



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 24 February 2020

at 7:00 pm

ORDER OF BUSINESS

| | |
|---|-----------|
| 1. Acknowledgement of Country | 4 |
| 2. Present | 4 |
| 3. Apologies | 4 |
| 4. Declaration of Interest | 4 |
| 5. Confirmation of Minutes | 4 |
| 6. Commemorations and Announcements | 4 |
| 7. Public Forum | 4 |
| 8. Mayoral Minutes | 4 |
| 9. Notices of Motion | 5 |
| 9.1. Notice of Motion - Cr Coleman - 24/02/2020 - Nepean / Blue Mountains MRI Services | 5 |
| 9.2. Notice of Motion - Cr Lesslie - 24/02/2020 - Legal Cost Associated with NewEra Defendo Pty Ltd Case | 6 |
| 9.3. Notice of Motion - Cr Coleman - 24/02/2020 - Fencing Around Field 1 at Marjorie Jackson Oval | 9 |
| 10. Notices of Rescission | 10 |
| 10.1. CONFIDENTIAL - Notice of Rescission - 24/02/2020 - Lithgow Landfill Waste Disposal Contract | 10 |
| 11. Staff Reports | 11 |
| 11.1. General Manager's Reports | 11 |
| 11.1.1. GM - 24/02/2020 - LGNSW Tourism Conference | 11 |
| 11.2. Economic Development and Environment Reports | 13 |
| 11.2.1. ECDEV - 24/02/2020 - Springvale Water Treatment Project Modification 5..... | 13 |
| 11.2.2. ECDEV - 24/02/2020 - DA 105/19, Two Storey Dwelling, 37 Inch Street, Lithgow | 15 |
| 11.2.3. ECDEV - 24/02/2020 - Mount Piper Energy Recovery Project..... | 19 |
| 11.2.4. ECDEV - 24/02/2020 - Draft Lithgow 2040 Local Strategic Planning Statement - Proposed Public Exhibition | 23 |
| 11.2.5. ECDEV - 24/02/2020 - Lithgow Solid Waste Facility Operation | 28 |
| 11.3. Infrastructure Services Reports | 32 |
| 11.3.1. IS - 25/11/19 - Revised Policy - 2.1 - Cemetery Operations | 32 |
| 11.3.2. IS - 24/02/2020 - 2019/2020 Season Fees for Lithgow District Cricket Association..... | 34 |
| 11.3.3. IS - 24/02/2020 - Lithgow Aged Care Footpath Request..... | 36 |
| 11.4. Water and Wastewater Reports | 38 |
| 11.4.1. WWW - 24/02/2020 - Water Report..... | 38 |
| 11.4.2. WWW - 24/02/2020 - Review of Fees and Charges - Meter Read - Change of Owner | 43 |
| 11.5. Finance and Assets Reports | 44 |
| 11.5.1. FIN - 24/02/20 - Policy 8.7 Investment Policy | 44 |
| 11.5.2. FIN - 24/02/2020 - Review of Rating Structure | 47 |

| | |
|---|-----------|
| 11.5.3. FIN - 24/02/20 - 2019/20 Quarter Two Budget Review | 52 |
| 11.5.4. FIN - 24/02/2020 - Delegation for Acceptance of Tenders | 55 |
| 11.6. People and Services Reports | 57 |
| 11.6.1. PS - 24/02/2020 - Delivery Program - Six Monthly Progress Report..... | 57 |
| 11.6.2. PS - 24/02/2020 - Financial Assistance | 58 |
| 12. Council Committee Reports | 60 |
| 12.1. FIN - 24/02/20 - Finance Committee Meeting Minutes February 2020..... | 60 |
| 12.2. IS - 24/02/2020 - Minutes of the Operations Committee Meeting - 5th February 2020 | 62 |
| 12.3. IS - 24/02/2020 - Minutes of the Traffic Advisory Local Committee (TALC) - 6th | |
| February 2020 | 63 |
| 12.4. IS - 24/02/2020 - Sports Advisory Committee Meeting - 12th February 2020 | 65 |
| 13. Business of Great Urgency..... | 66 |
| 14. Closed Council..... | 67 |
| 14.1. CONFIDENTIAL - Notice of Rescission - 24/02/2020 - Lithgow Landfill Waste Disposal Contract | |
| 14.2. CONFIDENTIAL - 24/02/2020 - ECDEV - Waste Services Contract - Variation of Kerbside Recyclables Processing Agreement | 4 |

1. Acknowledgement of Country

Acknowledgement of Country

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

Declaration of Webcasting

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

2. Present

3. Apologies

4. Declaration of Interest

5. Confirmation of Minutes

6. Commemorations and Announcements

7. Public Forum

8. Mayoral Minutes

9. Notices of Motion

9.1. Notice of Motion - Cr Coleman - 24/02/2020 - Nepean / Blue Mountains MRI Services

Report by Councillor Cassandra Coleman

Commentary

On the 2 April 2019 it was announced in the Lithgow Mercury that the Lithgow Hospital was on the path to provide MRI services after securing an MRI Licence. That announcement began a process that should see Lithgow with a functioning MRI department by the end of 2020.

Ms Michelle Bostock worked tirelessly on her submission on behalf of the hospital and was quoted as saying that the MRI will allow people to access scans for multiple conditions, from cancer, strokes, heart disease, soft tissue issues to name just a few.

I have been informed that the licence will need to be handed back if the service is not up and running by the end of this year.

I have been made aware that Lithgow residents are still travelling out town for this important health service.

Attachments

Nil

Recommendation

THAT Lithgow City Council write to Nepean/Blue Mountain Health Service for an update.

9.2. Notice of Motion - Cr Lesslie - 24/02/2020 - Legal Cost Associated with NewEra Defendo Pty Ltd Case

Report by Councillor Stephen Lesslie

Attachments

Nil

Recommendation

THAT Could a report be brought down on all costs legal and otherwise associated with the NewEra Defendo PTY LTD (David Millmore) case?

Management Comment

Council administration suggests that careful consideration be given to comment and debate on this motion as it may be considered inappropriate at the present time, adverse to Council's best interests and potentially in breach of Council's Code of Conduct for the following reasons:

- 1) The conduct of this litigation is an operational matter and is the responsibility of the General Manager and staff.
- 2) There is a longstanding protocol in place whereby the administration reports to Council on all litigation undertaken by the Council. That protocol does not call for the publication of the information sought at this time.
- 3) The matter is presently before the Court insofar as the respondent is seeking an indemnity costs order against Council. Council administration considers such a costs order to be inappropriate and is resisting same.
- 4) The motion by calling for this information in relation to this litigation at this time:
 - a) infers that there is or has been something untoward in the administration's conduct of the litigation and brings both Council and its officers into disrepute (contrary to clause 3.1 of Council's Code of Conduct);
 - b) inhibits staff in the proper conduct of their functions in relation to the litigation (contrary to clause 3.22 of the Code);
 - c) pressures Council staff in the performance of their duties in relation to the litigation and any recommendations they should make (contrary to clause 7.6(i) of the Code of Conduct); and
 - d) seeks material which will likely be used to fuel an ongoing social media campaign which seeks an outcome in the litigation which is adverse to that of the Council and its ratepayers.

The following information is provided in relation to this matter.

Council's attention was drawn to the installation of the solar array by Newera Defendo Pty Ltd ("the Company") as a result of complaints from nearby residents. There was a complaint that it was an "eyesore". The question was asked as to how it could be permitted on residential land.

The land on which the solar array was installed is zoned R5 and electricity-generating works are prohibited on R5 land under the Lithgow LEP 2014.

The Company installed the solar array pursuant to a Complying Development Certificate (“CDC”) issued by an accredited certifier.

The CDC was purportedly issued under the State Environmental Planning Policy (“SEPP”) for Exempt and Complying Development. When Council pointed out that there was no power under the Exempt and Complying SEPP to issue the CDC, the certifier issued an “amended” certificate under the SEPP for Infrastructure. (The solar array had, of course, long since been installed.)

Council was concerned by the proposition that the solar array which was prohibited in the R5 zone under the Lithgow LEP 2014 but permitted under the Infrastructure SEPP could circumvent the development application process by the issuance of a CDC by a private certifier.

Council regarded the wording of the Infrastructure SEPP as ambiguous on this question and sought clarification from the Department of Planning. The Department advised that on its interpretation of the SEPP, the installation of the solar array in the R5 zone required development consent and could not be authorised by a CDC.

Council wrote to the Company requesting that it regularise the matter by the submission to Council of a development application for the use of the solar array. This was seen as a sensible solution and it was pointed out that this solution would circumvent risks associated with litigation including costs. The Company refused to do so.

Council considered that the determination of the question whether or not development consent was required for a development permissible under the SEPP but prohibited under the Local Environmental Plan to be an important matter for clarification by the Court particularly given the potential implications for other residentially zoned areas. Council considered that the development application process provided the opportunity for public notification and comment which had been absent under the CDC process undertaken here. It considered the development application process to be a more transparent one which included consultation with nearby affected landholders and the preparation of a publicly available assessment report. In the event of any concern matters can be reported for consideration of the elected representatives of the Lithgow local government area.

For those reasons, Council commenced proceedings in the Land and Environment Court (“the Proceedings”) for determination of this question.

In the course of preparing the matter for hearing, Council discovered other irregularities in relation to the implementation of the development including:

- The CDC process, if correctly implemented, required occupiers of properties within a specified distance of the development to be given written notice of the intention to install solar panels. A number of those occupiers advised Council that they received no such notification.
- Survey material suggested that the construction plans approved by the CDC were non-compliant in as much as they approved the construction of the development closer than was permitted to a nearby dwelling.
- The survey material also suggested that the development had not been installed in accordance with the approved construction plans.

Although these matters were outside of the ambit of the Court proceedings, they reinforced Council’s view that the more robust assessment process that accompanies a development application was to be preferred.

In the event, the Court ruled against Council’s interpretation of the Infrastructure SEPP and dismissed the proceedings.

The Court went on to say:

“65. In Class 4 proceedings such as these, costs ordinarily follow the event ... There is nothing that has emerged during the course of these proceedings that would warrant departure from that position ...

66. The consequence is that, unless either party advises my Associate by close of business on 15 January 2020 that some other costs order is sought, it is appropriate to require the Council to pay the Company's costs as agreed or assessed.”

Council respectfully accepts the appropriateness of the costs order foreshadowed in the judgment as quoted above.

Such a costs order would entitle the Company to its reasonable costs of the proceedings as determined by an experienced cost assessor.

The Company has indicated to the Court that it wishes to seek an indemnity costs order. (An indemnity costs order would ordinarily entitle the Company to a higher proportion of its costs than the order foreshadowed by the Court in paragraphs 65 and 66 referred to above.)

The basis upon which the Company seeks indemnity costs has yet to be fully stated but typically such an order would be sought against a party which had brought proceedings which had no chance of success or, alternatively, where the or the party's conduct thereof amounted to an abuse of process.

Council does not consider that the proceedings that it brought had no chance of success nor that they were an abuse of process. For that reason, Council is opposed to the indemnity order sought.

The parties have agreed that the Court should determine this question “on the papers”, ie each side will put such materials and submissions upon which it relies to the Court in writing for the Court to determine the question one way or the other.

