGA residents in an endeavour to aggregate demand and explore other licensed Wholesale Provider options that potentially provide better coverage for affected mobile users in the LGA.

9.1.5. GM - 23/09/19 - Committee Delegates

Report by General Manager

Reference

Min 18-282: Ordinary Meeting of Council 29 October 2018.

Summary

The purpose of this report is for Council to consider the re-appointment of councillors to s355 committees of Council and delegates to external committees, organisations and other working groups.

Commentary

The following Councillors represented Council on S355 Committees and External Committees and Organisations for the 2018/19 period.

Internal Committees	2018/19 Representative
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Goodsell Councillor Smith Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Goodwin Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin
Economic Development	All Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	No Councillor Delegates due to new TOR
Lithgow Crime Prevention	Cr Coleman Cr Goodwin
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring
Finance Committee	Councillor McAndrew Councillor Ring Councillor Thompson
External Committees	2018/19 Representative
Arts Out West Committee	Councillor Ring Councillor Coleman (alternate)
NSW Rural Fire Service Senior Management Team	Mayor Councillor Statham (alternate)
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Goodsell Councillor Goodwin (alternate)
Upper Macquarie County Council	Councillor Ring Councillor Lesslie Councillor Coleman (alternate)
WSROC	Mayor Deputy Mayor (alternate) General Manager
Energy Australia Lithgow Region Community Consultative Committee	Councillor Smith Councillor Statham (alternate)
Cullen Valley Coal Mine Community Committee	Mayor Delegate

Invincible Coal Mine Community Committee	Mayor Councillor Statham (alternate)
Clarence Coal Mine Community Committee	Councillor Thompson Councillor Coleman
Centennial Coal Western Community Consultative Committee	Councillor Statham Councillor Smith (alternate)
Airly Mine Community Consultative Committee	Councillor McAndrew
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglenook Exploration & Charbon Colliery Community Consultative Committee	Councillor Ring Councillor Thompson (alternate)
Eskbank Rail Heritage Centre/ Wolgan Valley Wilderness Railway Committee	Councillor Ring
Rural Fire Service Lithgow District Liaison Committee	Mayor Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Coleman
Skillset	Councillor Statham Councillor Goodsell (alternate)
Central Tablelands Alliance Councils Audit Committee	Mayor
Glenn Museum at Portland	Councillor Ring Councillor Coleman (alternate) Councillor Statham (alternate)
The Mayor's Mental Health Taskforce	Mayor Councillor McAndrew
Representation On Western Joint Regional Planning Panel	Councillor Lesslie Mayor (alternate)
Steering Committee – Lithgow to Kings Plains Water Transfer Pipeline Project	Councillor McAndrew
NSW Public Libraries Associate	Councillor Coleman

Policy Implications

The Code of Meeting Practice applies to Council committee meetings.

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
- Local Government (General) Regulations 2005

Attachments

Nil

Recommendation

THAT Council confirm/reconfirm the Councillor appointments made to the s355 Committees of Council and External Committees and Organisations:

Internal Committees	2019/20 Representative
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Goodsell Councillor Smith Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Goodwin Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin
Economic Development	All Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	No Councillor Delegates due to new TOR
Lithgow Crime Prevention	Cr Coleman Cr Goodwin
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring
Finance Committee	Councillor McAndrew Councillor Ring Councillor Thompson
Women's Advisory Committee	Two Councillors (New Committee TBA)
Men's Health Advisory Committee	Two Councillors (New Committee TBA)
External Committees	2019/20 Representative
Arts Out West Committee	Councillor Ring Councillor Coleman (alternate)
NSW Rural Fire Service Senior Management Team	Mayor Councillor Statham (alternate)
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Goodsell Councillor Goodwin (alternate)
Upper Macquarie County Council	Councillor Ring Councillor Lesslie Councillor Coleman (alternate)
WSROC	Mayor Deputy Mayor (alternate) General Manager
Energy Australia Lithgow Region Community Consultative Committee	Councillor Smith Councillor Statham (alternate)
Cullen Valley Coal Mine Community Committee	Mayor Delegate
Invincible Coal Mine Community Committee	Mayor Councillor Statham (alternate)
Clarence Coal Mine Community Committee	Councillor Thompson Councillor Coleman
Centennial Coal Western Community Consultative Committee	Councillor Statham Councillor Smith (alternate)
Airly Mine Community Consultative Committee	Councillor McAndrew

Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglenook Exploration & Charbon Colliery Community Consultative Committee	Councillor Ring Councillor Thompson (alternate)
Eskbank Rail Heritage Centre/ Wolgan Valley Wilderness Railway Committee	Councillor Ring
Rural Fire Service Lithgow District Liaison Committee	Mayor Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Coleman
Skillset	Councillor Statham Councillor Goodsell (alternate)
Central Tablelands Alliance Councils Audit Committee	Mayor
Glenn Museum at Portland	Councillor Ring Councillor Coleman (alternate) Councillor Statham (alternate)
The Mayor's Mental Health Taskforce	Mayor Councillor McAndrew
Representation On Western Joint Regional Planning Panel	Councillor Lesslie Mayor (alternate)
Steering Committee – Lithgow to Kings Plains Water Transfer Pipeline Project	Councillor McAndrew
NSW Public Libraries Associate	Councillor Coleman

9.1.6. GM - 23/09/19 - Code of Meeting Practice - Webcasting

Report by	General Manager
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Reference

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

Summary

The Office of Local Government's (OLG) Code of Meeting Practices requires Councils to specify whether meetings are to be livestreamed or recordings of meetings uploaded on the Council's website at a later time. This report seeks Council's determination as to whether to amend the adopted Code of Meeting Practice to state that recordings of meetings will be uploaded on the Council's website within five (5) working days of the meeting.

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.

Clause 5.19 of the adopted Code of Meeting Practice states:

5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Meetings are to be livestreamed on the council's website. The webcast is to comprise of an audio visual recording of the meeting.

Since the adoption of the Code of Meeting Practice, concerns have been expressed with regard to Council's liability in the case of defamatory statements being made at Council meetings. To mitigate this risk, Clause 5.19 may be amended as follows:

5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Audio visual recordings of meetings will be uploaded on the Council's website at a later time. The webcast is to comprise of an audio visual recording of the meeting.

An alternative action would be to time delay livestreaming of Council meetings to allow time to review the recording if required. OLG Circular 18-14 states that *"the webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website."*

Approach of Other Councils

The approach of other Councils to the webcasting requirement includes:

- Blue Mountains City Council will upload an **audio** file of meetings to its website within five business days following the date of the Council meeting.
- Penrith City Council: all meetings of the Council and committees of the Council are **audio** recorded and uploaded on to the Council's website as soon as practical after the meeting.
- Bathurst Regional Council: at the present time, the Council has not made any decision on how webcasting of Council meetings will be implemented. Councils have until December 2019 to implement webcasting of their meetings.
- Mid-Western Regional Council: webcasts of meetings are **livestreamed** with a recording of the meeting available via the Council website within seven days of the meeting
- Cessnock City Council has delayed webcasting of all meetings of Council and committees of Council until 14 December 2019.

Policy Implications

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

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 proposed amendment to the Code of Meeting Practice will mitigate the risk of any defamatory statements made at Council meetings being included in Council's webcast.

Attachments

Nil

Recommendation

THAT Council:

1. Determine whether to amend Clause 5.19 of the Code of Meeting Practice to state:
*"5.19 All meetings of the council and committees of the council are to be webcast on the council's website.
Audio visual recordings of meetings will be uploaded on the Council's website within five (5) working days of the meeting. The webcast is to comprise of an audio visual recording of the meeting."*
2. If the Code of Meeting Practice is amended, that it be adopted and implemented immediately.

9.2. Economic Development and Environment Reports

9.2.1. ECDEV - 23/09/19 - DA267/18 Waste Resource Management Facility- 68 Geordie Street Lithgow

Report by Director of Economic Development & Environment

Summary

To assess and determine DA267/18 for a Waste Resource Management Facility on Council owned land being Lot 1 DP947828, 68 Geordie Street Lithgow NSW 2790.

Commentary

Development Application DA267/18 has been submitted on behalf of Lithgow City Council for a proposed Waste or Resource Management Facility (WRMF) (resource recovery facility & waste or resource transfer station) on land known as Lot 1 DP 947828, 68 Geordie Street, Lithgow, NSW, 2790.

Lot 1 DP 947828 (approximately 17.38m²) currently contains the Lithgow Sewage Treatment Plant (STP), associated infrastructure and ancillary buildings. The land is adjoined by the Lithgow Solid Waste Depot (SWD) located on Lot 44 DP 751655, Lot 1 DP 190934 and Lot 1 DP 630638. The proposed development will be located between the STP on the northern side of the lot and evaporation/overflow ponds located on the southern portion of the lot.

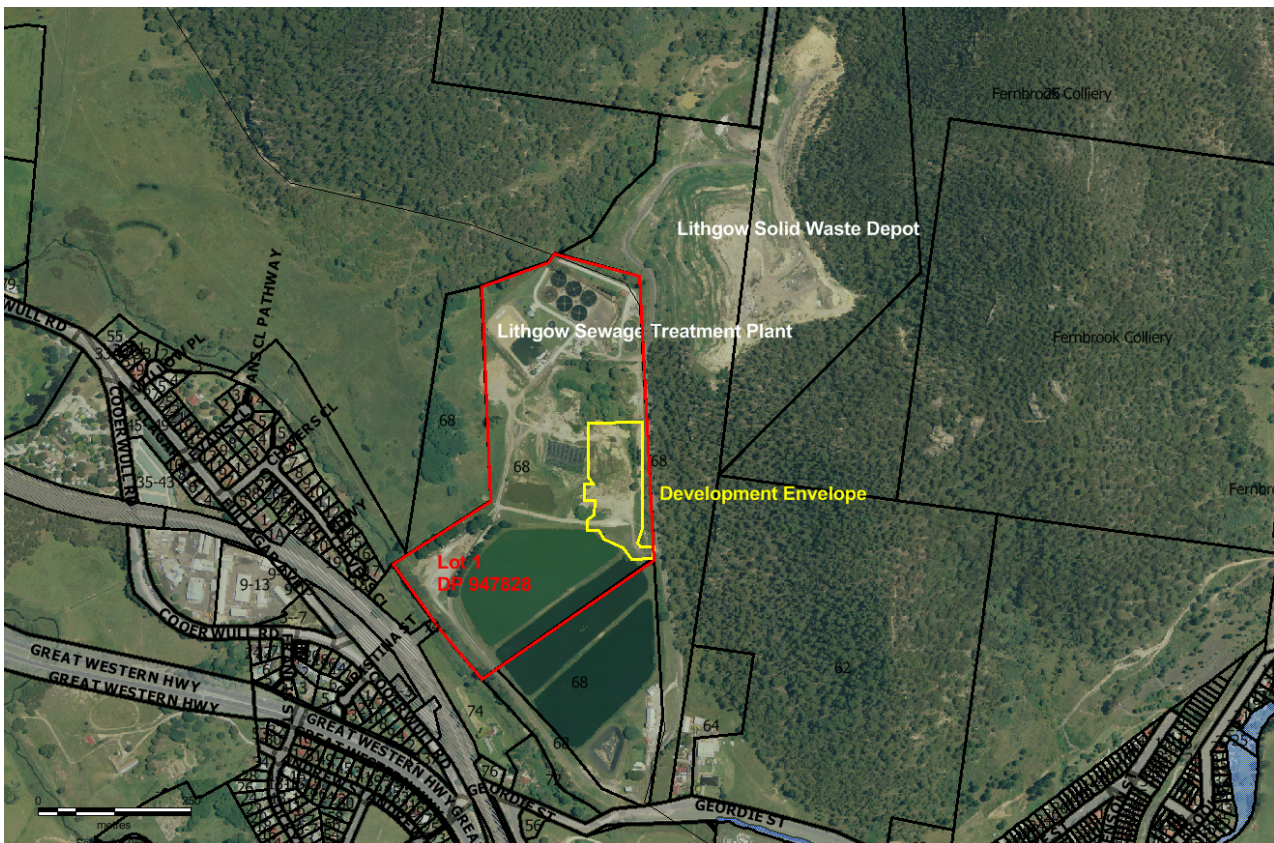


Figure 1 – Lot 1 DP 947828 – Development to be Located between Sewage Treatment Plan (North) and Overflow/Evaporation Ponds (South) – Access off Geordie Street

The proposed Waste Resource Management Facility (WRMF) (approximately 2.37 hectares) will be used as a waste drop off zone for general vehicles, larger bulk waste delivery vehicles and commercial vehicles, with an estimated 18,500 tonnes of waste to be processed through the facility per year. The development will be constructed/established in two stages, as detailed below:

Stage 1

- A large stockpile area (approximately 4225m²) on the northern side of the development envelope, which will consist of: a tyre stockpile, metal stockpile, timber (logs and stumps) stockpile, green waste stockpile, untreated timber stockpile, brick and concrete stockpile, residual waste stockpile, C & D sorting stockpile and treated timber stockpile.
- A Community Recycling Centre (CRC) building (approximately 300m²).
- A roofed drop off area containing six skip bins for different categories of waste (approximately 363.8m²).
- An office/gatehouse building (approximately 80m²).
- An indoor reuse building (approximately 463m²) and adjacent outdoor reuse area (approximately 100m²).
- A stormwater management dam and associated diversion drains.
- An internal “one-way” loop road for all vehicles and trucks which is to be connected to a new access which will be constructed over the eastern boundary of Lot 1 DP 947828 from a privately-owned Council Road known as Up Road, which extends north from Geordie Street.
- Onsite carparking.

