



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 October 2019

at 7:00 pm

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The Mayor declared the meeting open at 07:00 pm.

1. Acknowledgement of Country

The Mayor acknowledged the traditional custodians of this land we are on here today, and paid respect to their elders both past, present and emerging.

The Mayor went on to 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

Public: 20

His Worship the Mayor Councillor R Thompson
Councillor W McAndrew
Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Lesslie
Councillor S Ring
Councillor J Smith
Councillor M Statham

Also in attendance

Mr Graeme Faulkner, General Manager
Mr Andrew Muir, Director Economic Development and Environment
Mr Ross Gurney, Chief Financial and Information Officer
Mr Matthew Trapp, Acting Director Water and Wastewater
Mr Jonathon Edgecombe, Director Infrastructure Services
Mr Michael McGrath, Director People and Services
Mrs Trinity Newton, Minutes Secretary
Mrs Negreeta Nunan, Minutes Secretary

3. Apologies

Nil.

4. Declaration of Interest

Nil.

5. Confirmation of Minutes

19-296 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 23 September 2019 were taken as read and confirmed.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

CARRIED

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

6. Commemorations and Announcements

Councillor S Ring announced / congratulated Grace Adley for the Rydal Gymkhana.

Councillor M Statham commemorated the passing of Doug Burnes and Carol Wooden who both passed away recently and were active members of the community.

Councillor M Statham acknowledged various events over the past weeks and their success as listed:

- Sharon Howard at the Gang Gang Gallery who hosted the inaugural Zig Zag Art Prize, the winner being Shane Monaghan.
- Portland and Cullen Red Cross Morning Tea
- Lithgow City Band and Highland Pipe Band for playing at various functions.
- Quota Craft Exhibition
- Capertee Drought Communities Luncheon
- Naidoc Day
- Capertee Markets and the Train Trip
- Rail 150 Celebrations
- Celebration Portland
- Gone Fishing Wallerawang
- Halloween - The Council and the Staff.
- Back to Hartley
- Community Cinema and the Halloween Viewing of Movies Competition.
- Hoskins Family

Councillor C Coleman acknowledged the local events and the volunteers who helped with them. Also to the Year 12 students in the area who are undergoing their HSC presently.

Councillor R Thompson acknowledged and thanked the Lithgow City Council Staff and Tourism for the Rail 150 event and Halloween events.

7. Public Forum

At 07:05 pm members of the public gallery were invited to participate in the Public Forum Session.

Ian Rufus made a statement in relation to Item 11.2.6 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Rufus.

MOVED: Councillor D Goodwin

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor R Thompson, Councillor S Leslie, Councillor M Statham, Councillor J Smith, Councillor S Ring

AGAINST: nil

The Mayor thanked Mr Rufus for his statement.

Si Townsend made a statement in relation to Item 11.2.5 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Townsend.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor R Thompson, Councillor S Leslie, Councillor M Statham, Councillor J Smith, Councillor S Ring

AGAINST: nil

The Mayor thanked Mr Townsend for his statement.

Denise Schoer made a statement in relation to Item 11.2.5 on the agenda.

The Mayor thanked Mrs Schoer for her statement.

Mr Robert Houlison made a statement in relation to Item 9.1 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Houlison.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor R Thompson, Councillor S Lesslie, Councillor M Statham, Councillor J Smith, Councillor S Ring

AGAINST: nil

The Mayor thanked Mr Houlison for his statement.

8. Mayoral Minutes

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

Report by Mayor – Councillor Ray Thompson

19-297 RESOLVED

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.
4. Send formal invitations to visit Lithgow through the Hon. Paul Toole to following Ministers: the Hon. Brad Hazard, Minister for Health to meet with key stakeholders to discuss the lack of adequate Pediatric services in our LGA and what support can be provided to our most vulnerable community members; the Hon. Damien Tudehope, Minister for Finance and Small Business to meet with key stakeholders to discuss the changing face of retail and challenges to small businesses.
5. Direct Administration to prepare a report for review by Councillors at the November meeting that identifies potential lands that could be transferred to the National Parks and Wildlife Service and that any endorsed recommendations are forwarded to the Minister for Energy and Environment, the Hon. Matt Kean.

