



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 November 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. Presentations

Ash Pather from Crowe Australasia - Audit of 2018/19 Financial Items

9. Notices of Motion

9.1. Notice of Motion - 25/11/19 - Councillor Coleman - Sealing of Willow Vale Lane Wallerawang

Report by Councillor Cassandra Coleman

Attachments

Nil

Recommendation

THAT Lithgow City Council approach the Hon Paul Toole, State Member for Bathurst, seeking funds to seal Willow Vale lane, Wallerawang.

Management Comment

Should Council engineers receive a request to seal an unsealed road, it is considered that such a recommendation should only be made to Council if it satisfies engineering merit. Council engineers last assessed the priority of sealing Willow Vale Lane in July 2017 and at that time, the request for seal was not considered to be a priority. With average annual daily traffic figures of 65 vehicles per day, acceptable geometric characteristics and comparatively low maintenance requirements it was determined by Council engineers that this asset would not be sealed. Unfortunately, even though Thompsons Creek Dam can be considered a public attraction, so are many other natural and man-made features in the Lithgow area. Many of our natural attractions feature an unsealed road access and this logic alone was considered not adequate to recommend sealing Willow Vale Lane to Council. Any decision made to seal Willow Vale Lane should be made with the knowledge that:

- Sections of Hartley Vale Road, Hartley Vale remain unsealed at 165 vehicles per day
- Sections of Dark Corner Road, Dark Corner remain unsealed at 129 vehicles per day
- Fields Road, Rydal remains unsealed at 93 vehicles per day
- Wolgan Road, Wolgan Valley remains unsealed at 89 vehicles per day

Additionally, there are 229 segments of sealed road that are rated at Condition 4 or 5 (worn or poor) and therefore will be programmed for remedial work in coming years.

The information above has been provided to the residents of Willow Vale Lane.

9.2. Notice of Motion - 25/11/19 - Councillor Lesslie - Flood Risk Management Study and Plan

Report by Councillor Stephen Lesslie

Commentary

I refer to the press release from the Office of Mr Paul Toole MP regarding a grant of \$60,000, “for a Lithgow floodplain risk management study and plan around the Farmer’s Creek and Marrangaroo Creek catchments.”

Attachments

1. Email from GM to Councillors - \$60,000 Lithgow flood mitigation funding [9.2.1 - 1 page]
2. Paul Toole Press Release - Lithgow Flood Investigations \$60000 [9.2.2 - 2 pages]

Recommendation

THAT Lithgow Council advise Mr Toole that his offer of \$60,000 for a flood risk management study and plan is not directed at the problems which have already been identified, these being a major flooding problem at the corners of Main, Laurence and Cupro Streets and George Coates Avenue, and also at Marrangaroo. As a sign of how seriously this problem is viewed, Lithgow Council is putting aside \$350,000 per year from the Operations budget to deal with it when funds are sufficient. We request that Mr Toole’s \$60,000, along with extra funds from the Floodplain Grants Scheme sufficient to finish the job, be allocated to the immediate rectification of the already identified problems.

Management Comment:

The Floodplain Grants Scheme is specific in its intent to support local councils to manage flood risk in their communities. This scheme aims to assist Councils to complete the 4 project stages of assessing the risks and impacts of flooding in NSW. Council has completed stage one, which studied the extent of flooding of all land in the Farmers Creek and Marrangaroo Creek catchments. Stage two requires the preparation of a floodplain risk-management study and plan to inform appropriate use of the data collated during stage one.

This is a very important step for Council to make, one which Council has not made previously. This document will inform all future development in Lithgow to strategically reduce the impacts of flood and flood liability on the local community as well as reduce public and private losses resulting from floods through future flood mitigation works. It is very important for Council to continue to reduce its own risk, and that of the community, through the creation of this study and plan.

9.3. Notice of Motion - 25/11/19 - Councillor Lesslie - NSW Electoral Commission Costs

Report by Councillor Stephen Lesslie

Commentary

I refer to recent media reports that the NSW Electoral Commission's costs for running local council elections are to be substantially increased.

Attachments

Nil

Recommendation

THAT Lithgow Council

1. Advise Mr Paul Toole, that elections being a fundamental right of the people, any increase in the cost of running Council elections be kept to no more than the rate of inflation.
2. To eliminate the cost of by-elections that Mr Toole make representations to the Local Government Minister to enact the necessary regulations for the legislation, that he oversaw as Local Government Minister, for the filling of casual vacancies in councils by countback.

Management Comment

IPART completed its draft report on the review of local government election costs on 25 June 2019. IPART invited interested parties to make a submission on the draft report by 19 July 2019. The Mayor signed Lithgow Council's submission on the draft report on 15 July 2019. Council's submission stated that the proposed 72% increase in election costs for 2020 compared with 2016 was unaffordable.

IPART's final report was released on 18 September 2019. The Minister for Local Government issued a media release on that day to state that the NSW Government will provide almost \$20 million in funding to reduce the cost of running next year's local government elections for Councils and their communities. The NSW Government will fund the NSW Electoral Commission's core costs for local government elections such as staff payroll, training, IT system development, and maintenance of the electoral roll.

The NSW Electoral Commission's cost estimate for the 2020 election is \$185,538 (excluding GST). The cost estimate for the 2016 election was \$112,203 (excluding GST) which equates to an increase of **65%** since 2016.

OLG Circular 18-47 provided details of amendments to the election provisions of the Local Government (General) Regulation 2005. The regulations give effect to the 2014 amendments to the *Local Government Act 1993* that gave councils the option of holding a countback election to fill casual vacancies in the first 18 months of their terms instead of holding a costly by-election and prescribe the administrative requirements for countback elections.

9.4. Notice of Motion - 25/11/19 - Councillor Lesslie - Request for Update on Creek Bed Erosion Bells Road Lithgow

Report by Councillor Stephen Lesslie

Attachments

Nil

Recommendation

THAT a report be brought down on the erosion of the creek bank adjacent to 2 Bells Road, Lithgow and a timeframe for when this matter will be resolved.

10. Staff Reports

10.1. Economic Development and Environment Reports

10.1.1. ECDEV - 25/11/19 - McPhillamys Gold Project- Response to Application

Report by Director of Economic Development & Environment

Reference

Min No 18 – 130: Ordinary Meeting of Council dated 28 May 2018 – Access to Proposed McPhillamy Pipeline Corridor to Conduct Environmental Studies

Summary

To advise Council on a Major Project that has been submitted to the Department of Planning, Industry and Environment (the Department) for the McPhillamy's Gold Project (SSD 18_9505) to develop an open cut mine and a water supply pipeline, 8km northeast Blayney.

Commentary

A development application has been lodged with the Department of Planning, Industry and Environment seeking development consent for the construction and operations of the McPhillamy's Gold Project, a greenfield open cut gold mine and associated water supply pipeline, located approximately 8 kilometres east of Blayney, in the Blayney, Cabonne, Bathurst and Lithgow local government areas. The project comprises two key components:

- The mine site where the ore will be extracted and processed. It is proposed that up to 8.5 million tonnes per annum (Mtpa) of ore will be extracted from the McPhillamy's gold deposit over a project life of 15 years.
- An associated water pipeline which will enable the supply of water to the mine site. This pipeline will be approximately 90km long, transferring surplus water from Centennial Coal's Angus Place Colliery and Springvale Colliery and Energy Australia's Mount Piper Power Station.

The project application area in total comprises of approximately 2,640 hectares (mine project area 2,5135ha and pipeline corridor of 127ha).

The mine project area is surrounded by a variety of land uses, predominantly agriculture, as well as scattered rural residences, forestry and natural areas. The pipeline has been proposed to utilise existing road easements and tracks and being partly situated in the Lithgow Local Government Area is of more relevance to this Council in any submission. The pipeline also travels through the Sunny Corner State Forest, Ben Bullen State Forest and a number of Lithgow road reserves including:

- Pipers Flat Road
- John Mackey Drive
- Sunny Corner Road
- Reservoir Street

The pipeline corridor alignment primarily transverses land used for agriculture, consisting of mostly cleared, open paddocks used for sheep and cattle grazing. The pipeline will include approximately four pumping station facilities, a pressure reducing system and communication system. Approximately 13ML/day will be transferred for mining and processing operations.

The water to be pumped to the mine development via the pipeline will originate from the following sources:

- Surplus groundwater at Angus Place that is currently discharged by Centennial into the Coxs River,
- Water at Springvale Colliery that is currently discharged by Centennial into Wangcol Creek and
- Water from the existing Blowdown Pond at Mount Piper Power Station originating from the new Springvale water treatment plant and the Power Station cooling towers.

The water to be pumped is understood to be of very poor quality when considered in the context of potential drinking water. Consequently, the potential loss of the water from the Lithgow Local Government Area is not likely to be significant, particularly when other potential sources are more likely for that purpose.

An initial submission has been made on the proposal to the Department of Planning, Industry and Environment. However, the Department has been advised that a supplementary submission may still be forwarded following the Council meeting of 25 November 2019.

The initial submission highlighted that whilst the assessment covers issues of construction and rehabilitation in Council's road reserves, actual permission to construct and any commercial arrangements (e.g. licence) will need to be discussed and agreed to separately with the proponent. In this regard Council requested that this be reflected in any conditions of consent if the development is approved.

In addition to the above and if the development is approved, the submission requested that the following conditions are placed on the consent in relation to the pipeline component of the project:

1. The Portland Cemetery (Heritage Listed under Council's Local Environmental Plan 2014) is located directly adjacent to the proposed pipeline. There is the potential that the cemetery could be indirectly impacted upon during the construction process. Management and monitoring strategies shall be implemented and submitted to Council as to how the cemetery will be protected and monitored throughout the construction stage.
2. An emergency Management and Monitoring plan addressing the potential impacts such as leaks and breakages shall be prepared. The plan is to detail responsible parties, emergency contact details and noise and lighting impact mitigation. The plan is to be submitted to Council prior to the commencement of works on the pipeline.
3. Prior to works commencing, the applicant is to submit to Council a survey plan as to the exact location of the pipeline. The plan is to include any potential services and infrastructure in the vicinity and the zone of influence from these services.

Dust

4. The applicant shall ensure that during construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the pipeline project area. This includes an onsite sprinkler and/or water truck being available at all times during construction works. Trucks are to be covered with a tarp or other material that would prevent dust emissions when leaving the vicinity.

Engineering Requirements

5. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on any Public Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work

- Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.
6. A maintenance bond, that is agreeable by both parties for the pipeline project, shall be paid to Council for any potential damage to Council's road reserve and infrastructure prior of commencement of work.
 7. A "Work-As-Executed" (WAE) plan is required to be prepared by a Registered Surveyor or professional engineer and forwarded to Council. The WAE is to include, as a minimum:
 - certification that all works have been completed generally in accordance with the approved plans and specification,
 - any departure from the approved plans,
 - any additional/deleted work,
 - the location of conduits, subsoil lines, stub mains and inter-allotment drainage lines,
 - pipeline long sections showing the constructed invert levels of each pipe at each pit and pipe dimensions,
 - details of overland flow provisions,
 - site regrading areas by new contours, and
 - all other details which have a bearing on the extent of works and their acceptance by Council.
 8. Construction noise shall be in accordance with the 'Noise Control Guidelines for Construction Noise Standards'. Hours of operation shall be permitted between 7am and 6pm Monday to Friday and 8am and 1pm Saturdays. No heavy machinery work or usage shall be permitted on Sundays or Public Holidays.
 9. 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.
 10. A Rehabilitation Management Plan is to be submitted to Council prior to any works commencing within Council's Road Reserves.
 11. All fill for the trenches shall be clean material; no foreign building materials or contamination of the soil will be permissible for the filling of this land or access creation. Contamination testing maybe required to be submitted to Council for assessment and approval.
 12. All filled areas must be compacted to a minimum 95% standard, with certification from a NATA registered laboratory.
 13. Any excess fill waste shall be removed from the site and disposed of at an appropriately licensed facility. No earthworks will be permitted to be taken to any other property or location without prior approval from Council.
 14. All works within the public road reserves shall take place having regard to the Draft Lithgow Roadside Vegetation Management Plan dated 1 May 2019

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 McPhillamy's Gold Project (SSD 18_9505) be noted.

10.1.2. ECDEV - 25/11/19 - HyTec Quarry Voluntary Planning Contribution 2018

Report by Director of Economic Development & Environment

Reference

- Min No 14-480 - Ordinary Meeting of Council held on 15 December 2014, Austen Quarry Stage 2 Extension Project (SSD 6084).
- Min No 15-325 - Ordinary Meeting of Council held on 14 December 2015, SSD-6084 - Hy-Tec Industries Pty Limited, Austen Quarry, Voluntary Planning Agreement.
- Min No 16-52 - Ordinary Meeting of Council held on 21 March 2016, State Significant Development - 6084 – Hy-Tec Industries Pty Limited, Austen Quarry Voluntary Planning Agreement.
- Min No 18-24 - Ordinary Meeting of Council held on 26 February 2018, Hy-Tec Quarry Planning Contribution 2016-2017.
- Min No 19-68 - Ordinary Meeting of Council held on 25 March 2019. Hy-Tec Planning Contribution 2017.

Summary

To advise Council of the expressions of interest and to endorse payment for the Hy-Tec Quarry Voluntary Planning Agreement to go towards community projects.

The aim of the Planning Agreement is to allow for the provision of community facilities for public use within the Local Government Area.

Commentary

On 15 July 2015, the Department of Planning and Environment granted Development Consent for an extension to the Austen/Hy-Tec Quarry (State Significant Development-6084) on land known as Lots 1 and 2 DP 1005511, Lot 31 DP 1009967 and Lot 4 DP 876394,391 Jenolan Caves Road Hartley. The development was approved to continue to supply up to 1.1 million (M) tpa of quarry products to the Applicant's concrete batching plants and to external markets.

