



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 October 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. Declaration of Interest

5. Confirmation of Minutes

6. Commemorations and Announcements

7. Public Forum

8. Mayoral Minutes

8.1. MAYOR MINUTE - 28/10/19 - LGNSW CONFERENCE 2019

Report by Mayor – Councillor Ray Thompson

Summary

The Mayor, Deputy Mayor and General Manager met with NSW Ministers and their advisors in Sydney during the Local Government NSW Conference. A range of issues of importance to Lithgow and surrounding villages was discussed.

Commentary

Councillors Darryl Goodwin and Cassandra Coleman, together with Mayor Ray Thompson and Deputy Mayor Steve Ring and staff members attended the Local Government NSW Conference in Sydney during the week of the 14th October 2019. The Conference is the policy setting vehicle for Local Government in NSW and Lithgow Council voted on the 120 motions debated at the Conference.

With the assistance of Lithgow's local state member, the Hon. Paul Toole, meetings were prearranged at Parliament House with the Hon Damien Tudehope, Minister for Small Business, The Hon Geoff Lee, Minister for Skills and Tertiary Education, The Hon Matt Kean, Minister for Energy and Resources, and senior policy advisors from Minister Hazzard's office (Minister of Health).

The Mayor and Deputy Mayor also met formally with the Hon Paul Toole in his capacity as Minister for Regional Transport and Roads.

Issues Discussed with Ministers:

- Decline in retail trade in regional NSW.
- Government Policy concerning small business in regional NSW.
- Great Western Highway Penrith to Lithgow.
- NSW Roads grants.
- TAFE services in Lithgow.
- Skills development as part of Lithgow's Transition Strategy.
- Health Services - Paediatricians in Lithgow.
- Mental Health Services.
- Tourism Investment.
- Wallerawang Repurposing.
- Job creation and retention in the Lithgow LGA.

Policy Implications

Issues were discussed in the context of Council's Integration and Transition strategies.

Financial Implications

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

Legal Implications

NIL

Attachments

Nil

Recommendation

THAT Council

1. Note the Mayoral Minute and
2. Formally convey its appreciation to the Hon Paul Toole and relevant Ministers who made themselves available to meet and discuss issues relevant to Lithgow with the Mayor and Deputy Mayor.
3. Note that feedback from the discussions held will assist the Working Parties to be convened to further develop Lithgow Council's Transition and Integration plans.

9. Notices of Motion

9.1. Notice of Motion - Councillor Statham - 28/10/19 - Lease Agreement Portland Men's Shed

Report by Councillor Maree Statham

Commentary

Members of the Portland Men's Shed recently requested a meeting with me regarding the future Lease Agreement with Lithgow City Council for the lease of the relocation of Portland Men's Shed building.

The Men's Shed in Portland are currently refurbishing the "Old Bath House", in more recent years has been named "The Mick Moore Pavilion.

There has been a major undertaking of restoration to this building which is classified as Historical Significance.

A group of dedicated members of The Portland Men's Shed have worked tirelessly volunteering to restore and maintain this old unique building making it the future home for the Portland Men's Shed.

The Lease Agreement from Lithgow City Council for the relocated premises indicates a twelve months lease.

The members are requesting a ninety nine year lease in good faith that this wonderful organisation will be successful long into the future.

Oberon Council has set a precedent with Oberon Men's Shed gaining a ninety nine year lease. Portland Kremer Park and Oberon Men's Shed grounds are owned the Department Of Primary Industries.

The members of Portland Men's Shed are looking forward to a much anticipated spacious new location.

Approximately \$40,000 has been invested in the building including a major saving to Council with desperate drainage work completed by volunteers. A new roof has recently been installed, also the entire outside of the very dilapidated building has been repainted. \$10,000 of this money was successful grant funding, the remaining \$30,000 has been donated or from constant fundraising.

Further significant work will need to be completed prior to the relocation. Portland Men's Shed members are requesting the Lease payment of over five hundred dollars not be introduced until relocation takes place.

The members are willing to landscape and maintain a small area of land adjacent to the new home of the Portland Mens Shed for parking. The area of parking is not restricting and traffic and will most definitely enhance the appearance of an under-utilised area.

Attachments

Nil

Recommendation

THAT Council support Portland Men's Shed request for a ninety nine year lease, permission to landscape a small area of under-utilised land for parking and the Lease Payment of \$549.00 not be introduced / invoiced until relocation takes place.

Management Comments

- The report to Council's meeting of 29 April 2019 outlines situation and why, until a Plan of Management is prepared for Kremer Park, it is not possible to grant a long-term lease to Portland Men's Shed.
- To date, in communications with the Portland Men's Shed Co-ordinator, the position seems to have been understood and accepted that securing a longer term lease can occur following the preparation of a Plan of Management.
- The Oberon Men's Shed is located in the Oberon Showground, which is Crown land. Government Gazette of 30 October 2015 appointed various individuals as members of the Oberon Showground Trust, expiring on 29 October 2020, to manage the Showground.
- A check of the Crown Lands Portal has verified that Oberon Council is ***not*** the Crown Land Manager of Oberon Showground. Therefore, it appears that Oberon Council could not have granted a lease to the Oberon Men's Shed. In contrast, Lithgow City Council is the Crown Land Manager of Kremer Park.
- Council has no power to grant a 99 year lease over Crown land.
- The Minister for Crown Lands has the power to grant a lease or licence over Crown land for a term that the Minister thinks fit (sections 5.3 and 5.21 Crown Lands Management Act 2016). Therefore, it is possible that Oberon Men's Shed obtained a 99 year lease ***directly*** from the Minister for Crown Lands.
- The Licence Fee that will be charged to Portland Men's Shed is the minimum Crown Land rate of \$490 + GST.

9.2. Notice of Motion - Councillor Ring - 28/10/19 - Digital Communication

Report by Councillor Steve Ring

Commentary

At the Council meeting of the 23 September it was resolved to place on exhibition the Draft Lithgow Community Participation Plan (CPP). Although the CPP has been prepared in relation to amendments to the EP&A Act 1979, it does raise questions about how Council engages with the community in the digital age.

The current council website has been described to me as being clunky and difficult for some people to navigate with sections that require updating such as staff contact details and links that do not work.

The Facebook page has been described as being too text heavy and needs increased use of photographs. Media releases on works completed are great but are they appropriate for the Facebook page. It may be more appropriate for the Administration to post images of where staff are working and the works being undertaken.

The current management of our website and social media platforms is constrained by current resource levels and work priorities. Both resources and priorities will need to be reviewed and modified if we want to increase their effectiveness in engaging with the broader community.

Attachments

Nil

Recommendation

THAT the Administration review its current use of Websites and social media as tools for sharing information and engaging with the public against current best practice standards and provide Council with a report (inclusive of costs) for revitalising our current platforms.

9.3. Notice of Motion - Councillor McAndrew - 28/10/19 - Attracting NRL Games to Lithgow

Report by Councillor Wayne McAndrew

Commentary

In recent years we have seen NRL games played in both Bathurst and Mudgee (two adjoining council areas) In fact, NRL teams have travelled through and stayed in our LGA to compete in these games. It is time that Council investigated the possibility of staging NRL games here in Lithgow at the Tony Luchetti Showground.

Attachments

Nil

Recommendation

THAT:

1. Council engage with the NRL regarding what is required by them to stage NRL games here in Lithgow which would include I expect, facilities upgrades at the Tony Luchetti Showground.
2. A report be provided in the new year outlining the requirements, staging costs funding options including any grant funding opportunities

10. Questions with Notice

10.1. Question with Notice - Councillor Lesslie - 28/10/19 - Minister Kean's Climate Change Speech

Report by Councillor Stephen Lesslie

Commentary

In a speech to the Investors Group on Climate Change (Monday 14 October) NSW Energy Minister Matt Kean was quoted as saying -

“Changes to the Earth’s climate are being rapidly accelerated by human activity. This change poses a material risk to our prosperity and our way of life.

“Responding to climate change isn’t green-washing as some critics allege, it’s prudent management for business and government alike.”

Minister Kean went on further to say-

“NSW intends to lead the nation when it comes to dealing with the issue of climate change. We will do so decisively, but we will do so responsibly.

“Right now, the energy industry is telling me that [ageing coal] power stations will be replaced with renewable energy in combination with gas and emerging storage technologies. Not because Governments are forcing that to happen but because the economics are driving it.”

In his speech Minister Kean also drew attention to the 19285MW of large-scale renewable energy projects that have received planning approval contrasting this with the 1410MW fossil-fuelled (mostly gas-fired) power stations in the development pipeline.

Attachments

Nil

Question

In the light of comments made by Matt Kean, the NSW Energy Minister, in a speech (14 October) to the Investor Group on Climate Change does Lithgow Council intend to update and revise its 12 September ‘Future of Coal and Coal Fired Power Stations’ media release to more adequately reflect the views held by Minister Kean?

Answer:

There is no need to revise Council’s media release. Minister Kean’s Office was contacted for clarification and replied with the following statement:

“Please see a response on behalf of Minister Kean to your request below:

The Minister does not consider that the Council’s media release in anyway misrepresented his position.

Coal is an important part of the State’s economy and energy system. And that will remain the case for many years to come.

The Mount Piper Power Station is the State's newest coal fired power station and provides the State with 15% of its electricity. Its technical life is expected to continue until 2042. It is essential to the electricity system that Mount Piper continue to provide the State with dispatchable electricity.

One of the most pressing issues facing that power station is coal supply and the Minister is determined to take appropriate steps to address that issue.

As to the future of the electricity system, economics should drive investments in new generation so that the lowest cost portfolio of generation gets built. That is how we ensure that the State has affordable and reliable electricity and remains a competitive place to do business.

At the moment, the most economic form of *new* reliable generation is renewables backed up by reliable, fast start technologies. However, existing coal fired power stations also have competitive economics and, during their technical lives, will continue to play an important role in providing the State with affordable and reliable electricity.

Climate change is an issue and the Government needs to take responsible and decisive action on it. But part of taking *responsible* action on climate is ensuring that such action does not undermine our economy or the reliability of the State's electricity system. This includes recognising the important role coal fired power stations play and will continue to play in the electricity system."

Benjamin Coles

Chief of Staff

Office of The Hon. Matt Kean MP.

Minister for Energy and the Environment

11. Staff Reports

11.1. General Manager's Reports

11.1.1. GM - 28/10/19 - Returns Of Disclosures of Councillors & Designated Persons

Report by General Manager

Summary

To advise Council of returns lodged with the General Manager for Councillors & Designated Person for the period 1 July 2018 to 30 June 2019 and to seek confirmation of the positions noted as designated persons.

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

Commentary

Under the Model Code of Conduct For Local Councils in NSW clause 4.21 of the Model Code of Conduct, Council officials are required to disclose their personal interest in publicly available returns of interest for the period 1 July 2018 to 30 June 2019

At the due date for the returns being 30 September 2019, all designated persons and all elected Councillors had responded by supplying their completed return.

Schedule 2 Clause 4.21:

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

“The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting. Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.”

As per the Model Code of Conduct For Local Councils in NSW – A guide to Completing Returns of Interest A return must be completed and lodged if you are a councillor or designated person, where a designated person is defined as.