MOVED: Councillor R Thompson

SECONDED: Councillor S Ring

CARRIED:

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: Councillor S Lesslie

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

MOTION

THAT Council:

1. 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.
2. Write to Adam Marshall to request lease arrangements preferred by the Portland Men's Shed
3. Write to The Hon. Paul Toole to lobby for the 100 year lease.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

Councillor Ring foreshadowed an amendment.

Councillor McAndrew called a Point of Order. The Councillor cannot speak against the motion if he is a seconder.

Councillor Ring withdrew his seconding. Councillor Coleman Seconded the Motion for discussion.

AMENDMENT

That Council:

1. In developing the Plan of Management consider the Portland Men's Shed's request for an appropriate lease;
2. Write to Adam Marshall conveying Council's intent for this matter.
3. Write to Paul Toole conveying Council's intent for this matter.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Lesslie

CARRIED:

Divisions

FOR: Councillor D Goodsell, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor R Thompson, Councillor S Lesslie, Councillor J Smith, Councillor S Ring

AGAINST: Councillor M Statham

The Amendment was PUT and became the MOTION

AMENDMENT

That Council:

1. In developing the Plan of Management consider the Portland Men's Shed's request for an appropriate lease;
2. Write to Adam Marshall conveying Council's intent for this matter.
3. Write to Paul Toole conveying Council's intent for this matter.
4. The Administration review the current agreement for the Portland Mens Shed to determine if the Mick Moore Pavilion can be incorporated into that agreement as an addendum.
5. If a separate license is required for the Mick Moore Pavilion prior to the adoption that Council contribute \$500 annually towards the maintenance of the building by the Portland Men's Shed.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

Divisions

FOR: Councillor D Goodwin, Councillor S Ring

AGAINST: Councillor D Goodsell, Councillor W McAndrew, Councillor C Coleman, Councillor R Thompson, Councillor S Lesslie, Councillor M Statham, Councillor J Smith

The Amendment was PUT and LOST

19-298 RESOLVED

That Council:

1. In developing the Plan of Management consider the Portland Men's Shed's request for an appropriate lease;
2. Write to Adam Marshall conveying Council's intent for this matter.
3. Write to Paul Toole conveying Council's intent for this matter.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Lesslie

CARRIED:

Divisions

FOR: Councillor D Goodwin, Councillor C Coleman, Councillor W McAndrew, Councillor S Lesslie, Councillor S Ring, Councillor R Thompson, Councillor J Smith, Councillor D Goodsell

AGAINST: Councillor M Statham

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

Report by Councillor Steve Ring

19-299 RESOLVED

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.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED:

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: Councillor M Statham

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

Report by Councillor Wayne McAndrew

19-300 RESOLVED

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

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

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

Councillor Lesslie requested that the answer given be noted.

11. Staff Reports

11.1. General Manager's Reports

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

Cr Ring left the Chambers at 8:24pm

Cr Ring returned to the Chambers at 8:26pm.

19-301 RESOLVED

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 2019 to 30 June 2020:
 - 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

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

19-302 RESOLVED

THAT:

1. 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.
2. \$50 be the monetary cap for the value of gifts to be submitted by Lithgow City Council to OLG.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

MOTION

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:
 - o Tuesday 28 January (held on Tuesday due to Public Holiday 27/1/2020)
 - o 24 February
 - o 23 March
 - o 20 April (held the previous week due to Easter Monday 27/4/2020)
 - o 25 May
 - o 22 June
 - o 27 July
 - o 24 August
 - o 28 September
 - o 26 October
 - o 23 November
3. Hold the meetings of the Economic Development Committee on the first Mondays of March, June and September and November 2020.

MOVED: Councillor J Smith

SECONDED: Councillor M Statham

AMENDMENT

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:
 - Wednesday 29 January (held on Wednesday 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 March, June and September and November 2020.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor R Thompson, Councillor J Smith, Councillor W McAndrew, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor C Coleman, Councillor M Statham

AGAINST: nil

The Amendment was PUT and became the MOTION.