Stage 2

- A depot and workshop building (approximately 280m²).

All vehicles will enter the site via the proposed access to be constructed from Up Road. The loads will then be inspected and monitored at the proposed office/gatehouse before being permitted into the facility for unloading.

The drop off area will be roofed and vehicles may reverse-up to the six skip bins to deposit their general waste. The bins will be arranged to encourage customers to separate their recoverable materials (e.g. paper, cardboard and scrap metal) with the remaining being deposited into the residual waste bins.

Non-recyclable wastes would be transferred to landfill located on the adjoining Lithgow Waste Depot Site, at a minimum of once per day or more frequently if required. Recyclable wastes will be collected and transferred to recycling facilities as appropriate. Wastes that are hazardous to the environment or public health (such as batteries, oils, paints, gas bottles, fire extinguishers, smoke detectors and fluoro tubes and globes) will be collected and temporarily stored within the proposed CRC building. They will then be removed for appropriate recycling or disposal.

The Indoor Reuse Building and Outdoor Reuse Area will be used for the separation of reusable goods and material for free collection by the public (such as furniture, mattresses and polystyrene). Sensitive items will be held in a bunded storage area.

Some wastes, such as concrete, will be also be processed (crushed) onsite prior to their later transfer and disposal as appropriate.

The WRMF will operate between 7am to 7pm Monday to Sunday with a maximum of three staff.

Fencing will be installed around the WRMF to restrict public access to unsafe or other operational areas of the site.

A network of earthen embankments and catch-drains will also be installed to ensure that surface water is kept separate from leachate.

Policy Implications

Policy 7.5 Notification of Development Applications

Council Policy 7.5 is applicable to all land within the Lithgow Local Government Area (LGA). The development of a waste or resource management facility (resource recovery facility and waste or resource transfer station) is not exempt from requiring notification under the Policy. Therefore, the development was notified to surrounding landowners and placed on public display for a period of 14 days and therefore complies with the policy.

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

Council Policy 7.6 is applicable to the proposed development as the application has been lodged by Council for development on Council-owned land. In accordance with Clause 1 of Policy 7.6, the application is required to be referred to the Ordinary Meeting of Council for determination.

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

Objective:

To provide a transparent protocol for the determination of development applications lodged by councillors, staff and relatives thereof or development applications for development on Council owned land.

Policy:

- 1. That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is the owner of the land to which the application relates, or where the development application on Council owned land, that such an application be referred to Council for consideration and determination.*

Financial Implications

- Budget approved – Not applicable to the development application
- Cost centre – Not applicable to the development application
- Expended to date – Nil.
- Future potential impact - Not applicable to the development application

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 is applicable to all land within the Lithgow Local Government Area and prescribes the following types of development as exempt from requiring payment of the levy:

C7 Are there any exemptions to the levy?

Other development exempted from the levy

The following types of development or components of development will also be exempted from a levy under this Plan:

- a) Development by or on behalf of Lithgow City Council;*

The application has been lodged by Lithgow City Council. Accordingly, no Section 94A Development Contributions are required to be paid as part of this application.

Legal and Risk Management Implications

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These are outlined in the attached Planning Assessment Report.

Attachments

1. Assessment Report DA267/18 [9.2.1.1 - 84 pages]

Recommendation

THAT

1. The Development Application DA267/18 for a Waste Resource Management Facility on Lot 1 DP947828 be approved subject to conditions of consent as per the attached Planning Assessment Report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993

9.2.2. ECDEV - 23/09/19 - Licence to Lithgow Croquet Club Inc.

Report by Director of Economic Development & Environment

Reference

Minute 19-192 Ordinary Meeting of Council held on 22 July 2019

Summary

This report seeks Council's endorsement of the Licence to the Lithgow Croquet Club Inc.

Commentary

At the ordinary meeting of Council on 22 July 2019 Council resolved to:

1. grant preliminary approval to the proposed Licence Agreement to Lithgow Croquet Club Inc.
2. 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
4. Charge a licence fee of \$400.00 inclusive of GST per annum.

The proposed Licence Agreement was amended to reflect a licence fee of \$363.64 + GST (equating to \$400) and subsequently placed on public exhibition from Monday 5 August 2019 until 4pm on Tuesday 3 September 2019, allowing for submissions in accordance with section 47 of the *Local Government Act 1993*. The community was notified of the public exhibition via notices affixed to the premises, an advertisement in the local newspaper, notice on Council's website and Council's customer service desk, and letters sent directly to residents living in the vicinity of the premises.

No submissions were received in relation to the proposed Licence. As governance requirements have been satisfied, Council is now at liberty to enter into the Licence Agreement.

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. 19.07.30 - Draft licence agreement to Lithgow Croquet Club Inc. [9.2.2.1 - 14 pages]
Proposed Licence Agreement to Lithgow Croquet Club Inc.

Recommendation

THAT

1. Council endorse the Licence to Lithgow Croquet Club Inc., with effect as soon as possible
2. Council authorise the General Manager to proceed with execution of the Licence Agreement and finalise the matter

9.2.3. ECDEV - 23/09/19 - New Policy 10.20 - Leasing and Licensing Policy

Report by Director of Economic Development & Environment

Summary

The purpose of this report is to provide Council with new Policy 10.20 'Leasing and Licensing Policy' and seek endorsement to place it on public exhibition for 28 days, in accordance with SWP Policy 6.1.

Commentary

Draft Policy 10.20 is a new policy that establishes a framework for granting leases and licences of Public Land and Crown Land in a fair and consistent manner, in accordance with legislation and Council's Compliance Policy 9.16.

The policy does not apply to property leased for residential use, or facilities that are booked or hired in accordance with Council's Fees and Charges.

For the purpose of determining the rent or licence fee of a leased or licensed property, the policy establishes four categories (Category A, B, C and D), distinguished according to the *use* of the property and the *legal structure* of the lessee/licensee organisation. The categories can be summarised as follows:

Category A – commercial use, operated by a for-profit company or a government agency (market rent/licence fee will apply)

Category B – community use: core function, operated by a non-profit organisation (peppercorn rent/licence fee will apply)

Category C – community use: non-core function, operated by a non-profit organisation (rent/licence fee will be equivalent to the prescribed minimum base rent under the *Crown Land Management Regulation 2018* will apply)

Category D – telecommunications use, operated by a for-profit company or a government agency (rent/licence fee will be equivalent to the NSW Government's Communication Licence Rent)

Schedule A of the policy provides a table listing examples of the uses and objectives of the lessee/licensee's operations, that fall within each Category. However, as every possible circumstance cannot be anticipated, if a proposed *use* or *legal structure* of a lessee/licensee entity does not fit neatly into one of the Categories, the rent or licence fee will be as agreed between the parties, subject to a resolution of Council.

The policy incorporates a sequential process to be followed by Council, and governance requirements that must be fulfilled, according to whether the property is public land or crown land and whether the property is classified as 'community' or 'operational'. Flowcharts are annexed to the Policy for clarity and ease of reference.

Policy Implications

Draft Policy 10.20 will be new policy. As such it will be placed on public exhibition for a minimum of 28 days and, following exhibition, returned to Council, with details of any submissions made during the exhibition period and any recommendations or amendments that may come from the submissions.

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

Draft Policy 10.20 aligns with statutory obligations and best practice in respect of granting leases or licences. In addition to the common law and the provisions of the lease or licence entered between the parties, the following legislation may apply:

Local Government Act 1993 (NSW)
Crown Land Management Act 2016 (NSW)
Real Property Act 1900 (NSW)
Conveyancing Act 1919 (NSW)
Retail Leases Act 1994 (NSW)
Land Tax Management Act 1956 (NSW)
Competition and Consumer Act 2010 and the Australian Consumer Law (Cth)
A New Tax System (Goods and Services Tax) Act 1999 (Cth),
and associated regulations

Attachments

1. Draft policy 10.20, leasing and licensing policy [9.2.3.1 - 13 pages]

Recommendation

THAT

1. Council place Draft Policy 10.20 'Leasing and Licensing Policy' on public exhibition for a period of 28 days.
2. Following the exhibition period, draft Policy 10.20 be returned to Council for adoption, with details of any submissions made during the exhibition period and any recommendations or amendments that may come from the submissions.

9.2.4.ECDEV 23/09/19 - DA103/19 Proposed Storage Area Cover, Mort Street Lithgow

Report by Director of Economic Development & Environment

Summary

To assess and recommend determination of Development Application DA103/19 for a storage area cover on land known as Lot 21 DP 773810, Mort Street Lithgow (Council's Works Depot).

Commentary

The proposal is for a cover over the existing bulk material storage area within the Lithgow Council Depot facility. The structure is proposed to be constructed of steel and colourbond cladding.

The structure is proposed to be 7m in width, 21m in length and 4.5m in height. The structure is proposed to have a setback of 6.3m from Gas Works Lane and 7.5m from Lot 22 DP773810 (lot also owned and managed by Council and utilised as part of the depot facility).

Three sides of the structure are proposed to be walled with one side open.

Policy Implications

Policy 7.5 Notification Of Development Applications

Council Policy 7.5 is applicable to all land within the Lithgow Local Government Area (LGA). The development is not defined as being exempt from requiring notification and therefore the following clause applies:

3.2 NOTIFICATION PERIOD

The minimum notification period is in accordance with this Policy is 14 days. The notification period commences on the date shown on the notification letter. Submissions will be received at any time within the notification period up to and including the last day as detailed in the notice given.

Therefore, the development was referred to adjoining owners for a period of 14 days with no submissions received.

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

Council Policy 7.6 is applicable to the proposed development as the application has been lodged by Council for development on Council-owned land. In accordance with Clause 1 of Policy 7.6, the application is required to be referred to the Ordinary Meeting of Council for determination.

Financial Implications

- Budget approved - N/A for the assessment of the development application.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - Council will be responsible for the cost of the construction of the development.

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. DA103/19 Proposed Storage Area Cover Mort Street Lithgow Sec [9.2.4.1 - 17 pages]

Recommendation

THAT

1. The Development Application DA103/19 be APPROVED subject to conditions of consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

9.2.5. ECDEV - 23/09/19 - DA147/19- Mausoleum- Hartley Cemetery

Report by Director of Economic Development & Environment

Summary

To assess and determine Development Application DA147/19 for a Mausoleum at the Hartley Cemetery on Lot 7018 DP1057029 Great Western Highway Hartley.

Commentary

Council is in receipt of a Development Application DA147/19 for a Mausoleum at the Hartley Cemetery, known as Lot 7018 1057029 Great Western Highway, Hartley.