- the general manager
- senior staff, and
- staff, delegates of councils or members of committees who the council identify as exercising functions that could give rise to a conflict of interest

This being the case, In addition to the General Manager the following positions have been classified as designated persons:

- General Manager
- Director Economic Development and Environment
- Director Infrastructure Services
- Director Water and Waste Water
- Director People and Services
- Chief Financial and Information Officer
- Development Manager
- Information Technology Manager
- Team Leader Building
- Team Leader Planning
- Team Leader Environment
- Strategic Land Use Planner
- Property Officer
- Building & Development Officers

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

Attachments

1. Model Code of Conduct - Completing returns of interest [11.1.1.1 - 10 pages]

Recommendation

THAT Council:

1. Acknowledge the disclosures received Under the Model Code of Conduct For Local Councils in NSW Clause 4.21 of the Model Code of Conduct, for the period 1 July 2018 to 30 June 2019 from all designated persons and all Councillors
2. Affirm the following positions as 'designated persons' for the period 1 July 2018 to 30 June 2019:
 - General Manager
 - Director Economic Development and Environment
 - Director Infrastructure Services
 - Director Water and Waste Water
 - Director People and Services

- Chief Financial and Information Officer
- Development Manager
- Information Technology Manager
- Team Leader Building
- Team Leader Planning
- Team Leader Environment
- Strategic Land Use Planner
- Property Officer
- Building & Development Officers

11.1.2. GM - 28/10/19 - Model Code of Conduct Consultation - Gifts and Benefits

Report by General Manager

Reference

Min No 19-126: Ordinary Meeting of Council held 19 June 2019

Summary

An email was received from the Office of Local Government seeking Council's views on the Model Code of Conduct – Gifts and Benefits by way of consultation with Councils.

Commentary

The Office of Local Government (OLG) is seeking the views of Council in relation to the Gifts and Benefit section of the Model Code of Conduct recently adopted.

“As you would be aware, the new Model Code of Conduct sets for the first time a monetary threshold on the value of gifts that may be accepted by council officials. The Office of Local Government (OLG) consulted with councils and integrity agencies such as the NSW Ombudsman and the Independent Commission Against Corruption, in setting that threshold at \$50. The threshold now applies uniformly to all council officials including both councillors and council staff.

Out of the 95 submissions received in response to the consultation draft of the Model Code of Conduct, only 5 raised concerns about the \$50 cap on the value of gifts that may be accepted by council officials.

I have since been approached by a number of mayors and councillors, who have raised concerns with me about the appropriateness of the \$50 cap on the value of gifts that may be accepted by councillors. In particular, it has been suggested that the cap on the value of gifts that may be accepted by councillors should be raised to \$500.”

Specifically, the OLG are seeking views on:

- Whether \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by councillors.
- If the \$50 cap on the value of gifts that may be accepted by councillors is not appropriate, at what value should it be set?
- If it is suggested that the cap on the value of gifts that may be accepted should be raised, should it be raised uniformly for all council officials, or should it just be raised for councillors and the \$50 cap retained for other council officials such as council staff.
- If it is suggested that the cap on the value of gifts that may be accepted should be raised for councillors and not for other council officials such as council staff, why does your council believe that councillors should be subject to a different standard than the one that applies to other classes of council officials in relation to the acceptance of gifts.

Policy Implications

Model Code of Conduct

Financial Implications

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

Legal and Risk Management Implications

Model Code of Conduct

Attachments

1. Model Code of Conduct Consultation - Gifts and Benefits [11.1.2.1 - 2 pages]

Recommendation

THAT Council authorise the General Manager to lodge a submission with the Office of Local Government (OLG) outlining the view of Council determined at this meeting.

11.1.3. GM - 28/10/19 - Proposed Council Meeting Dates for 2020

Report by General Manager

Reference

Min 18-330: Ordinary Meeting of Council held 26 November 2018

Summary

This report is for Council to give consideration to the dates for Meetings of Council in 2020.

Commentary

Council last reviewed its schedule for Ordinary Meetings in 2018 and resolved to schedule Ordinary meetings to occur on the fourth Monday of each month.

The proposed dates for 2020 are as follows:

- Tuesday 28 January (held on Tuesday due to Public Holiday 27/1/2020)
- 24 February
- 23 March
- 20 April (held the previous week due to Easter Monday 27/4/2020)
- 25 May
- 22 June
- 27 July
- 24 August
- 28 September
- 26 October
- 23 November

NOTE: With the Local Government elections being held in 2020 the Council will be in Caretaker mode at a point prior to the election. When the election date is declared the Council meeting which falls into this timeframe will be cancelled. This meeting is likely to be the 24 August 2020.

Furthermore, that meetings of the Economic Development Committee be set for the first Mondays of December 2019, March, June and September, November 2020.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council:

1. Note the possible cancellation of the 24 August 2020 Council meeting due to caretaker mode possibly taking effect for the Local Government Elections due in September 2020.
2. Hold the Ordinary Meetings of Council for 2019 on the following dates:
 - Tuesday 28 January (held on Tuesday due to Public Holiday 27/1/2020)
 - 24 February
 - 23 March
 - 20 April (held the previous week due to Easter Monday 27/4/2020)
 - 25 May
 - 22 June
 - 27 July
 - 24 August
 - 28 September
 - 26 October
 - 23 November
3. Hold the meetings of the Economic Development Committee on the first Mondays of December 2019, March, June and September and November 2020.

11.1.4. GM - 28/10/19 - Mobile Coverage Survey

Report by General Manager

Reference

Min No 19-261 Ordinary Meeting of Council 23 September 2019

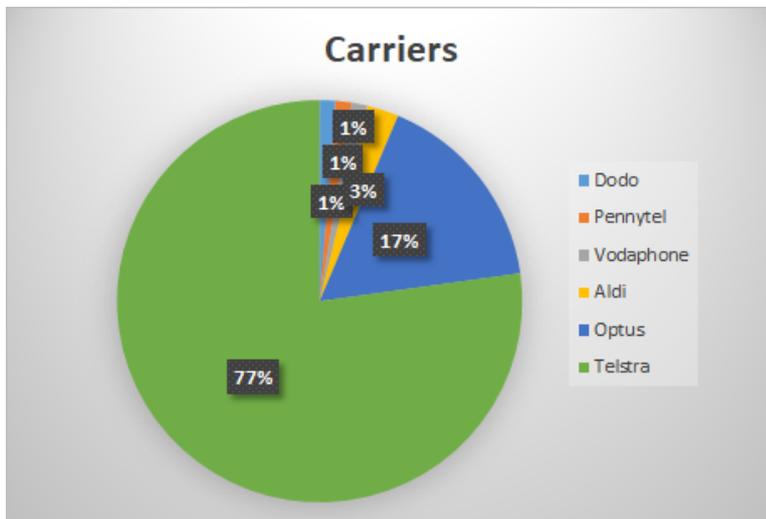
Summary

To provide Council with information regarding the mobile coverage survey and seek endorsement to provide findings to relevant telecommunications providers.

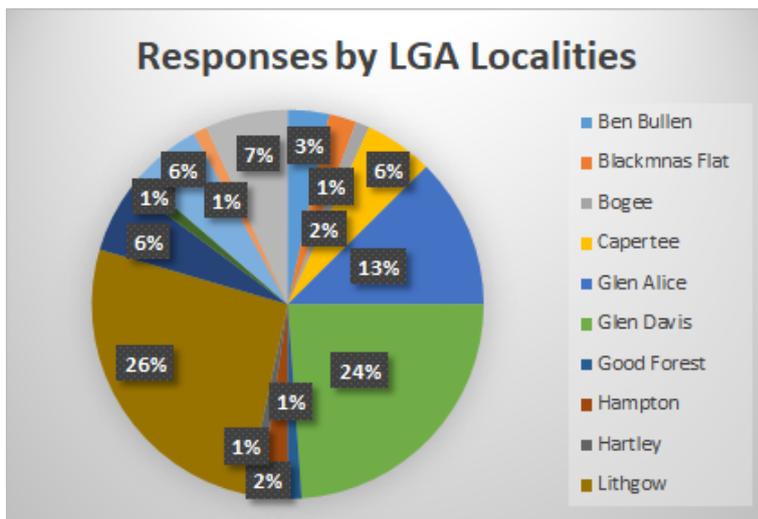
Commentary

At the Ordinary Meeting of Council held on 23 September 2019, Council resolved to invite comment from Lithgow residents who are experiencing difficulties with mobile phone coverage.

A survey was established on Council's Have Your Say website www.haveyoursay.lithgow.com/mobile-coverage/ and at the time of finalising this report, 88 residents had responded.



The majority of respondents (77%) stated they used Telstra as their provider, with Optus recording the second highest response at 17%. There are a number of Mobile Virtual Network Operators (MVNOs) that were mentioned, including Pennytel and Aldi which operate on the Telstra network and Dodo which operates on the Optus network.



There were 23 respondents from the immediate Lithgow vicinity, with the majority of these reporting that mobile reception has become worse in recent times. One resident provided copies of correspondence with Telstra regarding the poor signal strength. He was advised that two Telstra towers were having outages. In early August the repairs were meant to have occurred, however speed tests provided indicate there was still a major problem with download speeds despite advice from Telstra that the problem was resolved.

The strongest response received across the Lithgow LGA was from the residents of Capertee Valley, with 21 responses from Glen Davis, 11 from Glen Alice and 1 from Bogee. Many of those

who responded have concerns regarding safety and the impact on emergency services due to lack of coverage.

A number of customers have indicated that they have received advice from their provider that newer versions of their phones do not have the same reception capacity as earlier models, and it is suggested that Mobile Phone sellers be asked to comment on this point. It would be problematic for consumers, if this was the case as there is an assumption on the part of consumers that new versions of mobile phones will not have any less reception capacity than they have previously experienced.

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. Sample of Comments Received on Mobile Coverage Survey [**11.1.4.1** - 5 pages]

Recommendation

THAT Council

1. Provide the details of the survey to the relevant telecommunications providers and seek their guidance as to how services can be improved.
2. Request that a response from the telecommunications providers be received within three weeks of receiving Council's correspondence.
3. Arrange for an independent engineering review of the 4G network within Lithgow.

11.2. Economic Development and Environment Reports

11.2.1. ECDEV - 28/10/19 - Waste Less Recycle More - Successful Grants

Report by Director of Economic Development & Environment

Reference

Minute No 18-288 (Community Feedback on the planned closure of Cullen Bullen Landfill): Ordinary Council Meeting 29 October 2018

Minute No 19-72 (EPA Waste Less Recycle More Grant Applications): Ordinary Council Meeting 25 March 2019

Summary

The purpose of this report is to advise Council of two successful grant applications under the NSW EPA Waste Less Recycle More program and seek Council resolution to endorse the signing by the General Manager of the Deed of Agreements with NSW EPA for the Closure of Cullen Bullen Landfill and Closure of Glen Davis Landfill.

Commentary

Background

On 12 March 2019, following authorisation by the General Manager and concurrence of the Mayor, Council submitted four grant applications under the NSW EPA Waste Less Recycle More program. The applications were reported at the Ordinary Meeting of Council on 25 March 2019 and at this meeting it was resolved THAT Council:

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

Outcome of Grant Applications

On 5th September 2019 the EPA advised Council that it was successful in two grant applications:

- Closure of Cullen Bullen Landfill; and
- Closure of Glen Davis Landfill.

Closure of both sites includes rehabilitation of the landfill. Closure of Glen Davis includes construction of a small transfer station (single skip bin) for continued waste disposal by local residents. The skip bin will be taken to Lithgow Landfill for disposal.

Council was unsuccessful in the remaining two grant applications for Closure of Wallerawang Landfill and Closure of Capertee Landfill.

A summary of the funding and project costs for the successful grants is provided below:

Landfill site	Total project cost	Funding from grants	Funding from Council Waste Reserve
Cullen Bullen	\$380,000	\$197,800	\$182,200
Glen Davis	\$140,000	\$105,050	\$34,950
TOTAL	\$520,000	\$302,850	\$217,150

Impacts on 2019/20 Operational Plan

The Cullen Bullen closure project is already included in the 2019/20 Operational Plan and therefore there are no changes proposed for this site. The successful grant funding of \$197,800 represents a significant saving to Council for the project and consequently only \$182,200 of the \$380,000 project cost is required to be funded from the Waste Reserve. Community consultation has already occurred for this project. With no proposed transfer station, residents will use either the Portland Landfill or Capertee Landfill for their waste disposal. Under the terms of the grant Deed of Agreement closure and rehabilitation will be completed by 31 October 2020.