19-303 RESOLVED

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:
 - Wednesday 29 January (held on Wednesday 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 March, June and September and November 2020.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor R Thompson, Councillor J Smith, Councillor W McAndrew, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor C Coleman, Councillor M Statham

AGAINST: nil

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

19-304 RESOLVED

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.
4. A meeting with Telstra be arranged for all Councillors.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

11.2. Economic Development and Environment Reports

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

19-305 RESOLVED

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.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

19-306 RESOLVED

THAT Council defer the proposed closure of the Wallerawang Landfill until the impact of Cullen Bullen and Glen Davis Landfill closures are determined.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor S Lesslie, Councillor D Goodsell, Councillor C Coleman, Councillor R Thompson, Councillor M Statham, Councillor D Goodwin, Councillor W McAndrew, Councillor J Smith, Councillor S Ring

AGAINST: nil

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

19-307 RESOLVED

THAT

1. That Development Application DA 105/19 be deferred until the November Council Meeting and an onsite meeting is organised for all Councillors as a matter of urgency.
2. That prior to the onsite meeting all Councillors are provide with a hard copy of Fire and Rescue NSW "Fire hydrants for minor residential development" Version 2 2016.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

19-308 RESOLVED

THAT the information in the report on the Lidsdale Siding Coal Loader Modification 2 (MP08_0223 MOD 2) be noted.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

MOTION

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

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

AMENDMENT

THAT:

1. The calling in of Development Application DA 149/19 be noted.
2. A site inspection be organised and a viewing be organised from the adjoining property and reported to the November meeting.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

CARRIED:

Divisions

FOR: Councillor C Coleman, Councillor M Statham, Councillor S Ring, Councillor D Goodsell, Councillor W McAndrew, Councillor D Goodwin, Councillor J Smith, Councillor R Thompson

AGAINST: Councillor S Lesslie

The Amendment was PUT and became the MOTION.

19-309 RESOLVED

THAT:

1. The calling in of Development Application DA 149/19 be noted.
2. A site inspection be organised and a viewing be organised from the adjoining property and reported to the November meeting.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor D Goodsell, Councillor S Ring, Councillor J Smith, Councillor S Lesslie, Councillor C Coleman, Councillor D Goodwin, Councillor M Statham, Councillor W McAndrew

AGAINST: nil

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

19-310 RESOLVED

THAT:

1. The DA020/19 be APPROVED and the appropriate conditions be attached to the said approval.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED:

Divisions

FOR: Councillor D Goodsell, Councillor M Statham, Councillor S Lesslie, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin

AGAINST: Councillor J Smith, Councillor R Thompson, Councillor W McAndrew

DA020/19 Conditions of Consent supplied to Councillors at the meeting are attached to the minutes.

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

19-311 RESOLVED

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.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

11.3. Infrastructure Services Reports

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

19-312 RESOLVED

THAT:

1. 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.
2. Change the wording of the last dot point in the report to "value of the tree".

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

11.4. Water and Wastewater Reports

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

19-313 RESOLVED

THAT:

1. The Water Report be accepted.
2. A report be provided on the total cost of the Clarence Transfer system (including grants) and ongoing maintenance and Operational Cost.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

19-314 RESOLVED

THAT Council accept the Drinking Water Management System Annual Report.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

19-315 RESOLVED

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

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

11.5. Finance and Assets Reports

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

19-316 RESOLVED

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.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

19-317 RESOLVED

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.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

19-318 RESOLVED

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.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

11.6. People and Services Reports

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

19-319 RESOLVED

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

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

12. Council Committee Reports

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

19-320 RESOLVED

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

MOVED: Councillor D Goodwin

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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

MOTION

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.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

AMENDMENT

THAT

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. Seek grant funding options for the future Main Street stormwater project; and
9. Support the legal advice received to seek damages to rectify the unauthorised works that have been carried out on Wattlemount Road.
10. A report be brought back for alternative funding for stormwater projects.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

Divisions

FOR: Councillor S Lesslie, Councillor C Coleman

AGAINST: Councillor M Statham, Councillor D Goodsell, Councillor J Smith, Councillor S Ring, Councillor W McAndrew, Councillor D Goodwin, Councillor R Thompson

The Amendment was PUT and LOST

19-321 RESOLVED

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.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor S Ring, Councillor W McAndrew, Councillor R Thompson, Councillor S Lesslie, Councillor J Smith, Councillor M Statham, Councillor C Coleman, Councillor D Goodwin

AGAINST: nil

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

19-322 RESOLVED

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.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

FOR: Councillor D Goodsell, Councillor J Smith, Councillor M Statham, Councillor S Lesslie, Councillor R Thompson, Councillor C Coleman, Councillor S Ring, Councillor D Goodwin, Councillor W McAndrew

AGAINST: nil

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.

The Mayor asked if there were any matters to be considered as matters of great urgency.