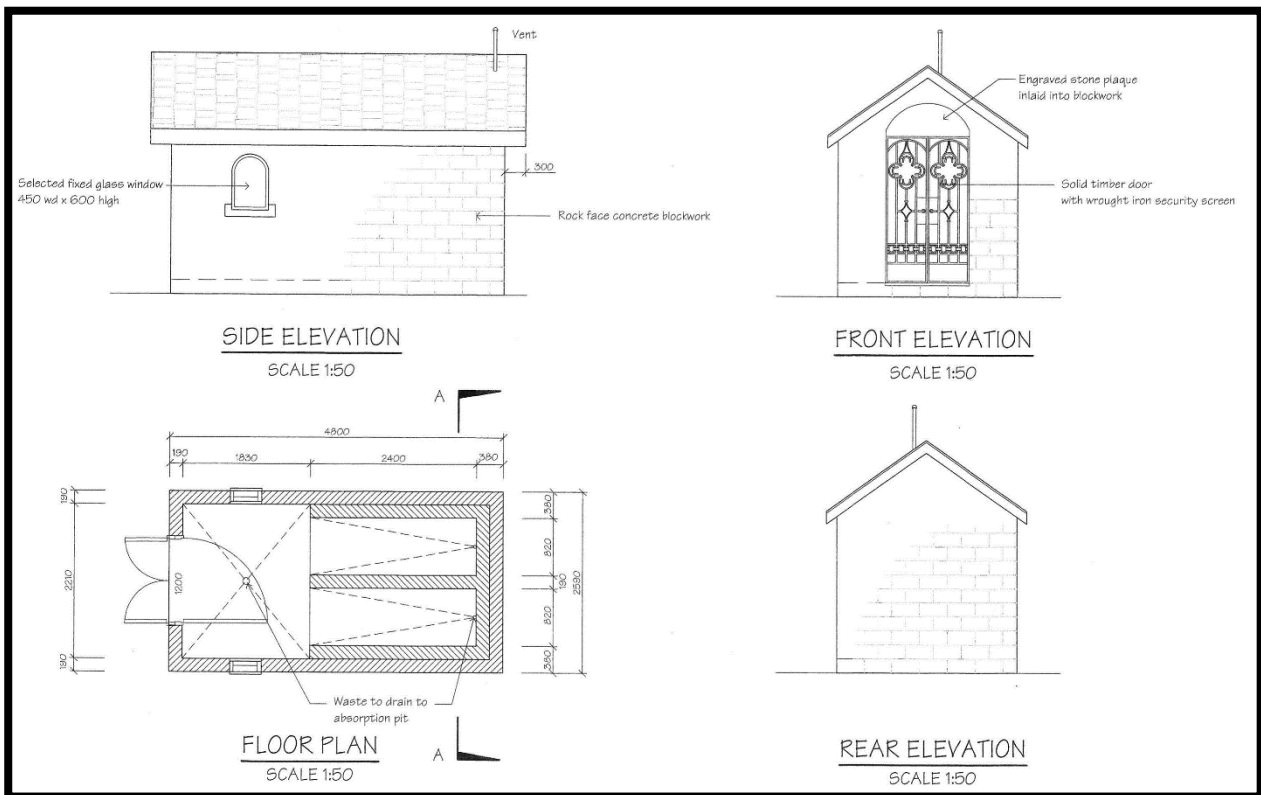
The existing cemetery has three mausoleums (one constructed in 2017) and a number of gravesites, with vehicle access from the Great Western Highway. The proposal is to be located next to the 2017 existing mausoleum (see below map for location).



The mausoleum will hold six crypts with a viewing area which is to be constructed of rock face concrete blockwork, solid timber door with decorative wrought iron security screen and a slate style

terracotta roof. The mausoleum will be 12.38m² being 4.8m in length, 2.59m width and a height of 3.325m at the highest point (2.35m wall height).

See below plans:



The development being a mausoleum is permissible under Lithgow Local Environmental Plan 2014 as an ancillary structure associated with an existing public cemetery. A cemetery is defined as below:

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

Other Matters

The proposal was sent to Council's Cemetery Officer and Council's Building Officer, for comment with recommendations detailed in the Development Assessment Report.

Policy Implications

Policy 7.5 Notification of Development Applications

This policy applies to the development, however the following clause was applied:

2.0 Applications for which notification will not be given

Council will **not** give notice of an application in the following instances:

- Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.

Given the proposal is for a mausoleum, a small building in an existing public cemetery, it is considered the development is of a minor nature with no impacts on adjoining landowners. Therefore, no adjoining or adjacent landowners have been notified of the proposal as part of this process.

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

This policy is applicable given the land is owned/managed by Lithgow City Council as the Hartley Cemetery. The policy states:

- 1. That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is the owner of the land to which the application relates, or where the development application on Council owned land, that such an application be referred to Council for consideration and determination.*

Therefore, the proposal is reported to Council for determination.

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

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are detailed in the Development Assessment Report attached.

Attachments

1. Assessment Report DA147/19 [9.2.5.1 - 12 pages]

Recommendation

THAT

1. The Development Application DA147/19 for a Mausoleum at the Hartley Cemetery on Lot 7018 DP1057029 be approved subject to conditions of consent as per the attached Development Assessment Report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

9.2.6. ECDEV - 23/09/19 - Draft Community Participation Plan

Report by Director of Economic Development & Environment

Summary

The purpose of this report is to seek Council resolution for the Draft Lithgow Community Participation Plan to go on public exhibition for 28 days.

Commentary

The Department of Planning, Industry and Environment (DPIE) on the 1st March 2018 amended the Environment Planning and Assessment Act 1979 (EP&A Act), making it mandatory for each authorised planning authority to have a Community Participation Plan (CPP). The objective of the legislation was to build community confidence in the planning system by having authorised planning authorities outline the community's role in planning functions.

A CPP for Lithgow City Council has been proposed and the following details have been included for compliance under the EP&A Act detailing:

- How and when the council will undertake community participation when exercising relevant planning functions as per Section 2.21(2) of the EP&A Act.
- How the CPP meets the principles of community participation as per Section 2.23(2) of the EP&A Act.
- The minimum public exhibition timeframes and notification requirements as per Schedule 1 of the EP&A Act and identify difference between mandatory and council appointed timeframes.

In developing the CPP, council under Section 2.23(2) of the EP&A Act has taken into consideration the following principles for participation and has shown how the EP&A principles align with the Draft CPP and Council's Community Strategic Plan 2030 Community Engagement Strategy (CES) objectives:

- The community has a right to be informed about planning matters that affect it.
- Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

Throughout the drafting of the CPP, existing community participation procedures and policies have been adopted and amended into one document as per legislative requirements. The CPP will not at this time integrate the existing Community Engagement Strategy required to be prepared for the

Community Strategic Plan under Section 402 of the Local Government Act, and instead will be a standalone CPP.

Public Exhibition

Viewing of the CPP will be notified through the local newspaper and Council's Website and will be made available for public exhibition in each of the town libraries; the Lithgow City Council Administration Centre and on Council's Website for a period of 28 days.

Following public exhibition, the CPP may be revised for council adoption given feedback post public exhibition and will then be uploaded to the NSW planning portal by no later than the 1st December 2019.

Post adoption, if within 3 months of being published on the NSW planning portal, it has not been challenged in the Land and Environment Court, the CPP will be considered valid.

The CPP however, must be periodically reviewed as per Section 2.24(3) of the EP&A Act.

Policy Implications

Policies provided in the CPP are deemed mandatory as per the EP&A Act and must be enforced. For the purpose of the current iteration of legislation, adoption of Schedule 1 is the only change to existing policy which enforces mandatory exhibition timeframes for certain planning procedures. Council may also seek to repeal its Policy 7.5 (Notifications Policy for Development Applications) upon adoption of the CPP as the CPP shares the same function.

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 draft CPP is compliant with the EP&A Act.

Attachments

1. Draft Lithgow Community Participation Plan [9.2.6.1 - 24 pages]

Recommendation

THAT

1. Council endorses the Draft Community Participation Plan for public exhibition for 28 days.
2. Following the exhibition period that a final version of the Community Participation Plan be returned to council for further consideration.

9.2.7. ECDEV 23/09/19 DA015/19 Demolition & Deconstruction of Wallerawang Power Station, Main Street Wallerawang

Report by Director of Economic Development & Environment

Reference

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

Min No 19-71 - Ordinary Meeting of Council held on 25 February 2019, Proposed Demolition & Deconstruction of the Wallerawang Power Station, Main Street Wallerawang.

Summary

To assess and recommend determination of Development Application (DA DA015/19) for the demolition and deconstruction of the Wallerawang Power Station (WWPS) on land known as Main Street Wallerawang.

Commentary

Council is in receipt of a development application submitted by Energy Australia proposing to demolish all buildings and structures above ground at the former Wallerawang Power Station that were part of its operations. The structures include; cooling towers, chimneys, buildings and warehouses, water tanks, fuel tanks and other storage facilities and associated equipment and plant such as coal handling conveyors, aboveground pipelines and electrical systems.

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

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

The Wallerawang A and B Power Station chimney stacks are currently listed on the State Heritage Inventory, as a locally significant heritage item. However, only Wallerawang Power Station Chimney Stack A remains within the site and is proposed to be retained on site in recognition of its heritage value.

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

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

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

All structures and buildings on-site would be dismantled as far as practicable and mechanically demolished following removal of salvaged items. The chimneys and concrete cooling tower will most likely be demolished using explosive charges. Conveyors, transfer stations and other ancillary facilities would also be mechanically demolished. Where conveyors are located inside tunnels, they

would be removed as far as possible to avoid removal and safety issues in the future. The demolition works would take about two years to complete.

Other Issues

During the notification period, one (1) submission was received with the following concerns:

1. The heritage church was built in 1881 and is a piece of Wallerawang's valued history. It contains unique huge stain glass windows that are of concern of damage that may occur during demolition, including air blasts from demolition explosions.
2. An assessment of visual and vibration impacts was undertaken during 2014, these will need to be compared following the demolition to check structural damage.

Applicant Response: The demolition of buildings and stacks at Wallerawang Power Station, which included blasting, has occurred previously at the site, in particular the demolition of units 1 and units 2. These demolition works were successfully managed to avoid potential vibration impacts to the nearby church.

Potential impacts from blasting are discussed in Section 4.2.2 of the SEE. Safeguards and mitigation measures are outlined in Section 4.2.4 of the SEE.

A Blast Management Plan shall be prepared and implemented prior to blasting activities required for demolition works. This plan would address the potential risks of blasting on the surrounding environment and control measures.

All receivers within two kilometres of the site shall be notified at least 48 hours prior to any blasting activities.

As part of the Blast Management Plan, EnergyAustraliaNSW would engage a suitably qualified engineering company to complete a building inspection report of sensitive receivers, including the historic church building at Wallerawang and its stain glass windows, prior to the commencement of demolition activities.

EnergyAustraliaNSW has indicated that it does not anticipate any damage will be caused to private property from the demolition of the Wallerawang Power Station.

Assessing Officers Response: It is proposed that both Deferred Commencement and Operational conditions will be placed on the consent to reduce potential impacts to the heritage items resulting from blasting activities.

Conclusions

The assessment for this application was carried out by an independent Planning Consultant, Mr Kerry Nash. In the final analysis there were issues in relation to blasting impacts; heritage management; soil and water management; noise and vibration; and biodiversity management that, whilst not being of such significant concern to warrant refusal of the application, justified further plans to be submitted by way of a 'deferred commencement consent' prior to the issue of an 'operational consent'. Should Council concur then the applicant will have two (2) years to comply with the deferred commencement conditions otherwise the consent will lapse. Upon satisfaction of the deferred commencement conditions, an Operational Consent will be issued subject to further conditions.

Policy Implications

Policy 5.1 Building Over Easements

Deposited Plan (DP) 1043966 shows a number of easements transecting the main section of the site. These easements are owned and managed by Transgrid and includes:

- Easement for transmission,
- Right of Carriageway,
- Easement for Transmission line outlets,
- Easement for electricity and
- Easement for watermain.

The development would need to protect these easements during the demolition works. As such the development was referred to Transgrid, whose comments are found later in this report.

Policy 7.1 Filling and Levelling of Land

Council's Policy states:

Unless otherwise provided by an Environmental Planning Instrument or Development Control Plan, a development application is required in the following circumstances:

1. *Where land is subject to inundation by floodwaters, or*
2. *Where excavation or the depth of fill exceeds 900mm.*

The development is for the demolition of structure on top of the surface, therefore minimal earthworks are proposed. However, the site will need to be rejuvenated at the end after demolition. At this stage minimal earthworks are proposed. This would need to be assessed when a new use for the site is proposed.