As per a condition on the consent a contribution of \$0.025 per tonne of quarry product is paid to Council for distribution as determined by Council at its Ordinary Meeting of 21 March 2016. As part of the distribution of funds 25% of the contribution is allocated to the Hartley Progress Association to go towards facilities and infrastructure in the Hartley area which may at its discretion be spent on maintenance, upkeep or improvements to the Hartley School, Hartley Annex Hall or surrounds. In November 2019, an amount of \$6,420.93 was paid to the Hartley Progress Association.

The remaining contribution balance is to be determined via an Expression of Interest process and distributed on an annual basis. Of this balance, 25% is allocated to general community projects in the Hartley area and the remainder to projects throughout the Lithgow Local Government Area. For the 2018 period the expression of interest was carried out by Austen/Hy-Tec Quarry with the following submissions received and comments provided following evaluation by Council staff and representatives of Hy-Tec:

Hartley Historic Site Advisory Committee seeks a contribution of \$6,785.00 for picnic facilities at the "Farmers Inn" Old Great Western Highway, Hartley Historical Site. The Historical Village contains several surrounding walking tracks and is frequently visited by school children and tourists. The project would improve the existing amenities on the site. The project includes 3 table/chair facilities (aluminium table with galvanised frame), 3 shade cloths and shade areas, and interpretation panels.

Comment: *This project appears to satisfy a community purpose and is supportable.*

National Trust of Australia NSW Lithgow Branch seeks a contribution of \$4,500.00 for the Moyne Farm Cemetery Ground Penetrating Radar Evaluation. One of the most alluring features of the Moyne Farm graveyard is the well-established unmarked burial of Jane Grant dated 1826. Through

the confirmation of Jane's burial through a ground penetrating radar evaluation, the National Trust believes it has potential to enhance the tourism value of the site. The funding is to go towards GPR assessment, incidentals and volunteer time.

Comment: *Whilst this may seem to be an unusual allocation of funds, it does have the potential to further enhance the historic appeal, heritage value and tourism potential for the site. It is also for a project in the Hartley area, thus assisting in the appropriate proportion of funds to that area. Therefore, it is considered supportable.*

Andrew Lothian seeks a contribution of \$4,824.84 for a Doggy Endeavour Adventure Park. The project includes the installation of dog agility equipment within the existing dog park compound at Endeavour Park.

Council Officer's Comment: *Whilst in some respects it is preferable that funds do not go to Council assets, this is dependent on issues such as wider community benefit and whether Council would ever be in a position to prioritise such a unique embellishment of the facility. Such a facility may also fit well with the adjacent adventure playground for visitors stopping on the way through Lithgow with both children and pets. Therefore, it is supportable. Consultation has been undertaken with Council's Parks and Recreation Department who have advised that if the grant was received for the purchase of the equipment, Council will install it. The equipment will be concreted into the ground and involves minor maintenance and management.*

Lithgow Information and Neighbourhood Centre Inc (LINC) seeks a contribution of \$6,925.00 for the refurbishment of the Padley Street Community Hall (Retro Hall Upgrade Project). The project includes cleaning, furniture removal, new paint and decorator such as installation of new blinds. The hall is utilised by a number of community groups including Nanna's Touch, Community & Kids, Flo's Kitchen, Lithgow Community Mental Health, APM, LINC Disabilities and Family Referral Service.

Comment: *Once again, whilst this is a Council owned facility that is leased to LINC, the proposal will have a wider community benefit and provide support to the valuable social and community activities carried out by LINC.*

Lithgow Bears Rugby League Football Club seeks a contribution for internal repainting, partition wall, first aid room, tiling, doors and showers at their rooms under the Ashley Grandstand. This is particularly important to separate males and females with more recent popularity of the women's league tag competition.

Comment: *In considering this application it is important to again consider the fact that the rooms are a council owned facility and whether the benefits will flow beyond one group. However, the submission has indicated that the facility is used by a wider variety of community members and upgrading the facilities will assist in providing an incentive for children and the wider community to participate in rugby league and league tag. For these reasons, the application is supportable.*

Lithgow Small Arms Factory Museum Incorporation seeks a contribution of \$2,000 for the consultation, design, preparation and painting of a unique map showing key attractions and venues in the Lithgow Local Government Area. The painting is proposed to measure 800mm by 800mm and be fitted with card slots for tourism information brochures. The wooden board is to be prepared by Museum volunteers, with the painting to be outsourced to a local Lithgow based artist. The painting is proposed to be located within the Lithgow Small Arms Factory Museum.

Comment: *This application will have potential benefits for tourists, proprietors of local attractions and other businesses. It is considered to be supportable.*

The following applications were also received, with a recommendation that the applications be carried over and reconsidered in the next round of applications. These applications involve:

Hartley Historic Site Advisory Committee seeks a contribution of \$12,000.00 for a Moveable History Museum Interpretation. The Moveable History Museum is proposed to highlight the history of Hartley by expanding on existing /limited displays onsite to allow increased use of buildings for self-guided tours. This is proposed to be achieved by increasing the number of historic objects and archival material on display. The concept of moveable enables the museum to be moved around when buildings are being used for other events.

Hartley District Progress Association seeks a contribution of \$4,000 for the Hartley Stopped Dyke Walking Track. The proposal is to develop a walking track from the Historic Hartley School to the Hartley Historical Site. The proposal will provide an opportunity for recreational walking by Valley residents. The track is proposed to run down the north side of the highway and under the highway bridge to the Hartley Historic site. In relation to this proposal it should be noted that Council previously approved in principle, the Hartley District Progress Association to receive a contribution of \$9,150.00 within the Hy-Tec Community Contribution 2017 funding period. This funding was subject to landowner's consent from the Roads and Maritime Services (RMS), Crown Lands, National Parks and Wildlife Services and private landowners. To date, the funding for stage 1 (2017 contribution period) has not been able to be allocated due to insufficient information relating to the location of the track and safety measures not being submitted or supported by the Roads and Maritime Services. Support for the additional funding at this stage cannot be supported until the previous issues have been satisfactorily complied with. It is recommended that the Hartley District Progress Association resubmits their application for the 2019 funding period, subject to the issues being resolved.

If the RMS and landowners are unable to support the walking track, the funding from the 2017 contribution period will be re-allocated back to Council for funding of a different project in the Lithgow Local Government Area.

Lithgow Tidy Towns seeks a contribution of \$5,500 for the installation of a large emu sculpture and 2 smaller emu sculptures to be located within Cook Street Plaza. This project is part of enhancing Lithgow's streetscapes and CBD. The sculptures are undertaken by a local artist. They are made from steel and will be installed securely.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A though funds are held in reserve from contributions by Hytec.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A
- Other - The financial implications for Council are the receipt of a monetary contribution to go towards public facilities and infrastructure within the Lithgow Local Government area. The Hy-Tec Quarry operates at a capacity of 1.1 million tonnes per annum of quarried product transported from the site, this equates to \$37,535.035 being received by Council for the 2018 period including the remainder amount from the previous 2017 period being \$11,854.38.

The Hartley Progress Association allocation of \$6,420.93 plus the above additional recommended applications equates to \$34,455.78. The remaining \$3,079.27 is recommended to be carried over to the 2019 contributions.

Legal and Risk Management Implications

Nil.

Attachments

1. Hartley District Progress Association- Stopped Dyke track [10.1.2.1 - 8 pages]
2. Andrew Lothian- Endeavour Dog Park [10.1.2.2 - 10 pages]
3. National Trust Of Australia; Lithgow Branch- Moyne Farm Ground Radar [10.1.2.3 - 12 pages]
4. Lithgow Information and Neighbourhood Centre- Retro Hall [10.1.2.4 - 12 pages]
5. Lithgow Bears- Shed Maintenance [10.1.2.5 - 7 pages]
6. Lithgow Small Arms Factory Museum- Unique Tourist Map [10.1.2.6 - 12 pages]
7. Hartley Historic Advisory Committee- Moveable Museum [10.1.2.7 - 10 pages]
8. Lithgow Tidy Towns- Emu Sculptures [10.1.2.8 - 8 pages]
9. Hartley Historic Advisory Committee- Picnic Facilities [10.1.2.9 - 8 pages]

Recommendation

THAT

1. Council endorse \$28,034.85 of the Hy-Tec Quarry 2018 contribution to be allocated and distributed to the following projects/initiatives:
 - a. Hartley Historic Site Advisory Committee (Picnic Facilities)
 - b. The National Trust of Australia NSW Lithgow Branch (Ground Penetrating Radar)
 - c. Andrew Lothian (Doggy Adventure Park)
 - d. Lithgow Information and Neighbourhood Centre Inc (Retro Hall Upgrade)
 - e. Lithgow Bears Rugby League Football Club (Upgrade Club Rooms)
 - f. Lithgow Small Arms Factory Museum (Unique Tourist Map)
2. Council advise Lithgow Tidy Towns, Hartley District Progress Association and Hartley Historic Site Advisory Committee (Moveable Museum) that their applications were unsuccessful in this round however will be considered in the next round of the funding.
3. Council advise Hy-Tec Quarry that they may proceed to advertise for expressions of interest for the 2019 community contribution period and a report be provided to Council when submissions have been received.

10.1.3. ECDEV - 25/11/2019 - DA105/19 - Two Storey Dwelling, 37 Inch Street, Lithgow

Report by Director of Economic Development & Environment

Reference

Min No 19-307: Ordinary Meeting of Council held 28 October 2019

Summary

To update Council on 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

Council will recall this proposal for a small two storey weatherboard clad, metal roofed dwelling facing Inch Lane at the rear of 37 Inch Street, Lithgow. At its 28 October 2019 Ordinary Meeting the Council resolved:

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.*

A meeting was held on site on Monday 4 October 2019 with Councillors, staff and the applicant in attendance. The water servicing and fire hydrant issues were discussed and the applicant was invited to provide additional documentation in support of the proposal as a basis to vary Council's technical requirements for water servicing.

As an alternative, the applicant has now proposed additional water tank storage on the site connected via a private water connection and easement to Inch Street to avoid the need to extend the water main down Inch Lane. The applicant has advised Council staff that this alternative proposal will be supported by a hydraulic engineer's report that will demonstrate how the proposal will meet the required needs of the development. The applicant has also advised they will obtain feedback and support from Fire and Rescue NSW for the alternative proposal.

As the above alternative details were still forthcoming and at the time of writing of this report, Council staff are not able to make a final recommendation on the proposal. For this reason, the matter is being reported to Council for information only.

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.

Policy 3.5 Sewer Connection

This policy specifies Council's standards for connection to its gravity sewer reticulation system.

Policy 3.6 Fire Service Installation

This policy specifies Council's standards for fire services.

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 and was reported to Council's Ordinary Meeting held on 28 October 2019. In accordance with the above "call in" and following the site inspection on 4 November, this application is still under assessment and is awaiting finalisation pending the submission of the additional information advised by the applicant which will in effect change part of the proposal. For this reason, the matter is being reported for information only.

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

N/A at this stage as the matter is reported for information only.

Attachments

Nil

Recommendation

THAT:

1. Council notes the report on the status of Development Application DA105/19 for a two-storey dwelling on land at the rear of 37 Inch Street, Lithgow.
2. The final assessment of DA 105/19 be reported to Council for determination once the applicant's alternative proposal has been received.

10.1.4. ECDEV - 25/11/2019 - DA149/19, Garage/shed, 76 Glenrock Place, Hartley

Report by Director of Economic Development & Environment

Reference

Min No 19-309: Ordinary Meeting of Council held 28 October 2019

Summary

To assess and recommend determination of Development Application DA149/19 for a garage/shed on land at 76 Glenrock Place, Hartley (Lot 1 DP 1183582).

Commentary

Council was notified of the call in of DA149/19 at its Ordinary Meeting held on 28 October 2019 where it was resolved (Min No 19-309):

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.

A site inspection was undertaken with Councillors, staff and the applicants on the site on Monday 4 November 2019. The site was also inspected at this time from the land of the adjoining landowners who have submitted objections to the proposal.

The proposal involves the erection of a large 24m x 12m shed on the land. The applicants intend to use the shed for domestic purposes and the storage of personal items only. A site plan showing the location of the shed relative to the boundaries of the land is attached. The particulars of the land and the proposal are detailed in the attached Section 4.15 Planning Assessment Report. Currently existing on the site is an approved, temporary shipping container used for storage purposes. The applicants also intend to erect a dwelling on the land in the future (subject to a separate development application).

The proposed shed is located close to the southern boundary of the land and is setback 50m from the street (Glenrock Place) frontage (see attached site plan). This setback is in line with existing development on the adjoining land. The shed will also be setback 5m from the southern boundary to enable the provision of landscape screening and the minimisation of visual impacts on the adjoining land. The location of the shed has been selected by the applicants based on the opportunities and constraints presented by the site and to enable the erection of a future dwelling on the land.

Adjoining landowners were notified of the proposal in accordance with Council's Policy 7.5 Notifications Policy for Development Applications. A detached shed on land within the R5 Large Lot Residential zone is notified to adjoining landowners when the floor area exceeds 100m². Following the notification of the proposal, submissions were received raising objections to the proposal from two adjoining landowners. Details of the submissions are outlined in the attached Section 4.15 Planning Assessment Report.

The primary concerns raised in the submissions relate to the bulk and scale of the shed and its location near the southern boundary of the land. This results in the shed being visually prominent when viewed from adjoining and adjacent properties immediately south of the land. To address the visual impacts, the applicants have planted fast growing tree species along the boundary (see attached site and landscaping plan). The applicants' rationale for the location of the shed is based on the opportunities and constraints of the site as noted above. This is to enable the provision of one large shed (rather than multiple structures) in a serviceable location on the site and adjacent to the proposed future dwelling house.