Councillor Statham raised the issue that our Council neighbours are in great need of water and Council does not have any water restrictions in place. Councillor Statham asked that water restrictions be brought in.

Councillor Statham requested that Administration bring back a report to the November Meeting on water restrictions.

Management gave advice and will bring the report back.

The Mayor declared this not to be an item of great Urgency.

Councillor Smith raised the issue of yellow and red barricades not being in place at Wallerawang and asked where they are and when they will be in place?

The Administration gave a verbal response.

The Mayor declared this not to be an item of great Urgency.

Councillor Coleman raised the issue of Eskbank Station and the possible proposed demolition of the platform at Eskbank Station by Sydney Trains.

The Administration gave a verbal response and will seek information as a matter of urgency.

Councillor Lesslie raised the issue regarding contacting Mr Ken Bird in relation to his endeavours to ridding the Lithgow area of wasps.

The Administration gave a verbal response regarding the recent contact with Mr Bird.

There being no further business the Mayor declared the meeting closed at 9:45 pm.

Without Prejudice Conditions in the event that Council resolves to approve DA020/19

Conditions of Consent (Consent Authority) and General Terms of Approval (Subsidence Advisory NSW and WaterNSW)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS											
1.	That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.										
PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE											
2.	That a Subdivision Certificate Application, release fee, Registered Surveyors Plans (original & 11 copies) along with associated 88B instrument if applicable, be submitted to Council for finalisation following the compliance with all conditions of this consent.										
3.	The following property addresses are to be prescribed on the Administration Sheet for the Subdivision, prior to the release of the Subdivision Certificate: <table border="1" data-bbox="464 1144 1323 1305"> <thead> <tr> <th>Approved Lot</th> <th>Property Address</th> </tr> </thead> <tbody> <tr> <td>1 (362.170sq m)</td> <td>7a Cura Close Lithgow 2790</td> </tr> <tr> <td>2 (354.649 sq m)</td> <td>7b Cura Close Lithgow 2790</td> </tr> <tr> <td>3 (355.614 sq m)</td> <td>7c Cura Close Lithgow 2790</td> </tr> <tr> <td>4 (356.579 sq m)</td> <td>7d Cura Close Lithgow 2790</td> </tr> </tbody> </table>	Approved Lot	Property Address	1 (362.170sq m)	7a Cura Close Lithgow 2790	2 (354.649 sq m)	7b Cura Close Lithgow 2790	3 (355.614 sq m)	7c Cura Close Lithgow 2790	4 (356.579 sq m)	7d Cura Close Lithgow 2790
Approved Lot	Property Address										
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3 (355.614 sq m)	7c Cura Close Lithgow 2790										
4 (356.579 sq m)	7d Cura Close Lithgow 2790										
4.	<p>Prior to the issue of the Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:</p> <ul style="list-style-type: none"> i. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose. <p>and</p> <ul style="list-style-type: none"> ii. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. iii. <p>Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.</p>										

<i>S.94 Developer Contributions</i>	
5.	Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A (Section 7.12) contribution of \$9134.56 , in accordance with the Lithgow City Council Section 94A (Section 7.12) Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.
<i>WATERSW REQUIREMENTS</i>	
<i>General</i>	
6.	The lot layout and works of the development including subdivision shall be as specified in the Statement of Environmental Effects prepared by Ian Rufus of Hillcrest (dated February 2019) and shown on the Site Plan (Job No. 2957, Sheet No. 1, Issue A, 07-02-2019) prepared by Frank Kosztelnik and Associates. No revisions to layout and works of the development including subdivision that will impact on water quality, shall be permitted without the agreement of Water NSW.
<i>Reason for the above Condition - Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development including subdivision.</i>	
<i>Access Driveways</i>	
7.	The access driveways to dwellings as shown on the Site Plan (Job No. 2957, Sheet No. 1, Issue A, 07-02-2019) prepared by Frank Kosztelnik and Associates shall be sealed and otherwise constructed in accordance with Council's engineering standards.
<i>Reason for the above Condition – To ensure that the proposed access driveways and associated infrastructure will have a sustainable neutral or beneficial effect on water quality during the operational phase of the development.</i>	
<i>Stormwater Management</i>	
8.	<p>1. All stormwater management measures as specified in the Stormwater Management Plan (Project ID. 0198-SW, Sheet No. 2 & 3 of 10, Revision A-01, 08/10/2018) prepared by Broadcrest Engineering and Environmental Consultants shall be implemented, and as a minimum include:</p> <ul style="list-style-type: none"> • four rainwater tanks, each with a minimum capacity of 5,000 litres, and plumbed to toilets and washing machines and other areas for non-potable use including landscape watering, and • eight gross pollutant traps (SPEL Stormsack or Water NSW endorsed equivalent) installed in all stormwater drainage pits.
9.	No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW
10	A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of any Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