Policy 7.5 Notification Of Development Applications

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

- Advertised Development including Integrated Development;

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

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

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

(4) In this clause:

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

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

The development application is 'Integrated' Development' therefore the proposal was notified to surrounding landowners and placed on display for a period of 28 days.

Policy 7.7 Calling In Of Development Applications By Councillors

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

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

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

The application has been called in by Cllr Wayne McAndrew. The call In was reported at the Council Meeting held 25 March 2019.

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. DA015/19 Proposed Demolition and Deconstruction of Wallerawang [9.2.7.1 - 61 pages]

Recommendation

THAT

1. The Development Application DA015/19 be APPROVED subject to Deferred Conditions of Consent as shown in Schedule A of the attached Section 4.15 report.
2. Upon satisfaction of the deferred commencement conditions in Schedule A of the attached Section 4.15 report within 2 years of the date of approval, an Operational Consent will be issued subject to the conditions under Schedule B of the report.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

9.2.8. ECDEV - 23/09/19 - Empty Coal Trucks Route - Mount Piper Power Station to Clarence Colliery

Report by Director of Economic Development & Environment

Summary

To advise Council of a request from Centennial Coal to allow empty coal trucks on route from Clarence Colliery to Mt Piper Power Station to return via Lithgow.

Commentary

The development consent for Clarence Colliery enables the transport of coal to the Mount Piper Power Station by truck. For the duration of the development consent, to 31 December 2026, up to a maximum of 100,000 tonnes per calendar year may be transported to the west with 200,000 tonnes per calendar year being able to be transported to Mount Piper Power Station until 31 December 2020. Coal haulage operations are through Mount Victoria and are limited to:

- 25 one-way truck movements per day; and
- No more than 8 one-way truck movements in an hour

The approved hours of trucking operations are between 7am and 7pm Monday to Saturday and 8am to 10pm Sundays and public holidays. Presently the trucks must return to Clarence Colliery via the same route through Mount Victoria.

Condition 7A of the development consent provides that other than transportation by these approved arrangements any coal truck movements through the City of Lithgow cannot occur without the prior approval of the Council.

Centennial Coal are now seeking that approval but only for the empty trucks coming from Mount Piper back to Clarence Colliery which would utilise the following route:

- Trucks turning left from the Great Western Highway onto Main Street;
- Turning right from Main Street onto Lithgow Street;
- Turning left from Lithgow Street onto Mort Street;
- Continuing along Mort Street, Eddy Street and onto Chifley Road;
- Continuing along Chifley Road and turning left onto Clarence Colliery Road.

Clarence is proposing that the transport of empty coal trucks through Lithgow would:

- Only occur during daylight hours (7am to 6pm)
- Be undertaken 7 days per week (Monday to Sunday)
- Be limited to no more than 25 truck movements per day
- Be limited to no more than 8 truck movements in any 1 hour period

Clarence has also agreed, should Council approve this haulage, that the trucks will not travel through Lithgow during school drop off and pick up periods, i.e between the periods of 8am to 9:30am and 2:30pm to 4:00pm.

In determining whether to grant its approval to this haulage, the Council would need to consider issues such as road safety; public safety; noise and general amenity; and any impact on Council infrastructure. As the route will not traverse along any Council roads the impact on Council infrastructure is not an issue. The other issues should be considered in the light of the maximum number of truck movements per day, having regard to the significant traffic volumes on the roads involved. Providing the number of movements and times are complied with any such impacts should not be unreasonable. If the Council was of a view that there may be concerns or issues raised in the community, it could consider the alternative of only providing its approval for a period less than that

sought, say December 2020, which could then be subject to review at that time. However, given the information provided and the assessment of likely impacts it is recommended that Council grant approval to 31 December to 2026.

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 development consent for Clarence Colliery is granted under the Environmental Planning and Assessment Act 1979 and conditions therein must be complied with.

Attachments

1. Centennial - Clarence Letter [9.2.8.1 - 4 pages]

Recommendation

THAT Lithgow City Council grant its approval to Centennial Coal – Clarence to transport empty coal trucks from Mount Piper Power Station to Clarence Colliery up until 31 December 2026 subject to the following conditions.

1. The route for transportation be:
 - Trucks turning left from the Great Western Highway onto Main Street;
 - Turning right from Main Street onto Lithgow Street;
 - Turning left from Lithgow Street onto Mort Street;
 - Continuing along Mort Street, Eddy Street and onto Chifley Road;
 - Continuing along Chifley Road and turning left onto Clarence Colliery Road.
2. Truck movements be limited to no more than 25 per day and no more than 8 in any hour.
3. Haulage of coal shall only take place between the hours of 7am and 10pm Monday to Saturday and between 8am to 10pm on Sundays and public holidays.
4. No truck haulage shall occur within the approved route during the hours of 8am to 9:30am and 2:30pm to 4:00pm on any school day.

9.2.9. ECDEV - 23/09/19 - Proposed lease to Australian Red Cross Society

Report by Director of Economic Development & Environment

Summary

This report requests Council's preliminary approval to a proposed lease to Australian Red Cross Society (ABN 50 169 561 394) ('**Red Cross**') and approval to give public notice and exhibition of the proposed lease.

Commentary

The Premises

The Premises that is the subject of the proposed lease is the community hall located at Queen Elizabeth Park, Main Street, Lithgow being part of the land in Lot 45 Deposited Plan 1096536.

Local Government Act requirements – community land

Council's records indicate that Red Cross has occupied the Premises since at least 2008. The Red Cross desires to continue exclusive use and occupation of the Premises.

The Premises is classified 'community land' under the *Local Government Act 1993* ("**the Act**"), and the following provisions of the Act apply to 'community land' that is occupied on an exclusive basis:

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 if Council receives a written request from the Minister (section 47A(2)(c)).

Proposed lease

To satisfy the requirements of point 1 above, it is proposed to grant a lease to Red Cross on the following terms:

- Term of lease - 5 years, for the period 1 July 2017 to 30 June 2022
- Rent - \$470 + GST per annum, commencing 1 July 2017
- Rent reviews – Rent to be reviewed by CPI on each anniversary of the commencing date
- Utility charges – Red Cross is responsible for the costs of supply and consumption of telephone, electricity, water, gas, trade waste removal, cleaning and other services
- Permitted use – Activities undertaken by or authorised on behalf of the Australian Red Cross Society
- Maintenance and repair – Red Cross 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 and structural repairs. Council is responsible for all structural repairs and repairs required due to fair wear and tear.
- Insurance – Red Cross must maintain public liability insurance and any other insurances it is required to hold by law.

- Council's legal costs – Red Cross is responsible for payment of Council's legal costs associated with preparing and negotiating the lease (as required by Council's policy 1.1 regarding Legal Costs).

Plan of management

Lithgow's 2013 Generic Plan of Management categorises the Premises as 'General Community Use'. General Community Use is defined as land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and is not required to be categorised as a natural area under sec 36A, 36B or 36C of the Act and does not satisfy the guidelines for categorisation as a park, sportsground, and an area of cultural significance or natural area.

Policy Implications

Policy 9.16 Compliance Policy

Policy 1.1 Land (Council) – Leases – Legal Costs

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. Proposed lease to Australian Red Cross (term 01.07.17 to 30.06.22) [9.2.9.1 - 30 pages]

Recommendation

THAT

1. Council grant preliminary approval to the proposed lease to Australian Red Cross Society.
2. Council give public notice of the proposed lease and place the lease on public exhibition for at least 28 days.
3. The matter be returned to Council for endorsement of the lease to Australian Red Cross Society, with details of any submissions received during the exhibition period and any consequent recommendations or amendments.

9.2.10. ECDEV - 23/09/19 - Springvale Water Treatment Project Modification 4

Report by Director of Economic Development & Environment

Reference

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

Min No 19-97: Ordinary Meeting of Council dated 29 April 2019 - State Significant Development – SSD 7592 – Springvale Coal Pty Ltd Water Treatment Project Modification 3.

Summary

To advise Council on a Major Project that has been submitted to the Department of Planning, Industry and Environment (the Department) for the Springvale Water Treatment Project (SSD-7592) Modification 4.

Commentary

Springvale Coal is seeking a modification to the Springvale Water Treatment Project (WTP) development consent for an extension to the interim water management strategy.

The Springvale WTP involves the transfer of water from existing dewatering facilities on the Newnes Plateau for treatment and reuse at the Mount Piper Power Station (MPPS). The project was initiated to improve environmental outcomes for the Cox's River catchment and meet the requirements of the Springvale Mine Extension Project (MEP) consent including elimination of mine water discharges from LDP009 to the Cox's River catchment.

Development of the Project has been undertaken pursuant to an expedited timetable in order to meet the requirements of the Springvale consent. The interim water management strategy approved in Modification 3, provided for the management of up to 2700 ML of mine water through filtration and storage in Thompsons Creek Reservoir until 31st of January 2020. The strategy was required to allow the progressive commissioning of the desalination units concurrently with the required closure of LDP009 in accordance with the Springvale Mine Extension Project (SSD 5594) consent.

All discharges from LDP009 have now ceased and groundwater inflow into Springvale Mine is currently transferred to the water treatment facility at 24 ML/day for filtration and pumping for storage within Thompsons Creek Reservoir.

Delays have been identified to the construction and commissioning of the brine management system that forms part of the water treatment process. A 3060 ML increase to the volume of filtered water permitted to be managed as part of the interim water management strategy is considered the only alternative to safely manage the predicted mine water make during the finalisation in commissioning of the brine management system.

Modification 4 seeks consent for an increase in the volume of water managed as part of the interim water management strategy to allow an additional 3060 ML of filtered water to Thompsons Creek Reservoir during the approved period for operation of the Interim Water Management Strategy to 31st of January 2020.

The extension to the Strategy will require no physical works to implement and is considered to have minimal potential for environmental impacts.

Water will be temporarily stored within Thompsons Creek Reservoir, which is managed as an offline storage to provide water security to Mount Piper Power Station.

In summary the Modification seeks the following:

Current Approval	Proposed Modification
Transfer of up to 2,700 ML of filtered mine water to Thompsons Creek Reservoir until 31 January, 2020	Transfer of additional 3,060 ML (5,760 ML total) of filtered mine water to Thompsons Creek Reservoir until 31 January, 2020
Transfer rate of up to 24 ML/day during operation of the Interim Water Management Strategy	Transfer rate of up to 24 ML/day from 10 October to 31 December 2019 and up to 36 ML/day from 1 January to 31 January 2020

Status

The Environmental Impact Statement was supplied to Council and placed on exhibition for public and authority comments which finishes on the 29 September 2019. Normally, given the timeframe between Council meetings a submission is made on behalf of Council and if necessary, a supplementary submission made after consideration by Council. In this instance, it is possible for the matter to be considered prior to the expiration of the exhibition period and a submission lodged after the Council meeting. It is suggested that Council indicate it has no objections to the proposal.

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, Industry, and Environment is the consent authority.

Attachments

Nil

Recommendation

THAT the information in the report on the Springvale Water Treatment Project (SSD-7592) Modification 4 be noted and Council advise the Department of Planning, Industry and Environment that it has no objection to the proposal.

9.2.11. ECDEV-23/09/2019-DA141/19, Proposed Demolition and Construction of Service Station, Great Western Highway Lithgow-Call In Report

Report by Director of Economic Development & Environment

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 DA141/19 for the demolition of an existing service station & construction of a new service station on land known as Lot 5 DP 13247, Great Western Highway Lithgow.

The application has been notified to surrounding landowners and placed on public exhibition until the 4 October 2019.

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 Wayne McAndrew. The advice to this Council meeting is pursuant to Council policy

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A at this stage.

Legal and Risk Management Implications

No specific implications at this point of the process.

Attachments

Nil

Recommendation

THAT the calling in of Development Application DA141/19 be noted.

9.2.12. ECDEV - 23/09/19 - Proposed New Policy - Alternate Fuel Rebates

Report by Director of Economic Development & Environment

Summary

This report recommends adoption of a new policy, Policy 5.7 - Alternate Fuel Rebates, following public exhibition.