Glen Davis Landfill was expected to close in 2019/20 as reported in the Lithgow Council Waste Strategy Review 2017. Post-closure works (rehabilitation and construction of a transfer station) were not included in the 2019/20 Operational Plan due to the number of other projects being managed within the waste area. Closure of the landfill was, however, still expected in 2019/20 due to exhaustion of landfill space with a skip bin for waste collection to be provided following closure.

\$130,000 funding for Glen Davis closure works is included in 2020/21 of the Long Term Waste Financial Plan with proposed funding from the Waste Reserve. EPA grant funding of \$105,050 reduces the expected drawing on the Waste Reserve to \$34,950 based on a revised \$140,000 total project cost. As construction works will most likely commence early 2020/21 there will be no change to the 2019/20 Operational Plan, however acceptance of the grant will commit Council to completing the project in 2020/21. Under the terms of the grant agreement rehabilitation and construction works must be completed by 30 April 2021.

Benefits to Council

Funding for Cullen Bullen Closure will reduce closure costs significantly on a project that is already committed by Council. It is noted that the grant funding is already included in the Operational Plan budget.

Glen Davis Landfill is a high risk site due to the potential for fires (through unauthorised access and dumping) and the proximity to Wollemi National Park. The last fire occurred in October 2018 and the current drought conditions further increase the fire risk. Closure and rehabilitation of the site will greatly reduce Council's risk. Construction of the transfer station will improve the amenity and reduce environmental impacts on the site. There will also be opportunities for improved resource recovery. EPA grant funding allows this project to proceed immediately.

Policy Implications

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

Financial Implications

- Budget approved - Nil for Glen Davis. Cullen Bullen Closure included in 2019/20 Operational Plan.
- Cost centre – 8014
- Expended to date - nil on PJ500011 (Cullen Bullen Closure Project)
- Future potential impact - \$34,950 transfer from the waste reserve to be included in the 2020/21 budget.

Legal and Risk Management Implications

Council will enter a Deed of Agreement with NSW EPA (Environmental Trust) for each project.

Attachments

Nil

Recommendation

THAT Council:

1. Endorse the signing by the General Manager of the Deed of Agreements with NSW EPA for the Closure of Cullen Bullen Landfill and Closure of Glen Davis Landfill.
2. Note that signing the Glen Davis Landfill Deed of Agreement with NSW EPA will commit Council to undertaking closure works in 2020/21 including the transfer of \$34,950 from the Waste Reserve in the 2020/21 budget.

11.2.2. ECDEV - 28/10/19 - Operational Review of Rural Landfills

Report by Director of Economic Development & Environment

Reference

Minute No 17-268: Ordinary Council Meeting 25th September 2017

Minute No 17-348: Ordinary Council Meeting 27th November 2017

Summary

The purpose of this report is to inform Council of the review of rural landfill operations and seek endorsement for the closure of Wallerawang landfill by no later than the end of 2021.

Commentary

Council currently operates rural landfills at Portland, Wallerawang, Capertee, Cullen Bullen and Glen Davis. Of these landfills, only Portland holds an Environment Protection Licence issued by the EPA for waste disposal (application to land) under the Protection of the Environment Operations Act 1997 (POEO Act). The remaining sites are unlicensed and operate under the provisions of clause 39(2)(f) of Schedule 1 of the POEO Act. Under this clause sites outside the levy paying area, operated by a local council, in existence before 28 April 2008 and receiving less than 5,000 tonnes per annum are not required to be licensed.

Lithgow Council Waste & Recycling Strategy

In 2017 Council drafted a revised Waste and Recycling Strategy for consultation (Minute No.17-268) and adopted the revised version at the Ordinary Council Meeting of 27th November 2017 (Minute No.17-348). A key change in the 2017 Waste Strategy was the updated landfill closure dates. These dates were extended considerably due to the requirement to achieve a suitable final landform and subsequent cost of rehabilitation. At the time the most economic method for achieving the desired final landform was to keep the sites open and use incoming waste to create the final profile.

A copy of the draft 2017 Waste Strategy was provided to the Environment Protection Authority (EPA) for comment and no response received.

The planned closure dates based on the 2011-2016 Waste Strategy and 2017 Waste Strategy Review are shown below:

Landfill	Planned Closure Date – 2011-2016 Waste Strategy	Planned Closure Date - 2017 Waste Strategy
Cullen Bullen	October 2012	2019/20
Glen Davis	September 2013	2019/20
Capertee	March 2018	2024/25
Portland	April 2016	2026/27
Wallerawang	April 2013	2034/35

Status of rural landfill operations

Cullen Bullen is scheduled for closure late 2019. Residents will utilise either the Portland or Capertee landfills following closure as no transfer station is proposed. Glen Davis landfill is also scheduled for closure in late 2019 but a small transfer station will be provided for residents to dispose of their waste.

Portland and Wallerawang landfills continue to operate with landfilling capacity available until the planned 2017 Waste Strategy closure dates. Capertee also continues to operate although landfilling capacity may be exhausted prior to 2024/25.

Increased regulatory scrutiny

Following the decision to extend the life of rural landfills, the EPA has increased their scrutiny over the operation of these sites. Since early 2018 the EPA has made numerous representations to Council regarding the operation of Wallerawang landfill with concerns over site security and supervision, frequency of compaction and covering and amenity issues such as odour, dust, noise, litter and fire control. In a letter to Council on 6th March 2018 the EPA stated:

“As Council no longer intends to close the Wallerawang landfill as previously agreed, the EPA now intends to enforce the key landfill environmental management standard applicable to small rural landfills by regulating the Wallerawang landfill either by licence or by prevention notice. The EPA will also be reviewing waste management at Cullen Bullen, Capertee and Glen Alice [sic] to assess if similar regulation is required.”

Council held discussions with representatives from the EPA and Council highlighted that the EPA elected not to comment on the draft 2017 Waste Strategy. Following these discussions Council implemented initial measures to increase supervision and compaction frequency, however the EPA considers the landfill should be attended by a permanent employee when open to the public and receive weekly compaction and covering. Council consequently undertook an Operational Review of Rural Landfills and to date the EPA has not proceeded with a Prevention Notice or any other form of action.

Operational Review

Council provided an Operational Review of rural landfills to the Bathurst Office of the EPA on 28th June 2019. The Operational Review detailed Council's options, subject to approval by the elected Council, for rationalisation of rural landfills to achieve the level of compliance required.

There are no changes proposed for Cullen Bullen, Glen Davis or Capertee. These sites would continue to operate as per existing arrangements and proposed closure dates.

The changes proposed relate to the Portland and Wallerawang sites only. The Operational Review determined that supervision is not financially viable at both Portland and Wallerawang under the current opening hours. Council must therefore restrict opening days/times to provide full time supervision. With supervision throughout the day there is also a requirement to provide amenities to staff working on site. Neither site currently has these amenities although Portland already has power and water to the site.

The extension of landfilling at Wallerawang in the 2017 Waste Strategy review was based on the need to achieve a final landform with the most economic option being the use of incoming waste to achieve final landform. The increased regulatory scrutiny, however, has the potential to significantly increase the cost of ongoing operations.

Since the decision to extend Wallerawang landfill, there have been numerous infrastructure projects in Sydney and surrounding areas generating material suitable for capping the site and/or for use as engineering fill or earthworks. The availability of this material has the potential to significantly reduce the cost of closure and rehabilitation. At present some of this material is being received free of charge. The material is classified as either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) under the NSW EPA Waste Classification Guidelines and the Excavated Natural Material Order 2014 respectively. Material such as general solid waste (e.g. construction and demolition waste) is not accepted. Based on rehabilitation cost estimates developed by Council in 2017, Wallerawang landfill requires 42,000m³ of final capping material alone at an estimated cost of \$630,000. Should the material be available at minimal cost, Council has the opportunity to use the material (subject to EPA approval) to create the final profile as well as final capping for the site.

The material from Sydney is technically a 'waste' under the POEO Act. The material however is suitable for capping, engineering fill or earthworks and can be received without the need for licensing as a waste disposal facility. Importantly the process is driven by demand by Lithgow Council and not by the generator of the material. Should the material not come from Sydney infrastructure projects,

then similar material would require purchasing from a local quarry. Other significant projects are also sourcing this type of material including Energy Australia for the Wallerawang Ash Repository rehabilitation.

Based on the current availability of VENM and ENM, the Operational Review identified an opportunity for Council to close Wallerawang by the end of 2021 and subsequently operate Portland as a licensed, supervised landfill.

Closing Wallerawang landfill early has the following benefits:

- Reduced rehabilitation liabilities based on supply VENM/ENM material from infrastructure projects
- Operational costs to meet modern regulatory standards will be avoided
- Having the single supervised rural landfill considerably improves service standards, environmental performance, resource recovery and reduces risk of fire, hazardous waste and out of area dumping.

There are a number of potential drawbacks in closing the landfill early and these are addressed below:

1. Loss of a local waste disposal service to the local community

It is proposed that Council will undertake a Community Consultation process regarding the closure of Wallerawang landfill including options for waste disposal post closure. These options include increasing the scope of the kerbside collection service and directing residents to either Lithgow or Portland. From Wallerawang township it is ~14km to either Lithgow Solid Waste Facility (10 minutes) or Portland landfill (15 minutes). From the 2011-16 Waste Strategy research suggests that for rural areas a maximum distance of 30kms is reasonable for residents to use a waste transfer station (or landfill). Blue Mountains City Council has just two sites (Katoomba and Blaxland) that accept waste.

2. Loss of landfill volume

Whilst the closure will sterilise landfill volume, the cost to bring the site to modern landfill standards exceeds the value of the landfill space. It is highly unlikely that Wallerawang could continue to operate as an unlined rural landfill until the year 2035.

3. Increased volume directed to Portland

The increased volume directed to Portland would be offset by the expected increase in resource recovery from a supervised site. The expected closure date for Portland would remain at 2026/27. Once landfilling is complete at Portland, a transfer station would be required in the area. The exact location would be decided at the time but could be either on the Portland landfill site or another centrally located site.

Conclusion

Council has an opportunity to rationalise the operation of rural landfills and improve service standards, environmental performance and reduce rehabilitation liabilities. A summary of the proposed operation and timeframes is provided below:

Landfill	Planned Closure Date - 2017 Waste Strategy	Revised Closure Date – Operational Review	Transfer Station following landfill closure?
Cullen Bullen	2019/20	2019/20 (no change)	No
Glen Davis	2019/20	2019/20 (no change)	Yes
Capertee	2024/25	2024/25 (no change)	Yes
Portland	2026/27	2026/27 (no change)	To be determined
Wallerawang	2034/35	Late 2021	No

Endorsement for closure of Wallerawang landfill by the end of 2021 is sought in order to proceed with sourcing VENM/ENM material. Confirming the duration of landfilling also allows the commencement of final profiling using available material.

Policy Implications

Wallerawang landfill would be closed earlier than the date proposed in the 2017 Lithgow Council Waste Strategy Review.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – potential savings of at least \$630,000 should final capping material for Wallerawang Landfill be sourced at no cost.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council:

1. Endorse the proposed closure of Wallerawang landfill by no later than 31 December 2021.
2. Note that Council will commence the process of sourcing suitable material for profiling and capping Wallerawang landfill in preparation for closure and rehabilitation.
3. Note that a Community Consultation process will occur for the proposed closure of Wallerawang landfill including waste disposal options for residents following closure.
4. Note the intention to operate Portland landfill as the only rural landfill.

11.2.3. ECDEV 28/10/2019 - DA105/19 - Two Storey Dwelling, 37 Inch Street, Lithgow

Report by Director of Economic Development & Environment

Summary

To assess and recommend determination of Development Application DA105/19 for a two-storey dwelling on land at the rear of 37 Inch Street, Lithgow (Lot 1 DP 1063404 and Lot 1 DP 176505).