11	Prior to Council issue any Occupation Certificate, the existing steep area in the north, between the easement and proposed dwellings, shall be stabilised and rehabilitated to protect from erosion and to ensure sediments do not leave the property boundaries and access stormwater drainage pits.
12	<p>An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The OEMP shall be provided to future lot owners for monitoring, maintenance, and management and shall include but not be limited to:</p> <ul style="list-style-type: none"> • details on the location, description and function of stormwater management structures such as pits, pipes, gross pollutant traps, rainwater tanks and any other stormwater structures and drainage works • an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities • the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and • checklists for recording inspections and maintenance activities.
<p><i>Reason for the above Conditions: To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial effect on water quality over the longer term</i></p>	
<p>Construction Activities</p>	
13	<p>The Erosion & Sediment Plan (Project ID. 0198-SW, Sheet Nos. 8, 9,10, Revision A-01, dated 08/10/2018) prepared by Broadcrest Engineering and Environmental Consultants shall be updated for all works proposed as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004). The Plan shall be updated prior to issuance of a Construction Certificate and be to the satisfaction of Council. The Plan shall include controls to:</p> <ul style="list-style-type: none"> • prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain, and • ensure that the construction site is regularly maintained and retained until works have been completed and groundcover established.
14	<p>The Erosion and Sediment Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity.</p>
<p><i>Reason for the above Conditions– To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.</i></p>	
<p>SUBSIDENCE ADVISORY NSW</p>	
15	<p>Subsidence Advisory NSW has granted its approval for this subdivision, subject to: (a) the number, size and boundaries of lots being substantially as shown on the</p>

	approved plan, and (b) notification being made to Subsidence Advisory NSW of any changes to lot numbering and of the registered DP number.
16	<p>Approval for the erection of improvements that comply with the Subsidence Advisory NSW development guideline assigned to these lots can be obtained through the relevant council or an accredited certifier as defined in the Environmental Planning and Assessment Act 1979</p> <p>Residential construction within these lots are subject to Guideline 2 requirements, up to date guideline requirements are available via our website at:</p> <p>http://www.subsidenceadvisory.nsw.gov.au/development-guidelines</p> <p><i>Architectural plans submitted for approval must show the location and detailing of articulation/control joints in brickwork to comply with the requirements of the Building Code of Australia and best building practices.</i></p> <p>Applications for the erection of improvements that do not comply with the development guideline assigned to a property will require assessment on merit by Subsidence Advisory NSW.</p>
17	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.</p>
18	This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.
Engineering Requirements	
19	Concrete driveways are to be constructed in accordance with Lithgow City Council's "Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving" (Policy 10.18). A copy is available on Council's website, or on request from Council's Administration.
20	All development is to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
21	The internal car parking area is to be designed and constructed in accordance with AS2890.1: Parking Facilities – Off-street Car Parking.
22	The applicant shall submit a soil erosion and sedimentation control plan with the engineering design for Council approval. Such shall address both short and long term management of all disturbed areas and specified methods and structures to be employed to minimise any impact.