The issues raised in the submissions were discussed with the applicants including the possibility of relocating the shed on the site and changing its external colours to reduce the potential impacts. The applicants have advised they do not wish to relocate the shed and wish to proceed with its current proposed location. The applicants have committed to providing an external colour of "Woodland Grey" which is expected to result in a reduced visual prominence when constructed.

Development application 149/19 has been called in following representation to Councillors by adjoining landowners who have objected to the proposal primarily on the grounds of visual bulk and scale and impacts on views. The various other aspects and grounds for the objections are outlined and addressed in detail in Section 5.3.7 of the attached planning assessment report.

The concerns raised in the submissions made have been considered as part of the assessment of the application and addressed in detail in the Planning Assessment Report. This consideration has resulted in the recommendation of the proposal for approval subject to consent conditions as appended to the attached Section 4.15 Planning Assessment Report. The shed is considered an appropriate use for the site in its context and is consistent with Council's approach to similar development proposals in the R5 Large Lot Residential zone.

To mitigate the visual impacts of the proposal, conditions of consent are recommended that include the requirements that the external colour of the shed be approved as "Woodland Grey" which is a darker, earthy colour that will reduce the overall visual impact of the building. Conditions are also imposed requiring the applicant to provide and maintain in perpetuity a satisfactory vegetation screen along the southern boundary of the site. This requires the provision of fast-growing plant species appropriate for the area that will provide a level of visual screening for the proposal over the medium to long term.

Whilst some of the points raised in submissions are well made, it would not be possible to justify refusal of the application. For the reasons outlined above, the proposed development is recommended for approval subject to consent conditions.

Policy Implications

Policy 7.5 Notification Of Development Applications

Due to the size of the proposed shed, adjoining landowners were notified of the application and given the opportunity to comment on the proposal. Submissions were received by and on behalf of two adjoining landowners in response. These are addressed above and in the attached Section 4.15 Planning Assessment Report.

Policy 7.7 Calling In Of Development Applications by Councillors

DA 149/19 was "called in" under this policy as noted above and is being reported to this Ordinary Meeting of Council for determination.

Financial Implications

- Budget approved - N/A for the assessment of the development application
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - 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*. An assessment report addressing the requirements of Section 4.15 is attached.

Attachments

1. DA149/19 s4 15 Report [**10.1.4.1** - 18 pages]
2. DA149/19 Site Plan [**10.1.4.2** - 1 page]

Recommendation

THAT:

1. Development Application DA149/19 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.

10.1.5. ECDEV - 25/11/19 - Airly Coal Mine proposed Extension Project modification 3 SSD5581

Report by Director of Economic Development & Environment

Summary

To advise Council on a Major Project modification that has been submitted to the Department of Planning and Environment for the Airly Mine Extension Project Modification 3, State Significant Development (SSD) 5581

Commentary

Centennial Airly Pty Limited is seeking a modification to the Airly Coal Mine's consent SSD 5581 to:

- increasing the coal extraction rate from 1.8 million tonnes per annum (Mtpa) to 3.0 Mtpa, with a subsequent amendment to the site's 20-year mine schedule;
- increasing the maximum number of personnel from 155 full-time-equivalent (FTE) to 200 FTE;
- increasing rail movements from a maximum average of 2 trains per day to 3 trains per day, over a calendar year. The approved train movements consisting of 5 maximum train movements per day is not proposed to change; and
- undertaking underground blasting (shot-firing) for the removal of geological structures in the event they are encountered within the mining areas.

No new mining extraction areas have been requested. The Project Application Area boundary would remain unchanged and no changes to site infrastructure would be required.

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

The current consent will lapse on 31 January 2037. The SSD 5581 consent has been modified two times under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), with Modification 1 approved in August 2018 and Modification 2 approved in July 2019.

Additional information on the project can found at <https://www.planningportal.nsw.gov.au/major-projects/project/25101>

Status

The Environmental Impact Statement (EIS) was supplied to Council and was placed on exhibition for public and authority comments from 8 November to the 24 November 2019. At the time of writing this report, the proposal was being assessed by Council Planning staff and it would be intended to make a submission.

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 proposed Section 4.55 (2) modification under the EP&A Act is a modification to a previously approved State Significant Development the Department of Planning and Environment, is the consent authority.

Attachments

Nil

Recommendation

THAT Council note the information in the report for Airly Mine Extension Project Modification 3, State Significant Development (SSD) 5581 and note that a submission on behalf of Council will be made.

10.1.6. ECDEV - 25/11/19 - Proposed Re-Naming of Anarel Road Sodwalls to Charltons Road

Report by Director of Economic Development & Environment

Reference

Min No. 19-133 Ordinary Meeting of Council 27 May 2019 Reconvened 11 June 2019

Summary

To advise Council of a road naming proposal for the Western side of Anarel Road, located off Honeysuckle Falls Road to be renamed Charltons Road Sodwalls.

Commentary

Council has previously received a request for the renaming of the Western section of Anarel Road to Charltons Road Sodwalls off Honeysuckle Falls Road. The existing road name is non-compliant with the *NSW Addressing User Manual (AUM) 2016*, a document created by the NSW Geographical Names Board (GNB) to complement the *NSW Addressing Policy No. 2, 2015*.

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

Accurate addressing information in NSW is required for adequate navigation, emergency services response, service delivery and statistical analysis. As many emergency responses and other public services are determined by the clarity of road names and road extents. It is recommended that the western portion of Anarel Road, located off Honeysuckle Falls Road be renamed. This change will impact the three (3) new lots being created as part of a subdivision approval.

Council's previous resolution Min No. 19-133 required a notification calling for submissions of a proposed name. However, it has come to light that a previous a suitable proposal was received for this road being 'Charltons' Road. This is reference to William Charlton (1769-1839) who came to NSW as a private in the Corps on the Second Fleet in 1790. William was a part of the family who owned "Crown View" farm which is still situated at end of the road proposed to be renamed 'Charltons Road'. Further information in relation to the history of the local heritage listing for 'Crown View' can

be found in the Attachment – Heritage Inventory Sheet B315. Consequently, it would be proposed to advertise the road name Charltons Road calling for submissions on the proposed name.

Policy Implications

These roads will be named in accordance with Council's Addressing Policy.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - Council will incur some minor advertising costs in accordance with its Addressing Policy, and the costs of the signs.

Legal and Risk Management Implications

To ensure that the addressing of properties and road naming within the Lithgow Local Government Area complies with the requirements of *New South Wales Addressing Policy No. 2, 2015* and the *Roads Act 1993*.

Attachments

1. HERITAGE INVENTORY SHEET - B 315 - Crown View - Honeysuckle Falls Road Tarana [10.1.6.1 - 7 pages]
2. Maps [10.1.6.2 - 2 pages]

Recommendation

THAT in accordance with Council's Addressing Policy, Council advertise the road name Charltons Road in the local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a. If no submissions against the proposal or alternatives are submitted, Council proceed with the gazettal process of the name and notify all residents and emergency authorities accordingly.
- b. If submissions against the proposal or alternatives are submitted, a report is furnished to the next available Council meeting for resolution.

10.1.7. ECDEV - 25/11/19 - Proposed Road Names - Eagle Hawk Close, Canyon Close and Running Stream Close Capertee

Report by Director of Economic Development & Environment

Summary

To advise Council of a road naming proposal for three private roads in Capertee to be named Eagle Hawk Close, Canyon Close and Running Stream Close.

Commentary

Council has received a submission/request on the naming of three private roads in Capertee as per the plan attached to the business paper. The area is known as Turon Country Retreat and is a community title subdivision with approximately 19 properties. The applicant has requested that Council name these roads Eagle Hawk Close, Canyon Close and Running Stream Close which is a reference to the following:

- Eagle Hawk Close - to the eagles and hawks always seen circling at eye level along the road as it runs along the top of a ridge and the eagles and hawks circling over the Valley looking for prey.
- Canyon Close – Beautiful views of the Capertee Valley Canyon from this area.
- Running Stream Close – Driving down this road will bring the driver to Running Stream.

The *NSW Addressing User Manual 2016* (AUM) created by the NSW Geographical Names Board to complement the *NSW Addressing Policy No. 2, 2015* states the following in relation to the naming of roads:

- a. That all road naming be undertaken in accordance with the AUM and the Online Road Naming System.
- b. Proposals for road naming of private roads or crown roads can be submitted to Council for consideration. The private road to be named is to meet one of the requirements below for Council to consider the naming
 - i. Be over 1km from a public road to the place of address; or
 - ii. Have three or more places of address accessing from this road; or
 - iii. If not named, would cause issues with emergency services navigation to a place of address. In this instance a case is required to be put forward and Council reserves the right to consult emergency services on this road.

In relation to b. above the following justification is provided:

- i. Eagle Hawk Close is approximately 3.5km long, Running Stream Close is approximately 1.8km long and Canyon Close is approximately 1km long. All three roads would meet this requirement.
- ii. Eagle Hawk Close has 8 individual properties (all with opportunity to erect dwellings), Running Stream Close has 4 individual properties (all with opportunity to erect dwellings) and Canyon Close has only 2 individual properties (all with opportunity to erect dwellings). Therefore, two of the three roads meet this requirement.
- iii. If these roads were not named the addressing of the properties would all be Upper Turon Road which could cause confusion when utilising the measurement along Upper Turon Road for rural addressing. It would be beneficial for emergency services if these roads were named to allow for navigation to individual properties in case of emergency.

Therefore, given the roads meet both b.i. and b.iii. of the AUM which is also reflected in Council's Addressing Policy it is suggested that the process be commenced for these three private road names.

Policy Implications

These roads will be named in accordance with Council's Addressing Policy.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - Council will incur some minor advertising costs in accordance with its Addressing Policy

Legal and Risk Management Implications

Nil

Attachments

1. Titled Map - Eagle Hawk, Canyon & Running Stream Close [10.1.7.1 - 1 page]

Recommendation

THAT in accordance with Council's Addressing Policy Council start the online road naming process, including advertising the road names, Eagle Hawk Close, Canyon Close and Running Stream Close in the local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a. If no submissions against the proposal or alternatives submitted, Council proceed with the gazettal process of the name and notify all residents and emergency authorities accordingly.
- b. If submissions against the proposal or alternatives are submitted, a report is furnished to the next available Council meeting for resolution.

10.1.8. ECDEV - 25/11/19 - Proposed Road Naming - Angels Way Capertee

Report by Director of Economic Development & Environment

Summary

To advise Council of a road naming proposal for a private road at Capertee to be named Angels Way.

Commentary

Council has received a submission/request on the naming of a private road at Capertee. The applicant has requested that Council name this road 'Angels Way' which is a reference to her daughter Angel who tragically lost her life in a Capertee house fire on 14 April 2018. Although no supporting documentation has been provided, for example from emergency services, the applicant has stated that on this tragic day due to no name of the road the fire trucks and other emergency services had an extremely difficult time trying to locate the residence.

The *NSW Addressing User Manual 2016* created by the NSW Geographical Names Board to complement the *NSW Addressing Policy No. 2, 2015* states the following in relation to the naming of roads:

- a. That all road naming be undertaken in accordance with the AUM and the Online Road Naming System.
- b. Proposals for road naming of private roads or crown roads can be submitted to Council for consideration. The private road to be named is to meet one of the requirements below for Council to consider the naming
 - i. Be over 1km from a public road to the place of address; or
 - ii. Have three or more places of address accessing from this road; or
 - iii. If not named, would cause issues with emergency services navigation to a place of address. In this instance a case is required to be put forward and Council reserves the right to consult emergency services on this road.

In relation to b. above the following justification has been provided by the applicant:

- i. The road has direct access of Castlereagh Highway and is only approximately 400m in length and does not meet the criteria
- ii. Two private properties access off this road and numerous crown properties which could be leased or utilised. These properties are currently 4411A & 4411B Castlereagh Highway, Capertee.
- iii. Due to the road not being named it is suggested that emergency services including the fire services could not find the property for the house fire that ended in a tragic death of Angel Whalan. Additionally, as other parts of this area are unmanaged Crown Land, having the road named would allow for easier navigation in case of a bushfire in those areas. The area is said to be used by motorcycles riders, camping and four wheel driving.

Whilst no evidence has been provided, for example from Emergency Services, the naming of a private road to assist emergency services is supported. A map of the extent of the road is found in Attachment 1 and it is suggested that the process for its naming be undertaken for 'Angels Way' given the above discussions.

Policy Implications

These roads will be named in accordance with Council's Addressing Policy.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - Council will incur some minor advertising costs in accordance with its Addressing Policy, and the costs of the signs.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT in accordance with Council's Addressing Policy, Council advertise the road name Angels Way in the local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a. If no submissions against the proposal are submitted, Council proceed with the gazettal process of the name and notify all residents and emergency authorities accordingly.
- b. If submissions against the proposal are submitted, a report is furnished to the next available Council meeting for resolution.

10.1.9. ECDEV - 25/11/19 - Renaming of Enfield Rifle Lane to Rae Swift Lane

Report by Director of Economic Development & Environment

Reference

23/09/19 - Notice of Motion – Naming of Street or Laneway

Summary

To advise Council of a road naming proposal for Enfield Rifle Lane to be re-named Rae Swift Lane.

Commentary

Council will recall a Notice of Motion by Councillor Goodwin for the possible re-naming of a road within the Lithgow City Council area honouring the late Rae Swift. The Notice of Motion stated:

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

The Notice of Motion suggested “a laneway that may be appropriate would be the unnamed laneway that runs off Carbine Street, between Enfield Avenue and Rifle Parade Lithgow.” This has been investigated and the re-naming of Enfield Rifle Lane to be known as Rae Swift Lane is feasible. This lane is approximately 205 metres and runs in a North-South direction between Rifle Parade and Enfield Lane and adjoins Carbine Street. Naming this laneway would be appropriate because it is close to where Rae Swift had lived. It would now be appropriate for the formal commencement of the road naming process which will require appropriate Council resolution.