Commentary

The proposal is for a small two storey weatherboard clad, metal roofed dwelling facing Inch Lane at the rear of 37 Inch Street. The proposal takes place on two separate Torrens title allotments with a combined area of 202.41 square metres as identified in Image 1 below. The proposed dwelling will be separate from the existing semi-detached dwellings on the adjoining lots and will obtain independent access from the Inch Lane frontage. Details of the proposed dwelling are provided in Attachment 1.

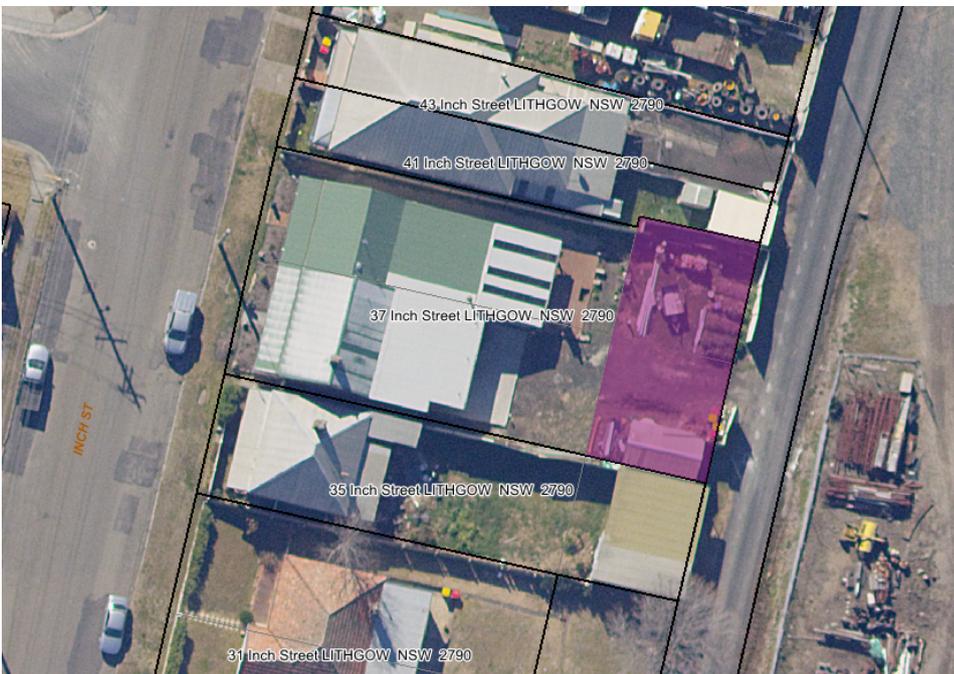


Image 1 – Site plan: Lot 1 DP 1063404 and Lot 1 DP 176505

The proposed development has been assessed by Council staff in accordance with the regulatory requirements and is recommended for approval subject to conditions. A copy of the officer's assessment report completed in accordance with the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided in Attachment 2. This also includes recommended conditions of consent. This report addresses the various issues identified during the assessment of the proposal such as heritage impacts and compatibility (on the Inch Street Heritage Conservation Area), access and parking and potential loss of rear access to the existing semi-detached dwellings on the site, the suitability of development to the lane frontage and the provision of essential services to the site. As detailed in the assessment report, these issues have been addressed to the satisfaction of Council staff subject to consent conditions.

A key issue that has arisen during the assessment of the proposal is the servicing of the site. The subject lots are currently unserviced and new connections will be required for essential infrastructure services to the new dwelling. The applicant has proposed a service easement through the adjoining lot (currently in the same ownership) to connect the new dwelling with existing infrastructure in Inch Street. The proposed easement is to convey electricity, water and telecommunications infrastructure

to the dwelling from existing services in Inch Street. The easement will also convey stormwater runoff from the site to the existing drainage system in Inch Street.

In the assessment of the proposal, the applicant has been advised that the water servicing of the site from Inch Street via the easement is not supported by Council as the Water Authority and that a water main extension along Inch Street Lane (connecting to existing mains at each end) will be required in accordance with Council policy. Council's Water and Wastewater Director has advised that no objection is raised to the development application subject to the applicant providing relevant infrastructure services including a water main extension along Inch Street Lane; fire hydrants where necessary; a water meter adjacent to the Inch Lane frontage; and a sewer connection to the existing sewer main traversing the site. Accordingly, the proposal is supported in-principle subject to the provision of relevant service connections in accordance with Council policy. These requirements are included in the draft consent conditions attached to the assessment report in Attachment 2.

Policy Implications

Policy 3.1 Water Service and Meter Installation

This policy specifies Council's minimum acceptable standards for water service connections and the installation of water meters. As discussed above, the proposed development is supported subject to the provision of a water main extension and water meter for the site at its Inch Lane frontage. The development application is recommended for approval subject to conditions of consent that will ensure compliance with the requirements of this policy.

Policy 3.5 Sewer Connection

This policy specifies Council's standards for connection to its gravity sewer reticulation system. As discussed above, the proposed development is supported subject to the provision of suitable sewer connection. The development application is recommended for approval subject to conditions of consent that will ensure compliance with the requirements of this policy.

Policy 3.6 Fire Service Installation

This policy specifies Council's standards for fire services. The assessment of the proposed development has identified the potential requirement for additional fire hydrants to service the site in accordance with the NSW Fire and Rescue Guidelines. The development application is recommended for approval subject to conditions of consent that will ensure compliance with the requirements of this policy.

Policy 7.5 Notification of Development Applications

The development application has been notified in accordance with the requirements of this policy as follows:

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.

Notification of the development application was provided to adjoining owners for a period of 14 days in accordance with this policy. No submissions in response were received.

Policy 7.7 Calling In of Development Applications by Councillors

This application was "called in" by Councillor Ring under this policy by notice received on 16 September 2019. Normally the "call in" of the Development application is reported to the next Ordinary Meeting for the information of Council and then reported to a subsequent meeting for determination. In this instance the notification of the "call in" came after the cut off for business paper for the meeting of 23 September 2019 and the application is now ready for determination. As a result, the application is being reported to this Ordinary Meeting 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 - 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. D A 105 19 Plans [**11.2.3.1** - 1 page]
2. DA 105 19 Section 4 15 Assessment Report [**11.2.3.2** - 23 pages]

Recommendation

THAT

1. Development Application DA 105/19 be APPROVED subject to the proposed conditions of consent 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.

11.2.4. ECDEV - 28/10/19 - Lidsdale Siding Coal Loader, Modification 2, Major Project Development Consent 08-0223

Report by Director of Economic Development & Environment

Summary

To advise Council of an application that has been submitted to the Department of Planning, Industry and Environment (the Department) for a modification (Modification 2) to the major project approval for Lidsdale Siding Coal Loader (reference MP08_0223 MOD 2).

Commentary

Lidsdale Siding (the facility) is a rail loading facility which automates the transfer and dispatch of coal from Centennial Coal Pty Limited's (Centennial Coal's) Western Coal Services (WCS) Project to domestic and international markets via rail. The current approval for Lidsdale Siding allows for the following train movements:

- receive and unload 1 coal laden train per day; and
- load and dispatch 7 coal laden trains per day.

Loading operations are not permitted to be carried out on the same day as unloading operations under the current approval.

Centennial Coal has submitted the modification application for the Lidsdale Siding Coal Loader to realign the number of train movements arriving at and departing from the facility. The proposal does not increase the maximum allowable daily or annual train movements to and from the site. Rather, the modification will allow more coal to be received at the site and assist with the ongoing supply of coal to Mount Piper Power Station.

The modification application is being assessed under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and will not be publicly exhibited. However, the modification application and supporting documents can be viewed on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/25481>

As with previous recent modifications to the Lidsdale Siding Coal Loader, the proposed modification will allow an alternative source of coal of a suitable quality to be transferred to the Mount Piper Power Station and will supplement coal supply shortfalls from the Springvale Mine. If no emergency coal supply provisions are put in place to address potential coal supply shortfalls there is a risk that declining stockpiles at the Mount Piper Power Station will impact the efficiency of operations and threaten the reliable supply of electricity to NSW.

The proposed modification will not result in any significant biophysical, social or economic impacts. Any impacts to residential properties will be appropriately managed in accordance with the existing approved environmental management system in place for the facility.

Status

The Department have advised due to the minor nature of the proposal, it has not been publicly exhibited. Council has been notified of the proposal and given the opportunity to comment with a deadline of 9 October 2019. Council staff have reviewed the proposal documents and, given the timeframe between Council meetings, a submission was made on behalf of Council raising no objections to the proposal given its expected minimal impact.

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 Lidsdale Siding Coal Loader Modification 2 (MP08_0223 MOD 2) be noted.

11.2.5. ECDEV - 28/10/19 - DA149/19 - Call In of Development Application - Proposed Garage - 76 Glenrock Place, Hartley

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 (DA149/19) for a proposed garage on Lot 1 DP 118582 at 76 Glenrock Place, Hartley.

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

Policy Implications

Policy 7.7 Calling In Of Development Applications By Councillors

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

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

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

The application has been called in by Councillor Stephen Lesslie and the advice to this Council meeting is pursuant to Council policy.

Financial Implications

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

Legal and Risk Management Implications

No specific implications at this point of the process.

Attachments

Nil

Recommendation

THAT the calling in of Development Application DA 149/19 be noted.

11.2.6. ECDEV - 28/10/19 - DA020/19 Proposed Subdivision 1 Lot into 4 with 4 Dwellings

Report by Director of Economic Development & Environment

Reference

Min No 19-132 - Ordinary Meeting of Council held on 27 May 2019 - reconvened 11 June 2019, DA020/19 Subdivision 1 Lot into 4 & 4 Dwellings, 7 Cura Close Lithgow- Call-In Report
Min No 19-185- Ordinary Meeting of Council held on 22 July 2019, DA020/19 Subdivision 1 Lot into 4 & 4 Dwellings, 7 Cura Close Lithgow

Summary

To assess and recommend determination of Development Application (DA020/19) for an integrated subdivision of 1 lot into 4 lots with 4 new dwellings on land known as Lot 6 DP 1250061, 7 Cura Close. It is recommended that the development application be refused.

Commentary

Council will recall this matter from its Ordinary meeting of 22 July 2019 involving a proposal for the subdivision of Lot 6 DP 1250061 into 4 Torrens title lots with the construction of 4 new dwellings, one on each lot. Each lot varies in size, all with a similar size of approximately 350m² (range from 354.649m² to 362.170m²). Following consideration of the matter at the 22 July meeting the Council resolved as follows:

19-185 RESOLVED

THAT

1. *That the determination of development application be deferred pending the submission and assessment of plans prepared by a Structural Engineer for the required retaining wall situated on the North, North Eastern and North Western Boundaries to demonstrate that such wall will not impact upon Council's infrastructure that are located within the easement.*
2. *The Plan shall also include a construction methodology to demonstrate that the retaining wall and associated footings be located wholly within the subject property. An updated site plan with proposed finished ground levels shall be provided and it should be noted that any fill required for the retaining wall must satisfy contamination requirements for a residential property.*

Information has now been submitted by the applicant in relation to the above resolution and Council Officers have reassessed the application accordingly.

In response to Council's resolution the applicant has provided an Engineer's report that proposes a different solution for retaining the land along the boundaries of the site. The proposal is to now eliminate the need for any retaining walls by battering the land to a slope of 1 in 4 (25%). The proposal to batter the steeply sloping areas is a significant change from the originally submitted development application. The proposed batter slope as an alternative solution resolves the need to engineer design appropriate and suitable retaining walls but causes even less useable private open space (yard areas as indicated on the plans) and also results in the need for large sub-floors of one storey to become exposed.

The new approach also necessitated the need for the following information to be supplied:

1. Revised Site Plan showing the extent of earthworks and how the proposal will achieve a 1 in 4 slope across the site. Particular reference is made to how this will affect the land between the proposed residential dwellings. To what extent will the 1 in 4 batter affect the subject site and the proposed dwellings?
2. Revised architectural plans including elevations and sectional drawings showing the impact of the proposal earthworks on the proposed dwellings.