9.3. Notice of Motion - Cr Coleman - 24/02/2020 - Fencing Around Field 1 at Marjorie Jackson Oval

Report by Councillor Cassandra Coleman

Commentary

In the minutes of the Sport Advisory Committee meeting dated 19 June 2019, during general business, it stated that Lithgow City Council were getting quotes for the replacement of the fencing around Field 1 at Marjorie Jackson Oval.

I met with Mr. Jeff Kemp, President of the Lithgow District Football Club, on Thursday 13 February 2020. Mr. Kemp showed me the fence mentioned, which is in a very bad state of repair. I am very concerned about the possibility of a child seriously hurting themselves as the wire is protruding out and it has numerous gaping holes all the way around.

Mr. Kemp mentioned that the Lithgow District Football Club has never received any response from Council regarding the fence. However, the club is prepared to work collaboratively by assisting Council with the cost of material and labor if needed.

Attachments

1. Fence Marjorie Jackson Field [9.3.1 - 3 pages]

Recommendation

THAT Lithgow City Council works collaboratively with Lithgow District Football Club to find a solution repairing the fencing around Field 1 at Marjorie Jackson Oval as soon as practical.

10. Notices of Rescission

10.1. **CONFIDENTIAL - Notice of Rescission - 24/02/2020 - Lithgow Landfill Waste Disposal Contract**

| | |
|------------------|--|
| Report by | Councillor Cassandra Coleman Councillor Maree Statham Councillor Stephen Lesslie |
|------------------|--|

Reason for Confidentiality

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

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

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

Please refer to the Confidential Closed Council Agenda Item.

11. Staff Reports

11.1. General Manager's Reports

11.1.1. GM - 24/02/2020 - LGNSW Tourism Conference

Report by General Manager

Summary

The Local Government NSW Tourism Conference will be held at Jindabyne from 16 March 2020 to 18 March 2020.

Commentary

LGNSW's Tourism Conference gives Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry.

In the wake of the recent bushfires, LGNSW have decided to shift some of the focus of the Tourism Conference to recovery and planning. A major topic of discussion will be "Open for business: Attracting visitors after a natural disaster".

Other aspects of the program will still address many other areas of the tourism business, but LGNSW wanted to make these changes so attendees could have an open dialogue about the effects of natural disasters and how Councils and operators can rebuild and recover.

Councillor Ring has expressed interest in attending the Tourism Conference as a Councillor delegate as the sessions on recovery after natural disasters are both timely and relevant to the Lithgow LGA. Up to two staff members will also attend the conference.

The cost of attending the conference is \$1,540. Discounts are also offered for groups of three delegates to assist councils in sending teams.

Policy Implications

Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors. Policy 9.5 enables the reasonable and appropriate payment of expenses to Councillors to help them undertake their civic duties.

Financial Implications

- Budget approved - \$9,000 conferences and seminars - Councillors
- Cost centre - 800154-8130-63206
- Expended to date - \$109 (excluding Local Government NSW 2019 Conference)
- Future potential impact – Nil.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council determine whether to nominate a Councillor delegate to the 2020 LGNSW Tourism Conference.

11.2. Economic Development and Environment Reports

11.2.1. ECDEV - 24/02/2020 - Springvale Water Treatment Project Modification 5

Report by Director of Economic Development & Environment

Reference

Min No 16 – 318: Ordinary Meeting of Council dated 21 November 2016
Min No – 19-97: Ordinary Meeting of Council dated 29 April 2019
Min No - 19-193: Ordinary Meeting of Council dated 22 July 2019
Min No - 19-273: Ordinary Meeting of Council dated 23 September 2019

Summary

To advise Council on a Major Project modification that has been submitted to the Department of Planning Industry and Environment (the Department) for the Springvale Water Treatment Project (SSD-7592) Modification 5.

Commentary

Springvale Coal has sought a modification to the Springvale Water Treatment Project (WTP) development consent for an extension to the time period for the operation of the interim water management strategy that was previously approved as part of the project.

Modification 5 is proposed to extend the previously approved time period for the operation of the interim water management strategy within the consent from 31 January 2020 to 30 June 2020. The modification proposes no change to the filtered water transfer volume of 5760 ML that was previously approved for the project.

Construction of the water treatment facility has substantially been completed and the site has been undergoing progressive commissioning since September 2019. The desalination units have been operating consistently at 24 ML/day during the commissioning period, with satisfactory testing of the brine crystalliser, mine water buffer pond and testing of the full operating capacity of 42 ML/day approved for the operation of the plant has not yet been undertaken.

Status

The modification application as submitted under Section 4.55(1A) of the EP&A Act. Section 4.55 of the EP&A Act enables the relevant consent authority to approve a modification application in circumstances where the modification would, if approved:

- (a) involve "minimal environmental impact"; and*
- (b) result in "substantially the same" development as that originally approved, being carried out.*

The modification is considered minor and therefore is not required to be placed on public exhibition. The development was however referred to Government Authority's for notification. Due to the timing of the modification Council officers have indicated the proposal is minor and no concerns are raised, the elected Council is entitled to express its views if there is any disagreement.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

Nil

Recommendation

THAT the information in the report on the Springvale Water Treatment Project (SSD-7592) Modification 5, be NOTED.

11.2.2. ECDEV - 24/02/2020 - DA 105/19, Two Storey Dwelling, 37 Inch Street, Lithgow

Report by Director of Economic Development & Environment

Reference

Min No 19-333: Ordinary Meeting of Council held 25 November 2019

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

Summary

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

Commentary

Council has previously considered development application DA 105/19 for a small two storey weatherboard clad, metal roofed dwelling facing Inch Lane at the rear of 37 Inch Street. A copy of the plans for the development are provided in Attachment 1. The primary issue with the application for Council’s consideration is the water servicing of the land.

The proposal takes place on two separate Torrens title allotments facing Inch Lane with a combined area of 202.41 square metres as identified in Image 1 below. The lots are currently unserviced and the applicant has proposed utility servicing via a private easement through the adjoining land at 37 Inch Street to connect to existing services. The proposed dwelling facing the lane will be separate from the existing semi-detached dwellings on the adjoining lots that face Inch Street and will obtain independent access from the Inch Lane frontage. Details of the proposed dwelling are provided in Attachment 1.



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

The proposed development has been assessed by Council staff in accordance with the regulatory requirements and has been previously recommended for approval subject to conditions. A copy of the officer’s assessment report completed in accordance with the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided in Attachment 2. This also includes recommended conditions of consent. This report addresses the various issues identified during the assessment of the proposal such as heritage impacts and compatibility (on the Inch Street Heritage Conservation Area), access and parking and potential loss of rear access to the existing

semi-detached dwellings on the site, the suitability of development to the lane frontage and the provision of essential services to the site. As detailed in the assessment report, these issues have been addressed to the satisfaction of Council staff subject to consent conditions.

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

In the assessment of the proposal, the applicant has been advised that the water servicing of the site from Inch Street via the easement is not supported by Council as the Water Authority and that a water main extension along Inch Street Lane (connecting to existing mains at each end) will be required in accordance with Council policy. Council's Water and Wastewater Director has advised that no objection is raised to the development application subject to the applicant providing relevant infrastructure services including a water main extension along Inch Street Lane; fire hydrants where necessary; a water meter adjacent to the Inch Lane frontage; and a sewer connection to the existing sewer main traversing the site. Accordingly, the proposal is supported in-principle subject to the provision of relevant service connections in accordance with Council policy. These requirements are included in the draft consent conditions attached to the assessment report in Attachment 3.

The applicant has been consulted with regard to the Water and Wastewater servicing requirements in the assessment of the proposal and has raised objections to the requirements for the extension of the water main and provision of a fire hydrant. The applicant has proposed an alternative solution to water servicing via the proposed private easement and additional firefighting infrastructure on site.

Development application 105/19 was previously reported to Council's Ordinary Meeting held on 28 October 2019 where it was resolved (19-307):

- 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 provided with a hard copy of Fire and Rescue NSW "Fire hydrants for minor residential development" Version 2 2016.*

Following the above resolution, a meeting was held on the site of the proposal on Monday 8 November 2019 with the applicants, Councillors and Council technical staff. The matters relating to water servicing and fire hydrant provision were discussed and the applicant was advised to submit further technical details of the alternative proposal for consideration by Council staff and Fire and Rescue NSW. This information has been received from the applicant and referred to Council's Water and Wastewater Directorate for review and comment. Consultation was also undertaken with Fire and Rescue NSW's Fire Safety Unit who have advised they are able to provide assistance and comments on fire engineering alternatives only in a post-consent capacity as part of the building certification process. Input from Fire and Rescue NSW is typically coordinated at this stage by a fire engineer.

In accordance with the above resolution, this development application is now reported to the Council for determination. Based on the assessment by Council's technical staff the recommendation is for determination by way of approval subject to consent conditions in the attached assessment report (Attachment 2). This includes conditions of consent requiring the extension of water mains along

Inch Lane to service the development in accordance with Council Policy 3.1 Water Service and Meter Installation (see further comments below).

The applicant's preferred alternative for water servicing of the development is as follows:

- Water servicing to the dwelling via a private easement through the adjoining property fronting Inch Street with a water main connection to the existing water main located in Inch Street, and
- Alternative fire fighting infrastructure in lieu of a fire hydrant that includes a 20,000 litre tank. Part of this alternative can include an enlarged water servicing connection and the provision of external sprinklers to the dwelling that will achieve compliance with the Fire and Rescue NSW guidelines.

If Council is inclined to support the above alternative, draft alternative conditions to address this are provided in Attachment 3. These alternative conditions would replace the recommended standard condition that ensures compliance with Council policy. Whilst staff reservations would be expressed with this alternative, the information is provided should the Council wish to exercise its prerogative.

Policy Implications

Policy 3.1 Water Service and Meter Installation

This policy specifies Council's minimum acceptable standards for water service connections and the installation of water meters. As discussed above, the proposed development is supported subject to the provision of a water main extension and water meter for the site at its Inch Lane frontage. The development application is recommended for approval subject to conditions of consent that will ensure compliance with the requirements of this policy. If the Council is inclined to support the alternative proposal, it will be in contravention of the provisions of this policy, but the elected Council is entitled to override a Council policy.

Policy 3.5 Sewer Connection

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

Policy 3.6 Fire Service Installation

This policy specifies Council's standards for fire services. The assessment of the proposed development has identified the potential requirement for additional fire hydrants to service the site in accordance with the NSW Fire and Rescue Guidelines. The development application is recommended for approval subject to conditions of consent that will ensure compliance with the requirements of this policy. The applicant has sought approval for an alternative solution to the fire safety standards for the proposal which it contends are largely consistent with the acceptable alternatives for minor residential development specified in the Fire & Rescue NSW Guidelines. If the Council is inclined to support the alternative proposal, it is recommended that the proposal be approved subject to consent conditions that require approval and certification of the alternative solution by a fire engineer in consultation with Fire and Rescue NSW prior to the issue of a Construction Certificate.

Policy 7.5 Notification of Development Applications

The development application has been notified in accordance with the requirements of this policy which was in force at the time the application was made. Notification was provided as follows:

3.2 NOTIFICATION PERIOD

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

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

Policy 7.7 Calling In of Development Applications by Councillors

This application was “called in” by Councillor Ring under this policy by notice received on 16 September 2019. Normally the “call in” of the Development application is reported to the next Ordinary Meeting for the information of Council and then reported to a subsequent meeting for determination. In this instance the notification of the “call in” came after the cut off for business paper for the meeting of 23 September 2019 and the application is now ready for determination. As a result, the application is being reported to this Ordinary Meeting for determination.