23	All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.
PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE	
<i>Section 68 Approval</i>	
24	The proponent must obtain written Section 68 approval from Council; this will be required prior to the start of any Construction. The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicable supporting information for the proposed works. If your Section 68 application is approved, Council will issue you with a Section 68 approval containing conditions that must be complied with during construction.
Water and Sewer Requirements	
25	Provision for separate water meters and sewer connections to all Lots be installed to Councils satisfaction (as part of the Section 68 application) prior to the release of the Subdivision Certificate or any Construction Certificate being issued.
26	A single 150mm vertical riser shall be the Point of Connection for each lot. The VR shall be installed 1m outside the easement located at the rear of each allotment and 1m inside the side boundary. All works to be in accordance with Councils Sewer Connection Policy 3.5. and be at owners/ developers costs.
27	The applicant is to ensure no rain water tanks or any other structures are installed or located within Councils easements.
28	Council's sewer main infrastructure including 150mm sewer points of connection and Sewer Man Holes will not be impeded by any rain gardens, swales, or stormwater detention systems. Any stormwater interallotment drainage will not impede Councils sewer.
29	Sewer Man Holes and 150mm Vertical Risers shall remain accessible and remain above finished ground level for maintenance purposes. Any required alterations to SMH covers shall be at owners/ developers costs and be positioned so the surrounding ground level falls away from the top of the cover.
30	<p>A Work as Executed plan (WAE) MUST be submitted to Council by a registered surveyor prior to the release of any Occupation Certificate, outlining the following:</p> <ul style="list-style-type: none"> - Service meter locations - Lot number that the meter is assigned to - Serial number of water meters - Sewer line construction (Junction cutins, details including point of connection, size, grades, invert levels and depth of cover)
31	That all requirements as part of the Section 68 Approval (S68013/19) be met prior to any Construction Certificate or Subdivision Certificate being issued. Council's written approval must be obtained in this regard.

REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK	
32	<p>Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:</p> <ul style="list-style-type: none"> a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
33	<p>Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:</p> <ul style="list-style-type: none"> a. In the case of work to be done by a Licensee under the Act: <ul style="list-style-type: none"> i) has been informed in writing of the licensee's name and contractor Licensee Number, and ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or b. In the case of work to be done by any other person: <ul style="list-style-type: none"> i) has been informed in writing of persons name and Owner-Builder Permit Number, or ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.
34	<p>Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:</p> <ul style="list-style-type: none"> a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and

	<p>c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.</p>
35	<p>Prior to commencement of any building and/or demolition works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.</p>
36	<p>Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:</p> <ul style="list-style-type: none"> a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours. b. Stating that unauthorised entry to the work site is prohibited and c. Showing the name, address and telephone number of the principle certifying authority for the work. <p>The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.</p>
37	<p>Prior to commencement of any works onsite, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council</p>
38	<p>Prior to commencement of any works onsite, a Dilapidation Survey Report is to be prepared by a suitably qualified person and submitted to Council for consideration. This report must identify any existing damage to Council's public roads/laneways/footpaths within the immediate vicinity of the site.</p>
<p>DURING CONSTRUCTION</p>	
39	<p>A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.</p>

Construction hours							
40	<p>All work on site shall only occur between the following hours:</p> <table border="0"> <tr> <td>Monday to Friday</td> <td>7.00am to 6.00pm</td> </tr> <tr> <td>Saturday</td> <td>8.00am to 1.00pm</td> </tr> <tr> <td>Sunday and public holidays</td> <td>No work</td> </tr> </table>	Monday to Friday	7.00am to 6.00pm	Saturday	8.00am to 1.00pm	Sunday and public holidays	No work
Monday to Friday	7.00am to 6.00pm						
Saturday	8.00am to 1.00pm						
Sunday and public holidays	No work						
Construction Noise							
41	<p>All works carried out on site during construction, excavation and earthworks shall comply with the NSW Protection of the Environment Operations Act 1997 and the Department of Environment and Climate Change Noise Control Guideline - Construction Site Noise and AS 2436-1981 - "Guide to Noise Control on Construction, Maintenance and Demolition Sites" for the control of construction noise which specifies that:</p> <ul style="list-style-type: none"> • Construction period of 4 weeks and under - The L10 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary. • Construction period greater than 4 weeks and not exceeding 26 weeks - The L10 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary. <p>Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the identified noise source/s to ensure compliance with Councils requirements on noise. An acoustic assessment & report will be required to ensure that the intrusive noise from the plant does not exceed 5 dB (A) above the background noise.</p>						
42	<p>The following survey reports (prepared by a Practising Registered Surveyor) are to be submitted to the Principal Certifying Authority to accurately demonstrate compliance with the approved drawings and to demonstrate that the proposal is located wholly within the confines of the allotment boundaries:</p> <ol style="list-style-type: none"> a) A Set-out survey showing the location of all slab/footing formwork (including building slabs, carpark slab, retaining walls and fencing footings, etc.) is to be submitted prior to pouring of concrete; b) A Set-out survey showing the location of external walls of the building (prior to reaching floor level); c) An Identification Survey of the entire development (upon completion and prior to the issue of any Occupation Certificate). 						