Commentary

At its ordinary meeting of 24 June 2019, the Council considered a new policy on Alternate Fuel Rebates. Council may recall that the practice of providing rebates for the replacement of coal fired heating appliances has been occurring for many years without the guidance of a policy framework. The objective of proposed policy 5.7 is to provide a process for providing rebates to eligible residents for the replacement of coal fired appliances with an alternate cleaner system.

The draft policy, inclusive of minor alterations resolved by the Council, has been placed on public exhibition for 28 days. No submissions were received. It is now recommended that Council adopt the policy.

Policy Implications

The proposed new policy will update Councils policy register.

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. Alternate Fuel Rebate Policy 5.7 [9.2.12.1 - 5 pages]

Recommendation

THAT Policy 5.7 - Alternate Fuel Rebates as attached to the Council business paper be adopted and implemented immediately.

9.2.13. ECDEV - 23/09/19 - Economic Development & Environment Policy Review

Report by Director of Economic Development & Environment

Summary

To advise Councillors of Policy 6.1 - Corporate Sponsorship and Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land and recommended that the revised policies be placed on public exhibition.

Commentary

The final two policies in the review of policies administered by the Economic Development & Environment Department have now been completed. The final two policies for review are:

- Corporate Sponsorship – Policy 6.1
- Development Applications by Councillors and Staff or on Council Owned Land – Policy 7.6

There have been a number of changes made to each policy, shown in track changes on the attached versions, primarily to provide clarity and understanding in their application. For example, in Policy 6.1 Corporate Sponsorship, changes have been made to include a definition of sponsorship and clarify that the policy only applies to incoming sponsorships. In policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land, proposed changes include:

- Definitions of Executive Staff and Immediate Family;
- Changes to incorporate development applications submitted by Immediate Family of Councillors and Executive Staff;
- Inclusion of Crown land managed by Council;
- Inclusion of any application that proposes to dedicate land or an asset to Council; and
- Clarification that staff members other than Executive Staff, cannot exercise any delegated authority to determine applications on land owned by them or their immediate family or submitted by them or their immediate family.

Should the Council be comfortable with the proposed changes to the two policies then it will be in order to place them on public exhibition for a period of 28 days prior to reporting back to Council for final adoption having regard to any submissions received during the exhibition period.

Policy Implications

Primarily the subject of this report.

Financial Implications

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

Legal and Risk Management Implications

The changes proposed in each policy should assist in mitigating risk.

Attachments

1. Policy 7 6 Development Applications By Councillors And Staff And Relatives Or On Council Owned Land [9.2.13.1 - 3 pages]
2. Policy 6 1 Corporate Sponsorship for Council - Version 4 [9.2.13.2 - 4 pages]

Recommendation

THAT revised policies 6.1 - Corporate Sponsorship and 7.1 - Development Applications by Councillors and Staff or on Council Owned Land be placed on public exhibition for a period of 28 days and be reported back to Council for further consideration having regard to any submissions received during the exhibition process.

9.3. Infrastructure Services Reports

9.3.1. IS - 23/09/19 - Policy Review - 10.12 - Vandalism

Report by Director of Infrastructure & Services

Reference

Min No. 14-244: Ordinary Council Meeting of 2 June 2014.

Summary

To provide an update to the following Council policies:

- Policy 10.12 – Vandalism

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

Commentary

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

Policy 10.12 – Vandalism (Version 3)

Changes include:

- Inclusion of definition of key terms within the policy;
- Level of detail required from the public when reporting incidents of vandalism to Council;
- Detail of the requisite process required to be undertaken by the public / Council when reports of vandalism have been received;
- Implementation of a tiered reward system and reduction of the maximum reward from \$5,000 to \$1,000; and
- Details pertaining to the level of confidentiality regarding such public reports.

The changes to this policy are major as changes have a potential effect on members of the public. As such, this policy requires a public exhibition period of 28 days.

Policy Implications

Possible adoption of updates to Policy 10.12 – Vandalism.

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Policy 10.12 Vandalism (V 3) [9.3.1.1 - 4 pages]

Recommendation

THAT revised Policy 10.12 - Vandalism be placed on public exhibition for a period of 28 days with the policy then being reported back to Council for further consideration subject to review of any submissions received.

9.3.2. IS - 23/09/19 - New Policy - Vehicle and Plant GPS Location & Monitoring

Report by Director of Infrastructure & Services

Summary

To provide information and seek resolution to publicly exhibit a proposed new policy of Council which details the installation of GPS monitoring devices into Council's fleet of machinery and vehicles.

Commentary

The proposed policy (attached) is intended to define Council's use of vehicle and plant location devices and data gathered by those devices and therefore fulfils Council's obligations for notification of plant and vehicle tracking under the Workplace Surveillance Act 2005 (the Act).

The installation of GPS equipment aims to improve how Council does its business while ensuring the safety of workers and the security of its assets. The installation and use of a plant tracking device and the data collected will comply with the provisions of the Act and the attached policy and will be used only for the following purposes:

- Improvements to the safety of workers (e.g. lone workers and emergency assistance)
- Optimisation of assets (e.g. rotation of fleet to ensure longer asset life and utilisation);
- Asset replacement (e.g. utilisation patterns, trends and geographical mapping);
- Addressing misuse of vehicles – including unsafe driver / operator behaviours and vehicles being driven outside of set boundaries;
- Identification or verification of actual or attempted theft or vehicle tampering; and
- Verification of vehicle location and performance-based use subject to reasonable cause for concern (significant community feedback).

This policy applies to all Council vehicles and plant (excepting leaseback vehicles which allow private use) and to all employees, contractors, Councillors, persons performing voluntary work or any other person that has been authorised to operate a vehicle or item of plant to undertake a Council function or activity.

With Council's endorsement of this policy, all Council staff will be notified of the intention to install these devices into Council's fleet. To date, Council's Joint Consultative Committee, Health and Safety Committee and Executive Leadership Team have been consulted in the development of this policy with positive feedback.

Once the notification process is complete, the GPS units will be ordered and installed. A project budget exists allocating \$80,000 to this process.

Policy Implications

Nil

Financial Implications

- Budget approved - \$80,000
- Cost centre - 100027
- Expended to date - \$4,957
- Future potential impact - Nil

Legal and Risk Management Implications

Reduced risk of theft and damage of current and future Council-owned plant and vehicles.

Attachments

1. DRAFT - Policy 10.20 - Vehicle and Plant GPS Location (V 1) [9.3.2.1 - 3 pages]

Recommendation

THAT Policy 10.20 – Vehicle and Plant GPS Location Monitoring be placed on public exhibition for a period of 28 days with the policy then being reported back to Council for further consideration subject to consideration of any submissions received.

9.3.3. IS - 23/09/2019 - Financial Assistance Request - Sports Participation

Report by Director of Infrastructure & Services

Summary

This report details a request for Financial Assistance to participate and represent in a sport.

Commentary

Council has received a letter on 24th August 2019 from Deklin Unsworth who has requested Financial Assistance after his selection to represent NSW as goalkeeper, in the under 13s state team to play at the National Hockey Titles in Tasmania in October this year.

The request has been considered by the Sports Advisory Committee and endorsed by two members of the committee to be presented to Council for final endorsement. The committee have recommended that Council provide Deklin Unsworth with \$300.00 toward the cost of participation in the NSW Under 13s Hockey Team.

Policy Implications

Nil

Financial Implications

- Budget approved - \$2,500 in 2019/20 Operational Plan for sporting related financial assistance.
- Cost centre - 600059-1000-63150
- Expended to date - \$600.00
- Future potential impact – Nil.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council approve financial assistance of \$300.00 from the current allocation for Financial Assistance for Sporting Representations and provide to Deklin Unsworth to assist with the cost of participation in the NSW Under 13s Hockey Team.

9.4. Water and Wastewater Reports

9.4.1. Water Report

Report by Director of Water & Wastewater

Reference

Min No 19-224 Ordinary Meeting of Council 26 August 2019

Summary

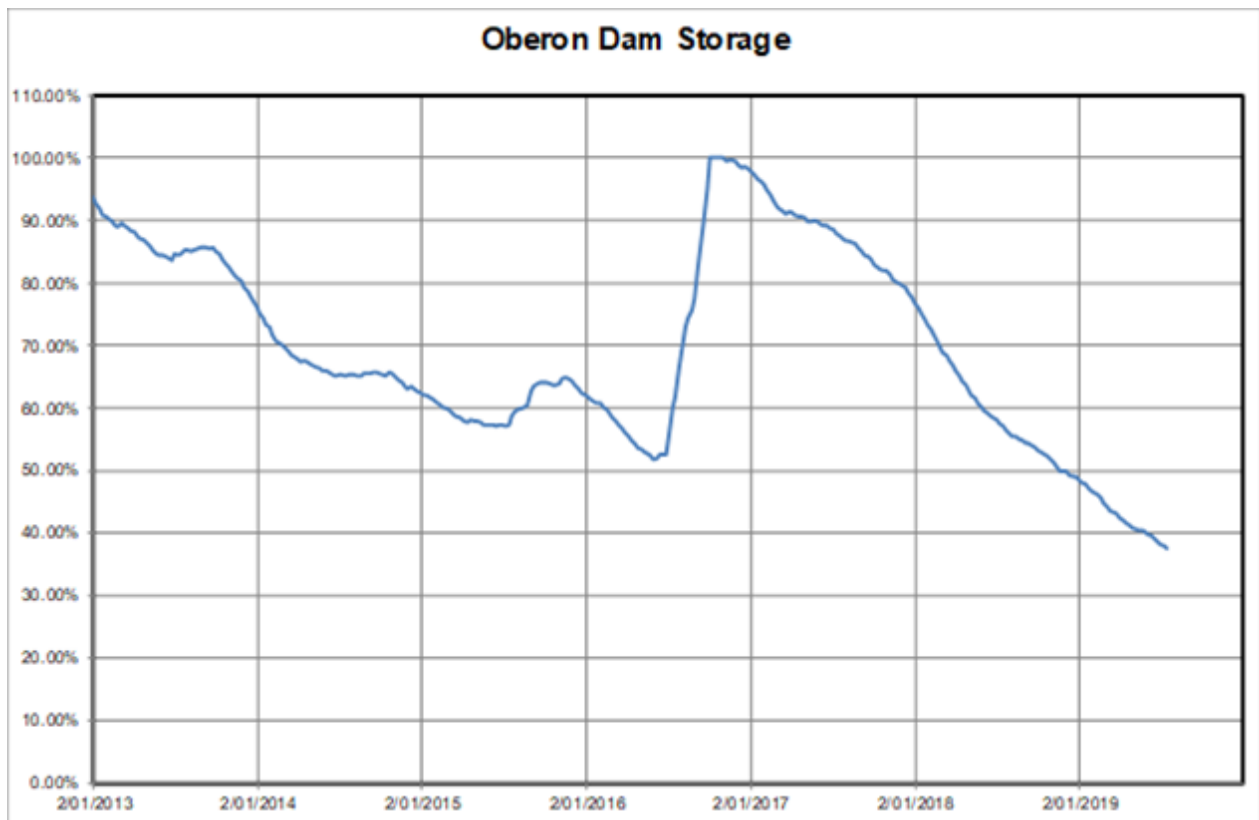
This report provides an update on various water management issues.