Financial Implications

- Budget approved - N/A for the assessment of the development application.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

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

Attachments

1. DA105/19 - Plans [**11.2.2.1** - 1 page]
2. DA105/19 - Section 4.15 Assessment Report [**11.2.2.2** - 23 pages]
3. DA105/19 - Alternative Conditions [**11.2.2.3** - 2 pages]

Recommendation

THAT

1. Development Application DA 105/19 be APPROVED subject to the proposed conditions of consent in the attached Section 4.15 report.
2. A Division be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

11.2.3. ECDEV - 24/02/2020 - Mount Piper Energy Recovery Project

Report by Director of Economic Development & Environment

Summary

To advise Council on a Major Project that has been submitted to the Department of Planning Industry and Environment (the Department) for the Mount Piper Energy Recovery Project (SSD-8294).

Commentary

The Mount Piper Recovery Project proposes a development that helps to recover “embedded energy” from waste that would otherwise go to landfill. The project aims to achieve this through the combustion of refuse derived fuel with the resulting heat used to generate steam, which is then piped into the Mount Piper Power Station and used to generate electricity for the NSW grid.

The project will involve the construction and operation of a dedicated boiler and refuse derived fuel receipt infrastructure, as well as a dedicated flue gas (exhaust) treatment plant. In addition, an Ash Placement Facility will be constructed adjacent to the existing ash repository at Mount Piper to store the ash by-products that would be produced from the energy recovery process.

The refuse derived fuel will be thermally processed in the dedicated project boiler that proposes to have a design thermal capacity of 104 megawatt thermal (design capacity of 200,000 tonnes per annum). This then creates steam to generate a nominal 30 megawatts of electrical power. The steam produced by the Plant will be injected into the existing Mount Piper Power Station Unit 2 coal fired boiler and will be converted into a total of 240,000 megawatt hours per year of electricity, renewably energy.

The fuel for the project will include non-recyclable solid materials such as dirty paper, plastics, fabrics and organic matter sourced primarily from licenced facilities within the greater Sydney metropolitan area and may also be sourced from other licenced facilities in NSW. The intention is that materials will be regenerated and sourced back into electricity as soon as practicable. Air emissions will be managed using flue gas treatment and a continuous emissions monitoring system.

The project involves the use of ancillary infrastructure and land at Mount Piper Power Station, including existing internal road networks, construction laydown area, car parking and stormwater management systems.

The EIS indicates the key benefits of the project

- Divert unrecyclable waste away from landfill and towards energy recovery as refuse derived fuel,
- Improve the efficiency of energy production and diversify the fuel supply for Mount Piper Power Station,
- Reduce carbon emissions profile of Mount Piper that is consistent with its commitments to maintain the viability and transition to a clean energy future providing reliable and affordable power,
- Bringing a new industry to the Lithgow area, with new technology, targeting the transition to a cleaner and more efficient future,
- Bring social and economic benefits to the region.
- Energy produced by the new facility would be sufficient to power approximately 40,000 NSW homes.
- The development would involve a capital investment around \$170 million, create 140 construction jobs and up to 300 direct and indirect roles during peak activity.

This project has been specifically designed to meet the requirements of the NSW Energy from Waste Policy which requires ‘best available technology’ from around the world to be used.

When completed in 2023, the project is proposed to support 16 new, permanent jobs and contribute at least \$3.7 million to the region each year from local wages and the purchase of goods and services needed for operations and maintenance.

The project is to be sited on an existing industrial site which is highly disturbed, distant from residences and with limited visibility from public locations.

The EIS endeavours to identify and assess the key environmental impacts of the proposal and develop measures to mitigate impacts. Some of the potential impacts include:

Air Quality and Odour: An air quality impact assessment was undertaken for the project that assessed different scenarios to the anticipated emissions from a similar plant that has been operating successfully. An atmospheric dispersion model was then used to estimate potential ambient concentrations of key pollutants. The current project also includes a dedicated flue gas treatment system as well as a continuous emissions monitoring system to monitor stack emissions in real time. Based on the results of the assessment, the proposed level of emission control, and the use of monitoring systems during operations, any potential air quality impact is considered minor.

Greenhouse Gases: A Greenhouse Gas Impact Assessment has been undertaken for the project and identified a number of substantial benefits, including substituting the requirement for a more greenhouse gas intensive method of energy generation through steam. In addition, the project diverts waste away from landfill.

Human Health Risk: An assessment was undertaken for the project with consideration given to inhalation, ingestion and dermal routes of exposure to substances. The assessment concluded that there is no risk of concern to human health.

Waste Management: Waste generated during construction is proposed to consist of building materials that will be recycled where possible or otherwise disposed of at an appropriate landfill.

Operational waste primarily consists of various residues that will be captured following the combustion of refuse derived fuel feedstock. The project ash streams include:

- Bottom ash - consists of the residual material that is present in the combustion chamber following combustion of feedstock,
- Air Pollution Control Residues - small quantities of entrained ash from the combustion of feedstock as well as reactant material and final products from the flue gas treatment process, captured in the fabric filter bags, and
- Fly Ash - small quantities of entrained ash from the combustion process collected from the boiler.

Each of the operational waste streams will require specific management and disposal. The ash placement facility will also include two cells constructed to hold the bottom ash, air pollutant control residues and fly ash.

The primary environmental control for the cells in the cell liner system, that includes barriers between the waste and the groundwater, soil and substrata. These are designed to prevent contamination of land, groundwater and surface water. In addition, other management measures will be provided to protect the environment from pollutants associated with the ash.

Soils and Water: A soils and water report has been prepared for the project and identified that the construction process will require safeguards, including the implementation of clean water diversions, effective erosion and sediment control measures and bunding for fuels and chemicals. A stormwater system will be constructed to manage and separate designated clean and contaminant areas during

the operational phase. Groundwater impacts are not anticipated from the plant site, however contingency mitigation measures will be implemented.

Surface water impacts from the Ash Placement Facility will be managed to protect the water quality of downstream waterways, in particular Neubeck's Creek. A water quality program and construction of a sedimentation retention basin will be designed to mitigate impacts.

Traffic and Transport: The development proposes 48 trucks per day (96 movements): worst case scenario, from 7.00am to 3.45pm. The road networks will be utilising Boulder Road, Castlereagh Highway, Great Western Highway and the M4 Motorway. Rail was assessed as an alternate transportation however was found to be infeasible.

Noise: A noise and vibration impact assessment was undertaken for the project. The report indicated that, for operations, noise levels are at or below the "Project-specific Noise Trigger Levels" at all assessed receptors. Mitigation measures have been designed to minimise noise impacts to a satisfactory level.

Biosecurity: Consideration has been given to four project specific biosecurity risks with the conclusion that there is a "close to nil" probability of a hazard escaping from or surviving the project activities. Mitigation measures will be implemented to reduce the potential for the entry of a biosecurity hazard into the project pathway, and to mitigate the potential for escape of a hazard during transportation of material.

Hazards and Risk: An assessment was undertaken and identified no dangerous goods storage in the project. Therefore, the project does not represent a potentially hazardous industry. Adequate safeguards will be provided for potential hazards and incidents.

Visual: The project site is not visible from any public accessible areas or sensitive receptors due to existing topographic features and surrounding vegetation. There may be some isolated glimpses of the proposed 70m high stack, however due to the distance from any of these locations and the extent of other large infrastructure in the area including the taller Mount Piper Power Station stack, there will be negligible impacts on the visual amenity. The use of sympathetic colours (greens, greys and beige) will ensure the plant blends into the landscape.

Biodiversity: The project site does not support any threatened species or ecological communities and no significant habitat features were identified based on the existing environment and site assessment undertaken. Direct impact is limited to the removal of approximately 1.75ha of maintained lawn within the proposed plant site and a temporary impact to 2.4ha for construction laydown. The ash placement facility is proposed to be located wholly within the Mount Piper Power Station's previously approved Lamberts North ash placement area and will result in no additional native vegetation clearance.

Heritage: No aboriginal or non-aboriginal cultural heritage sites have been identified within the project area. The project area holds negligible potential for the existence of undetected Aboriginal or non-Aboriginal sites due to the extensive degree of prior ground disturbance. Management recommendations are proposed if any historical evidence is found.

Bushfire: The project site already consists of low maintenance landscaped areas and constitutes low bush fire hazard. The vegetation hazard of bushfire influence is located over 100m upslope to the west of the plant site. The likelihood of a damaging bush fire impacting the Ash Placement Facility is considered low due to the ash having no combustible properties and the area does not include any infrastructure requiring asset protection zones.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finishes on the 28 February 2020. A submission has not been made

as yet. This proposal is likely to raise philosophical debate and whilst at face value, the Council officers believe that the EIS largely addresses issues of concern, the elected Council may have other views. In any final submission it will be suggested that should the approval of the project be recommended, the proponent be firstly be given the opportunity to enter into a Voluntary Planning Agreement with Council seeking funding for projects and/or activities for community benefit.

The Environmental Impact Statement (EIS) for the proposal is available on the Department of Planning, Infrastructure and Environment's Major Projects website and is available using the following link -

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-8294%2120191210T090236.036%20GMT>

Councillors may wish to view the EIS to assist in understanding the proposal. Whilst the documentation is voluminous, there is an Executive Summary within the documentation.

The EIS endeavours to identify and assess the key environmental impacts of the proposal and develop measures to mitigate any impacts. On balance this appears to have largely addressed the issues.

Policy Implications

Nil

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A
- Other – it would be proposed to pursue a Voluntary Planning Agreement seeking a monetary contribution to be applied to community facilities. In the event that this does not occur the development is to comply with Council Section 94A Contribution Plan 2012.

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

1. The information in the report on the Mount Piper Energy Recovery Project. be noted.
2. A submission be made to the application on behalf of Council.
3. The General Manager be authorised to negotiate a Voluntary Planning Agreement in relation to the project.

11.2.4. ECDEV - 24/02/2020 - Draft Lithgow 2040 Local Strategic Planning Statement - Proposed Public Exhibition

Report by Director of Economic Development & Environment

Summary

The purpose of this report is to seek Council endorsement to place the Draft Lithgow 2040 Local Strategic Planning Statement (LSPS) on public exhibition.

The Draft Lithgow 2040 Local Strategic Planning Statement outlines the vision for land use planning over the next twenty (20) years to 2040 along with a set of key planning priorities, principles and actions to guide future land use decisions.

The Draft LSPS is required to be placed on public exhibition for a period of at least 28 days. Following the exhibition period, the submissions received will be reviewed and a further report will be submitted to Council outlining the results of the community and agency consultation and any recommended revisions of the document.

The final LSPS is to be endorsed by Council and placed on the NSW Planning Portal as required by NSW Department of Planning Industry and Environment no later than 1 July 2020.

The LSPS must be reviewed every seven (7) years.