Sedimentation Controls

- 43 To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
- Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Dust Minimisation Measures

- 44 Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).

Signage

- 45 Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b. Stating that unauthorised entry to the work site is prohibited and
 - c. Showing the name, address and telephone number of the principle certifying authority for the work.
- The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 46 A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Lighting

- 47 All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.
- NOTE 1: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.*

BASIX Commitments

- 48 The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate. Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Accredited Certifier and Council.

If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979. All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate prior to the issue of any Construction Certificate.

Site Filling

- 49 Any proposed site filling is to be clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil.

NOTE 1: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required prior to the issue of any Construction Certificate for the erection of a building.

Drain Building Surrounds

- 50 The ground surrounding the buildings shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out following the installation of the roof gutter & down pipes, and prior to the final inspection.

Ponding to Neighbours

- 51 All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

Excavations

52	All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
<i>Fencing</i>	
53	An appropriate fence preventing public access to the site shall be erected for the duration of Construction works
<i>Survey Report for levels of Building during Construction</i>	
54	Prior to the placement of any concrete of the basement/ground floor slab, the submission to the principal certifying authority of a registered surveyor's certificate showing that the formwork levels are in accordance with the approved plan.
<i>Plumbing Inspections</i>	
55	<p>That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers. Inspections of the following elements are required to be undertaken by Council as the plumbing and drainage authority:</p> <ul style="list-style-type: none"> a) Internal drainage carried out by licensed plumber prior to covering. b) External drainage installed by a licensed plumber and prior to covering. c) Hot and cold water plumbing installation; d) Installation of any backflow prevention devices; e) Connection of any service to Council's water or sewer infrastructure. <p>Note: forty-eight (48) hours' notice shall be given to Council prior to inspections and inspection fees must be paid</p>
<i>Licensed Plumber</i>	
56	All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.
<i>Sanitary drainage</i>	
57	Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.
<i>Notice of Plumbing Works</i>	

58	Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.
<i>Submission of Compliance Certificate</i>	
59	Prior to the issue of any Occupation Certificate the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.
<i>Submission of drainage diagram</i>	
60	Prior to the issue of any Occupation Certificate the responsible plumbing contractor is to submit to Council a copy of the Sewer Service Diagram for the works. The Sewer Service Diagram is to be in accordance with the requirements of NSW Fair Trading.
<i>Tempering Valve</i>	
61	All plumbing and drainage work shall be carried out by a licensed plumber and drainer and in accordance with AS/NZS 3500 and the Plumbing Code of Australia. <i>NOTE 1: It will be necessary to install a temperature control device (e.g. tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.</i>
<i>Hydrant</i>	
62	The proposed hydrant system shall be located, sized, spaced and resultant pressure provided in accordance with AS2419.1 – 2005.
PRIOR TO OCCUPATION OR COMMENCEMENT OF USE	
63	Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
64	The occupation certificate shall not be issued until Council as the certifying authority for water and sewer inspections has undertaken and approved the final installation of all plumbing and drainage fixtures and the Certificate of Compliance and Sewer Services Diagram has been supplied by the licensed plumber.
65	Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures services listed in the Fire Safety Schedule must be certified by a competent fire safety practitioner, engaged by the owner. Certification is to be submitted to Council stating

	<p>that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.</p> <p>Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:</p> <ul style="list-style-type: none"> i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and ii) That the path of travel is clear of anything which would impede free passage of any person at any time.
Landscaping	
66	The Landscaping is to be completed in accordance with the approved Landscaping Plan.
Water Management Act 2000	
67	An application shall be submitted to Council for the supply of a Certificate of Compliance under Section 305 of the Water Management Act. A Final Occupation Certificate shall not be issued until such time as the contributions applicable to release the Certificate of Compliance are paid in full to Council. The rate of contribution per unit/ET is \$2,970.79 for water and \$2,776.41 for sewer as set by Lithgow City Council Development Servicing Plan for water supply and sewerage, August 2018 or the rate adopted by any subsequent Development Servicing Plan, annually adjusted for CPI (Sydney) applicable at the time of payment.
ADVISORY NOTES	
Building Code of Australia Compliance	
AN1.	All building work must be carried out in accordance with the provisions of the Building Code of Australia.
AN2.	A reference to the <i>Building Code of Australia</i> is a reference to that Code as in force on the date the application for the relevant construction certificate is made.
Construction Certificate	
AN3.	A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.