Policy Implications

This road will be named in accordance with Council’s Road Naming Policy.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - as stated below.

Council will incur some minor advertising and street signage costs in accordance with the requirements of Council Policy 10.10.

Legal and Risk Management Implications

Nil

Attachments

1. Titled Map 111245539 [10.1.9.1 - 1 page]

Recommendation

THAT Council proceed with the road re-naming process of Enfield Rifle Lane to “Rae Swift Lane” by:

1. Commencing the online road naming process in accordance with NSW Addressing User Manual. This will include advertisement in the local newspaper and requesting submissions on the proposed name from surrounding residents and emergency services for a period of 28 days.
2. If submissions are received against the proposal, or alternatives are suggested, these submissions will be reported back to Council for determination.
3. If no submissions against the proposal, or alternatives suggested, Council will proceed with the online road naming process and gazettal of “Rae Swift Lane” and notify residents and authorities accordingly.

10.1.10.ECDEV - 25/11/19 - Adoption of Lithgow Community Participation Plan (CPP)

Report by Director of Economic Development & Environment

Reference

Min No.9.2.6. Ordinary Meeting of Council 23 September 2019

Summary

The purpose of this report is to seek the formal adoption of the Lithgow Community Participation Plan (CPP).

Commentary

Council resolved at its Ordinary Meeting of 23 September 2019 to:

1. Endorse the Draft Community Participation Plan for public exhibition for 28 days.
2. Following the exhibition period that a final version of the Community Participation Plan be returned to Council for further consideration.
3. Amend Section 2.3.3 of the Policy to read:
 "If a development application is to be notified during the periods where council is closed over Christmas and New Year holiday period, then the days between 20th December and 10th January (inclusive) will not be included in the notification period."

The draft Plan, incorporating No 3 above, was placed on public exhibition for a period of twenty-eight days with two submissions received. The following table provides a summary of the submissions received and Council officer's response/action:

Submission	Response/Action
...Council will aim to inform of what is being proposed "where appropriate." Who determines what is appropriate? That can also be a very subjective judgement and can be affected by how people use their property, their roads and their community spaces.	Amended the sentence to end with 'as identified by council'. The assessment officer will use the CPP to identify when it is appropriate to consult with identified landowners. Entities that are deemed appropriate are identified in Section 2.3.
In the long list of categories that do not require notification the zoning terms RU1, RU2 and RU5 are used. Could these please be explained further, as not many people are familiar with the terms and would have no idea if the issue applies to their property.	Amended the zoning abbreviations to include their full title as used in Lithgow Local Environmental Plan. Also included a note to direct readers to the LEP maps to identify where those zones apply.
The items in that same list (not requiring notification) includes "single storey dwellings." This category is much too broad. A single storey dwelling may be quite humble, but it may also be huge and imposing and have a big impact on the streetscape and surrounding neighbourhood. It might be better to put a monetary value on exempt developments.	Monetary value is not an indicator of impact. All single-storey development applications, notified or otherwise, are assessed through the planning process, giving regard to potential impacts on neighbouring properties.
All Council developments, such as sewerage pumping stations and roads, regardless of their cost, should be notified about. Council should regard itself and behave as a "neighbour."	Such developments are not specifically exempt from notification under 2.3.7 of the CPP. Council developments that require development consent under Part 4 or are activities which require an Environmental Impact Statement under Part 5.1 of the Environmental Planning and Assessment Act, 1979, will be notified in accordance with the CPP.

<p>One of those items exempt from notification (p. 15) is "An application involving a boundary adjustment." If the adjustment is between private properties, the owners/residents would presumably be aware. However, if the boundary adjustment is between private property and Council owned property or Crown land, the private owner should be notified.</p>	<p>Council would necessarily be in negotiation with private landowners in the boundary adjustment process involving public land as an adjoining owner. Notification to adjoining landowners in this circumstance is redundant as an agreement between council and private landowner would be in place prior to any development application for the boundary adjustment as each landowner would need to provide landowner consent to the development application.</p>
<p>... Not every block of land, sits the same and not every block sits within a housing development estate. And a one glove policy does not fit all residential blocks of land.</p>	<p>Section 2.3.1.1 allows the Council to vary the spatial range of notification, having regard to the potential impact a development may have as deemed by the assessment officer.</p>

Council officers have also made some minor amendments throughout the document of a non-substantive nature to correct typographical/grammatical errors or to further assist ease of understanding. The CPP will need to be uploaded to the NSW planning portal by no later than the 1 December 2019.

Policy Implications

The CPP makes no substantial change to the notification provisions as set out in Council Policy 7.5 - Notifications Policy for Development Applications. The CPP will in effect supersede Council Policy 7.5. To avoid any confusion, this Policy should be revoked upon adoption of the Lithgow CPP.

Financial Implications

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

Legal and Risk Management Implications

The Lithgow CPP is compliant with Schedule 1 of the EP&A Act.

Post adoption, if within 3 months of being published on the NSW planning portal, it has not been challenged in the Land and Environment Court, the CPP will be considered to have been validly made under the EP & A Act. The Lithgow CPP will be reviewed periodically as per Section 2.24(3) of the EP&A Act.

Attachments

1. Lithgow Community Participation Plan [10.1.10.1 - 25 pages]

Recommendation

THAT

1. Council adopts the Lithgow Community Participation Plan 2019.
2. Council revokes Policy 7.5 - Notifications Policy for Development Applications.

10.1.11.ECDEV - 25/11/19 - Policy 7.1 Development Applications by Councillors and Staff or on Council Owned Land

Report by Director of Economic Development & Environment

Reference

Min No. 19-276 Ordinary Meeting of Council 23 September 2019

Summary

To recommend adoption of revised Policy 6.1 - Corporate Sponsorship and revised Policy 7.6 Development Applications by Councillors and Staff on Council Owned Land.

Commentary

Council will recall its resolution at its Ordinary Meeting of 23 September 2019 to place the following revised Policies on public exhibition.

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

No submissions were received during the exhibition period and it is now considered appropriate for Council to adopt the revised Policies.

Policy Implications

Primarily the subject of this report.

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

1. Policy 7 6 Development Applications By Councillors And Staff And Relatives Or On Council Owned Land [**10.1.11.1** - 3 pages]
2. Policy 6 1 Corporate Sponsorship for Council Final Adoption [**10.1.11.2** - 4 pages]

Recommendation

THAT revised Policies 6.1 - Corporate Sponsorship and 7.6 - Development Applications by Councillors and Staff or on Council Owned Land be adopted and implemented immediately.

10.1.12.ECDEV - 25/11/19 - New Policy 10.20 - Leasing and Licensing Policy

Report by Director of Economic Development & Environment

Reference

9.2.3 – New Policy 10.20 - Leasing and Licensing Policy

Summary

The purpose of this report is to seek Council's endorsement to adopt a new Leasing and Licensing Policy 10.20.

Commentary

At the ordinary meeting of Council on 23 September 2019, Council resolved to:

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

The Policy was placed on public exhibition for 28 days until on 1 November 2019 and Council received no submissions in relation to the Policy during this time. Accordingly, there appears to be no matters requiring further consideration and Council may proceed to adopting the Policy.

Policy Implications

The proposed policy will become a new policy within Council's 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

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

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

Attachments

1. 19.11.07 - Leasing and Licensing Policy 10.20 (final) [**10.1.12.1** - 13 pages]

Recommendation

THAT Council adopt Policy 10.20 - Leasing and Licensing Policy for immediate implementation.

10.2. Infrastructure Services Reports

10.2.1. IS - 25/11/19 - Revised Policy - 2.1 - Cemetery Operations

Report by Director of Infrastructure & Services

Reference

Min. No. 18-340: Ordinary Council Meeting of 26 November 2018

Summary

To provide an update to the following Council policy:

- Policy 2.1 - Cemetery Operations

To better ensure the policy's accuracy, completeness and pertinence to an evolving Council and community.

Commentary

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

Policy 2.1 – Cemetery Operations (Version 4)

Changes include:

- Inclusion of a complete list of Council cemeteries, acknowledging which ones are open for new burials and interments, as well as which assets are subject to ongoing maintenance;
- Inclusion of policy objectives;
- Defining that all graves are to be dug to double interment depth (1800mm) except where prevented by site or ground conditions. This is to reduce the recurrence of single interment graves being dug, where many years down the track it is requested for a second interment.
- Defining the minimum depth of cover allowable, which then in turn defines which sites are considered unsuitable, due to insufficient allowable depth;
- Minor conditions placed defining both the kind and placement of ornaments, to minimise potential safety implications as well as to preserve the amenity of the cemetery;
- Inclusion of the condition that all plaques must be consistent with the existing amenity of the cemetery. All cemetery plaques are consistent in size and style. Some residents have requested variation which does not suit the ongoing theme;
- Details surrounding the extent to which Council is responsible for the maintenance of the cemetery grounds and public infrastructure;
- Detail that the allotment owner (or holder of the burial licence) is responsible for the ongoing repair and maintenance of the headstone and monument in the event of damage, vandalism or disrepair; and
- Detail that notes Council reserves the right to remove or dispose of unauthorised or noncompliant infrastructure or ornaments placed within the cemetery for the purposes of preserving amenity and public safety.

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. This policy will be presented to Council prior to a period of public exhibition.

Policy Implications

Recommendation to Council of adoption of updates to Policy 2.1 – Cemetery Operations

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

Attachments

1. Policy 2.1 Cemetery Operations - EDIT [10.2.1.1 - 9 pages]

Recommendation

THAT Revised Policy 2.1 – Cemetery Operations 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.

10.2.2. IS - 25/11/2019 - Community Feedback - Proposed Off Leash Dog Park - Vale of Clwydd

Report by Director of Infrastructure & Services

Reference

MIN – 19 -241 Ordinary Meeting of Council 26 August 2019.

Summary

At the Ordinary Meeting of Council held on the 26 August 2019 a Notice of Motion was put forward in relation to seeking community feedback on the potential establishment of a 'free of leash' area for residents and their dogs in the vicinity of the Vale Hall, Vale of Clwydd.

Commentary

Council placed information in relation to the proposed dog free leash area on public exhibition for a period of 28 days which closed on the 8th November 2019. Council's administration have assessed all submissions and offer the summary below.

Council received a total of 46 submissions with the following breakdown:

- 28 submissions were received in objection to the proposal;
- 13 submissions were received in favour of the proposal; and
- 5 submissions were received that only included general feedback on other dog free leash areas in the local government area outside the scope of this proposal.

Council should note that reasons for objection to the proposal included:

- Noise issues (constant barking);
- Reduced availability of parking for visitors and residents alike;
- Impacting local events held at the Vale Hall;
- Reducing open land where families and children use for outdoor activities; and
- Impact on wildlife in the area.

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. 27 Objection Submission - Proposed off Leash Dog Park - Vale of Clwydd [**10.2.2.1** - 41 pages]
2. 13 Submissions - For the Proposed off Leash Dog Park - Vale of Clwydd [**10.2.2.2** - 15 pages]
3. 5 Comments in relation to Off Leash Dog Parks - Greater Lithgow Area [**10.2.2.3** - 5 pages]

Recommendation

THAT Council note the submissions received and, in response to significant community feedback received in objection to the proposal, not pursue the creation of a dog free leash park in the Vale of Clwydd Park precinct.

10.2.3. IS - 25/11/2019 - Request Fee Wavier - Portland Australia Day Celebrations

Report by Director of Infrastructure & Services

Summary

A member of the public has requested both financial assistance and Council traffic control to facilitate the holding of the Portland Australia Day Celebrations.

Commentary

It has been requested that Council assists with traffic control for the Portland Australia Day Celebrations. This would involve the creation of a traffic control plan (TCP), the supply and set-up of traffic control signage and necessary advertising for the closure of the following roads:

- Wolgan Street between Williwa Street and Vale Street
- Scheidel Lane between Lett Street and Cullen Street

The event organiser has also requested that any applicable charges for the event be waived. The relevant fees/charges for Council to organise traffic control for the event are:

- Temporary event road closure fee - \$1,261.50
- Preparation/Review of Traffic Control Plan - \$55.25
- Total estimate - \$1,261.50 + \$55.25 = \$1,316.75

Policy Implications

Nil

Financial Implications

- Budget approved – there is no approved budget for traffic control fee waivers.
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact - Waiving of fees = \$1,316.75
TCP creation and set ups = \$2,100.00
Total = \$3,416.75

Legal and Risk Management Implications

Nil

Attachments

1. Email - Australia Day 2020 PORTLAND NSW [10.2.3.1 - 1 page]

Recommendation

THAT Council assist with traffic control for the Portland Australia Day Celebrations and waive all applicable fees.