Background

In March 2018, amendments to the Environmental Planning and Assessment Act (Act) 1979 (EP&A Act) introduced new requirements for councils to prepare and make local strategic planning statements. The changes sought to shift the focus of the planning system to sound strategic decisions. For the first time, the strategic planning role of councils has been enshrined in the Part 3 of the EP&A Act. The Local Strategic Planning Statements are the mechanism to respond to this shift of focus as indicated in the Figure 1 below.

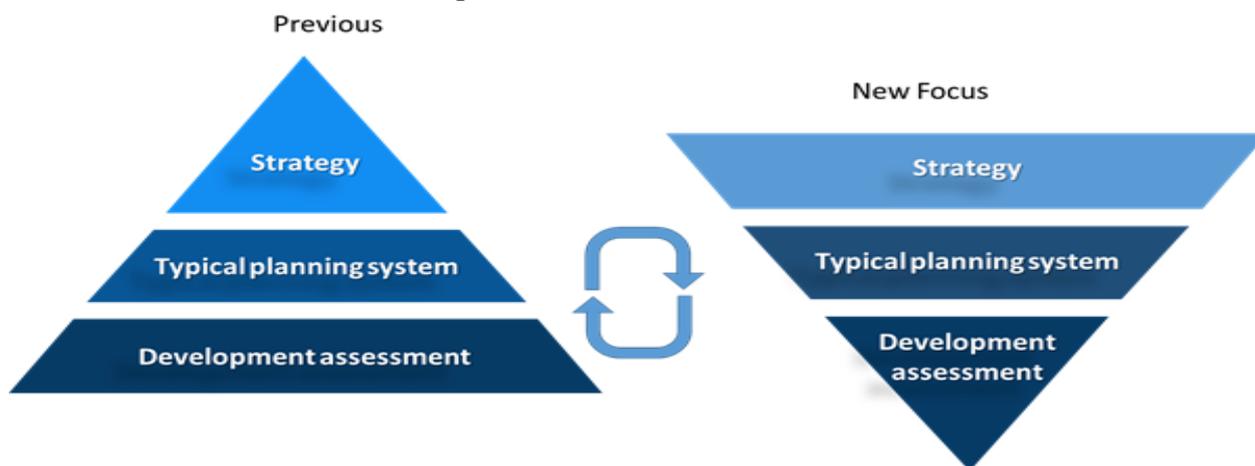


Figure 1 Source Department of Planning Industry and Environment

Role of the Local Strategic Planning Statement

The key role of the Local Strategic Planning Statement is to:

- provide a 20-year land use vision for the LGA;
- outline the special characteristics which contribute to local identity;

- identify shared community values to be enhanced or maintained;
- direct how future growth and change will be managed;
- identify and give local effect to the goals, directions and actions of the Central West and Orana Regional Plan; and
- identify where further detailed strategic planning may be needed.

Local Strategic Planning Statement relationship with other strategic documents

The LSPS brings together and builds on planning work found in Council’s other plans, studies and strategies in particular; *Lithgow Land Use Strategy 2010-2030* (LUS); its supporting and informing documents and Lithgow Local Environmental Plan 2014.

The LSPS works with Council’s *Our Place, Our Future Community Strategic Plan 2030* (CSP) which has similar but broader purpose on how Council will act to meet the community’s needs.

In future review cycles, there will be opportunities for the LSPS to be more closely integrated with Council’s CSP as the LSPS gets built into the integrated planning and reporting framework of Council.

The LSPS’s planning priorities, strategic principles and actions provide the rationale for decisions about how we will use our land to achieve the community’s broader goals.



Figure 2 Source: Department of Planning Industry and Environment

Draft Lithgow 2040 Local Strategic Planning Statement Vision

During the information sessions for Councillors, there was some discussion on the need, or otherwise, for a new Vision for the LSPS given the number of visions in other strategic documents. Council’s Strategic land use Planning staff worked with staff responsible for the Community Strategic Plan and Regional Economic Development Strategy to formulate a possible vision for the LSPS that could then be utilised in future reviews of those documents.

Good strategic visions have the following characteristics:

- focus on a select number of themes, strengths, challenges and opportunities;
- focus on ideas and concepts rather than formulas;
- describe what a place will look like in the future – evocative, emotive, sensory language;
- describes what makes the are unique;
- provides a clear direction for decision making and conflict resolution; and
- achieves change by driving action.

The Draft Lithgow 2040 LSPS identifies a new land use planning vision statement and narrative to underpin, drive and sustain land use planning priorities and actions over time.

The keynote vision statement being:

“The Lithgow region is an ideally located strategic centre with an evolving economy and a resilient and connected community which embraces its proud heritage and world class natural environment.”

This keynote statement is supported by an extended vision narrative that expands on the key messages within.

Draft Lithgow 2040 Local Strategic Planning Statement Structure

The statement is presented in the following structure:

- Context
- Vision
- Structure Plans
- Planning Priorities
- Actions
- Implementation

The planning priorities and actions have been further grouped into four themes:

- Livability
- Infrastructure
- Economy
- Environment

These themes broadly integrate with the themes within Council’s Community Strategic Plan 2030. The table below groups the planning priorities within these themes.

| LIVABILITY | INFRASTRUCTURE | ECONOMY | ENVIRONMENT |
|--|---|---|--|
| PP1 Establish a framework for sustainable growth | PP5 Align development with essential infrastructure | PP7 Increasing our visitor economy | PP10 Managing natural waterways and water resources |
| PP2 Plan for a diversity of housing | PP6 Community has access to attractive, health, and green public spaces and places | PP8 Protect the economic values of rural areas through managing land use conflict | PP11 Protect areas of high environmental value and significance |
| PP3 Plan and appropriately manage rural lifestyle development | | PP9 Attracting investment and attracting local jobs Agricultural Commercial and Retail Industrial | PP12 Adapt to natural hazards and climate change |
| PP4 Recognise, preserve, promote and activate our heritage | | | |

Past Community Consultation

Council in the last decade or so has undertaken a significant body of work in building its strategic planning framework. Associated with this there has been several extensive targeted community engagement and consultation programs using a diverse range of techniques such as, but not limited to:

- Resident Feedback Registers
- On-line and telephone surveys
- Community and Stakeholder Workshops and Forums
- Public Meetings
- Drop-in Information sessions and kiosks
- Community satisfaction surveys
- Media Releases
- Public Exhibitions
- Have your say website and E-newsletter
- Community Reference Panels
- Councillor Strategic Planning Workshops and Sessions

Council has also had the benefit of independent expert facilitation on several occasions involving the more significant programs. The following key messages have consistently been received that still hold true and have not substantially changed over time:

Community Values:

- Cohesive and inclusive community
- Scenic and conservation areas/landscape
- Proximity to major centres
- Lifestyle
- Heritage
- Local character and identity

Future Direction:

- Provision and retention of local jobs
- Diverse economy
- Matching infrastructure and growth with community needs
- Attractive public spaces and places
- Education and skills to retain and engage youth
- Planning for an ageing community
- Promotion of tourism

A survey was held on SurveyMonkey.com as a scoping mechanism for the Local Strategic Planning Statement in August 2019, to gather community views on a range of important topics. The survey was developed to test what Council had heard from previous community engagements and consultation undertaken in the development of the CSP and other strategic documents.

The survey was completed by 30 respondents and did not reveal any significant new areas for consideration. Further consultation needs to occur as part of the Public Exhibition document which will also have the benefit of a draft document for reference purposes.

Public Exhibition

The Draft Lithgow 2040 Local Strategic Planning Statement will be placed on public exhibition for a period of at least 28 days.

The public exhibition phase will include at a minimum the following:

- Media Releases and Council's E Newsletter;
- Exhibition Display at Council's Administration Centre and Town Libraries;

- Have your Say Website; and
- Drop-In Information Sessions held in the three town centres.

Policy Implications

Nil arising from this report.

Financial Implications

- Budget approved - \$50,000
- Cost centre - 800106
- Expended to date – nil external costs for this project as completed in house.
- Future potential impact – Nil.

Legal and Risk Management Implications

Nil arising from this report.

Attachments

Draft Lithgow 2040 Local Strategic Planning Statement

1. Draft Lithgow 2040 Local Strategic Planning Statement [11.2.4.1 - 57 pages]

Recommendation

THAT

1. Council endorse the Draft Lithgow 2040 Local Strategic Planning Statement for public exhibition
2. The Draft Lithgow 2040 Local Strategic Planning Statement be publicly exhibited for 28 days in accordance with the provisions of Council's Community Participation Plan.
3. Following the public exhibition phase, a further report be submitted to Council outlining the results of the consultation and to seek endorsement of the final Local Strategic Planning Statement.

11.2.5. ECDEV - 24/02/2020 - Lithgow Solid Waste Facility Operation

Report by Director of Economic Development & Environment

Management suggest Council consider this in open Council after consideration of Notice of Rescission item (14.1).

Reference

Min No: 20-34 Ordinary Council Meeting 29 January 2020

Summary

The purpose of this report is to inform Council of the proposed method of operation of the Lithgow Solid Waste Facility from 1 January 2021.

Commentary

Background

Lithgow Solid Waste Facility (SWF) is currently operated under contract by Henry Plant and Equipment Hire. The contract commenced in 1994 and will terminate on 31 December 2020 (Minute No. 20-34). Lithgow Council must enter a new arrangement to operate the site from 1 January 2021.

Whilst the current contract is a 'full operational contract', standards for landfilling and resource recovery have increased significantly since 1994 and consequently Council already performs some of the requirements for a full operational contract.

Options

There are 4 options for operation of the Lithgow SWF. The scope of a new contract will depend on the type of operation:

1. *Full operational contract*: The contractor would be responsible for the entire operation of the site including supply of all plant, operators, site management, resource recovery and compliance with all regulatory requirements (e.g. stormwater management, leachate management, environmental monitoring etc). This contract would effectively be an extension of the current contract scope as Council currently performs some of these duties including managing regulatory requirements and funding resource recovery.
2. *Wet hire plant*: The contractor supplies plant (including fuels, lubricants, servicing) and operators. Council would become responsible for site management, all regulatory requirements and control all resource recovery activities including collecting revenue for materials (e.g. scrap metal).
3. *Dry hire plant*: The contractor supplies plant only. Council would hire plant and provide fuels/lubricants and, depending on agreement, servicing. Council would provide all staff to manage the site including operators and supervisors. Council would be responsible for all site activities as for wet hire.
4. *Purchase own plant*: This is similar to the dry hire option above but Council would purchase plant and be responsible for all servicing.

Under all scenarios Council would operate the gatehouse and retain gate fees. This allows Council to control incoming waste and set gate fees at the required level for cost of operation and resource recovery.

All options other than the *Full operational contract* are an in-house operation where Council directly employ people with the necessary skills to control and manage the site.

Bathurst, Blue Mountains, Hawkesbury and most NetWaste councils operate their landfills in-house and either dry hire or purchase own plant.

Options Assessment

The pros and cons of the 4 different options are presented below.