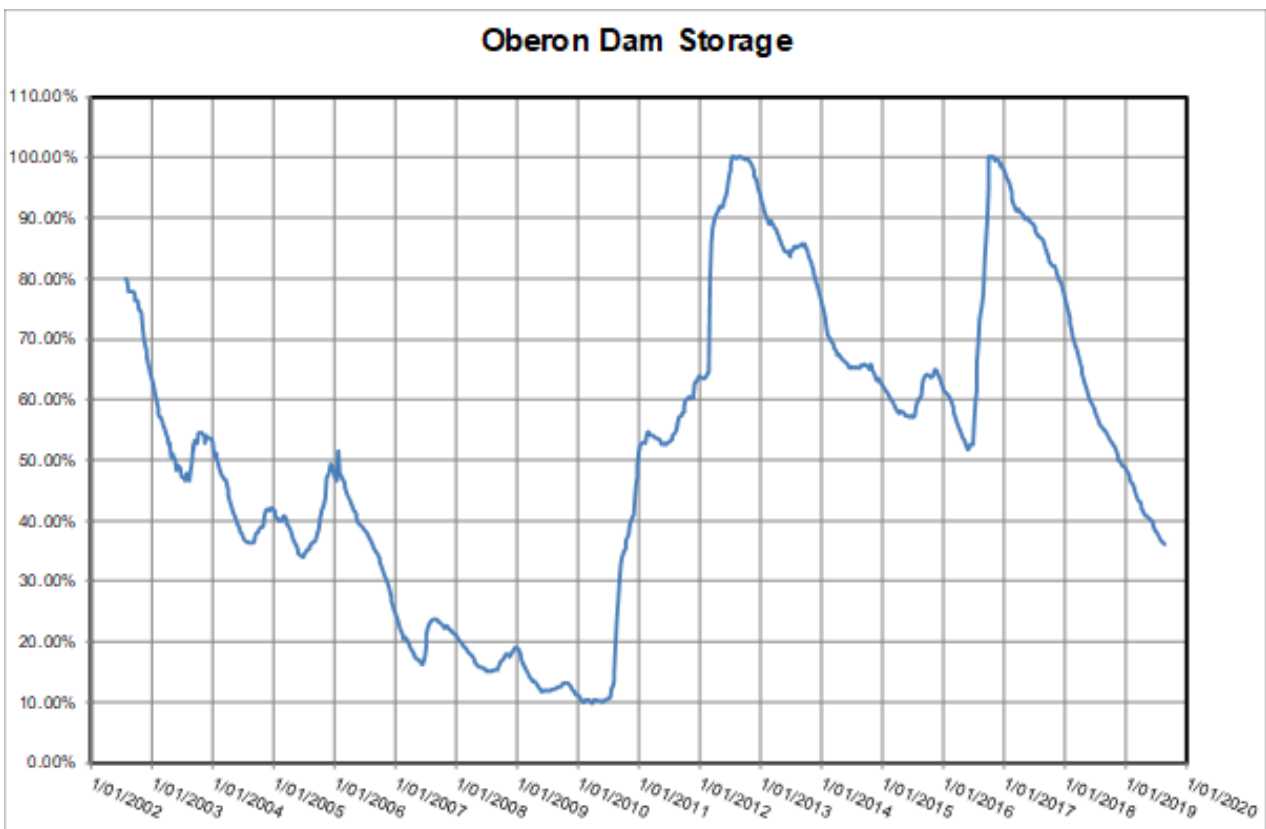
Commentary

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

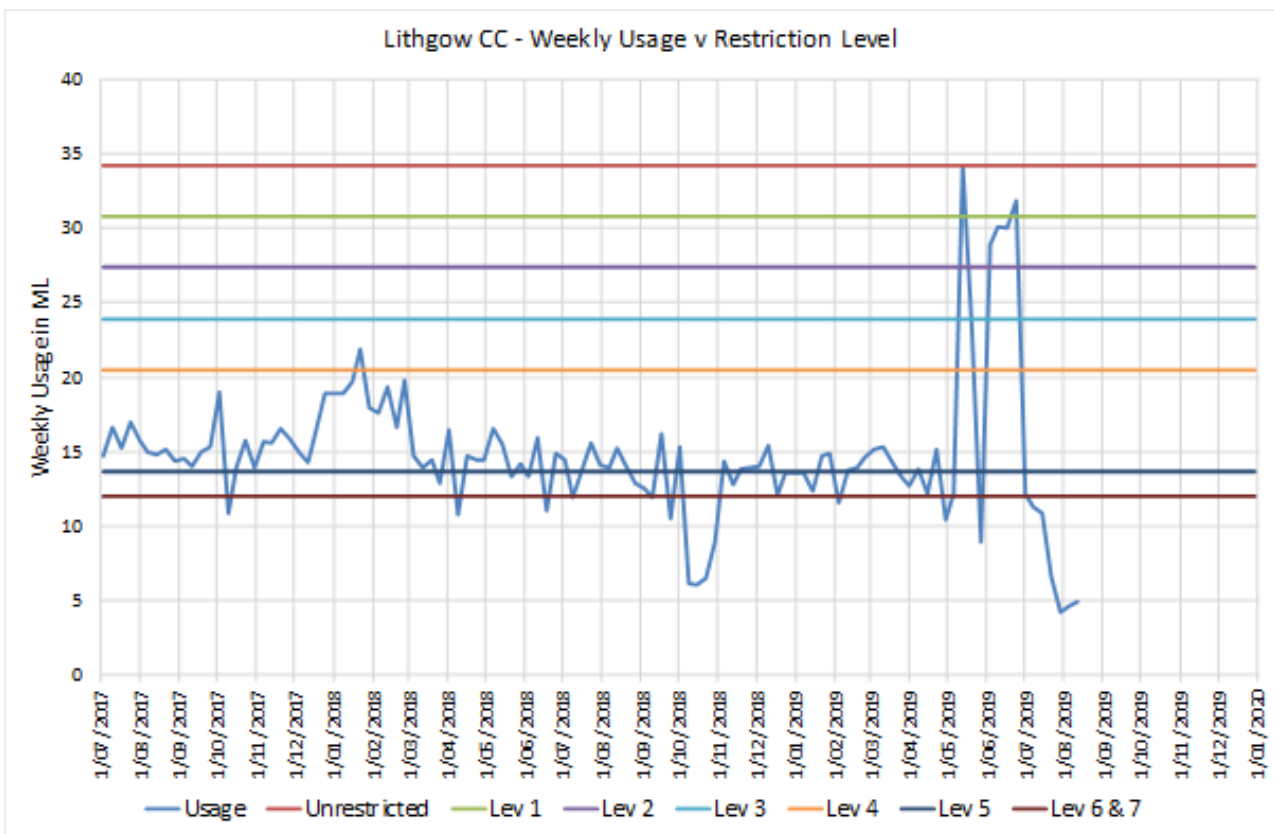
Farmers Creek No. 2 Dam capacity on Monday 9th September 2019 was down 0.6m or 92.24%. Clarence Transfer System operated from 4th July 2019 up until the 8th August 2019.

Oberon Dam capacity on Monday 9th September 2019 was 35%. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 28.5%. Level 2 restrictions on the FRWS are now in effect. Level 3 restriction trigger is 25% of adjusted storage.





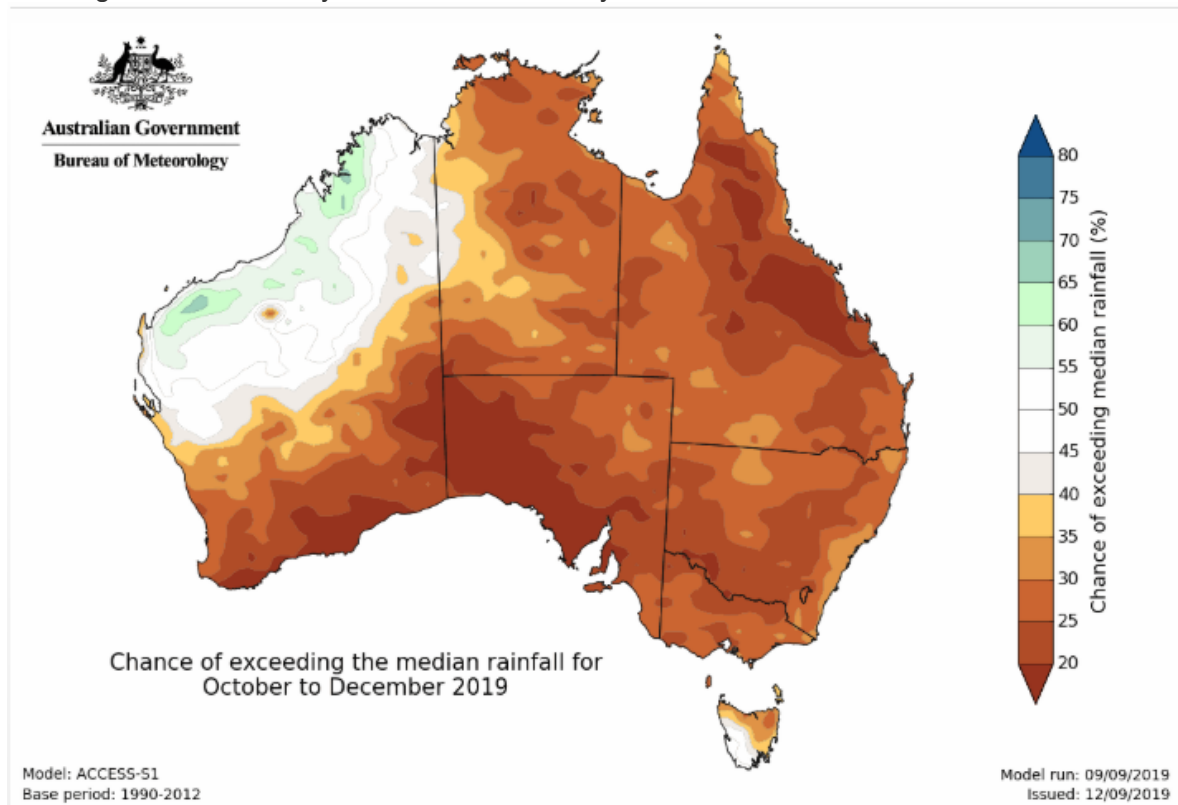
The below graph shows Council's usage of water from the FRWS against the restriction triggers. On average Council's usage is below the level 4 restriction trigger. The spikes show periods where the FRWS have supplied the whole LGA. The downward spike shows periods where LCC have supplied the majority of the LGA.



Climatic and Rainfall Outlook

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

- Daytime temperatures are very likely to be above average over the Australian mainland and eastern Tasmania during the October to January period.
- A warm spell is expected during the second half of September, with maximum temperatures likely to be 2-3 degrees above average for much of the southern two-thirds of mainland Australia.
- Nights are likely to be cooler than average in parts of southeast Australia and the Top End of the NT during October. Nights are very likely to be warmer than average over eastern NSW, southern Queensland, the eastern NT and most of WA
- Rainfall is likely to be below average across most of the country during October to January. However, for northwest WA, above average rainfall is likely through the November to January period.
- In the shorter term, the second half of September is likely to be drier than average across most of the country. October is showing particularly strong chances for almost all of mainland Australia of being a drier than usual month.
- The positive Indian Ocean Dipole (IOD) remains a key climate driver of Australian climate for the coming months. This, combined with a forecast negative Southern Annual Mode (SAM) phase, is driving the warm and dry conditions forecast by the Bureau's climate model.



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 2018/2019 and a cumulative total by month for 2019/20

Table 1 – Oakey Park Monthly Output and Clarence Transfer 2019/20

Total for 2017/18	1,388.1	760.2	810.4
Total for 2018/19	1,318.6	318.7	762.4
Licence Limit (ML/a)	1500	1293	1778
Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	43.920	134.259	58.251
August	107.144	142.062	52.728
September			

October			
November			
December			
January			
February			
March			
April			
May			
June			
TOTAL			

Clarence Water Transfer Scheme

As previously reported, there was an infrastructure failure on the system. This has been temporarily resolved and has allowed transfers to continue. System was in operation from 21 August 2019 till 11 September 2019. The system is currently not operating due the level of dam not warranting further transfers.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant has not been operating since 23 August 2019 except for a period of 4 days which was to allow for a pipe repair to be undertaken by the Fish River Water Supply Staff. During this time FRWS has supplied the whole LGA. During plant operation there were no reported water quality issues.

Treatment Plant 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 28th August 2019 and taken to Sydney Water for testing. There were no exceedances for the month of August 2019.

Fish River Water Scheme Water Quality Summary

FRWS supplied the whole system from 23 August 2019 until the 25th June 2019. FRWS were at the time the report was prepared were supplying the whole LGA. There were no exceedances of ADWG values for the period 15/08/2019 to 13/09/2019.

Water Reticulation Complaints

Council received two complaints during the period 15/08/2019 to 13/09/2019 concerning water quality issues, these were isolated incidences. The water mains were flushed in both instances of water quality complaints.

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

Nil

Recommendation

THAT the September water report be noted.