3. Detail to Council whether there will be any cut or fill associated with the proposed batter of the land to achieve a 1 in 4 slope, within the eastern and western easements located on the subject site.
4. Revision to the sectional drawings provided by GHA Engineering in report dated 5 August 2019, detailing the extent of the existing ground level for each proposed dwelling.

The applicant submitted revised architectural plans.

The northern elevations of the proposed dwellings detail a greater bulk and mass of buildings on this elevation than the original application submitted. Whilst the proposed floor levels remain unchanged, removing the existing soil at the rear simply reveals more of the dwellings foundations area. There will be negative privacy and increased (from the original proposal) visual impacts to the adjoining neighbouring properties.

The attached Section 4.15 Assessment report details the issues but in summary the key issues, which ultimately lead to a recommendation to refuse the application, are discussed below.

Lot size and over development

The proposed development is an over-development of the site, taking into consideration the site constraints. Dwellings on smaller lots that satisfy the minimum lot size are not in themselves prohibitive. However, the subject site is irregularly shaped with a narrow street frontage for four dwellings and is constrained on three sides by water and sewer easements of 2.5m to 4m wide and very steep topography at the rear. Whilst retaining walls are now not proposed this still necessitates retaining structures of some form (if wishing to build in steep locations) and requires satisfaction of Council's Policy 5.1 Building Over Easements. These constraints limit the usable land area for each proposed dwelling requiring the provision of either a site responsive design and/or lots that are somewhat larger than the minimum stipulated in Council's LEP. The steep topography of the land at the rear of the site and the proximity to adjoining residences will cause privacy loss.

Each dwelling provides for an irregular shaped and unusable configuration of private open space areas; due to slope, very narrow shape & aspect. The information submitted to date does not provide any reduction in the built form of any of the dwellings.

Whilst it is not the Council's assessing officer's role to design proposals, guidance and suggestions were provided to the applicant to assist in an understanding of the impacts that would result from the current proposal. For example, Council officers requested that consideration be given to the reduction of the built form and the number of proposed lots to a maximum of 3 to address the above concerns. However, the applicant advised that his brief from the owner was to create four (4) detached, Torrens title subdivided dwellings due principally to the financial feasibility of the proposal. This should not be the principal driver of the development and practice has proven that this tends to lead to substandard developments.

The applicant has requested that the application be determined as submitted.

Privacy and Overlooking Adjoining Properties

Whilst it is acknowledged that no private objections have been lodged, a major concern with this proposal is the negative privacy impacts that these proposed dwellings will have on adjoining residential properties to the north along 4 - 10 Short Street. The applicant has sought to address this issue through the provision of landscaping within the easement area. Conical shaped pine trees are proposed on the northern most part of the site being the existing steep area. These will provide partial screening however landscaping should enhance a residential development rather than be relied on solely to try to screen a poor development.

Lot Configuration, Size and Frontage Width

New allotments should be regular in shape, with an orientation and alignment that allows for future buildings to have adequate street frontage, optimises solar access, provides for adequate private

open space located behind the building line of future dwellings and allow for parking and stormwater measures to be accommodated wholly within the allotment.

The proposed lots are irregular in size and configuration with a long, north-south orientation. The lots contain an average frontage width of 5.4m, in comparison with the current lot width of approximately 21m. The proposed lot widths will contribute to poor built form, poor private open space and poor privacy of the proposed dwellings. The proposal does not provide for an adequate lot configuration, size or width.

Design Elements of the Dwelling – Carports and garages - Impact on Streetscape

The applicant has failed in the design of the new dwellings to locate the garages on the site in an appropriate location. The proposed location will diminish the attractiveness of the streetscape. The garages are positioned well in front of the proposed dwellings and will dominate views of the dwellings from the street. This in turn will reduce the opportunity for surveillance of the street from dwellings with restriction of views of the buildings from the street. The applicant supplied a three dimensional view as below. The compressed view from the street supports the view that the single dwellings represent an over development. In response to discussions the applicant did include some additional landscaping detail and design elements. However, this has not been able to resolve the impact that is inherent in the overdevelopment.



Bulk and Visual Impact

The proposal to batter the steeply sloping areas as an alternative solution resolves the need to engineer design appropriate and suitable retaining walls but results in the need for large sub-floors of one storey to become exposed. The northern elevations of the proposed dwellings detail a greater bulk and mass of buildings on this elevation. Whilst the proposed floor levels remain unchanged, removing the existing soil at the rear simply reveals more of the dwellings foundation area.

Private Open Space

Whilst it is accepted that housing with little open space can sometimes be suitable, it should be noted that each dwelling in this instance provides for an irregular shaped and unusable configuration of private space area for each dwelling. None of the dwellings provide for any usable open space areas, with the open space areas being 'left over' sections of land between the dwelling buildings. The open space areas do not provide for dimensions which are useable to accommodate outdoor recreational needs. Clothes drying for example would prove difficult due mainly to the steep small yards.

Context and Setting:

The surrounding area is generally low density with some scattered medium density. The constraints of the site have been overlooked; these being slope, easements and irregular lot shape. The proposed 4 lots result in very narrow frontages and irregular shaped lots creating difficulties in design of the dwellings. The slope combined with easements hampers the full development potential in this proposed format. Various redesign options would result in the same density and these have been suggested to the applicant and owner.

Conclusion

Since the lodgement of the application Council has written to the applicant on a number of occasions as well as meeting on three occasions seeking to address these issues. Council officers believe that the additional information and proposal as submitted is not satisfactory to address fundamental town planning concerns. The applicant has failed to demonstrate the development would not have an adverse impact on the built environment. Therefore it is recommended that the application be refused.

Policy Implications

Policy 5.1 Building Over Easements

The subject site contains an easement for sewer and stormwater drainage at the rear of the site, along the western and northern side boundaries. There is also a water and sewer easement which is located within the eastern side boundary. The proposal is to pier down to below the zone of influence which satisfies this Policy.

Policy 7.1 Filling and Levelling of Land

Council's Policy 7.1 is applicable to all land within the Lithgow Local Government Area (LGA) and is raised where excavation or the depth of fill exceeds 900mm. The revised plans submitted 21 August 2019, will require excavation that exceeds 900mm.

Policy 7.5 Notification of Development Applications

This policy applies to all development applications.

Therefore, the proposal was notified to surrounding landowners and placed on display for a period of 14 days. No submissions were received. It is considered that the application need not be re-notified given no submissions have been previously received and the applicant is pressing for determination.

Policy 7.7 Calling In Of Development Applications By Councillors

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

3. Should written notice signed by a Councillor be provided to the General Manager prior to determination of a development application, the application shall not be determined under delegated authority but shall be:

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

The application has been called in by Councillor Steve Ring and Councillor Cassandra Coleman with the call in reported at the Ordinary Meeting of Council dated 27 May 2019 (re-Convened 11 June 2019); Min No. 19-132, Council onsite meeting held 2 July 2019 and the application being previously reported at the Ordinary Meeting of Council dated 22 July 2019; Min No 19-185.

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 required to take into consideration the matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979. This Report is attached.

Attachments

1. ECDEV 28-10-19 D A 020-19 Cura Close Section 4.15 Assessment Report [**11.2.6.1** - 15 pages]
2. Issue D architectural LOT 6 Cura Close Lithgow [**11.2.6.2** - 3 pages]

Recommendation

THAT

1. The Development Application DA020/19 be **REFUSED** under the Environmental Planning and Assessment Act 1979, Section 4.15 Evaluation due to impacts of over development of the land, privacy and overlooking to adjoining residential properties, bulk and visual impact on adjoining properties, irregular shaped allotments which result in an unattractive and undesirable streetscape, unusable private open space and solar access concerns to private open space areas of each dwelling..
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

11.2.7. ECDEV - 28/10/19 - Classification of land recently acquired - 16 Noon Street, Blackmans Flat

Report by Director of Economic Development & Environment

Reference

Min No. 18-275 Ordinary Meeting of Council held on 24 September 2018

Summary

This report provides an update in relation to the land swap between Council and Centennial Springvale Pty Limited and Springvale SK Kores Pty Limited ("**Centennial Coal**") and seeks a resolution to classify the land transferred to Council as "operational" and to give public notice of the proposed classification.

Commentary

At the ordinary meeting of Council held on 24 September 2018 it was reported that:

1. Council and Centennial Coal have agreed to enter into a lease pending consolidation of the six lots and, following consolidation, *Centennial Coal will transfer the land to Council*;
2. Council and Centennial Coal have agreed to enter into a lease pending the subdivision of Lot 42 into two lots. Following subdivision, *Council will transfer part of Lot 42 to Centennial Coal*,

and Council resolved to "Authorise Council's General Manager to continue with and finalise negotiations with Centennial Coal".

Subsequently, Council and Centennial Coal entered a Land Swap Agreement, settlement of which took place on 18 October 2019. Council is now the proprietor of 16 Noon Street, Blackmans Flat being Lot 1 in DP1251132 (formerly lots 26 to 31 in DP14100), which is used by Rural Fire Services as a remote area training centre.

Classification of land

Under the *Local Government Act 1993* all public land must be classified as either "*operational*" or "*community*" (sections 25 and 26).

Land acquired after 1 July 1993 may be classified by way of a Council resolution, before acquiring the land or within 3 months after acquiring the land (section 31(2)). Council must give public notice of a proposed classification of land for a period of not less than 28 days, during which submissions may be made to Council (section 34).

Generally, land will be classified as "community" if it fits into one of the categories of community land listed in the *Local Government Act 1993*. These include natural area, sportsground, park, cultural significance, general community use, bushland, wetland, escarpment, watercourse and foreshore (sections 36E to 36N). Such land is usually intended for public access and use or may be subject to restrictions that create some obligation to maintain public access.

If public land does not fall within a community land category or is not intended for public access and use, it should be classified "operational".

As the land transferred to Council, being Lot 1 in DP1251132, is used by Rural Fire Services as a rural area training centre, it is not available for public access and use. Therefore, it is proposed to classify the land as "operational".

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

Local Government Act 1993

Attachments

Nil

Recommendation

THAT

1. Council give public notice for 28 days of the proposal to classify Lot 1 in DP1251132 as “operational”.
2. Council resolve to proceed with the classification of Lot 1 in DP1251132 as “operational”, if no submissions are received by Council during the notice period.
3. The matter be returned to Council if any submissions are received during the notice period.

11.3. Infrastructure Services Reports

11.3.1. IS - 28/10/19 - Policy Review - 10.13 - Removal of Trees from Public Land

Report by Director of Infrastructure & Services

Reference

Min. No 14-240: Ordinary Council Meeting of 30 June 2014.

Summary

To provide an update to the following Council policies:

- Policy 10.13 – Removal of Trees from Public Land

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 10.13 – Removal of Trees from Public Land (Version 3)

Changes include:

- Requiring that an application be made to Council and written permission received, prior to the removal of any tree from public land.
- Changes to staff references to reflect new positions and amended titles.
- Inclusion of impacts on adjacent infrastructure as justification for the removal or replacement of a tree on public land;
- Clarification of the meaning of 'health and safety';
- Clarification of where and when trees will not be removed;
- Clarification of where and when trees will be removed;
- Removal of discounts for tree removal for reasons of allergy or respiratory condition (Council may still waive any fee for works performed by staff);
- Inclusion of the requirement to assess and consider all alternatives to tree removal, prior to removal of any tree;
- Indication that where a tree is to be removed from public land without replacement (in the same or similar location), the matter is to be referred to the Operations Committee; and
- Where a tree is removed without Council permission, those responsible may be charged for its replacement.

The changes to this policy are major as changes affect the purpose of the policy and its potential effect on members of the public. As such, this policy does require a public exhibition period of 28 days.