1. Full operational contract

Pros

- Once contract let, requires contract management only
- Responsibility entirely on contractor to manage site
- No additional staffing required from Council

Cons

- Long-term contract (7+ years) required for contractors to amortise costs over contract period but this restricts ability to adapt to changing regulatory and resource recovery environments;
- Lack of flexibility to change operation (particularly resource recovery) as contract variation required
- Council still holds regulatory responsibility for site (EPA licence holder)
- Unlikely to attract local contractor with necessary skills and willing to take necessary risks to manage site. More likely to attract an out of area contractor
- Significantly higher costs to run landfill to modern standards and regulations and this would be reflected in a tendered price
- Potential for sub-standard operation by contractor without adequate knowledge of landfill, resource recovery and waste regulatory requirements.
- The proposed Lithgow Resource Recovery Centre would need to be added to scope
- Contract variations required when regulatory requirements change
- Difficult to write a contract that suitably defines contractor responsibilities in all areas
- Minimal incentive for resource recovery that does not attract revenue stream

2. Wet hire

Pros

- Similar to existing contract where Council has assumed (due to inadequate contract scope) responsibility for regulatory and environmental management aspects of site operation along with the funding of resource recovery.
- Allows Council to control overall site management (compared to *Full operational contract*)
- Flexibility to adapt to changing regulatory and resource recovery environments
- Contract open to local plant hire companies

Cons

- Increased involvement and responsibility from Council (already partially occurring due to inadequate contract scope and lack of expertise with current contractor)
- No control over operators and no scope for multi-skilling – wet hire does not allow flexibility for operators to move between machines nor perform tasks outside of machine
- Not practical when workload for plant highly variable
- Potential conflicts with contractor over how plant can be utilised, particularly Work Health & Safety
- Additional staffing still required to manage operations (i.e. Site Manager/Supervisor would be required)

- Potential conflict with gatehouse staff over permitted loads
- Potentially all the risk but limited control

3. Dry hire

Pros

- Allows Council to control overall site management
- Allows Council to train operators appropriately
- Allows operators to be utilised for other duties when not in a machine (e.g. resource recovery)
- Potential for machines to be utilised at rural sites
- Flexibility to change operations, particularly to adapt to changing regulatory and resource recovery environments
- 5 year plant hire contract would allow supply of new machinery
- Contract open to local plant hire companies

Cons

- Council responsible for recruiting skilled operators and day to day management
- Additional staffing to manage operations (i.e. Site Manager/Supervisor would be required)
- Council responsible for fuel and lubricants (and potentially maintenance)

4. Council owned plant

Pros

- Allows plant to be utilised across multiple sites and could therefore offer significant cost savings for maintaining rural sites
- Whilst there is a financial commitment, there is no risk that the work will cease
- Council already operate and maintain plant through the Infrastructure Services directorate

Cons

- Council must commit to owning, operating and maintaining plant
- Additional staffing to manage operations (i.e. Site Manager/Supervisor would be required)
- Less flexibility for changing plant
- Out of area supplier more likely

Recommendation

All options other than the *Full operational contract* are an in-house operation where Council provide the expertise to operate and manage the site. The *Full operational contract* is likely to deliver the most expensive option and provide the least flexibility and control. The difficulty in continuing to operate a site to modern standards under this arrangement is reflected in the decision by many councils to opt for an in-house operation. This type of contract would suit the larger players in the waste industry, based outside the Lithgow region.

All other options (*wet hire, dry hire, Council owned plant*) involve Council directly employing people to operate and manage the site. The main difference between each of these options is whether the plant is hired or owned, and whether the contractor supplies operators.

Dry hire is the preferred option based on the options assessment above. This option provides the most effective management of the site whilst offering a contract suitable for local plant hire companies.

There are companies in the Lithgow region with suitable plant that could tender for this work. Any landfill specific plant (e.g. compactor, tracked loader) could still be supplied locally as the tender would require a long-term hire (5+ years) and a local company could supply the plant specifically for the contract.

The *dry hire* option requires Council to commit to engaging the necessary resources (including personnel) to operate and manage the site. There will be local employment opportunities as a result of Council operating the site. Initial budgeting indicates that Council could operate the site on a dry hire basis in line with current costs with contingency for higher than expected costs. The budget includes the engagement of approximately 6 full-time equivalent (FTE) employees for commencement with a further 2 or 3 FTE's once the Resource Recovery Centre is operational.

There is the option for Lithgow Council to purchase their own plant, however it is unlikely to be an option available from a local supplier. Bathurst and Hawkesbury councils either purchase their own plant or dry hire. *Wet hire* may also be an option should dry hire not deliver the expected benefits.

A detailed risk assessment and financial analysis would be undertaken to determine the preferred in-house option to proceed to a tender process should Dry or Wet Hire be chosen but it is proposed to discontinue pursuing the option of a *full operational contract*.

Policy Implications

Nil.

Financial Implications

- Budget approved - n/a. To be included in the 2020/21 budget.
- Cost centre - n/a
- Expended to date - n/a
- Future potential impact - n/a

Legal Implications

Nil.

Attachments

Nil

Recommendation

THAT Council note the proposed in-house operation of the Lithgow Solid Waste Facility at the completion of the existing contract with Henry Plant and Equipment Hire Pty Ltd.

11.3. Infrastructure Services Reports

11.3.1. 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.

Min No. 19-342: Ordinary Council Meeting of 25 November 2019.

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

Nil.

Attachments

1. Policy 2 1 Cemetery Operations - EDIT [**11.3.1.1** - 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 returned to Council for consideration for final adoption subject to consideration of any submissions received.

11.3.2. IS - 24/02/2020 - 2019/2020 Season Fees for Lithgow District Cricket Association

Report by Director of Infrastructure & Services

Reference

Min No: 20 –9 - Ordinary Meeting of Council 29th January 2020

Summary

This report provides details of a request received from the Lithgow District Cricket Association to waive hire fees for use of the local sporting fields in the Lithgow LGA during the 2019/2020 Cricket Season.

Commentary

At the previous Ordinary Meeting of Council, it was resolved:

20- 9: RESOLVED

THAT the item be deferred until a meeting is held to discuss the fees further with representatives of the Lithgow District Cricket Association.

On Monday 10 February 2020, Council Administration and Lithgow District Cricket Representatives met to discuss the 2019/2020 Season fees for the hire of the fields in the Lithgow LGA.

At this meeting the Cricket Association raised their concerns with the reducing numbers of players/membership particularly in the senior league. It was addressed that they do not have a running canteen at games, nor do they charge an entry fee for spectators.

It was advised that with the either of the three options previously provided to the committee (presented at the last meeting of Council), it would not be viable for the club and/ or its members to continue operation.

Council and the Lithgow District Cricket association discussed options on reducing the cost and continuing to pay what has been previously been requested by Council in the past. It was agreed that the recommendation below be presented to Council for final endorsement to see cricket continue in the Lithgow region for years to come.

Policy Implications

Nil.

Financial Implications

- Budget approved - hire fees income.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – no significant increase for sporting field hire fees is proposed.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council:

1. Grant a fee waiver to the Lithgow District Cricket Association to only pay the Bond & Hire Fees of the Tony Luchetti Sportsground equal (as per adopted fees and charges – Senior Cricket – Training / Competition) for the next 3 years (until 2023/2024 Season);
2. Endorse this arrangement remaining in place for the next three years, with renewed oversight every 12 months (until 2023/2024 Season), at which time the arrangement will be reconsidered by Council; and
3. Request the Lithgow District Cricket Association to continue to identify their draw and training schedule as far in advance as possible to ensure efficiency and effectiveness of the ground booking process.

11.3.3. IS - 24/02/2020 - Lithgow Aged Care Footpath Request

Report by Director of Infrastructure & Services

Summary

This report aims to discuss the implications and required funding considerations relating to a request made by Lithgow Aged Care for additional footpath assets along Maple Crescent, Lithgow.

Commentary

On 11 February 2020, Lithgow Aged Care made a request to Lithgow City Council for the construction of approximately \$35,000 of concrete footpath, adjacent to their new development. It is stated that the proposed footpath will serve as access to Lithgow Aged Care residents from the existing bus stop, along the southern side of Maple Crescent / Church Street.

This request has not been budgeted as part of the 2019/20 Operational Plan. All roads and footpath maintenance budgets are tracking to reach full expenditure by the end of 2019/20. Lithgow's road and footpath renewal budgets are also tracking to achieve full expenditure prior to the end of 2019/20, with remaining footpath replacements programmed for Laurence Street, Methven Street, Barton Street and Church Street.

Should Council wish to commit to the construction of *new* footpath assets at the request of Lithgow Aged Care in 2019/20, a reallocation of funding is required. Two options are available to facilitate:

1. Reallocate \$35,000 from the remaining footpath renewal fund. This will require one of the four abovementioned footpath renewals to be cancelled for 2019/20; Laurence Street, Methven Street, Barton Street and Church Street. This will have an impact on public safety and amenity, especially considering Council is aware of the poor condition of those assets.
2. Reallocate \$35,000 from the remaining Traffic Facilities Improvements fund. This will completely expend the remainder of the total \$90,000 budget and will restrict Council's ability to continue to install and replace compliance signage (No Parking, Give Way, holding line marking etc.) for the remainder of this current financial year.

Both above options have negative repercussions to the Lithgow community. As the benefits of this request to both the public and Lithgow Aged Care are acknowledged, it is strongly suggested that this request be considered as part of the footpath construction and renewal program for 2020/21, to allow proper consideration of local priorities.

Policy Implications

Nil.

Financial Implications

- Budget approved - Nil
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact - \$35,000 including GST

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council consider the request for additional footpath construction outside Lithgow Aged Care, at an estimated cost of \$35,000, as part of the 2020/21 Operational Plan.