10.3. Water and Wastewater Reports

10.3.1. WWW - Water Report

Report by Director of Water & Wastewater

Reference

Min No 19-313 Ordinary Meeting of Council 26 October 2019

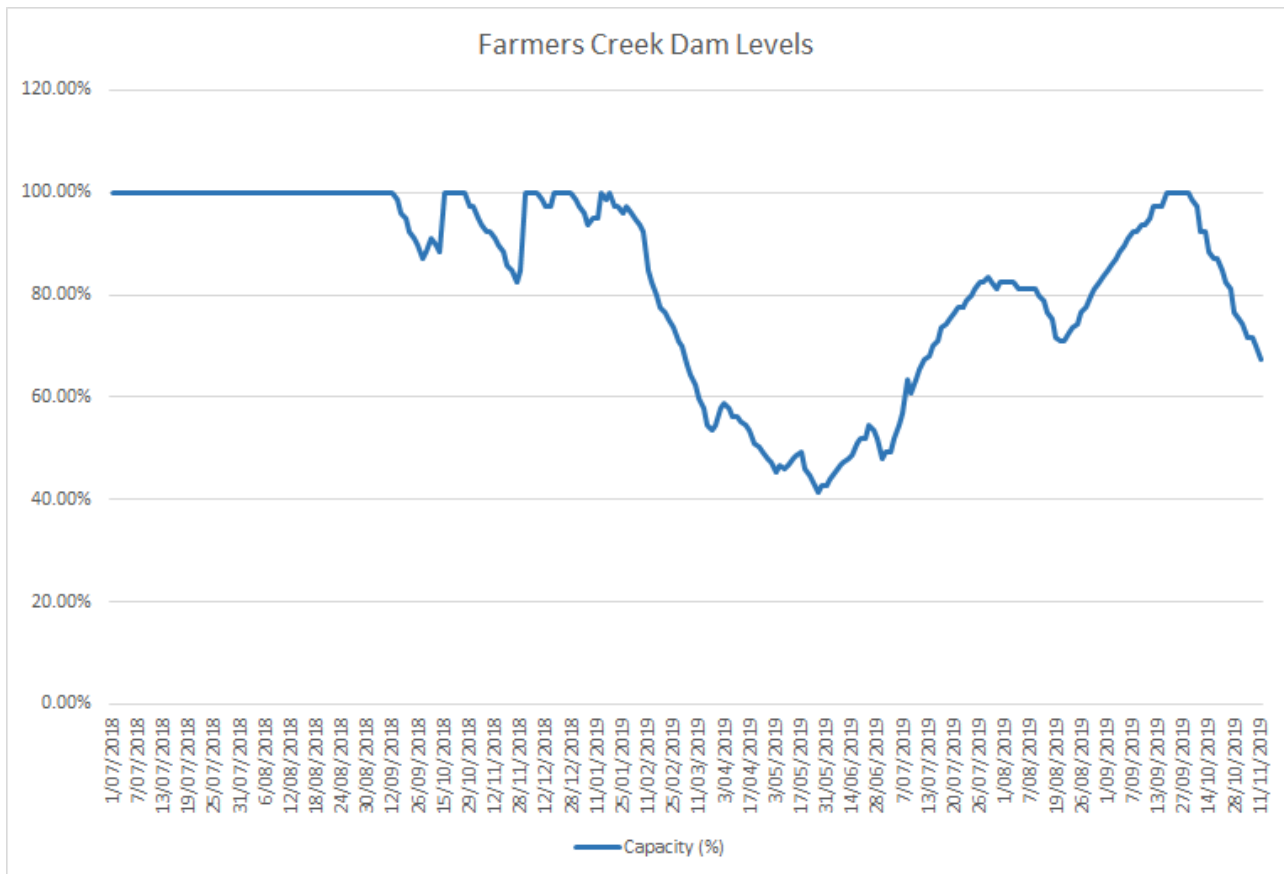
Summary

This report provides an update on various water management issues.

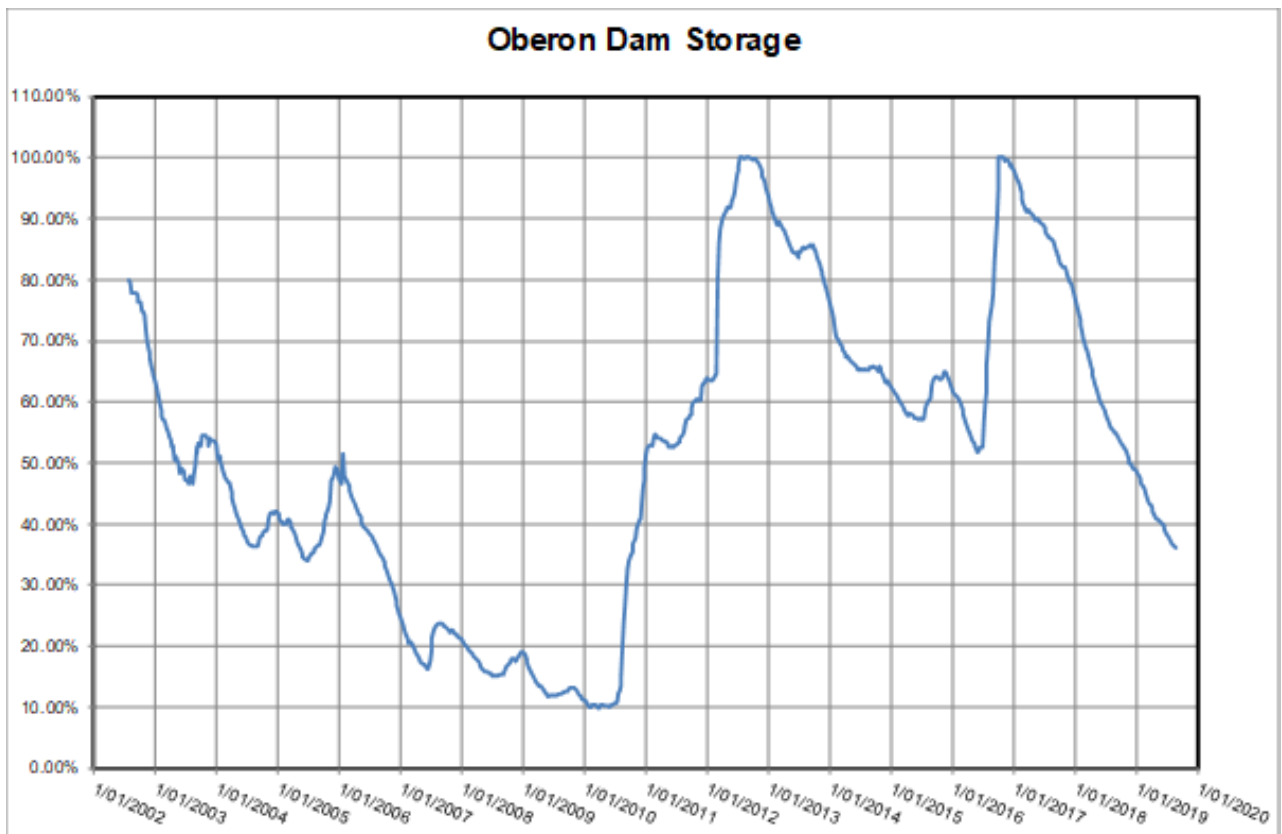
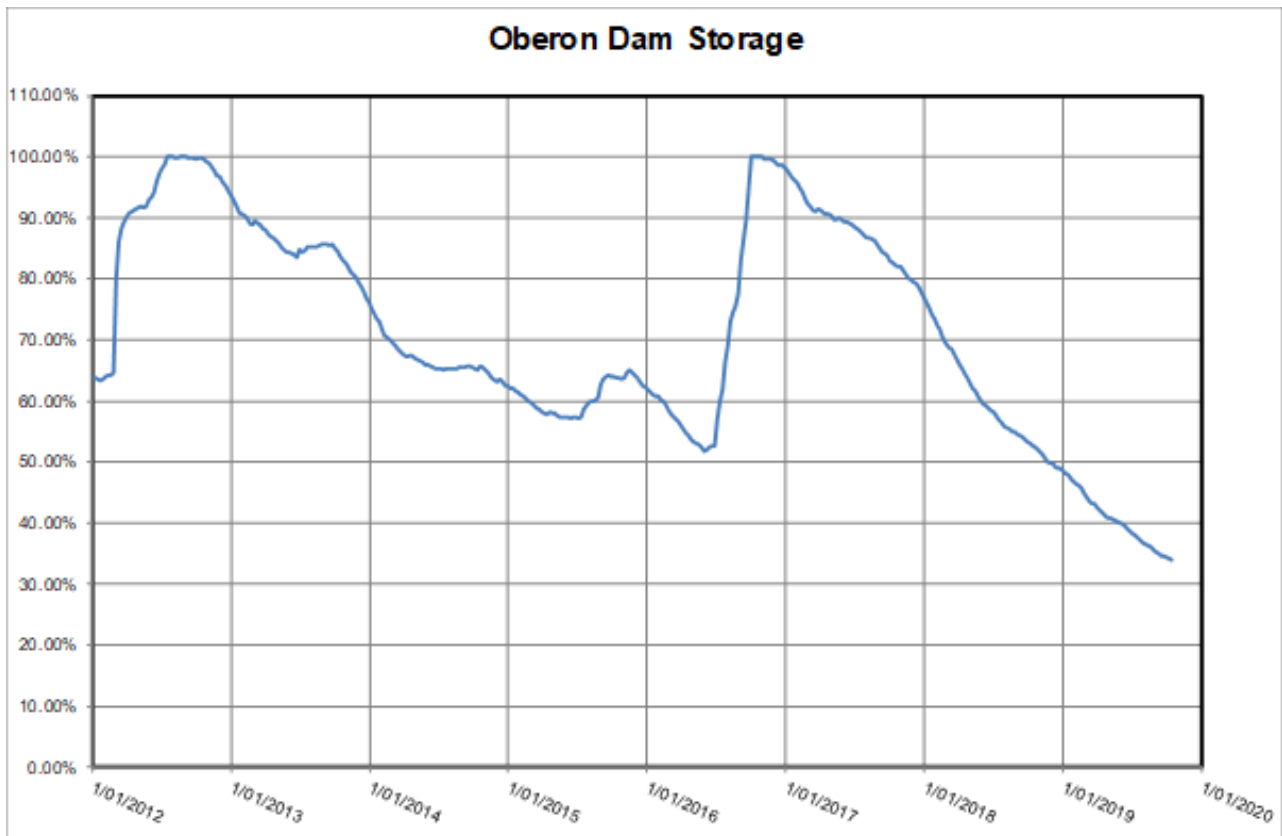
Commentary

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

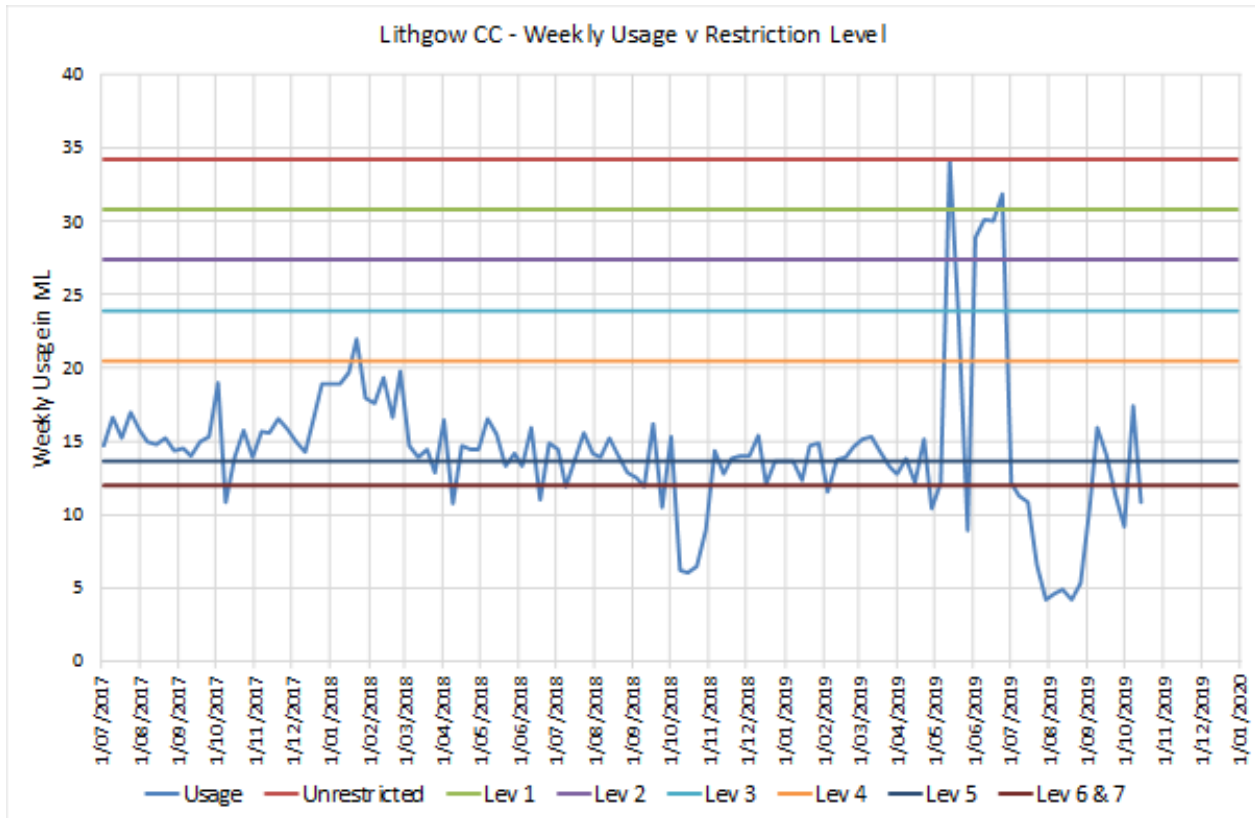
Farmers Creek No. 2 Dam capacity on Monday 11th November 2019 was down 2.9m or 67%. Clarence Transfer System operated from 21st August 2019 up until 11th September 2019.



Oberon Dam capacity on Monday 11th November 2019 was 32.3%. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 25.8%.