Policy Implications

Adoption of updates to Policy 10.13 - Removal of Trees from Public Land

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 13 Removal Of Trees From Public Land V4 [11.3.1.1 - 3 pages]

Recommendation

THAT Revised Policy 10.13 - Removal of Trees from Public Land be placed on public exhibition for a period of 28 days with the policy being reported back to Council for consideration for final adoption subject to consideration of any submissions received.

11.4. Water and Wastewater Reports

11.4.1. WWW - 26/10/19 - Water Report

Report by Director of Water & Wastewater

Reference

Min No 19-280 Ordinary Meeting of Council 23 September 2019

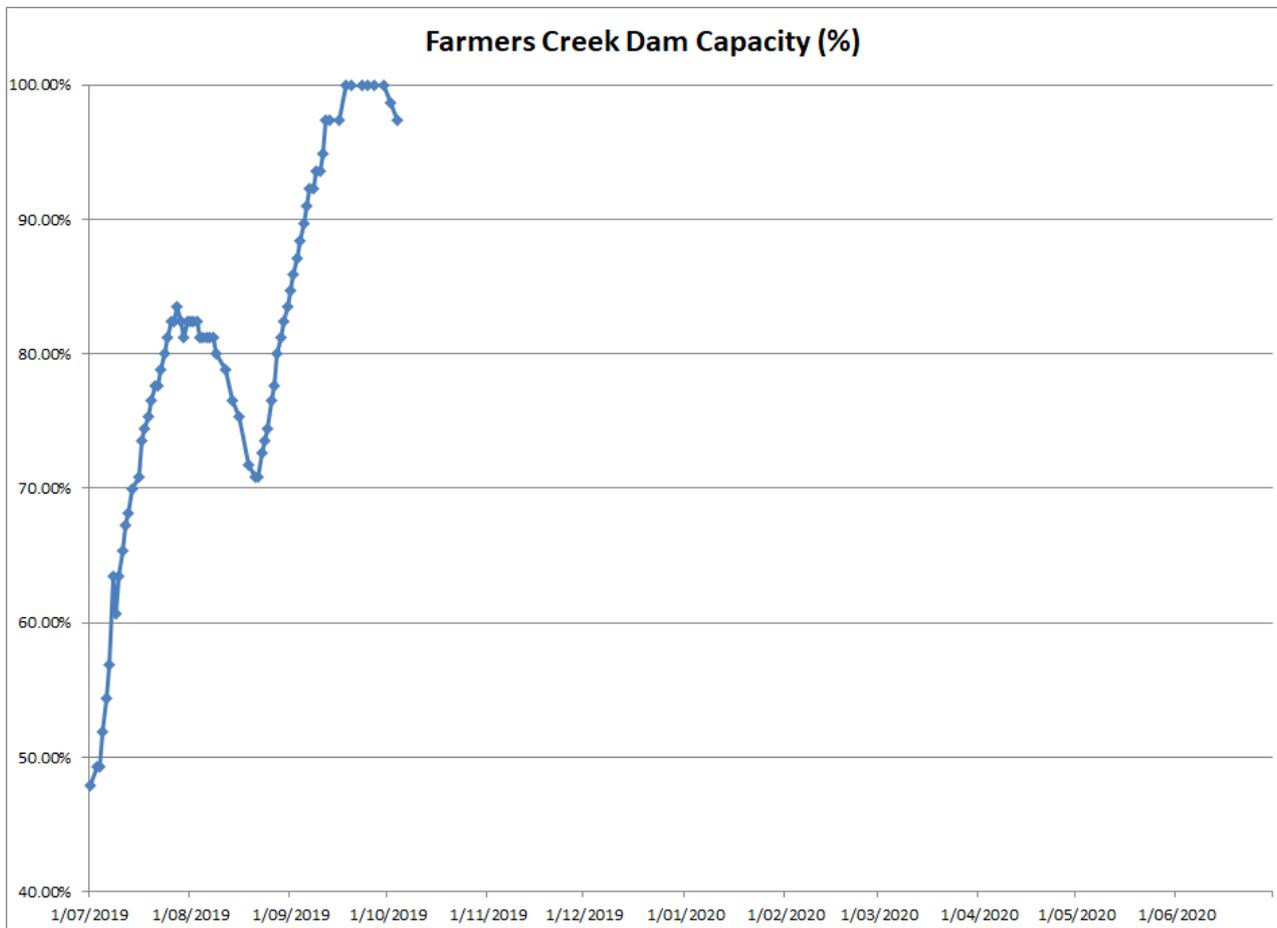
Summary

This report provides an update on various water management issues.

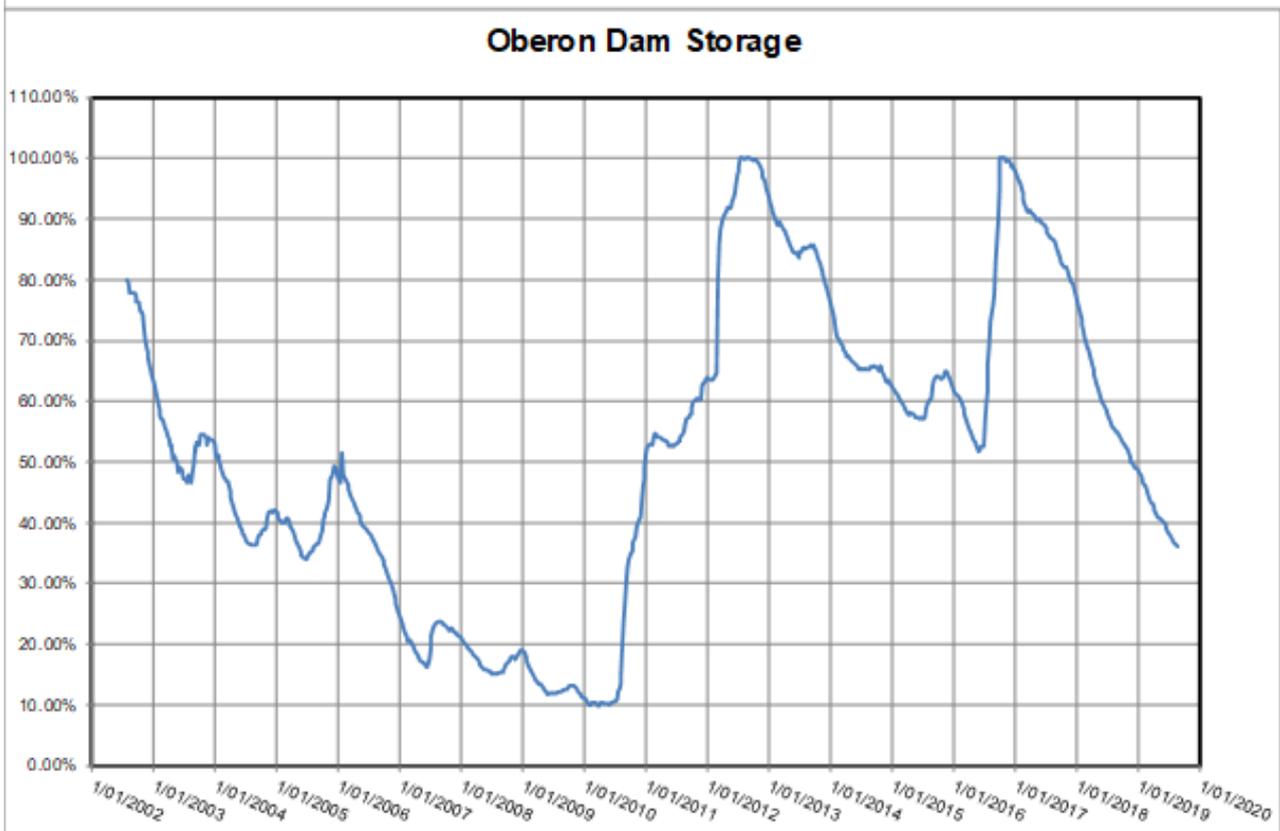
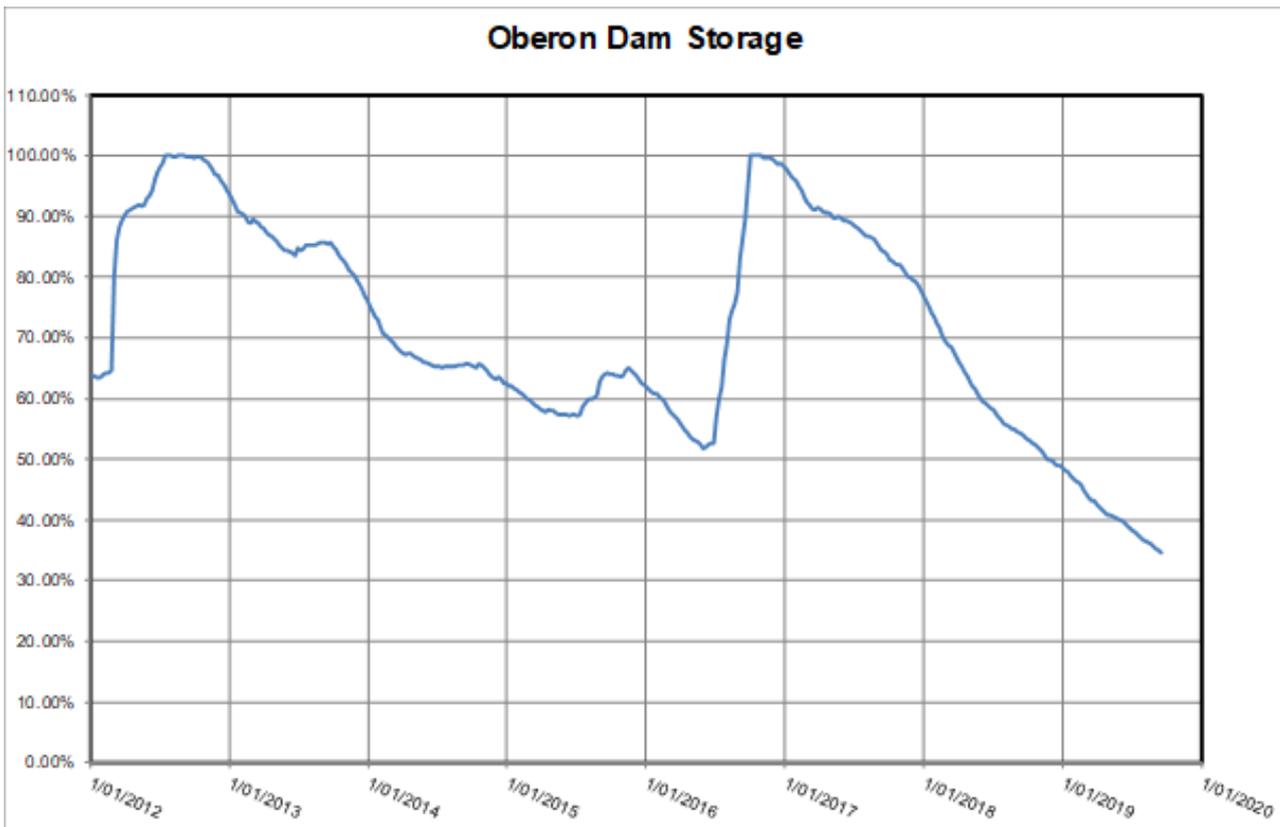
Commentary

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

Farmers Creek No. 2 Dam capacity on Monday 14th October 2019 was down 1.0m or 88%. Clarence Transfer System operated from 21st August 2019 up until 11th September 2019.



Oberon Dam capacity on Monday 14th October 2019 was 33.9%. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 27.4%. Level 2 restrictions on the FRWS are now in effect. Level 3 restriction trigger is 25% of adjusted storage.