9.5. Finance and Assets Reports

9.5.1. FIN - 23/09/19 - Cullen Bullen Progress Hall

Report by Chief Financial & Information Officer

Summary

The purpose of this report is to inform Council of a request from Cullen Bullen Progress Association (the Association) for Council to take responsibility for the Cullen Bullen Progress Hall. The report includes details of the financial implications should Council resolve to take responsibility for the hall.

Commentary

Correspondence from Cullen Bullen Progress Association

On 9 July 2019, Beth Bulkeley, Asst Secretary of the Association, wrote to the General Manager suggesting that Council take over responsibility for the Cullen Bullen Progress Hall. Mrs Bulkeley informed Council that "there are no persons in the community that are prepared to step up and keep it going". Mrs Bulkeley also stated that the hall is "the focal point of the Village and is regularly used for funerals and other functions." A copy of Mrs Bulkeley's letter is included as an attachment to this report.

On 12 August 2019, the Association sent a list of queries relating to the possible hire arrangements which would apply if Council took responsibility for Cullen Bullen Progress Hall. Should Council agree to take responsibility for the hall, Council officers will meet with representatives of the Association to resolve these queries, taking into consideration the need to ensure that Council's management of the hall is consistent with the administration of other Council owned halls.

Should Council determine to take responsibility for Cullen Bullen Progress Hall, it is recommended that the title to the building be transferred to Council at nil cost, subject to negotiation with the Association. Council ownership of the hall should be a prerequisite to Council taking responsibility for maintenance and renewal of the hall.

Estimated Costs and Income

In August 2019, Council officers conducted an inspection of the hall building. The building was found to be in a reasonable state of repair, with no known major works required. Drought Communities Program Funding may be allocated to attend to the current maintenance requirements of the hall.

The anticipated recurrent costs of Council taking responsibility for Cullen Bullen Progress Hall are as follows:

- Building maintenance - \$5,000 to \$10,000 p.a. (variable depending on needs).
- Council rates and annual charges - \$1,079 p.a.
- Water rates - \$215 p.a.

There may also be costs associated with connection to the Cullen Bullen Sewer Scheme project, depending on the option chosen for the scheme. There will be recurrent sewer charges once sewer is connected.

Costs would be partly offset by hall hire fees income. Hire fees would be set consistent with similar Council owned halls. Hire fees would include a Charity / Community / Resident Function rate which would be set at 50% of the commercial hire fee. As with other Council venues, fee waivers are considered upon application.

Policy Implications

Nil.

Financial Implications

- Budget approved - Nil.
- Cost centre - TBA.
- Expended to date - Nil.
- Future potential impact - Council will have to budget for ongoing asset maintenance and renewal as well as other costs of operating Cullen Bullen Progress Hall. Costs will be partly offset by revenue from hall hire fees.

Legal and Risk Management Implications

Should Council determine to take responsibility for Cullen Bullen Progress Hall, risks would need to be managed consistent with Council's risk management framework.

Attachments

1. Cullen Bullen Progress Hall - Letter from Association [9.5.1.1 - 1 page]

Recommendation

THAT Council:

1. Authorise the General Manager to progress negotiations with Cullen Bullen Progress Association with regard to Council taking responsibility for Cullen Bullen Progress Hall.
2. Note that negotiations with Cullen Bullen Progress Association would include resolution of queries raised in the Association's letter of 12 August 2019 and discussions on the transfer of ownership of the hall building to Council.

9.5.2. FIN - 23/09/19 - CTA Audit Risk & Improvement Committee

Report by Chief Financial & Information Officer

Reference

Min No. 19 – 116: Ordinary Meeting of Council held on 29 April 2019

Summary

Following a review of the structure and functions of the Central Tablelands Alliance (CTA) Audit Committee, this report proposes the re-establishment of the Committee from November 2019.

Commentary

At the 29 April 2019 Ordinary meeting, Council resolved:

19-116 RESOLVED

THAT Council:

1. Make no external appointments from 1 July 2019 to the Central Tableland Alliance (CTA) Audit Committee whilst the structure and functions of the Committee are reviewed in conjunction with Oberon Council.
2. Note that the CTA Audit Committee will remain as a Council S355 Committee for the duration of the 2019/20 review period.
3. Allocate the draft 2019/20 internal audit budget amount of \$25,000 to a review of the Internal Audit Strategy and to determine a three year internal audit plan.
4. Note that a further report will be provided to Council no later than April 2020 to propose the future structure and functions of the Audit Committee.

CTA Audit, Risk and Improvement Committee Structure and Functions

The interim audit management letter included a recommendation that *“it would be beneficial for the Council to re-instate the ARIC in the short term”*. Accordingly, the structure and functions of the Central Tablelands Alliance (CTA) Audit Committee have been reviewed and it is proposed to re-establish the Committee as the CTA Audit Risk and Improvement Committee (CTA ARIC) from November 2019. The Committee would continue as a joint arrangement between Lithgow and Oberon Councils.

Two independent members of the former CTA Audit Committee, Neil Maltby and Phillip Burgett, have agreed to continue their membership of a restored Committee, subject to Council endorsement.

A draft CTA ARIC Charter has been developed and has been reviewed by Neil Maltby and Phillip Burgett. The draft CTA ARIC Charter includes Committee objectives which are consistent with S428A of the Local Government Amendment (Governance and Planning) Act 2016:

- Compliance;
- Risk management;
- Fraud control;
- Financial management;
- Governance;
- Implementation of the strategic plan, delivery program and strategies;
- Service reviews;
- Collection of performance measurement data; and
- Any other matters prescribed by the regulations.

The draft CTA ARIC Charter also includes the following items:

- Committee to hold separate meetings for each Council on the same pre-arranged meeting dates;
- The first meeting of each financial year will include a joint meeting of the Committee members of both Councils. The purpose of the joint meeting is to set the administrative arrangements for the year ahead;

- Voting members for each Council are three independent Committee members, the Mayor of each Council (or their delegate) and a Councillor of each Council;
- The General Manager and Chief Financial & Information Officer will attend Committee meetings as ex-officio members;
- The NSW Audit Office and both Councils' contract external auditors will be invited to attend all Committee meetings;
- The Charter determines a skillset requirement for independent members (in aggregate);
- There will be a performance review requirement for independent members; and
- The voting members of the Committee will endorse one of the independent members as chairperson for the term of Council, subject to endorsement by Council;

It is proposed that the CTA ARIC will meet in November 2019 with two independent Committee members. After the November 2019 meeting and upon adoption of the Charter by both Councils, a recruitment process would be initiated to appoint a third independent member to the Committee. At that time, nominations will also be sought from Councillors to fill the additional Councillor voting position on the Committee.

Internal Audit

Neil Maltby and Phillip Burgett have agreed to review Council's Risk Register and to develop a three year Internal Audit Plan which sets out planned reviews for the period to 30 June 2021. The plan would take into account Council's resource limitations and would plan for two internal audit projects to be completed in each financial year, with one project to be completed in the 2019/20 year. The audit plan would focus on addressing Council's assessed areas of highest risk.

Council would issue a "Request for Offer" from internal audit providers on the Local Government Procurement contract for one audit to commence in Quarter Three of 2019/20.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$25,000
- Cost centre - project 800167
- Expended to date - nil.
- Future potential impact - managed within Council's resource limitations.

Legal and Risk Management Implications

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

Attachments

1. CTA Audit Risk and Improvement Committee Charter - Draft 2 Sept 2019 [9.5.2.1 - 13 pages]

Recommendation

THAT Council:

1. Endorse the re-establishment of an Audit, Risk and Improvement Committee (ARIC) in partnership with Oberon Council from November 2019.
2. Endorse the appointment of Mr Phillip Burgett & Mr Neil Maltby as independent ARIC members for the remaining term of Council to September 2020.
3. Endorse the draft CTA ARIC Charter included as an attachment to the report.
4. Note that the Mayor will be Council's voting member of the CTA ARIC at the November meeting.
5. Note that a further report will be provided in early 2020 to seek nominations for the appointment of a second Councillor voting member and to appoint a third independent voting member of the CTA ARIC for the remainder of the Council term.

9.5.3. FIN - 23/09/19 - Employment- Issues and Cost Pressures

Report by Chief Financial & Information Officer

Summary

The purpose of this report is to inform Council of local government sector-wide challenges in recruiting specialist staff and the direct impacts on Lithgow City Council's employment costs.

Commentary

Local Government Sector-wide Challenges

Local government, as an industry, has been experiencing difficulties in recruiting and retaining specialist staff, particularly in rural and regional areas. In July 2019, Wagga Wagga City Council resolved to establish a Sydney office specifically for the purpose of recruiting specialist staff (media release included as an attachment to this report).

The Australian Local Government Association (ALGA) Workforce and Future Skills Report (September 2018) noted the issues relating to an ageing local government workforce and major skills shortages in key professional and technical occupations. The findings of the report included that 69% of Councils were experiencing a skill shortage and skill gaps with Engineers, Urban and Town Planners, Building Surveyors, Environmental Health Officers, and Project Managers topping the list of occupations in demand.

The ALGA report stated that the key reasons behind the skills shortage are the inability of councils to compete with the private sector on remuneration; lack of suitably qualified / experienced candidates available locally; high demand across the labour market for certain occupations; and remoteness / location making it difficult for councils to attract and retain workers.

Lithgow City Council Workforce Plan

Lithgow City Council's Workforce Plan 2017-2021 (attached) takes account of the industry wide trends outlined above and attempts to put these challenges into the local employment context.

As per page 9 in the attached Workforce Plan, Council is concurrently addressing issues such as:

- Attract and retain the right people for the job
- Develop staff
- Succession planning for 'essential' services/positions
- Support and promote a diverse workforce

Impacts on Lithgow City Council's Employment Costs

Council's preliminary financial results for 2018/19 indicate that total employment costs have risen from \$15.9M in 2017/18 to \$17.2M in 2018/19 (an increase of \$1.3M or 8.6%).

Of the \$1.3M year-on-year increase in employment costs, 2.5% or approx. \$397K is due to expected award and step increases. The remaining \$966K can be attributed mainly to the following reasons:

- Restructure of the Operations division into separate Directorates of Infrastructure Services and Water & Wastewater – 2 additional positions and changes / regrading of other roles. Water and Wastewater positions are separately funded.
- Other additional approved positions being a Tourism Coordinator and Rural Landfill Supervisor (funded from Waste income).
- \$223K increase in operating overtime expense – mainly due to difficulties in recruiting for vacant positions in Infrastructure Services and Economic Development & Environment. Overtime was also paid to cover staff who were required to take annual leave to reduce excessive leave balances.
- \$211K increase in superannuation, including \$247K for the compulsory sector-wide defined benefit fund deficit.

- \$199K increase in the workers compensation premium. There have been changes to the way in which workers compensation premiums are calculated and Council was provided with a buffer for a period that limited the premium increase up to 2018/19.

Council's original 2019/20 budget for total employment costs is \$17.425M, only a slight increase on 2018/19 actuals. Management will closely monitor employment costs over the 2019/20 year to manage costs within the approved budget. Any budget variations will need to be offset by extra revenue or cost savings.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$17.425M original budget
- Cost centre - various
- Expended to date - \$2.925M (16.8% of original budget)
- Future potential impact - as detailed in this report.

Legal and Risk Management Implications

Nil.

Attachments

1. Workforce Plan 2017-2021 adopted 26/06/17 final [9.5.3.1 - 19 pages]
2. Wagga Wagga City Council - Sydney office aimed at recruiting specialist staff [9.5.3.2 - 2 pages]

Recommendation

THAT Council note the information provided in this report on sector-wide recruitment challenges and impacts on employment costs.

9.6. People and Services Reports

9.6.1. PS - 23/09/19 - Policy Review - Policy 9.14 Risk Management

Report by Director of People & Services

Reference

Min No 19-142: Ordinary Meeting of Council held 27 May 2019 (reconvened 11 June 2019).

Summary

The purpose of this report is to seek Council's adoption of Policy 9.14 Risk Management following a period of 28 days public exhibition.

Commentary

At the Ordinary meeting of Council held 27 May 2019, Council resolved to endorse Policy 9.14 Risk Management for public exhibition and comment for 28 days. This is a new Policy for Council and is aligned with both internal and external committees' Terms of Reference.

Policy Implications

The Policy will improve Council's policy framework.