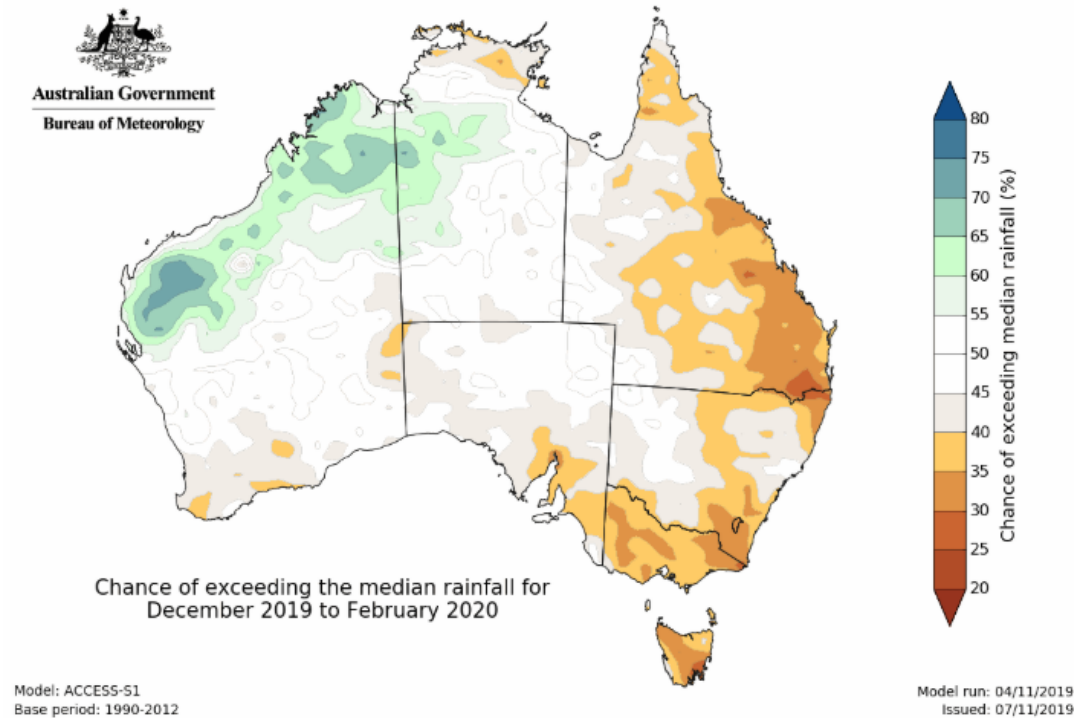
Level 2 restrictions on the FRWS are now in effect. Level 3 restriction trigger is 25% of adjusted storage. It is likely that the Level 3 restriction trigger will be in effect prior to the Council Meeting. As can be seen in the below Usage v Restriction Level the current demands of the Council are lower than the current restriction level and are consistently below level 4 restriction level. This means that Council is managing water demand in accordance with the FRWS Drought Management Strategy.



Climatic and Rainfall Outlook

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

- Drier than average for the second half of November for most areas, with summer likely to be drier in large areas of the east but wetter in the northwest.
- Above average daytime temperatures across most of Australia for summer.
- Minimum temperatures—mixed outlook for the remainder of November. December to February nights warmer than average almost nation-wide.
- Rainfall is likely to be below average across most of the country for 11 to 24 November and 18 November to 1 December, although northwest Australia, southern Victoria and western Tasmania have a neutral to wetter than average outlook. For the remainder of November, the pattern of drier conditions in NSW and wetter in western Tasmania is consistent with a negative Southern Annular Mode.
- The drier outlook continues into December for most of Australia. The summer (December to February) outlook is more neutral, although much of eastern Australia remains likely to be drier than average while northwest WA is likely to be wetter than average.
- While outlooks for drier than average conditions may ease for some areas, several months of above average rainfall would be needed to see a recovery from current long-term rainfall deficiencies.



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	121.740	0.000	55.891
November			
December			
January			
February			
March			
April			
May			
June			
TOTAL	325.796	274.849	227.796

* 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 19 October 2019 to 13 November 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 29th October 2019 and taken to Sydney Water for testing. All results complied with Council's EPA licences.

Fish River Water Scheme Water Quality Summary

FRWS supplied the whole system from 27 May 2019 until the 25th June 2019. There was once (1) exceedance of ADWG values for the period 18/10/19 to 13/11/19. Results received 07/11/19 indicated a sample collected from Glen Davis on Monday 05/11/19 exceeded the Health target for Total Coliforms with a result of 5 units per 100ml, the target being 0 units per 100ml. The exceedance was dealt with in accordance with the Council Drinking Management System and the requirement of NSW Health which requires a repeat sample, the results of this sample were not available at the time of this report

Water Reticulation Complaints

Council received four complaints during the period 19/10/2019 to 13/11/2019 concerning water quality issues. These were isolated incidences, and, in all instances, samples were taken and tested. 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 November 2019 Water Report be noted.

10.4. Finance and Assets Reports

10.4.1. FIN - 25/11/19 - Financial Statements for the Year Ended 30 June 2019

Report by Chief Financial & Information Officer

Reference

Min No 19-316: Ordinary Meeting of Council held on 28 October 2019.

Summary

At the 28 October 2019 meeting, Council resolved to:

1. Note 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.

The purpose of this report is to present to the Council the audited Financial Statements for the year ended 30 June 2019, as required by Section 419 of the Local Government Act 1993.

The 2018-2019 Financial Statements are included as an attachment to this report.

Commentary

The Council's Financial Statements for the year ended 30 June 2019 were completed by the Council Finance team and have now been reviewed and returned by the Audit Office of NSW, in accordance with legislative requirements. A representative of the contract auditor (Crowe Australasia), Mr Ash Pather, will be present to address the 25 November 2019 Ordinary Meeting. The auditor will:

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

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 of these requirements have been met within the prescribed timeframes.**

Report on Financial Statement Audit Results

The 2018-2019 audit resulted in the issuing of an unmodified audit report on both the General Purpose and Specific Purpose Financial Statements. An unmodified audit report is an expression used by auditors to confirm that the Financial Statements are presented, in all material respects, in accordance with applicable financial reporting requirements.

The Financial Statements confirm the operating result and financial position of the Council for the year ended 30 June 2019 and the statements are in accordance with Australian Accounting Standards, the Local Government Act 1993 and the NSW Local Government Code of Accounting Practice and Financial Reporting.

The auditors have formed an opinion that Council's financial statements fairly present the result of its financial operations and its financial position as of 30th June 2019 and that the Council has complied with requirements of the Local Government Act 1993.

Movements in Major Revenue and Expense Items During the Reporting Period

The Income Statement summarises the Council's financial performance for the 2018-2019 year, listing all income and expenses. The table below gives a snapshot of the key movements compared to the prior year.

OPERATING REVENUE (\$'000)	2018/19	2017/18	Increase (decrease)
Rates and Annual Charges	27,420	25,924	1,496
User Charges and Fees	6,976	6,703	273
Interest & Investment Revenue	953	887	66
Grants & Contributions - Operating	7,367	7,328	39
Grants & Contributions - Capital	3,489	4,330	(841)
All Other Revenue	1,573	1,415	158
TOTAL	47,778	46,587	1,191
OPERATING EXPENSE ITEMS (\$'000)			
Employee Benefits and On-costs	17,227	15,871	1,356
Materials and Contracts	10,208	9,601	607
Borrowing Costs	1,030	681	349
Depreciation and Amortisation	12,099	11,856	243
All Other Expenses	5,508	6,005	(497)
TOTAL	46,072	44,014	2,058

Changes in Income:

- Rates income increased by \$409K due to the rate peg and 2009 Special Rate Variation.
- Annual charges income increased by \$464K, mainly due to increased domestic waste income (cost recovery) and additional revenue from water supply services.
- Water supply user charges increased by \$476K which reflects demand. Revenue from planning and building regulation fees fell by \$215K (from earlier peaks).
- 2018-2019 capital grants were lower as 2017-2018 included the grant for the Blast Furnace Park project.
- Other revenues included an extraordinary payment of \$263K for the Lithgow Store storm damage claim.

Changes in Expenditure:

- Employee benefits and on-costs increased by \$1.356M. Increasing employment costs was the subject of a report to the Ordinary Meeting of Council held on 23 September 2019 (Min. No. 19-283). \$397K of the increase is due to expected award and step increases.
- Materials and contract costs increased by \$607K from the 2017-2018 year to 2018-19. \$193K of the increase in contractor costs was due to the Stronger Country Communities grant funded projects. \$100K was spent on the Store storm damage repairs and "make good" project (funded from the insurance receipts). Transport consultancies and contractor costs increased by \$218K. Waste management contractor costs increased by \$266K, including a \$56K increase in the waste service contract and a \$186K increase in the domestic waste contract (offset by related income). Water consultancies and contractor costs increased by \$101K. There were decreases in sewer contractor costs, as well as strategic planning and property contractor costs and IT consultancies.
- Borrowing costs increased by \$349K following the commencement of repayments for the \$3.8M loan for the Portland STP project.
- Depreciation increased by \$243K which is consistent with the significant asset revaluations in the prior year.

- Other Expenses decreased by \$497K. 2017-18 expenses included \$136K for Council by-election costs. 2017-18 also included a book entry of \$918K for net losses from the disposal of assets (\$420K in 2019-20).

Operating Result

There are two Operating Results reported in the Income Statement:

- The Net Operating Result (including Capital Grants and Contributions) has decreased by \$867K to a surplus of \$1.71 million.
- The Net Operating Result (excluding Capital Grants and Contributions) is a deficit of (\$1.78M) for the year ended 30 June 2019 which is similar to the 2017-18 result of (\$1.76M) deficit.

The lower Net Operating Result (including Capital Grants and Contributions) is mainly due to the increase in employment costs which was not fully offset by additional revenue.

Operating Result on Income Statement (\$'000)	2018/19	2017/18	+/-
Net Operating Result (including Capital Grants & Contributions)	1,706	2,573	(867)
Net Operating Result (excluding Capital Grants and Contributions)	(1,783)	(1,757)	(26)

The Net Operating Result (excluding Capital Grants and Contributions) is used to calculate the OLG's Fit for the Future Operating Ratio measure. To achieve the Fit for the Future benchmark, the Council will need to continue to implement its financial sustainability strategies.

Financial Performance Ratios

The following table provides a summary overview of the key financial performance indicators that the Council is required to report in its Financial Statements. Notation is made of the Fit for the Future measures.

Council met all of the benchmarks for the financial performance indicators with the exception of the Operating Performance Ratio. Council is working towards meeting the benchmark for the Operating Performance Ratio, consistent with the adopted Long Term Financial Plan.

PERFORMANCE INDICATORS	2018/19	2017/18	Within Benchmark Yes/No
OPERATING PERFORMANCE RATIO (Benchmark: Minimum $\geq 0.00\%$) <i>Fit for the Future Measure</i>	-3.08%	-1.99%	No
<p>Comments: The operating performance ratio measures how well Council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by the Office of Local Government (OLG) is greater than zero per cent.</p> <p>Council's operating performance ratio was below the industry benchmark for 2018-2019 due to operating expenses (particularly employment costs) increasing at a faster rate than operating revenue. Council has planned for improvement in the consolidated operating performance ratio in 2019/20, including ongoing improvements to asset management to ensure that depreciation expense is accurately calculated.</p>			
OWN SOURCE OPERATING RATIO (Benchmark: Minimum $\geq 60.00\%$) <i>Fit for the Future Measure</i>	75.47%	73.97%	Yes
<p>Comments: The own source operating revenue ratio measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by the OLG is greater than 60 per cent.</p> <p>Council's own source operating revenue ratio has exceeded the industry benchmark in recent years. The 2018/19 year ratio of 75.5 per cent is consistent with the previous year. The water and sewer funds performed at over 80% due to the high proportion of annual and usage charges.</p>			

PERFORMANCE INDICATORS	2018/19	2017/18	Within Benchmark Yes/No
UNRESTRICTED CURRENT RATIO (Benchmark : Minimum ≥ 1.50)	1.93x	1.81x	Yes
Comments: The unrestricted current ratio is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times. Council's unrestricted current ratio has exceeded the industry benchmark over recent years. This indicates that Council has sufficient liquidity to meet its current liabilities as and when they fall due. Council actively manages its working capital requirements and investments.			
RATES, ANNUAL & EXTRA CHARGES OUTSTANDING (Benchmark: Minimum $< 10.00\%$)	4.80%	5.92%	Yes
Comments: The rates and annual charges outstanding ratio assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 10 per cent for regional and rural Councils. Council's rates and annual charges outstanding ratio has been better than the benchmark for rural Councils over recent years. Council actively manages accounts receivable and has reviewed relevant policies.			
DEBT SERVICE COVER RATIO (Benchmark : Minimum ≥ 2.00)	3.71x	4.49x	Yes
Comments: The debt service cover ratio measures the operating cash required to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times. Council's debt service cover ratio has exceeded the industry benchmark over recent years. The ratio indicates that Council has adequate revenue to cover the principal repayments and borrowing costs of its debt. The ratio for 2018-2019 has declined compared to the prior year due to a new loan for the Portland Sewerage Treatment Plant project.			
CASH EXPENSE COVER RATIO (Benchmark: Minimum ≥ 3 months)	8.93 months	12.95 months	Yes
Comments: This liquidity ratio indicates the number of months that the Council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by the OLG is greater than three months. Council has performed well against this measure as it actively manages procurement, accounts payable, accounts receivable, investments and debt collection to ensure adequate cashflow.			

Public Notification

In accordance with Section 420 of the Local Government Act 1993, the Council is required to make the Financial Statements available to the public, seeking lodgement of any submissions in response to the document, for a period of seven days after presentation of the Financial Statements to Council.

To meet this requirement a copy of the Financial Statements will be made available to the public on the Council website and at the Customer Service counter.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

The presentation of the financial statements to the Council, and the ability for the public to inspect the statements, supports the Council's financial reporting governance requirements.