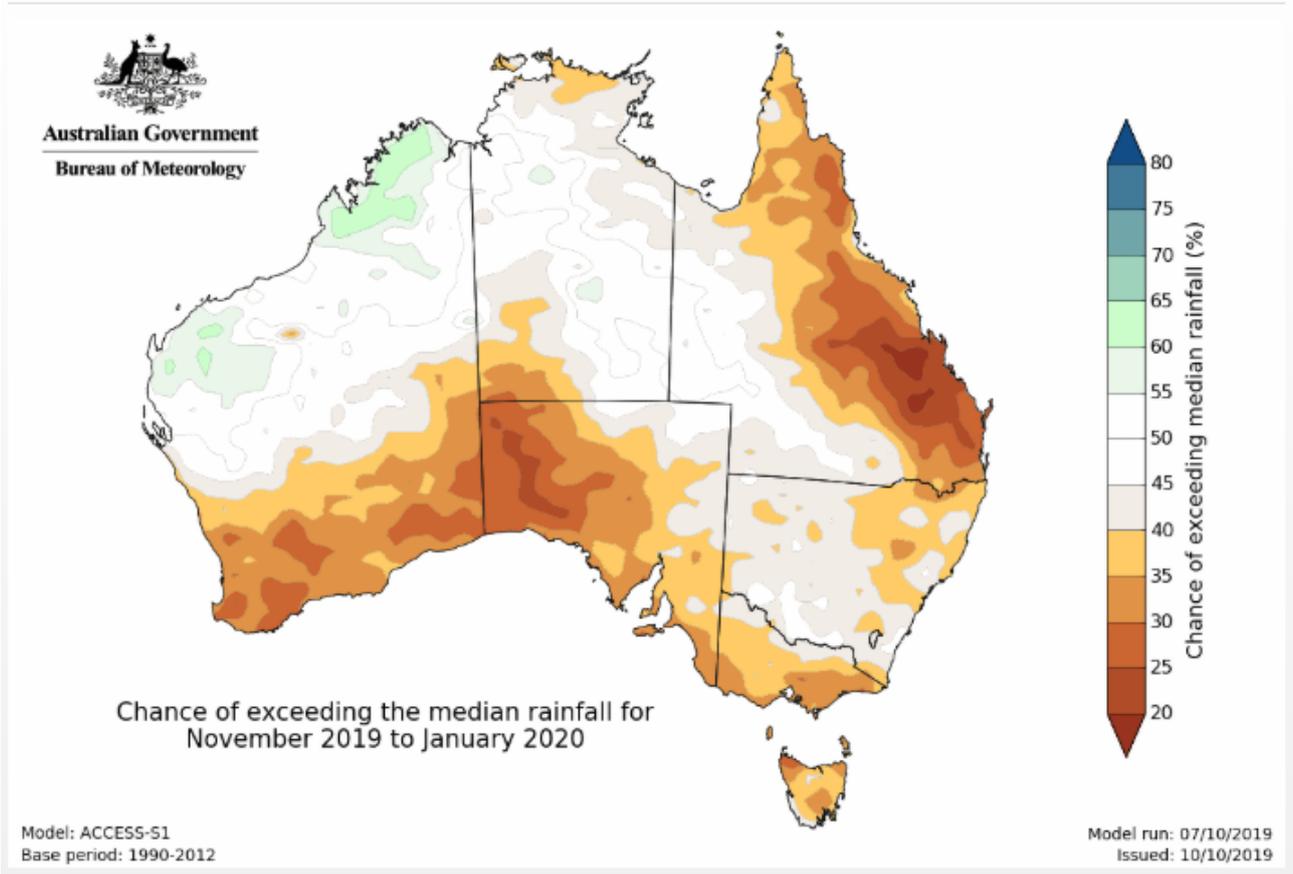


Climatic and Rainfall Outlook

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

- Daytime temperatures are likely to be above average across Australia for all outlook periods, with a spell of hot weather likely in mid-to-late October for most areas.
- Nights are likely to be cooler than average for the remainder of October in the far north, and parts of the northeast and southeast during November. Elsewhere, nights are generally likely to be warmer than average

- Rainfall is likely to be below average for most of the country for the remainder of October and November.
- However, northwest WA has roughly equal chances of being wetter or drier across most outlook periods, with a slightly increased chance of being wetter than average in December.
- The drier outlook for southern and northeastern Australia continues into December with the remainder of the country having roughly equal chances of being wetter or drier than average.



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	44.076	134.529	58.251*
August	138.509	101.154	52.728*
September	21.471	39.166	60.926*
October			
November			
December			
January			
February			
March			
April			
May			

June			
TOTAL			

* The volume of water taken from FRWS is incorrect due to metering issues when FRWS supply the Lithgow area.

Clarence Water Transfer Scheme

Clarence Transfer System operated from 21st August 2019 up until the 11th September 2019. System was shut down due to dam level and forecast rain.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant recommenced operation on the 25th September 2019 to allow FRWS to undertake a planned shut down and the plant has continued to operate till the date of report. No Australian Drinking Water Guideline (ADWG) values were exceeded for the period 13 September 2019 to 18 October 2019.

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 25th September 2019 and taken to Sydney Water for testing.

Fish River Water Scheme Water Quality Summary

FRWS supplied the whole system from 27 May 2019 until the 25th June 2019. FRWS are currently not provide water to Council due to a planned outage. No ADWG values were exceeded for the period 13 September 2019 to 18 October 2019

Water Reticulation Complaints

Council received three complaints during the period 13/09/2019 to 18/10/2019 concerning water quality issues, these were isolated incidences. The water mains were flushed in all instances of water quality complaints.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT the Water Report be accepted.

11.4.2. WWW - 28/10/19 - Drinking Water Management System - Annual Report

Report by Director of Water & Wastewater

Summary

The report presents the Drinking Water Management System Annual Report

Commentary

The *Public Health Act 2010* and the *Public Health Regulation 2012* require drinking water suppliers to have and comply with a 'quality assurance program' (or drinking water management system). A Drinking Water Management System (DWMS) consists of documents, procedures and other supporting information for the safe supply of drinking water. The DWMS must address the elements of the Framework for Management of Drinking Water Quality (Australian Drinking Water Guidelines) relevant to the operations of the supplier.

Element 1 of the Framework for Management of Drinking Water Quality requires the adoption of a Drinking Water Quality Policy. Council adopted Policy 3.3 - Drinking Water Quality in August 2016 which states Councils commitment to the provision of safe, clean drinking water.

In accordance with the requirements of the Framework, NSW Health and Policy 3.3 an internal audit was conducted. The DWMS must be reviewed/audited by the water utility at least annually to ensure that it is being properly implemented and risks are effectively addressed, and a report provided to NSW Health Local Public Health Unit.

Attached is a copy of the Annual Report provided to the Local Public Health Unit.

Policy Implications

The provision of the Annual Report meets or obligations under Policy 3.3

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. DWMS Annual Report 2018-19 - Final [11.4.2.1 - 53 pages]

Recommendation

THAT Council accept the Drinking Water Management System Annual Report

11.4.3. WWW - 28/10/19 - Pressure Sewer Policy

Report by Director of Water & Wastewater

Reference

Min No 19-225: Ordinary Meeting of Council held on 26th August 2019.

Summary

The report seeks the formal adoption of the Pressure Sewer Policy

Commentary

Council resolved at the Ordinary Meeting of Council held on the 26th August 2019 to;

1. Endorse Draft Policy 3.7 Pressure Sewer for public exhibition and comment for 28 days.
2. Following the exhibition period that Draft Policy 3.7 Pressure Sewer be returned to Council for further consideration.

The Public Exhibition period closed 4 October 2019. There were no submissions received on the Draft Pressure Sewer Policy. In accordance with the Point 2 of resolution the Policy is being returned to Council for further consideration and adoption.

Policy Implications

The report seeks to formally adopt the new Pressure Sewer 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

Nil

Attachments

1. Pressure- Sewer policy [**11.4.3.1** - 18 pages]

Recommendation

THAT Policy 3.7 - Pressure Sewer Policy be adopted and implemented immediately.

11.5. Finance and Assets Reports

11.5.1. FIN - 28/10/19 - 2018/19 Financial Statements

Report by Chief Financial & Information Officer

Reference

Min No 19-229: Ordinary meeting of Council held on 26 August 2019.

Summary

The purpose of this report is to notify Council that the audit of the 2018/19 financial statements has been completed. The report also recommends that Council authorise the signing of the Statements by Councillors and Management, as required by Section 413(2)(c) of the Local Government Act 1993.

Commentary

At the 26 August 2019 Ordinary meeting, Council resolved to refer the draft 2018/19 General Purpose and Special Purpose Financial Reports for audit.

The Council's Financial Statements for the year ended 30 June 2019 have now been reviewed and returned by the Audit Office of NSW, in accordance with legislative requirements as detailed below.

Details of the 2018/19 financial results will be presented by a representative of the Audit Office at the 25 November 2019 Ordinary Meeting. The auditor will:

- deliver a brief presentation to the Council on the end of year result;
- review the Council's key financial indicators contained within the Financial Statements; and
- answer any associated questions posed by the Council.

A summary of the financial statements is provided in the attachment: Public Notice – Presentation of Financial Statements.

Annual Financial Statements Reporting Process

The Council's Annual Financial Statements are required to be audited by the Audit Office of NSW, and copies of the financial reports and the Auditor's report submitted to the Office of Local Government by the 31 October 2019. Both requirements will be met within the prescribed timeframes.

The Local Government Act 1993 has detailed provisions for the completion of the financial statements. The basic process under the Act is as follows:

1. Council staff prepare the financial statements;
2. The Council issues a statement that the accounts are in order;
3. The Council refers the statements to its external auditor (Min No. 18-229, Ordinary Meeting on 26 August 2019);
4. The Audit Office complete their work and return the statements with an audit opinion attached;
5. The financial reports and Auditor's reports are presented to a meeting of the Council of which public notice has been given. The public notice must be given at least one week before the meeting and the meeting must be held not more than one month after the receipt of the Auditor's reports. The auditor may attend the meeting and must do so if requested in writing by the Council (scheduled for the Ordinary Meeting on 25 November 2019);
6. The public notice must specify that the financial reports and Auditor's reports will be considered at the meeting and must indicate the right of any person to lodge submissions within 7 days after the meeting. The notice must include a summary of the financial reports;

7. Have available for public inspection copies of the financial reports and the Auditor's reports; and
8. Consider submissions at a subsequent meeting of the Council and advise the Office of Local Government of any matter which requires amendment to the financial reports. Submissions are required to be lodged with the Council in writing by 4:00pm on Monday 2 December 2019. If any submissions are received, a further report on the submissions, together with Council officer comment, will be presented to the Council.

Policy Implications

Nil.

Financial Implications

The completion of the 2018/19 financial statements is a legislative requirement and provides assurance that Council's finances are managed prudently and in accordance with accounting standards. The adoption of the recommendations of this report has no direct financial impact upon the Council's adopted budgets or forward estimates.

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

Legal and Risk Management Implications

There are no obvious legal or risk management issues associated with the adoption of the recommendations. The completion of the financial statements supports the Council in ensuring care and diligence is exercised in financial reporting.

Attachments

1. Annual Financial Statements Note PN Public Notice __ Presentation of Financial Statements [11.5.1.1 - 1 page]

Recommendation

THAT Council:

1. Note that that the audit of the 2018/19 financial statements has been completed.
2. Authorise the signing of the statement on the 2018/19 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2018/19 Special Purpose Financial Reports.
4. Invite a representative of the Audit Office of NSW, Council's Auditors, to present a report to Council on the 2018/19 Financial Statements at the Ordinary Council meeting scheduled for 25 November 2019.

11.5.2. FIN - 28/10/19 - Request for Consideration - Water Account - Property 16480

Report by Chief Financial & Information Officer

Summary

To report on a request from the licensee of property 16480 seeking financial consideration for excessive water accounts. The property licensee is seeking consideration on the grounds that the leakage was significant and undetectable.