Financial Implications

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

Legal and Risk Management Implications

The policy outlines Council's commitment to and implementation of Council's 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 Program.

Attachments

1. Policy 9 14 Risk Management V2 [**9.6.1.1** - 4 pages]

Recommendation

THAT Policy 9.14 Risk Management be adopted and implemented immediately.

9.6.2. PS 23/09/19 - Policy Review - Organisational Resilience - Business Continuity Policy

Report by Director of People & Services

Reference

Min No 19-145: Ordinary Meeting of Council held 27 May 2019 (reconvened 11 June 2019).

Summary

The purpose of this report is to seek Council's adoption of Policy 9.4 Organisational Resilience – Business Continuity Policy, following a period of 28 days public exhibition.

Commentary

This is a new Policy for Council and will support Business Continuity in the event of business disruption(s). During the period of public exhibition, no submissions were received on the policy.

Policy Implications

The Policy will improve Council's policy framework.

Financial Implications

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

Legal and Risk Management Implications

This Policy supports Council's Enterprise Risk Management (ERM) Framework.

Attachments

1. Policy 9.4 Organisational Resilience - Business Continuity Policy [9.6.2.1 - 4 pages]

Recommendation

THAT Policy 9.4 Organisational Resilience – Business Continuity, be adopted and implemented immediately.

9.6.3. PS 23/09/19 - Social Media and Defamation

Report by Director of People & Services

Summary

Recent court judgments serve as a further reminder that defamation law is applied to social media posts.

Commentary

There now exists a considerable body of defamation case law involving social media (see examples attached).

To be liable for defamation an individual or business must first *publish* something that is defamatory. Publication is the act of communicating something that is defamatory to someone other than the plaintiff.

A well-established and accepted example of this is a letter to the editor of a newspaper that contains defamatory material. Notwithstanding the fact that the newspaper did not write the letter, the business can still be treated as the publisher of the letter because it communicated the defamatory letter to its audience.

Essentially what we have seen in recent years is the common law adapting well established legal reasoning (such as the example outlined above) to the internet age.

The examples attached to this report include instances involving local government and social media and are a timely reminder that, in the words of a judge in a recent case:

[a] defendant cannot escape the likely consequences of its action by turning a blind eye to it.

While the law is attempting to catchup/keep pace with the advent of social media and there are law reform processes in place, Council officials at all levels are well advised to be wary of what people say on your social media pages.

Policy Implications

Policy 9.12 Media and Social Media Policy was adopted by Council in June 2018 (Min. No. 18-168).

Financial Implications

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

Legal and Risk Management Implications

Lithgow Council has *Councillors' and Officers' Scheme* insurance that caters for the protection of Councils' elected officials and staff. However, action brought against councillors or officers of Council for defamation may not be covered in all instances.

Attachments

1. Article - Qld watchdog probes misuse of social media by Councillors - Government News [9.6.3.1 - 4 pages]
2. Article - Former mayor awarded \$120,000 over defamatory Facebook posts [9.6.3.2 - 2 pages]
3. Case Note - Councillors & Social Media - Marsdens Law Group [9.6.3.3 - 4 pages]

Recommendation

THAT Council note the report and attachments with regard to social media and defamation.

10. Council Committee Reports

10.1. ECDEV - 23/09/2019 - Lithgow Local Heritage Advisory Committee - 12 August 2019

Report by Director of Economic Development & Environment

Summary

This report details the Minutes of the Lithgow Local Heritage Advisory Committee (LLHAC) of the 12th August 2019.

Commentary

At the Lithgow Local Heritage Advisory Committee meeting held on 12th August 2019 there were 8 items on the agenda which are summarised in the attached minutes.

The Committee made two recommendations arising from Item 3 of the Minutes which require Council's further consideration:

- Council applies for the next available round of funding from the Office of Environment & Heritage - Local Heritage Grants.
- Council include a budget bid for \$10,000 be made in the next 2020/2021 Operational Plan to establish a Lithgow Local Heritage Grants Program.

The Committee did hold a discussion on its effectiveness and future, however no recommendation flowed from this.

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. Minutes of the Lithgow Local Heritage Advisory Committee (LLHAC) meeting of the 12th August 2019. [10.1.1 - 6 pages]

Recommendation

THAT

1. Council note the minutes of the Local Heritage Advisory Committee (LLHAC) meeting of the 12th August 2019.
2. Council applies for the next available round of funding from the Office of Environment & Heritage - Local Heritage Grants.
3. Council include a budget bid for \$10,000 be made in the next 2020/2021 Operational Plan to establish a Lithgow Local Heritage Grants Program.

10.2. PS - 23/09/19 - Community Development Committee Meeting 13 August 2019

Report by Director of People & Services

Reference

Min 19-175 Ordinary Meeting of Council held 24 June 2019

Summary

This report presents the minutes of the Community Development Committee meeting held Tuesday 13 August 2019

Commentary

A number of items were discussed at the Community Development Committee meeting held Tuesday 13 August 2019 including:

- Disability Issues in Item 4
- Progress with the construction of Portland and Wallerawang skateparks and the planned drought funded projects in Item 5.

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. Community Development Committee Minutes 13 August 2019 [**10.2.1** - 5 pages]

Recommendation

THAT Council note minutes of the Community Development Committee meeting held Tuesday 13 August 2019.

10.3. IS - 23/09/2019 - Minutes of the Operations Committee Meeting - 4th September 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Operations Committee Meeting held on 4th September 2019.

Commentary

At the Operations Committee Meeting held on 4th September 2019, there were numerous items discussed by the Committee including:

1. Standing Agenda Items

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

Item 5.1 - Portland Garden Project – Recommendation that:

1. Council reallocate \$30,000 from PJ 100466 – Footpath Construction to fund the garden bed improvements at Wolgan Street and Williwa Street, Portland; and
2. The project be carried out as soon as possible.
3. The Mayor exercise his delegation to allow commencement of the project prior to Council consideration.

Policy Implications

Nil

Financial Implications

- Budget approved - Nil
- Cost centre - PJ100466
- Expended to date - Nil
- Future potential impact - Reallocation of \$30,000.00 from PJ 100466 – Footpath Construction to facilitate the garden bed improvements at Wolgan and Williwa Street, Portland.

Legal and Risk Management Implications

Nil

Attachments

1. Operations Committee Meeting - 4th September 2019 [10.3.1 - 7 pages]

Recommendation

THAT

1. Council note the minutes of the Operations Committee Meeting of 4th September 2019; and
2. Council reallocate \$30,000 from PJ 100466 – Footpath Construction to fund the garden bed improvements at Wolgan Street and Williwa Street, Portland; and
3. The project be carried out as soon as possible; and
4. The Mayor exercise his delegation to allow commencement of the project prior to Council consideration.

10.4. IS - 23/09/2019 - TALC Committee Meeting Minutes - 5th September 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Traffic Advisory Local Committee (TALC) Meeting held on 5th September 2019.

Commentary

At the TALC Committee Meeting held on 5th September 2019, there were numerous items discussed by the Committee including;

1. Heavy Vehicle Parking – 1115 Great Western Highway Lithgow

The following items were outside the Committee's delegations and require Council to formally approve the recommendation.

Please specifically note that the administration has become aware of concerns surrounding the recommendation of the TALC regarding Item 6.2 - Request for Timed Parking Allocation – 275 Main Street Lithgow. Under RMS requirements, should the Council resolve a change to the proposed recommendation of TALC, the Council must advise the Police and RMS representatives of the committee. Once notified, the Council must refrain from action for 14 days to allow those representatives time to consider the proposal and appeal, if required.

- Item 6.2 - Request for Timed Parking Allocation – 275 Main Street Lithgow

RECOMMENDATION – That Council extend the existing No Stopping Zone on Main Street, at the intersection with Cupro Street, an additional 11 meters and Neighbouring properties be notified of the proposed changes.

- Item 6.3 Traffic Signage – Flint McClelland Drive, Landa Street and Ninda Place Lithgow

RECOMMENDATION – That Council install a give way sign and a holding line on Flint McClelland Drive at the intersection with Landa Street.

- Item 6.4 - Zoo2Zoo – Sydney to Dubbo Bike Event

RECOMMENDATION – That Council approve the Zoo2Zoo 2019 bike riding event on Lithgow Council managed roads, pending the submission of additional information and implementation of conditions:

- Installation of static signage one week prior to the event on LCC Roads, informing of the event details to the general public
- Confirmation of the support vehicles role and numbers, noting that lead and tail vehicles cannot be support vehicles
- Amend the Traffic management plan to include 2 tail vehicles
- Clarify the distance between individual groups to ensure that the general public have space to manoeuvre around the groups of cyclists.

- Item 6.5 - Event – Bowenfels Station 150th Anniversary Event

RECOMMENDATION – That Council approve the Bowenfels Railways Stations 150th Anniversary Celebrations event, pending the updated Traffic Control Plan.

- Item 6.6 - Event – Blue Mountains Grammar Charity Walk to Bungawarra

RECOMMENDATION – That Council approve the 2019 Blue Mountains Grammar School 45km Charity Walk to Bungawarra on Council managed road.

- Item 6.7 - Barton Avenue – Parking Signage

RECOMMENDATION – That Council install no stopping signage along Barton Avenue towards the end of the footpath and notify the school of the proposed changes.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. TALC Committee Meeting - 5th September 2019 [**10.4.1** - 8 pages]

Recommendation

THAT

1. Council note the minutes of the TALC Committee Meeting held on the 5th September 2019; and
2. Council extend the existing No Stopping Zone on Main Street, at the intersection with Cupro Street, an additional 11 meters and Neighbouring properties be notified of the proposed changes.
3. Council install a give way sign and a holding line on Flint McClelland Drive at the intersection with Landa Street.
4. Council approve the Zoo2Zoo 2019 bike riding event on Lithgow Council managed roads, pending the submission of additional information and implementation of conditions:
 - Installation of static signage one week prior to the event on LCC Roads, informing of the event details to the general public
 - Confirmation of the support vehicles role and numbers, noting that lead and tail vehicles cannot be support vehicles
 - Amend the Traffic management plan to include 2 tail vehicles
 - Clarify the distance between individual groups to ensure that the general public have space to manoeuvre around the groups of cyclists.
5. Council approve the Bowenfels Railways Stations 150th Anniversary Celebrations event, pending the updated Traffic Control Plan.
6. Council approve the 2019 Blue Mountains Grammar School 45km Charity Walk to Bungawarra on Council managed road.
7. Council install no stopping signage along Barton Avenue towards the end of the footpath and notify the school of the proposed changes.

10.5. FIN - 23/09/19 - Finance Committee Meeting Minutes 9 September 2019

Report by Chief Financial & Information Officer

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 9 September 2019.

Commentary

At the meeting of the Finance Committee held on 9 September 2019, the following items were discussed and noted:

- Preliminary financial results for 2018/19.
- Audit Action List – internal audit and external audit actions.
- August 2019 monthly performance report to the Office of Local Government.
- Review of August Finance and Assets reports – Cullen Bullen Progress Hall and CTA Audit Risk & Improvement Committee report.

The following business paper recommendation was endorsed by the Committee:

Council Investments Report August 2019

THAT

1. Investments of \$33,090,000 and cash of \$716,088 for the period ending 31 August 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 Meeting 9 September 2019 FINAL [**10.5.1** - 5 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 9 September 2019 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Report for August 2019.

11. Business of Great Urgency

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

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

12. Closed Council

12.1 ECDEV - Confidential Report - 23/09/19 - Proposal to Sell Land at Pipers Flat

Report by Director of Economic Development & Environment

Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Summary

This report requests Council's approval to sell vacant land owned by Council, located at the Corner of John Mackey Drive and Pipers Flat Road (aka Wallerawang Road), Pipers Flat, being the whole of the land comprised in Lot 41 in DP871882 (**Land**).

12.2 ECDEV - Confidential Report - 23/09/19 - Proposal to Call for Expressions of Interest Regarding Property at Petra Avenue, Clarence

Report by Director of Economic Development & Environment

Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Summary

This report requests Council's approval to call for expressions of interest in relation to Council owned land situated at Petra Avenue, Clarence being Lot 2 in DP719201 (**the Property**), to gauge the level and nature of interest in the Property from the community.

Recommendation

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