11.4. Water and Wastewater Reports

11.4.1. WWW - 24/02/2020 - Water Report

Report by Director of Water & Wastewater

Reference

Min No 20-26 Ordinary Meeting of Council 29 January 2020

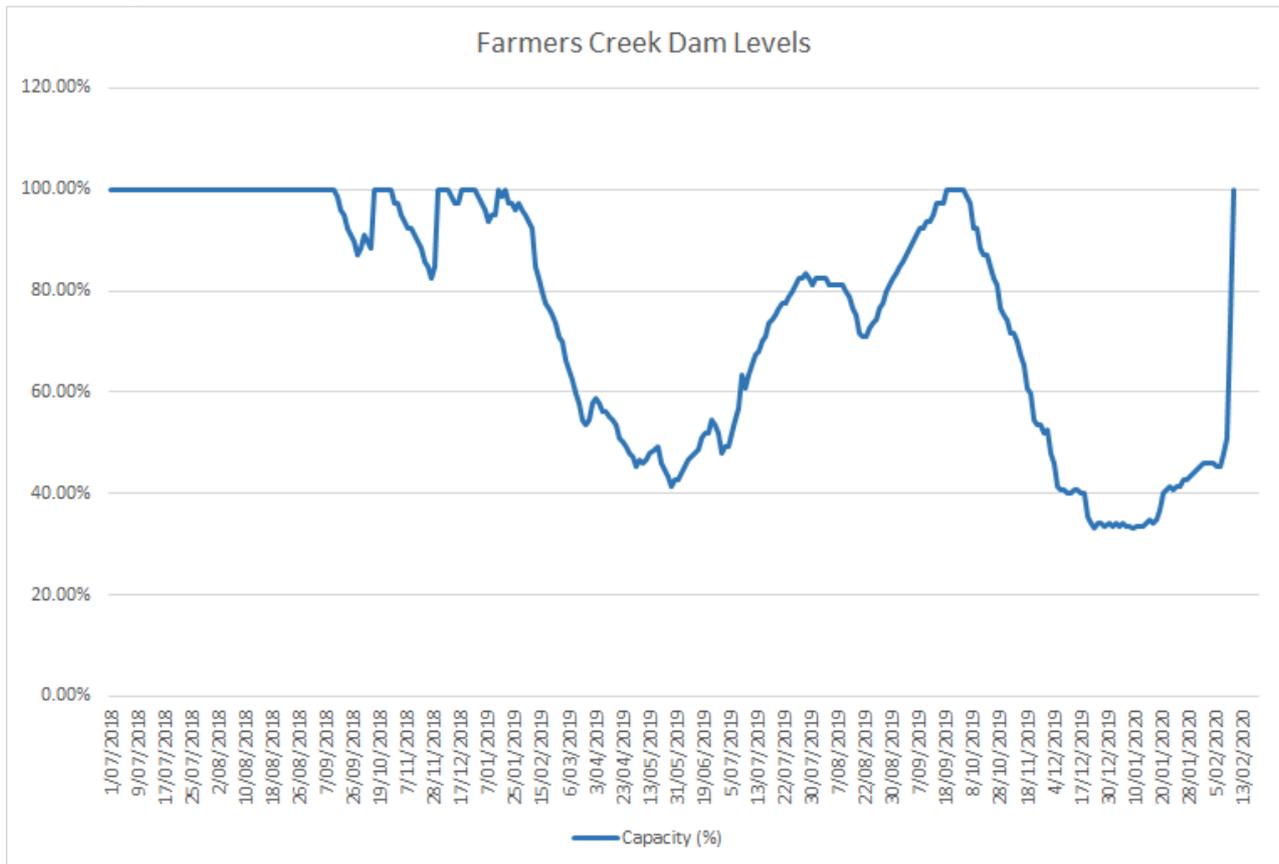
Summary

This report provides an update on various water management issues.

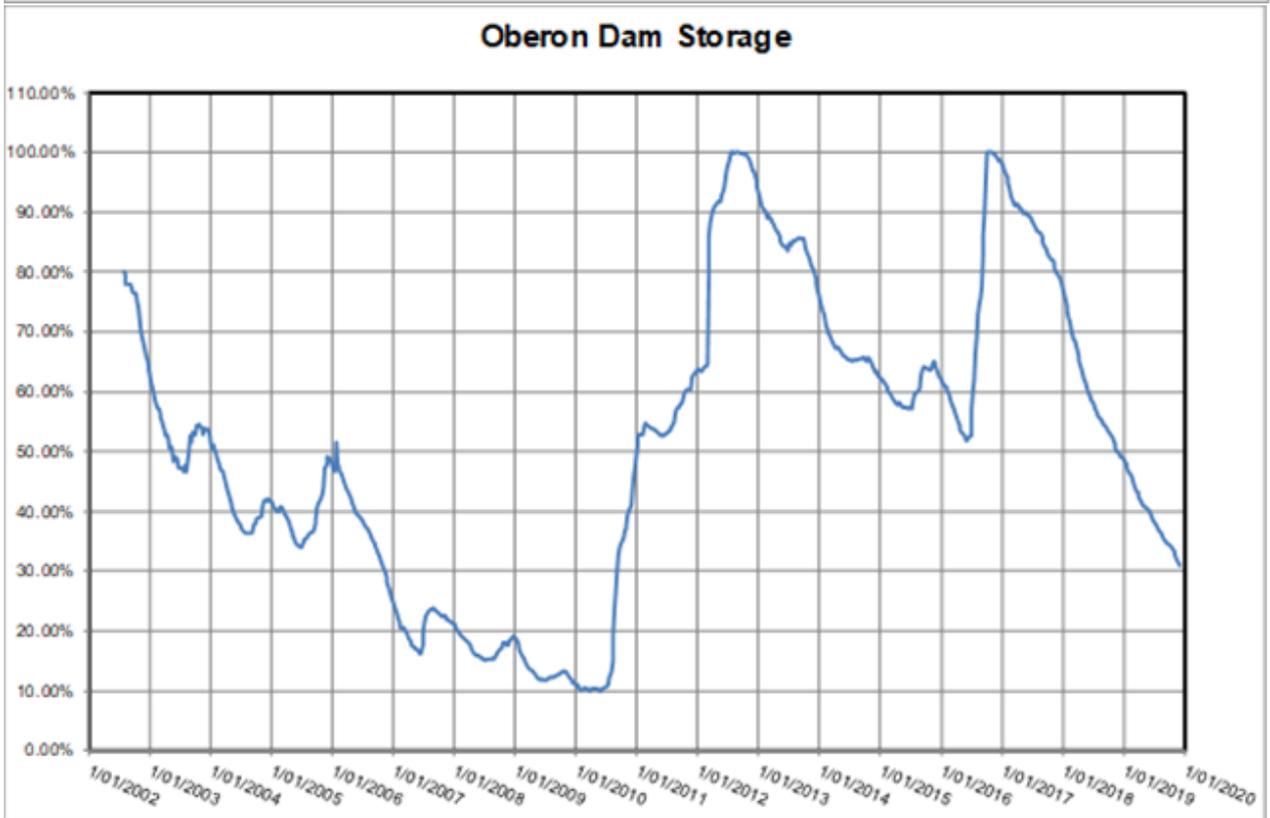
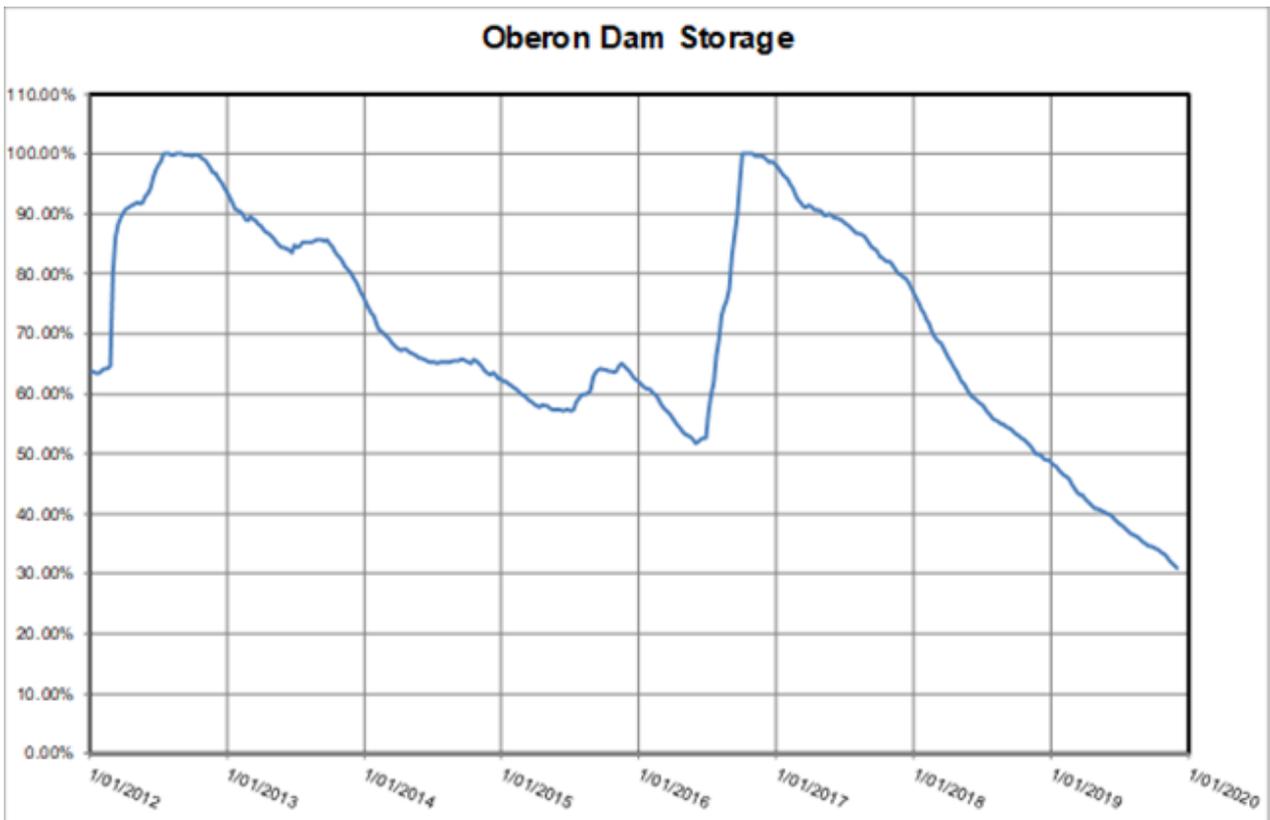
Commentary

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

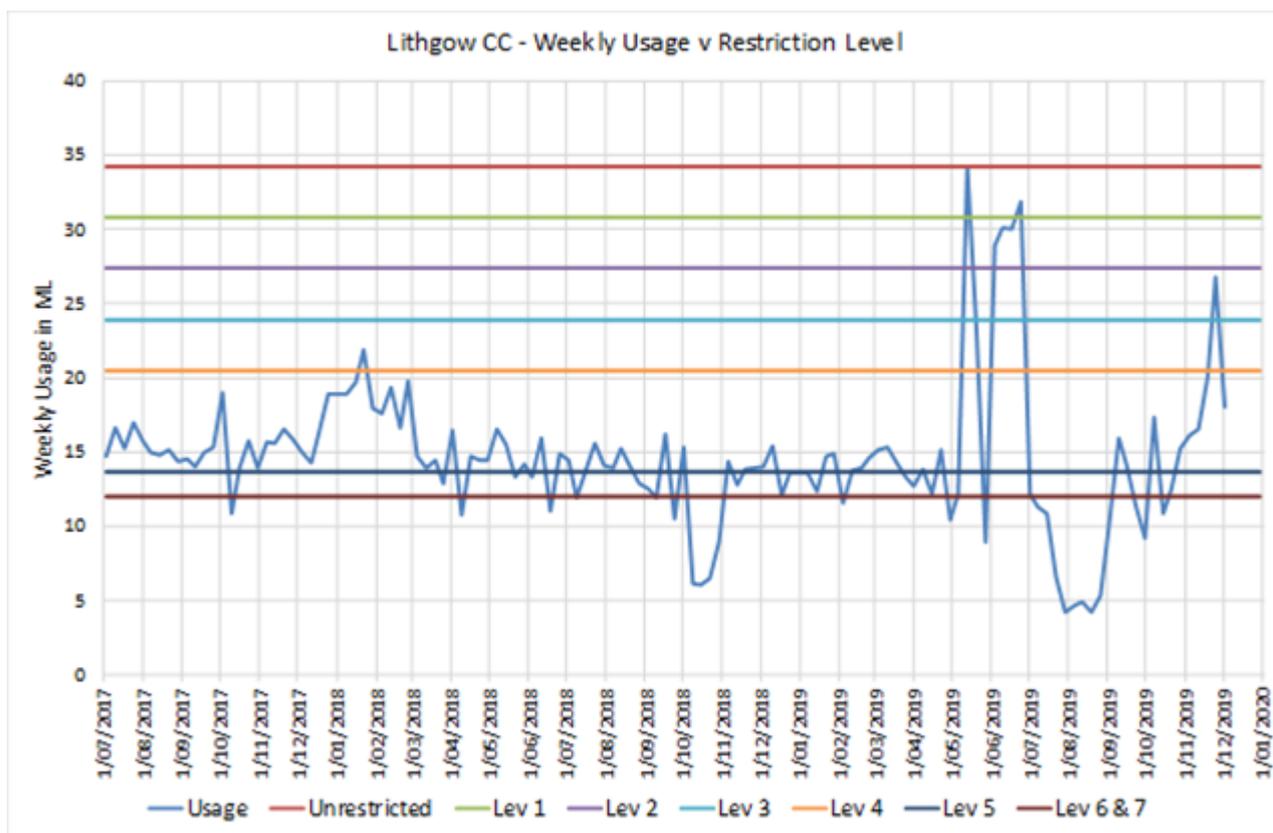
Farmers Creek No. 2 Dam capacity on Monday 11th February 2020 was 100%. Clarence Transfer System operated until the 9th February 2020 and is currently shut down due to the level within Farmers Creek Dam.