Attachments

1. Financial Statements 30 June 2019 [10.4.1.1 - 102 pages]

Recommendation

THAT Council:

1. Receives the audited Annual Financial Statements for the year ended 30 June 2019 pursuant to Section 419 of the Local Government Act 1993.
2. Pursuant to Section 420 of the Local Government Act 1993, endorses the Financial Statements to be made available to the public to make submissions for a period of seven days.
3. Note the presentation by a representative of Crowe Australasia on behalf of the Audit Office of New South Wales, the Council's external auditor, at the Council meeting held 25 November 2019 Ordinary Meeting in respect of the Audited Financial Statements.

10.4.2. FIN - 25/11/19 - 2019/20 Quarter 1 Budget Review

Report by Chief Financial & Information Officer

Summary

This report provides the Quarterly Performance Report on the 2019-2020 Operational Plan for the period of 1 July 2019 to 30 September 2019 with a recommendation that variations to income and expenditure estimates are voted and the revised financial result of \$1.819M consolidated operating surplus before capital grants be noted.

Commentary

Details of the July to September 2019 Quarterly Budget Review Report are provided with the attachment to the Business Paper. Below is a summary table:

2019/20 Quarterly Budget Comparison			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
Original	49,686	44,056	5,630
September Quarter	51,251	44,697	6,554

2019/20 Quarterly Budget Comparison Fund – Proposed September Review			
Budget	Income \$'000	Expenditure \$'000	Result \$'000
General	33,247	30,462	2,785
Water	7,503	7,448	55
Wastewater	10,500	6,785	3,715

The Chief Financial and Information Officer, as Responsible Accounting Officer, has reviewed the report and stated that Council’s projected financial position at 30 June 2020 will be **satisfactory** compared with the original budget.

At the end of Quarter One 2019/20, it is projected that both the General Fund and the Sewer Fund will have surplus operating results (before capital grants) at 30 June 2020. It is forecast that the Water Fund will have a small operating deficit (before capital grants) at 30 June 2020.

The main addition to income has been an increase in operating grants, including the Drought Communities Programme, a 5% increase in the financial assistance grant and an increased library operating grant. The interest and investment revenue budget has been reduced by (\$300K) as a result of lower than expected interest rates.

\$461K has been added to the materials and contracts budget due to additional spending requirements as a result of extra funding from the library operating grant and the Drought Communities Programme. There was also additional expenditure for the Integrated Water Cycle Management strategy and the Main Street water assets performance improvement assessment.

The 2019/20 capital expenditure budget has increased from \$20.7M (excluding loan repayments) to \$27.8M (excluding loan repayment) with addition of approved carryovers and Quarter One budget

variations. Quarter One variations include funding for Drought Communities Programme projects. Only 12% of the revised capital budget has been expended to 30 September 2019.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

The Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out the requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

Attachments

1. 201920 July to September Quarterly Report [**10.4.2.1** - 20 pages]

Recommendation

THAT Council:

1. Notes the content of the report and the revised consolidated operating result before capital grants of \$1.819M for the 2019/20 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 July 2019 to 30 September 2019.
2. Adopts the variations to the Council budget as outlined in the attached report.

10.4.3. FIN - 25/11/19 - Policy 8.7 Investment Policy

Report by Chief Financial & Information Officer

Reference

Min No. 19-231: Ordinary Meeting of Council held on 26 August 2019.

Summary

The purpose of this report is to seek Council's adoption of Policy 8.7 Investment Policy following a period of 28 days public exhibition.

Commentary

At the Ordinary meeting of Council held 26 August 2019, Council resolved to endorse Policy 8.7 Investment Policy for public exhibition and comment for 28 days.

The draft Investment Policy was a substantial revision of the current policy, prepared with reference to a local government "best practice" template.

During the public exhibition period, specialist advice was obtained on the draft policy and some additional minor revisions have been made. The changes to the draft policy are as follows:

- Section 9 – Risk Management Guidelines: clarification of the definitions of the key risk criteria;
- Section 10 – Investment Advisor: minor change consistent with the OLG 2010 Investment Policy Guidelines regarding the independence of any investment advisor;
- Section 13 – Credit Quality Limits: change to make the rating ranges cumulative, thus ensuring that the policy would not be unintentionally breached in the event of a credit quality improvement;
- Section 14 – Counterparty Limits: inclusion of the TCorp Growth Funds;
- Section 15 – Investment Horizon Limits: change to make the horizon limits cumulative, thus ensuring that the policy would not be unintentionally breached in the event of time to maturity shortening;
- Section 18 – Review: policy to be reviewed annually in accordance with best practice.

No submissions were received on the Investment Policy during the public exhibition period.

Policy Implications

The revised Investment Policy will improve Council's prudent management of investments.

Financial Implications

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

Legal and Risk Management Implications

The policy limits investments to those allowed by the Ministerial Investment Order (12/1/11). The policy includes risk management guidelines for investments.

Attachments

1. Policy 8 7 Investment Policy V 6 Draft Nov 2019 [**10.4.3.1** - 9 pages]

Recommendation

THAT Council:

1. Note the minor changes made to draft policy 8.7 Investment Policy during the public exhibition period.
 2. Adopt and implement revised Policy 8.7 Investment Policy immediately.
-

10.4.4. FIN - 25/11/19 - Contracts for Provision of Electricity

Report by Chief Financial & Information Officer

Reference

Min No 17-356: Ordinary Meeting of Council held on 27 November 2017.

Summary

To inform Council of new contracts for the supply of electricity.

Commentary

Council currently has agreements in place with electricity retailers:

- **Energy Australia Pty Ltd** – The supply of electricity to Council's 'large sites' and Public Street lighting.
- **Origin Energy Ltd** – The supply of electricity to Council's 'small sites'.

A 'large site' is defined as any Council site with expected electricity usage exceeding 100MWh per annum. These agreements commenced on 1 January 2018 and are due to expire on 31 December 2019. In order to achieve the best possible pricing, Council participated in a joint tendering process administered by Local Government Procurement (LGP).

LGP is a business unit of the Office of Local Government and as per Section 55 (3) (a) of the *Local Government Act 1993* and Clause 163 of the *Local Government (General) Regulation 2005*, Council is not required to call for tenders when utilising an LGP contract. Since Council is not required to follow a formal tender process, the General Manager is authorised to sign the contracts under his delegation.

This legislation is beneficial in these circumstances, as due to market fluctuations, energy retailers offer their proposals with a finite one-week period to accept them.

LGP decided to run separate tender processes for large sites and street lighting as the two categories utilise their peak demand at different times of the day. A three-year term was chosen for all agreements as electricity contracts covering this period have been shown to deliver good value for money. LGP utilised an industry-specific consultant to prepare the documentation and participate in the tender evaluation panel.

Tender Result

After conducting an evaluation of proposals received, the panel recommended the following three electricity retailers:

- **Origin Energy Ltd** - Large sites.
- **ERM Power Retail Pty Ltd** – Public Street lighting.
- **AGL Pty Ltd** – Small sites.

Following a peak in electricity prices in early 2017, electricity prices have slowly fallen which has fortunately resulted in lower long-term pricing for both categories. Competition amongst energy retailers has also increased. The tables below show the savings for each period compared with Council's current rates:

LARGE SITES SAVINGS

	Peak	Off Peak	Shoulder Period
1/1/2020 - 31/12/2020	1.1%	1.4%	1.1%
1/1/2021 - 31/12/2021	15%	10%	15%
1/1/2022 - 31/12/2022	16%	9.2%	16%

UNMETERED PUBLIC STREET LIGHTING SAVINGS

	Peak	Off Peak	Shoulder Period
1/1/2020 - 31/12/2020	-18%	-1.9%	-1.1%
1/1/2021 - 31/12/2021	5.6%	16%	21%
1/1/2022 - 31/12/2022	5.6%	16%	21%

SMALL SITES SAVINGS

	Flat Rate
1/1/2020 - 31/12/2022	15%

The 18% increase across the first year on the public street lighting contract appears substantial. However, this is because unmetered street lights consume very little electricity during the peak period and electricity retailers gear their bids accordingly.

Council spent the following on electricity over the 2018/19 financial year (excluding GST) so substantial savings will be realised across the 2021 and 2022 calendar years:

Large Sites	\$557,442
Public Street lighting	\$192,180
Small sites	\$328,026
Total	\$1,077,648

The alternative to accepting this offer was to decline it, which would expose Council to full market rates. After consideration of the options, management decided that it was in Council's best interest to accept the offers. The General Manager signed the agreements under his delegation within the one-week window required in energy market agreements.

Policy Implications

Nil

Financial Implications

- Budget approved - The financial savings will be reflected in Council's budget over the next three years.
- Cost centre - The cost centres affected by this new agreement include various *Building Maintenance* allocations which fall under the General Fund, Water Fund and Sewerage Fund entities. Also affected is the *Street Lighting* cost centre within Council's Transport category (General Fund) to which street lighting electricity charges are allocated.
- Expended to date - Council spent \$1,077,648 (exc GST) on electricity for all sites during the 2018/19 financial year.
- Future potential impact - These reduced rates, along with the upcoming installation of solar panels on Council's administration building and the JM Robson Aquatic Centre, will see considerable financial savings on electricity over the next three years.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council note the report in relation to the new electricity agreements for large sites and public streetlighting.

10.4.5. FIN - 25/11/19 - Loan - Water Fund - Reservoirs Upgrade

Report by Chief Financial & Information Officer

Summary

For Council to consider approval of a loan of \$950,000 for the ongoing upgrade and renewal of reservoirs project to be sourced from a lending institution approved by the Office of Local Government.

Commentary

In the adopted Operational Plan 2018-2019, borrowings of \$1.5 million were proposed for the Water Reservoirs Upgrade project, excerpt follows:

Proposed Borrowings

There are three borrowings planned for new projects in 2018/2019. These will be for water and sewer projects. Council may draw down a loan for the Portland Sewerage Treatment Plant approved by Council in the 2015/16 budget; the amount borrowed is \$3,800,000. The borrowings will be sought from lending institutions approved by the Office of the Local Government. The loans will be secured against future Council income.

Proposed Loan Borrowings			
	2018/19 \$	2019/20 \$	2020/21
Water Reservoirs Upgrade	1,518,393		

The actual loan required for the Water Reservoirs Upgrade project is \$950,000, which is the amount of the approved carryover from the 2018-2019 budget. Funds expended in the 2018-19 year were sourced from the Water Reserve.

The proposed loan borrowings will be offset by an early repayment of approx. \$1M for the Portland STP loan. \$3.8M was borrowed for the Portland STP project, however, only \$2.8M of the loan was required to be utilised. The balance of the loan proceeds are held in the externally restricted unexpended loans reserves. The early repayment on the Portland STP loan will result in the Water Reservoirs Upgrade project loan having no impact on Council’s consolidated loans balance (\$17.8M at 30 June 2019).

Policy Implications

Nil.

Financial Implications

- Budget approved - \$950,000
- Cost centre - N/A
- Expended / committed to date - \$46,458
- Future potential impact - planned loan repayments.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council approve the sourcing of a \$950,000 loan for the Water Reservoirs Upgrade project from a lending institution approved by the Office of Local Government.

10.5. People and Services Reports

10.5.1. PS - 25/11/19 - Annual Report

Report by Director of People & Services

Summary

This report provides copies of the following documents which together make up the 2018/19 Annual Report:

- 2018/19/ Annual Report – A Year in Review
- 2018/19 Supplementary State of Environment Report
- 2018/19 Disability Inclusion Action Plan Report

Commentary

It is a requirement of the Local Government Act 1993 s428 that:

Within 5 months after the end of each year, a council must prepare a report (its “annual report”) for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.

In 2017/18, Council commenced moving toward its requirements under s428(2) to develop a State of Environment Report which is to be included as part of the Annual Report in the year in which the ordinary election is held. The report must report on the environmental issues relevant to the objectives for the environment established by the Community Strategic Plan.

Under the NSW Disability Inclusion Act 2014, all local government organisations were required to develop a Disability Inclusion Action Plan by 1 July 2017. Council is required to report progress against the 2017-2021 Disability Inclusion Action Plan as part of its Annual Report and a submit a copy to the Minister for Families, Communities and Disability Services.

In 2017/18, progress against actions within the Disability Inclusion Action Plan and State of Environment Report were included within the 2017/18 Annual Report – A Year in Review. Due to the size the document has been divided into four separate documents, copies of which are provided to Councillors in their business papers package. These documents will be placed on Council’s website and made available for viewing at the Council’s Administration Centre, the Lithgow Library Learning Centre and branch libraries.

Policy Implications

There are no policy implications as a result of the attached reports.

Financial Implications

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

Legal and Risk Management Implications

The Annual Report documents were prepared in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009.

Attachments

1. 201819 Annual Report A Year In Review Final [**10.5.1.1** - 158 pages]
 2. State of Environment Report 201819 Final [**10.5.1.2** - 40 pages]
 3. 2018 19 DIAP Final 121119 [**10.5.1.3** - 28 pages]
-

Recommendation

THAT Council adopt the documents which comprise the 2018/19 Annual Report:

- 2018/19/ Annual Report – A Year in Review
- 2018/19 Supplementary State of Environment Report
- 2018/19 Disability Inclusion Action Plan Report

10.5.2. PS - 25/11/19 - Drought Communities Programme - Progress Report

Report by Director of People & Services

Reference

Min 19 –122: Ordinary Meeting of Council 27 May 2019
 Min 19 – 202: Ordinary Meeting of Council 22 July 2019

Summary

Council Resolution 19-122 resolved that the Administration prepare an application for \$1M in Drought Communities Programme funding. After seeking further advice from the Department of Industry, Innovation, & Science, an application was submitted on 5 June 2019.

On 26 July 2019 Council received notification that its application had been successful. A funding deed was subsequently entered into with the Commonwealth Government on 30 July 2019 and the project commenced immediately.

Council will also recall Resolution 19-202 (22 July) when it was resolved that the Administration write to Hon David Littleproud MP Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, and Hon Andrew Gee MP, Member for Calare. The principal purpose of this communication was to seek an extension to the Drought Communities Programme project delivery timeframe.