Commentary

Council is in receipt of a request from the property licensee seeking financial relief for two high reading water accounts which total \$29,126.46. This is due to a leak below ground level and adjacent to the water meter. The leak has since been rectified.

The water account was read by Council water meter readers on 27 March 2019. A high read was noted with consumption of 1,686KLS and a charge of \$13,633.11. Due to the leak being concealed, the leak was not repaired until after a further high read was noted when the meter was read on 14 June 2019 (consumption of 1,917KLS and a charge of \$15,493.35).

Consumption at this property has since returned to a normal range. Details of the readings and the past 4 water accounts are listed below.

Reading Date	Reading	Consumption	Amount
14/06/2019	7464	1686	13,633.11
27/03/2019	5778	1917	15,493.35
18/12/2018	3861	962	7,802.74
18/09/2018	2899	977	7,113.53
5/06/2018	1922	955	6,069.02
1/03/2018	967	967	5,718.69
		965	Average last four readings
		1802	Total of two high readings
			Difference between two high & average reads
			50% of difference
			6,676.00
			29,126.46
			22,450.47
			11,225.23

In accordance with Policy 8.1 Excessive Water Usage Allowance for Breakages, the leak was repaired and proof of the breakage in infrastructure was substantiated by the way of a plumber's account showing the date of repairs.

The property licensee wrote to Council on 19 August 2019 requesting a rebate on the water account for the period of the high readings. As per adopted Policy 8.1, a 50% rebate was applied to the account to the maximum rebate of \$2,500. The property licensee is seeking Council's consideration of a rebate for the remaining difference between the high readings and average readings, being an amount of **\$8,725.23** (the difference between the initial approved rebate of \$2,500 and the maximum rebate of \$11,225.23).

Policy Implications

Provision for Council's consideration of applications for water account rebates is included in Policy 8.1 Excessive Water Usage Allowance for Breakages.

Financial Implications

The impact on water revenue will be an additional reduction of \$8,725.23. This will reduce the Water Fund's cash reserves at the end of financial year.

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

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council:

1. Approve a rebate in the amount of \$8,725.23 for Property 16480 for the period of the undetected leak and write-off the remaining balance of the account for the same period.
2. Advise the property licensee in writing of Council's resolution.

11.5.3. FIN - 28/10/19 - Hardship Request - Water Account - Property 102618

Report by Chief Financial & Information Officer

Summary

To report on a hardship application which was received from the owner of property 102618. The property owner is seeking a waiver of interest charges, legal costs and water usage charges as they have limited means to pay the debt.

Commentary

Council is in receipt of a request from the property owner seeking hardship relief in relation to a water account to a total of \$16,389.31. In addition, interest has accrued and legal fees are owing. The hardship application is consistent with Council policy and has been assessed by the Hardship Committee, the Chief Financial & Information Officer and reviewed by the Director, Water & Wastewater.

The water account was read by Council water meter readers on 25 July 2016 when a high read was noted. It took some time to identify the cause of the high read. Two further high reads were noted by meter readers on 27 February 2017 and 25 May 2017. The cause of the high reads was then identified and rectified. A hardship application was not received until 20 August 2019. Details of the high readings are included in the table below.

Reading Date	Reading	Consumption Charged	Comments	Amount
25/05/2017	4759	1311		6,122.37
27/02/2017	3448	1693		7,906.31
25/11/2016	1755	589		2,360.63
Total of three high reads				16,389.31

The property has been charged \$3,828.89 in interest charges and \$1,765.20 in legal costs. The total amount of the waiver request is **\$21,983.40**.

The Hardship Committee has assessed the application and recommended a waiver of \$21,983.40 in total. The Committee took into account the very high water usage charges and the limited means of the applicant to pay the debt. The applicant has recently entered into a payment agreement via Centapay to manage ongoing rates and water charges.

Policy Implications

The hardship application is consistent with Policy 8.3 Hardship Policy.

Financial Implications

The impact on water revenue will be an additional reduction of \$21,983.40. This will reduce the Water Fund's cash reserves at the end of financial year.

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

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council:

1. Approve a waiver and write-off in the amount of \$21,983.40 for Property 102618 for water usage charges, interest and legal fees on the grounds of personal hardship.
2. Advise the property owner in writing of Council's resolution.

11.6. People and Services Reports

11.6.1. PS - 28/10/19 - Policy 9.20 Mental Health and Wellbeing

Report by Director of People & Services

Reference

Min 18-302: Ordinary Meeting of Council 29 October 2018.

Summary

This report recommends adoption of a new policy, Policy 9.2 Mental Health and Wellbeing following public exhibition.

Commentary

At its ordinary meeting of 29 October 2018, the Council considered a new policy on Mental Health and Wellbeing.

Lithgow City Council believes that the mental health and wellbeing of staff is key to organisational success and sustainability. Lithgow City Council is committed to promoting a sensitive and informed approach to mental health, ensuring that staff are aware of and responsive to the needs of those who are at risk of developing, who have, or are recovering from a mental health problem.

The draft policy was 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

Social, organisational and environmental factors in the context of the Work Health and Safety Act 2011.

Attachments

1. POLICY 9.20 Mental Health and Wellbeing [**11.6.1.1** - 4 pages]

Recommendation

THAT Policy 9.20 Mental Health and Wellbeing as attached to the Council business paper be adopted and implemented immediately.

12. Council Committee Reports

12.1. IS - 28/10/2019 - Minutes - Traffic Advisory Local Committee (TALC) Meeting - 3rd October 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Traffic Authority Local Committee (TALC) held on the 3rd October 2019.

Commentary

At the TALC Committee held on the 3rd October 2019, there were numerous items discussed that were outside the Committees delegations and require Council to formally approve the recommendation:

- **Item 6.1 - Parking Restrictions – 275 Main Street, Lithgow**

RECOMMENDATION THAT Council extend the "No Stopping Zone" in front of 275 Main Street Lithgow such that the minimum width of a parking lane, as specified in the Australian Standard, is met.

- **Item 6.2 - Request – Disabled Parking Space – Hartley Historic Site**

RECOMMENDATION THAT Council approve the installation of the disabled parking allotment at the Post Office Cafe at the Hartley Historic Site in accordance with the Australian Standards.

- **Item 6.3 - Signage Request – Concealed Driveways, Barton Avenue Wallerawang**

RECOMMENDATION THAT Council install a 'concealed driveway ahead' sign on the east approach to the driveway and install a new concealed driveways sign (including driveway symbols) west of the driveway on Barton Avenue.

- **Item 6.4 - Event – White Ribbon Day Walk – 22nd November 2019**

RECOMMENDATION THAT Council grant approval for the White Ribbon Day Walk to be held on the 22 November 2019 in accordance with the approved Traffic Control Plan.

Council is also in receipt of one event applications that was lodged after the last meeting of the TALC Committee. The events are

- Lithgow Blast – Lithgow Blast Furnace – Saturday 16th November 2019

The committee have endorsed the following recommendation for Council to formally approve.

RECOMMENDATION THAT Council:

1. Approve the 2019 'Lithgow Blast' event in accordance with the submitted Traffic Management Plan.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - TALC - 3 rd October 2019 [12.1.1 - 6 pages]

Recommendation

THAT Council:

1. Note the minutes of the Traffic Authority Local Committee (TALC) held on 3rd October 2019; and
2. Extend the "No Stopping Zone" in front of 275 Main Street Lithgow such that the minimum width of a parking lane, as specified in the Australian Standard, is met; and
3. Approve the installation of the disabled parking allotment at the Post Office Cafe at the Hartley Historic Site in accordance with the Australian Standards; and
4. Install a 'concealed driveway ahead' sign on the east approach to the driveway and install a new concealed driveways sign (including driveway symbols) west of the driveway on Barton Avenue; and
5. Grant approval for the White Ribbon Day Walk to be held on the 22 November 2019 in accordance with the approved Traffic Control Plan.
6. Approve the 2019 'Lithgow Blast' event in accordance with the submitted Traffic Management Plan.

12.2. IS - 28/10/2019 - Minutes - Operations Committee Meeting - 9th October 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Operations Committee Meeting held on 9th October 2019.

Commentary

At the Operations Committee Meeting held on 9th October 2019, there were numerous items discussed by the Committee including:

1. Standing Item – Cullen Bullen Sewerage Projects – Update
2. Standing Item – Water & Sewer Infrastructure
3. Standing Item – Capital Works Update

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

- **Item 5.3 - Main Street Revitalisation – Footpath**

RECOMMENDATION THAT Council:

1. Consider the proposed options for the Main Street footpath; and
2. Consider future options submitted through the Operation Committee; and
3. Administration prepare a report on potential funding sources the Main Street footpath revitalisation to the next operations committee meeting

- **Item 5.5 - 58 Macauley Street Stormwater Drainage**

RECOMMENDATION THAT Council:

1. Investigate and design options to alleviate the stormwater drainage at the property, including options for co-funding opportunities.

- **Item 5.6 - Request for Signage – Lake Wallace Wallerawang**

RECOMMENDATION THAT

1. Council conduct an on-site meeting to consider the best possible positioning for such signage
2. Once appropriate locations have been considered, Council install 'NO CAMPING IN THIS AREA' signage accordingly.

- **Item 5.7 – Main Street Storm Water Proposal**

RECOMMENDATION THAT Council:

1. Endorse the Main Street Stormwater project in principle;
2. Continue allocating funds into reserve at a rate of \$350,000.00 per year to facilitate the upgrade of stormwater infrastructure in the vicinity of the intersection of Laurence Street and Main Street, Lithgow; and
3. Consider the endorsement of this project in due course as part of the 2022/23 Operational Plan deliberations.
4. Seek grant funding options for the future Main Street stormwater project

- **Item 5.8 - Unauthorised Works – Wattlemount Road, Portland**

RECOMMENDATION

THAT Council support the legal advice received to seek damages to rectify the unauthorised works that have been carried out on Wattlemount Road.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Draft Minutes - Operations Committee Meeting - 9 October 2019 [**12.2.1** - 8 pages]

Recommendation

THAT Council:

1. Note the minutes of the Operations Committee held on the 9th October 2019; and
2. Consider the proposed options for the Main Street footpath; and
3. Consider future options submitted through the Operation Committee; and
4. Administration prepare a report on potential funding sources the Main Street footpath revitalisation to the next operations committee meeting; and
5. Investigate and design options to alleviate the stormwater drainage at the property, including options for co-funding opportunities; and
6. Conduct an on-site meeting to consider the best possible positioning for such signage; and
7. Once appropriate locations have been considered, Council install 'NO CAMPING IN THIS AREA' signage accordingly; and
8. Endorse the Main Street stormwater project in principle; and
9. Continue allocating funds into reserve at a rate of \$350,000.00 per year to facilitate the upgrade of stormwater infrastructure in the vicinity of the intersection of Laurence Street and Main Street, Lithgow; and
10. Consider the endorsement of this project in due course as part of the 2022/23 Operational Plan deliberations; and
11. Seek grant funding options for the future Main Street stormwater project; and
12. support the legal advice received to seek damages to rectify the unauthorised works that have been carried out on Wattlemount Road.

12.3. IS - 28/10/2019 - Minutes -Sports Advisory Committee Meeting - 16th October 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Sports Advisory Committee Meeting held on 16th October 2019.

Commentary

At the Sports Advisory Committee held on 16th October 2019, there were numerous items discussed by the committee including:

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

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

- Item 7 – New Members

RECOMMENDATION

THAT Council accept Mark Wren and Todd Crook as the Sports Advisory Committee representatives from Lithgow District Cricket Association.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Sports Advisory Committee Meeting - 16 th October 2019 [**12.3.1** - 14 pages]

Recommendation

THAT Council:

1. Note the Minutes of the Sports Advisory Committee Meeting held on 16th October 2019; and
2. Accept Mark Wren and Todd Crook as the Sports Advisory Committee representatives from Lithgow District Cricket Association.

13. Business of Great Urgency

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

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