Oberon Dam capacity on Tuesday 11th February 2020 was 26.9%. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 20.4%. Level 4 Restrictions come into effect when adjusted storage reaches 20%.



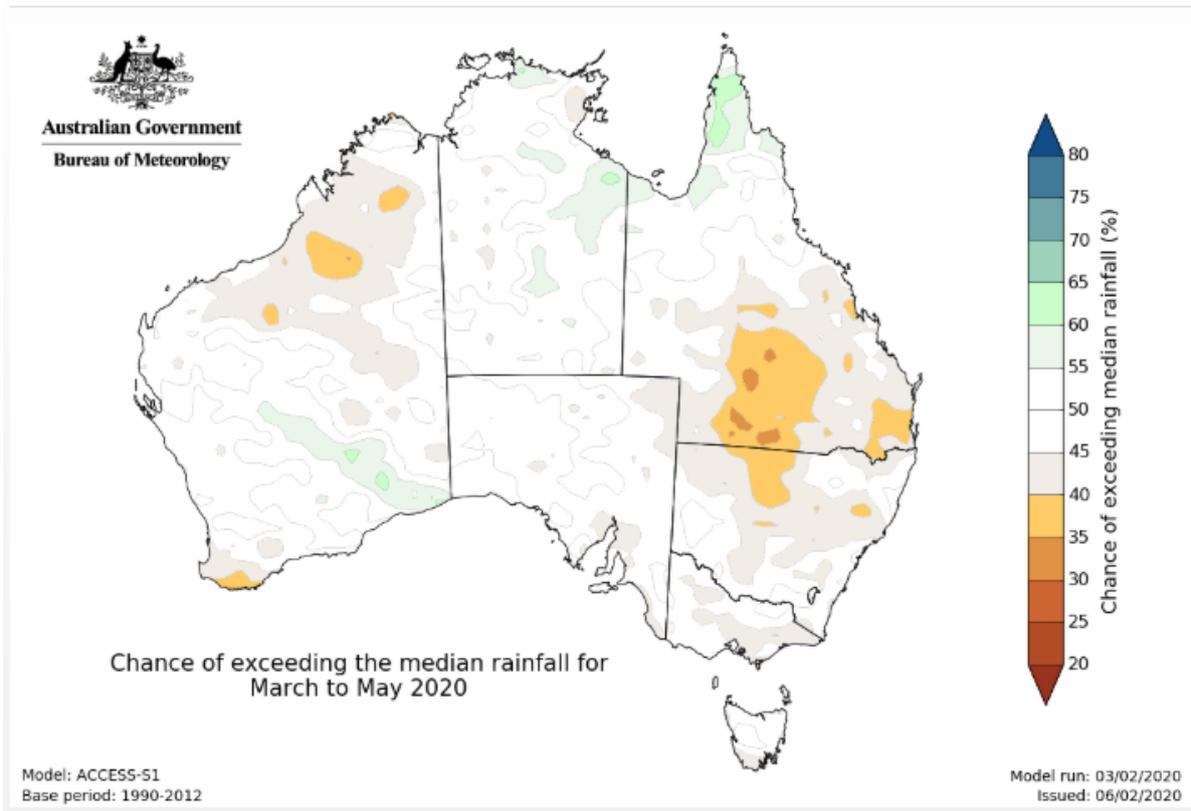
Level 3 restrictions on the FRWS are now in effect. Level 3 restriction trigger is 25% of adjusted storage. As can be seen in the below Usage v Restriction Level the current demands of the Council are lower than the current restriction level and are consistently below level 4 restriction level. This 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.

- The likelihood of a wetter or drier than average autumn (March to May) is roughly equal for much of Australia. However, parts of the northern Murray-Darling Basin have a slightly increased chance of being drier than average.
- Rainfall for the fortnight 10 to 23 February is likely to be below average across northwest Australia, extending into much of central and interior Australia. Northern Cape York Peninsula in Queensland is likely to have a wetter fortnight.
- Both daytime and overnight temperatures for autumn (March to May) are likely to be above average across Australia.
- With major climate drivers neutral, local or short-term climate drivers, such as sea surface temperatures around Australia, and active or break periods of the monsoon, are likely to have a greater influence on Australian rainfall and temperature patterns.
- Recent rainfall has been beneficial for some drought and fire affected areas. However, several months of above average rainfall will 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 | 135.40 | 5.686 | 63.306 |
| December | 161.052 | 87.424 | 60.764 |
| January | 134.910 | 159.358 | 110.443# |
| February | | | |
| March | | | |
| April | | | |
| May | | | |
| June | | | |
| TOTAL | 757.158 | 527.317 | 462.309 |

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

#January volume includes the last week of December 2019

Clarence Water Transfer Scheme

Clarence Transfer System operated from 24th December 2019 and was shut down on 9 February 2020 due to the level of dam.

Oakey Park Water Quality Summary

No Australian Drinking Water Guideline (ADWG) values were exceeded for the period 17th January 2020 to 11th February 2020.

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 January 2020 and taken to Sydney Water for testing. There was one exceedance recorded at Wallerawang Sewerage Treatment Plant for Ammonia. The level at the sample was 6.61mg/L exceeding the EPA Licence limit of 5 mg/L.

Fish River Water Scheme Water Quality Summary

No Australian Drinking Water Guideline (ADWG) values were exceeded for the period 17 January 2020 to 14 February 2020.

Water Reticulation Complaints and Watermain Breaks

Council received sixty-seven complaints during the period 18/01/2020 to 14/02/2020 concerning water quality issues and water main breaks. In all other instances, the mains were repaired flushed and testing carried out. The test results in all instances complied with the ADWG.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council accept the information provided in the report.

11.4.2. WWW - 24/02/2020 - Review of Fees and Charges - Meter Read - Change of Owner

Report by Director of Water & Wastewater

Summary

The reports seek approval to remove the Charge for Meter Read – Change of Owner from the 2019/20 Fees and Charges.

Commentary

Council in the 2019/20 adopted Fees and Charges applies a charge of \$72.50 (inc. GST) for a Meter Read – Change of Owner. The charge was to cover staff costs associated with the attending the property to take a water meter reading. Following the implementation of the Smart Water Meters, there is no longer a requirement for staff to attend the property. It is therefore proposed to remove the Charge immediately.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council immediately remove the charge for Meter Read – Change of Owner from the 2019/20 Fees and Charges.

11.5. Finance and Assets Reports

11.5.1. FIN - 24/02/20 - Policy 8.7 Investment Policy

Report by Chief Financial & Information Officer

Reference

Min. No. 19-347 Ordinary Meeting of Council 25 November 2019.

Summary

At the 25 November 2019 Ordinary meeting, Council resolved:

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.

In the course of implementing the revised policy, issues of practicality in the current investment environment have arisen. If not addressed, the issues may affect Council's investment returns. Revisions have been made to the policy to correct these issues.

Commentary

Council currently invests 100% of its investment portfolio in term deposits (averaging around 6 months) with Authorised Deposit-taking Institutions (ADIs).

There are longer term options available within the current allowable investments, for example, longer dated floating rate notes. However, given the size of Council's investment portfolio and the shorter cash flow requirements and current attractive short-term TD offerings it makes sense to continue investing 100% in term deposits.

In the current investment environment, the best short-term deposit interest rates have been on offer from smaller institutions, mainly with BBB credit limits. Limiting term deposit investments mainly to major banks will come at a significant cost to the Council's investment returns. It is proposed to increase the BBB category limits in both the overall portfolio framework as well as the counterparty credit framework. This will ensure that Council obtains the best available term deposit interest rates whilst still managing risk.

It is also recommended that Council adopts revised limits for maximum exposure to an individual ADI. While references in these tables are to Standard and Poors rating agency, an "S&P equivalent" is appropriate. These equivalent ratings agents include Moodys and Fitch Rating.

Proposed Changes to Credit Quality Limits

| Long Term Rating Range (or Moody's equivalent) | Maximum Holding |
|---|---------------------------|
| AAA Category | 100% |
| AA Category or Major Bank* | 100% |
| Lower than AA Category | 60% <u>70%</u> |
| Lower than A Category | 40% <u>50%</u> |
| Lower than BBB Category | 10% |

Proposed Changes to Counterparty Limits

| Individual Institution or Counterparty Limits | |
|---|---------------------------|
| Long Term Rating Range (or Moody's / Fitch equivalent) | Limit |
| AAA Category ¹ | 40% <u>70%</u> |
| AA Category or Major Bank ² | 30% <u>60%</u> |
| A Category ³ | 20% <u>45%</u> |
| BBB Category | 10% <u>35%</u> |
| Unrated Category | 5% |

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.7 Draft 11 Feb 2020 [11.5.1.1 - 10 pages]

Recommendation

THAT Council adopt and implement revised Policy 8.7 Investment Policy immediately.

11.5.2. FIN - 24/02/2020 - Review of Rating Structure

Report by Chief Financial & Information Officer

Summary

At the 13 May 2019 meeting of the Council Finance Committee, the following action was agreed by the Committee:

THAT the rating structure be reviewed for power stations in the new financial year.

At present, Wallerawang and Mount Piper power stations are included in the business rating category, general (rural area) sub-category. This report proposes to create a new business sub-category for power generation from the 2020/21 year. The report also recommends that the additional rating revenue from the power generation rating sub-category be applied to reducing business rates for other business sub-categories.

Commentary

Background

NSW Local Government Act 1993

Councils charge rates, categorise / sub-categorise land and choose the method for the levying of rates under the Local Government Act 1993 (sections 493 to 560).

The Act requires councils to "provide a system of local taxation, based on rates levied on property, which is simple, fair, broadly uniform"...

The Act requires that rating be on 'ad valorem' that is 'at value' based on land values. This is one of the most fundamental principles of local taxation and is believed to be the fairest and most equitable system by the Office of Local Government.

The objectives of the Local Government Act 1993 were considered by Council in its review of the rating structure.

Objectives of the Review of the Rating Structure

The objective of the rating structure review was to ensure a fair and more equitable structure overall, with all ratepayers paying their fair share. Changes to the rating structure need to be based primarily on land valuations and consider ratepayers' access to the services provided by the Council. For example, rates levied on mines are considerably more than for other businesses due to their scale of operations and the industry's impact on community infrastructure.