The Administration noted that a letter had already been sent to Hon Andrew Gee on 12 July requesting an extension of time for the Drought Communities project. A letter to David Littleproud was sent on 6 September (attached). An additional follow-up letter was sent to Andrew Gee on 26 September.

A response from Minister Littleproud was received on 22 October (attached), however, to date an extension to the project delivery timeframe has not been granted.

Commentary

On 27 May 2019 Council resolved that the Administration prepare and submit application(s) to the Department of Industry, Innovation and Science for funding under the Drought Communities Programme for the following sub-projects: -

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

MOVED: Councillor J Smith
CARRIED:

SECONDED: Councillor S Ring

Divisions

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

AGAINST: Councillor M Statham

As at 22 July 2019 Council had not received notification of approval and at the July Ordinary Council Meeting resolved the following (Resolution 19-202):

That Council

1. *Note the Drought Communities Programme Application Status report*
2. *Due to the failure of the government to adequately respond to Lithgow City Council's inquiries about the Drought Communities Programme, Council write to the Hon David Littleproud and the Hon Andrew Gee MP seeking an extension to the project completion date to the 30th June 2020.*

On 26 July Council received notification that its application had been successful, and work started immediately on the project according to the terms and conditions of the funding deed that was duly executed on 30 July 2019.

The Department of Industry, Innovation, & Science (had condensed the sub-projects that were submitted in Council's original funding application (referred to above) into six (6) broad categories in order that the sub-projects could be varied without the need to seek a variation from the Department. Evidently, this was to assist Council in meeting the tight timelines and provide for maximum project flexibility.

The table below is an excerpt from the Drought Communities Programme funding deed.

Activity Schedule

The project starts on 17/06/2019 (project start date) and ends on 31/12/2019 (project end date).

In undertaking the Activity, the Grantee will meet the following milestones by the due dates.

Milestone Number	Milestone name and description	Due date
001	Launch Project Project launch date	28 June 2019
002	Hold events Run four community events: 1. Aimed at building the skills and resilience of young residents impacted by the economic downturn caused by the drought 2. To build the capacity and resilience of the community to address mental health and well-being across all sectors. 3. With key stakeholders (including NSW Farmers, the agricultural community, regional supply chains) to discuss the impact of the drought and moving forward. 4. Focusing on the needs of drought affected farmers in soil, farm, and agricultural management.	29 November 2019
003	Tourism & Economic Diversification Complete Tourism signage	29 November 2019
004	Complete community space upgrade	20 December 2019

	Complete improvements and upgrades to public lands	
005	Complete upgrades to community facilities Complete repairs, maintenance, upgrading & improvements of community facilities, amenities and buildings	20 December 2019
006	Upgrade community infrastructure Complete upgrades to community infrastructure	20 December 2019

Project Progress

Following execution of the funding agreement, a project team was immediately appointed. The project team has met every week since 30 July to deliver this project. Given the number and diversity of the sub-projects, and the project delivery timeframe, the project team has made significant progress. Approval from the Commonwealth Government for a deadline extension has not been forthcoming (see below) and the project team are continuing to work on the assumption that the entire project must be completed no later than 20 December 2019.

Due to the combination of technical problems and tight time constraints, some sub-projects have had to be postponed. The Rydal toilet and the Rydal showground pavilion upgrade have been postponed. Some of the community hall upgrades have also been postponed as the existence of bonded asbestos was causing lengthy delays.

As a result, however, other sub-projects have been expanded in order to meet the funding deadline including a new 750m concrete footpath upgrade in Portland.

Notable highlights of the Drought Communities Project achieved/underway:

- Fully automated irrigation systems installed at:
 - Lithgow sporting field
 - Wallerawang sporting field
 - Portland sporting field
- Community events held at:
 - Tarana
 - Capertee
 - Hartley
 - Lithgow
 - Hampton
- New tourism signage at various locations (to be installed by the due date)
- Extensive noxious weed eradication (including African Love Grass, Willow and Blackberry sp) along Farmers Creek and adjacent public lands
- 750m of concrete footpath connecting the two precincts of Portland that are separated by the railway line (work commencing)
- Improvements to Capertee Hall (suspended ceiling and roof repairs)
- Improvements (water harvesting) to Portland Golf Club
- Re-surfacing of the Wallerawang Basketball Stadium floor
- Improvements to Capertee Fire Shed water storage
- Improvements to the Lithgow Girl Guides Hall

- Installation of playground equipment (x2)
- Repairs to the Ron Bidwell Rotary Park garden beds in Portland

The table below summarises contact to date with the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, the Federal Member for Calare, and the Department of Industry, Innovation, & Science.

The Administration has not been able to secure an extension to the project delivery deadline and therefore the project team continues to work towards full project completion by 20 December 2019.

Date	Contact	Purpose of contact	Comment
27 March 2019	National Outreach and Grants Hub	Invitation to apply for \$1M Drought Communities Programme	
18 April – 10 May	Consultation with community	Input sought on eligible projects	
27 May		Council resolved to lodge application for projects totalling \$1M	
5 June	Department of Industry, Innovation, & Science	Application for \$1M lodged	
8 July	Hon Andrew Gee MP	Email regarding delay in approval of application and concerns about meeting funding deadline	
12 July	Hon Andrew Gee MP	Letter regarding application approval delay and requesting extension	
26 July	Department of Industry, Innovation, & Science	Notification of successful application	
30 July	Department of Industry, Innovation, & Science	Execution of Grant Agreement by Commonwealth Government	Completion deadline 20 December 2019
6 September	Hon David Littleproud MP (Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management)	Letter requesting extension of program deadline	See Attached
26 September	Hon Andrew Gee MP	Letter requesting an update on request for extension	
16 October (Received 22 October)	Hon David Littleproud MP	Response encouraging Council to contact the AusIndustry Business Grants Hub to discuss concerns about completing the project by the end of year, also noting that: <i>'I appreciate there is a short project delivery timeframe, however the purpose of the DCP is to ensure Australian Government funding facilitates immediate economic stimulus in communities</i>	See Attached

		<i>facing hardship and support projects that provide local employment and keep money flowing through local shops and suppliers.'</i>	
25 October	AusIndustry Business Grants Hub	Request to Grants Hub for advice on applying for extension	
1 November	AusIndustry Business Grants Hub	Actioned advice from Grants Hub – extension requested.	Council provided with a three (3) day window to apply for an extended delivery timeframe
7 November	Department of Industry, Innovation, & Science	Verbally informed Council of an additional \$1M Drought Communities Programme funding (upon application) for Lithgow in 2020.	

At the time of writing, with less than five (5) weeks remaining to deliver the entire project, the project team is continuing to work on the premise that the total project must be completed by 20 December 2019.

Policy Implications

Nil

Financial Implications

- Budget approved – First instalment of \$500,000 received, waiting on second instalment of \$400,000, the remaining 10% due after completion
- Cost centre – various Drought Communities Programme projects
- Expended to date – Commitments over \$700,000
- Future potential impact - some funds may need to be returned to the Commonwealth Government if the project delivery deadline cannot be achieved by the deadline.

Legal and Risk Management Implications

There is a risk that full project delivery will not be achieved by the delivery deadline.

Attachments

1. Letter to - The Hon David Littleproud requesting extension to project delivery timeframe [10.5.2.1 - 1 page]
2. Response to Concerns - Drought Communities Programme - The Hon David Littleproud [10.5.2.2 - 1 page]

Recommendation

THAT Council note the report and acknowledge the significant benefits that have so far been realised by the Lithgow community.

10.5.3. PS - 25/11/19 - Code of Conduct Statistics

Report by Director of Economic Development & Environment
Director of People & Services

Summary

To advise Council of Code of Conduct Complaint Statistics as required by the Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW.

Commentary

Part 11 of the Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW requires the Complaints Co-ordinator of a council must arrange for the various statistics to be reported to the Council within 3 months of the end of September of each year for the year to September known as the reporting period. The council is then to provide the Office of Local Government with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

The required statistics for the reporting period are outlined below.

Part 11 of the Procedures for the Administration of The Model Code of Conduct Provisions		Statistics for Reporting Period
a)	the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)	General Manager – 1 Councillors - 3
b)	the number of code of conduct complaints referred to a conduct reviewer during the reporting period	2 referred
c)	the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints	2 finalised One resolved through 'alternative and appropriate strategies' pursuant to Cl 6.10 of the Procedures for the Administration of the Model Code of Conduct. One determined not to be a Code of Conduct Complaint after preliminary assessment pursuant to Clauses 4.1 and 6.27 of the Procedures for the Administration of the Model Code of Conduct.
d)	the number of code of conduct complaints investigated by a conduct reviewer during the reporting period	0
e)	without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period	N/A
f)	the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and	1 No Action taken
g)	the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.	\$13,350

Policy Implications

Nil

Financial Implications

- Budget approved – costs associated with code of conduct complaints are managed within Council's operational budgets.
- Cost centre - N/A
- Expended to date – See above.
- Future potential impact – Nil expected.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT the statistics on Code of Conduct Complaints for the reporting period to September 2019 be noted and be reported to the Office of Local Government in accordance with clause 11.1 of the Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW.

11. Council Committee Reports

11.1. Community Development Committee Minutes 15 October 2019

Report by Director of People & Services

Reference

Min 19-175 Ordinary Meeting of Council held 24 June 2019
Min 19-288 Ordinary Meeting of Council held 23 September 2019

Summary

The Minutes of the 15 October 2019 Community Development Committee meeting are presented for Council's consideration.

Commentary

At the 15 October 2019 Community Development Committee meeting a number of items were discussed including:

1. Fencing of adventure playground

It was agreed that a community survey be undertaken to obtain community views on the need for fencing.

2. Drought Communities Program Events

An update was provided on events being undertaken as part of the Drought Communities Program including Lithgow Blast Music Concert on Saturday 16 November 2019 Tarana and Capertee events that have been completed very successfully and upcoming events at Hartley and Hampton.

3. Disability Inclusion Plan: Council officers were asked to provide a report at the next meeting on progress with actioning the plan's outcomes.

4. Dementia Awareness Week/dementia friendly community - a Dementia Alliance of community members is to be developed to plan for events in 2020.

5. Australia Day- Council is actively seeking nominations for all categories of the 2020 Citizen Awards.

6. Opera at Blast Furnace: Consideration is being given to holding an Opera Australia performance of Carmen in Lithgow during September 2020.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. CDC Minutes 15 October 2019 [11.1.1 - 4 pages]

Recommendation

THAT Council note the Minutes of the Community Development Committee meeting held on 15 October 2019.

11.2. IS - 25/11/2019 - Minutes - Operations Committee Meeting - 6th November 2019

Report by Director of Infrastructure & Services

Summary

This report provides details of the Minutes of the Operations Committee Meeting held on 6 November 2019.

Commentary

At the Operations Committee Meeting held on the 6 November 2019, there were numerous items discussed by the Committee including:

- Item 5.1 Standing Item – Cullen Bullen Sewerage Project Update
- Item 5.2 Standing Item – Water & Sewer Infrastructure
- Item 5.3 Standing Item – Capital Works Report
- Item 5.4 Revised Policy – 2.14 Cemetery Operations

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

- Item 5.5 - Wallerawang & Portland CBD Garbage Bin Review

RECOMMENDATION

THAT Council modify the 2019/20 Operational Plan to reallocate \$40,000.00 from Hazelgrove Road (PJ100478) to purchase and install bin stands as in Main Street Lithgow with Wallerawang and Portland laser cut logos.

Also note that consideration of the Revised Policy 2.14 - Cemetery Operations will occur as a separate item to ensure a unique and independent resolution.

Policy Implications

Nil

Financial Implications

- Budget approved - Yes
- Cost centre - PJ100478
- Expended to date – Nil
- Future potential impact - \$40,000.00 capital budget transfer.

Legal and Risk Management Implications

Nil.

Attachments

1. DRAFT Minutes - Operations Committee Meeting - 6 th November 2019 [11.2.1 - 7 pages]

Recommendation

THAT Council

1. Note the minutes of the Operations Committee Meeting held on the 6th November 2019; and
1. Modify the 2019/20 Operational Plan to reallocate \$40,000.00 from Hazelgrove Road (PJ100478) to purchase and install bin stands as in Main Street Lithgow with Wallerawang and Portland laser cut logos.

11.3. FIN - 25/11/19 - Finance Committee Meeting Minutes 11 November 2019

Report by Chief Financial & Information Officer

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 11 November 2019.

Commentary

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

- Election of Chair – Cllr Thompson was re-elected as Chair of the Finance Committee for the next term of the Committee to September 2020.
- New Risk Management and Internal Audit Framework: the Committee discussed the OLG discussion paper and endorsed the report recommendations, including lodging a submission to the OLG.
- Financial Statements for the Year Ended 30 June 2019: the CFIO presented the 2018/19 financial results and the business paper recommendations were endorsed by the Committee.
- Audit Action List – progress towards completing the internal audit and external audit actions.
- October 2019 monthly performance report to the Office of Local Government.
- 2019/20 Quarter One Budget Review: the CFIO presented the Quarter One Budget Review and the business paper recommendations were endorsed by the Committee.
- Policy 8.7 Investment Policy: the business paper recommendations were endorsed by the Committee.

The following business paper recommendations were also endorsed by the Committee

Council Investments Report September 2019

THAT

1. Investments of \$32,268,230 and cash of \$147,624 for the period ending 30 September 2019 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Council Investments Report October 2019

THAT

1. Investments of \$29,928,230 and cash of \$145,801 for the period ending 31 October 2019 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. Finance Meeting Minutes 11 November 2019 [**11.3.1** - 6 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 11 November 2019 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Reports for September 2019 and October 2019.

12. 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.

13. Closed Council

Recommendation

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