The specific focus of the review was the rating structure for power stations in the Lithgow Council LGA. A general review was also conducted as to the fairness and equity of Council's current rating structure and only one issue of significance was identified. There is a historical anomaly with the business rating – Portland and Wallerawang sub-categories. This issue is discussed in the "Future Options for Changes to Rating Categories" section of this report.

Rating Revenue

The Council **will not** receive any extra revenue from the proposed changes to the rating structure as the Council's rates revenue can only be increased by a set amount each year (the rate peg) as directed by the Independent Pricing & Regulatory Tribunal of NSW (IPART). The proposed changes only affect how rates are calculated and distributed across the LGA.

Determination of Rates

There are three essential rating pre-requisites which make up a rate, that is:

- The categories and sub-categories in which properties will be categorised;
- The method for calculating rates; and

- The proportion of rates paid by Residential, Business, Farmland and Mining categories and sub-categories, which is calculated by a rate-in-the-dollar (known as the ad valorem rate).

Categories & Sub-Categories

In accordance with the Local Government Act 1993, all Councils must classify all properties into one of four rating categories – Residential, Business, Farmland or Mining. The Council then may divide these categories into sub-categories based on the requirements set out in the Local Government Act 1993.

Methods for Calculating Rates

Once properties are categorised, Councils must choose the method of rate calculation, which is either:

- Entirely on the land value of the property (ie. using a rate-in-the-dollar set by the Council);
- Entirely on the land value, but subject to a minimum amount which may override the initial rate calculated if the rate based entirely on land value is considered too low (known as a minimum rate which is set by IPART); or
- On a combination of the property’s land value and a fixed amount per property (known as a base amount).

Current Rating Categories

Council’s current rating categories are summarised in the table below:

| Rating Category | Rating Sub-Category | Base | Ad Valorem | No. of properties | Amount | % of 2019/20 Rates |
|-----------------|---------------------|--------------|----------------|-------------------|--------------|--------------------|
| Residential | Lithgow | \$ 318.00 | \$ 0.60036788 | 5,464 | 4,649,629 | 34.1% |
| | Wallerawang | \$ 277.00 | \$ 0.46256595 | 825 | 508,459 | 3.7% |
| | Portland | \$ 262.00 | \$ 0.45288679 | 922 | 485,096 | 3.6% |
| | Lidsdale | \$ 318.00 | \$ 0.44245685 | 133 | 98,987 | 0.7% |
| | General | \$ 223.00 | \$ 0.33690034 | 2,265 | 1,886,196 | 13.8% |
| | Sub-totals | | | | 9,609 | 7,628,368 |
| Farmland | Farmland | \$ 414.00 | \$ 0.29734482 | 1,279 | 1,907,054 | 14.0% |
| Business | Lithgow | \$ 447.00 | \$ 2.45273654 | 290 | 1,586,748 | 11.6% |
| | Wallerawang | \$ 447.00 | \$ 1.52551804 | 41 | 116,537 | 0.9% |
| | Portland | \$ 447.00 | \$ 1.15207482 | 39 | 44,419 | 0.3% |
| | Lidsdale | \$ 303.00 | \$ 1.92785647 | 4 | 8,237 | 0.1% |
| | General | \$ 303.00 | \$ 0.41215138 | 114 | 177,458 | 1.3% |
| | Sub-total | | | | 488 | 1,933,400 |
| Mining | Coal Mines | \$ 10,952.00 | \$ 10.31013460 | 13 | 2,167,803 | 15.9% |

Comparable Rating Categories

Muswellbrook Shire Council has completed a reviewed of its rating categories and sub-categories. From 2018/19, Muswellbrook Council added a business sub-category for power generation.

A summary of the percentage breakdown of rates paid by each category and sub-category for Muswell brook Council is summarised in the table below:

| Rating Category (s514-518) | Rating Sub-category | Number of Assessments | 2019/20 Notional Income Yield | Ratio % Sub-Category to Total |
|----------------------------|---|-----------------------|-------------------------------|-------------------------------|
| Residential | | 920 | 995,474 | 5.6% |
| Residential | Muswellbrook & Denman | 5,651 | 4,358,027 | 24.6% |
| Farmland | | 358 | 1,005,724 | 5.7% |
| Farmland | Irrigable | 114 | 427,265 | 2.4% |
| Mining | | 18 | 9,067,502 | 51.1% |
| Mining | Underground Coal Mining | 1 | 15,405 | 0.1% |
| Business | | 458 | 1,266,991 | 7.1% |
| Business | Power Generation | 2 | 257,634 | 1.5% |
| Business | Thomas Mitchell Drive Industrail Centre | 150 | 330,257 | 1.9% |
| Business | Showground Release Area | 1 | 10,883 | 0.1% |

Muswellbrook Council’s notional income yield for two power generators is **\$258K**.

Proposed Power Generation Sub-Category for Lithgow Council

It is proposed to create a new power generation business sub-category from the 2020/21 year. The proposal includes a two-year staged increase in rates for power generators. The suggested staged introduction of the power generation sub-category is outlined below:

| Property | Proposed 2020/21 Rates | Proposed 2021/22 Rates |
|-------------|------------------------|------------------------|
| Mt Piper | 44,413 | 104,413 |
| Wallerawang | 52,061 | 112,061 |

A proposed definition of the Power Generation rating sub-category is as follows:

Council determines a sub-category for the category “Business” called “Business – Power Generation” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre for any of the following activities:

- a) the generation of, or capacity to generate, more than 5 megawatts of electricity;*
- b) the storage of, or capacity to store, more than 50 megawatts of electricity.*

Reduction of Rates for Other Business Sub-categories

The proposal also recommends that the additional income raised from creating a new business sub-category be directed towards reducing **business rates for other business sub-categories**. As shown in the table below, there has been a historic anomaly resulting in business rates for Wallerawang having a significantly higher ad valorem rate than Portland businesses. The issue of the differing ad valorem rates for Wallerawang and Portland businesses can be addressed at the same time as the addition of a Power Generation business rating sub-category.

| Rating Category | Rating Sub-Category | Base | Current Ad Valorem | Proposed Ad Valorem | No. of properties |
|-----------------|---------------------|-----------|--------------------|---------------------|-------------------|
| Business | Portland | \$ 447.00 | 1.15207482 | 0.94983288 | 39 |
| | Wallerawang | \$ 447.00 | 1.52551804 | 0.94983288 | 41 |

It should be noted that, as the Lithgow Council LGA only has two power generation facilities, the overall impact on the proportion of rates paid by the business and residential rating categories will be minimal. Also, one of the power stations may be sold in the near future and may then revert to a different business sub-category (with lower rates).

Impact of the New Rating Sub-Category on Other Business Sub-categories

Modelling the impact of the proposed Power Generation sub-category on the other business sub-categories is complex and affected by changes in rateable land value. The table below models the expected impact of the new sub-category on the other business sub-categories. The most significant reductions in business rates are for the Wallerawang sub-category (partly due to the adjustment of the ad valorem rate) and the rural sub-category.

| Descripti on | Locality | Permissible Income | Introduce Power Station Sub-Category | Adjusted Permissible Income | Proposed Ad Valorem | Average last year 2019/20 | Proposed Average Property 2020/21 | Change in Average Rates | % Increase in RLV | % change in Rates |
|--------------|---------------------------|---------------------|--------------------------------------|-----------------------------|---------------------|---------------------------|-----------------------------------|-------------------------|-------------------|-------------------|
| Business | Rural Area | 171,746.07 | -5,342.66 | 166,403.40 | 0.28566375 | 1,582.49 | 1,459.68 | - 122.81 | 41.7% | -7.8% |
| Business | Lidsdale | 8,451.78 | -262.92 | 8,188.86 | 1.64181051 | 2,059.28 | 2,047.22 | - 12.06 | 16.1% | -0.6% |
| Business | Lithgow | 1,625,363.33 | -50,561.65 | 1,574,801.68 | 1.76022588 | 5,193.71 | 5,163.28 | - 30.43 | 38.1% | -0.6% |
| Business | Portland | 45,576.90 | -1,841.78 | 43,735.13 | 0.94983288 | 1,033.01 | 1,017.10 | - 15.91 | 16.1% | -1.5% |
| Business | Wallerawang | 117,936.26 | -21,561.84 | 96,374.42 | 0.94983288 | 2,873.52 | 2,409.36 | - 464.16 | 29.4% | -16.2% |
| Business | Wallerawang Power Station | 9,276.22 | 42,784.48 | 52,060.70 | 1.41618519 | 9,040.61 | 52,060.70 | 43,020.09 | 40.1% | 475.9% |
| Business | Mt Piper Power Station | 7,626.94 | 36,786.36 | 44,413.30 | 1.41618519 | 7,433.22 | 44,413.30 | 36,980.08 | 40.5% | 497.5% |
| | | 1,985,977.49 | 0.00 | 1,985,977.49 | | | | | | |

* RLV - Rateable Land Value

Steps to Implement a Power Generation Sub-Category

The steps to introduce a power generation business sub-category are as follows:

1. Council resolution to indicate in-principle support for the introduction of the power generation rating sub-category.
2. Consult with the sole power generating organisation, Energy Australia and place the proposal on public exhibition for 28 days.
3. Report any feedback from the consultation process to Council.
4. If Council resolves to implement to new rating sub-category, include the sub-category in Council's Revenue Policy for adoption as part of the 2020/21 Operational Plan.

Policy Implications

Change to Council's Revenue Policy.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council:

1. Endorse in principle the introduction of a power generation business rating sub-category with a two-year staged introduction period.
2. Commence consultation with the sole power generating organisation, Energy Australia and place the proposal on public exhibition for 28 days with any feedback to be reported to Council.
3. Should Council resolve on point 1 to endorse in principle a power generation business rating sub-category and subject to the outcomes of consultation, that the sub-category be included in Council's Revenue Policy for adoption as part of the 2020/21 Operational Plan.
4. Direct additional rating income from the power generators sub-category towards reducing business rates for the other business sub-categories.

11.5.3. FIN - 24/02/20 - 2019/20 Quarter Two 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 October 2019 to 31 December 2019 with a recommendation that variations to income and expenditure estimates are voted and the revised financial result of \$2.202M consolidated operating surplus before capital grants be noted.

Commentary

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

| 2019/2020 Quarterly Budget Comparison | | | |
|---------------------------------------|------------------|-----------------------|------------------|
| Budget | Income \$'000 | Expenditure \$'000 | Result \$'000 |
| Original Budget | 49,686 | 44,056 | 5,630 |
| September Review | 51,251 | 44,697 | 6,554 |
| December Review | 52,529 | 45,592 | 6,937 |

| 2019/2020 Quarterly Budget Comparison - By Fund | | | |
|---|------------------|-----------------------|------------------|
| Budget | Income \$'000 | Expenditure \$'000 | Result \$'000 |
| General | 34,525 | 31,027 | 3,498 |
| Water | 7,503 | 7,485 | 18 |
| Wastewater | 10,500 | 7,079 | 3,421 |

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 Two 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 (\$103K) operating deficit (before capital grants) at 30 June 2020.

Operating revenue has increased by \$1.278M during Quarter Two, mainly due to a Roads to Recovery supplementary payment (for Local Government Areas in drought) and the \$1M bushfire recovery grant allocation. The development planning income budget has been reduced due to lower than expected applications, which is offset by reduced employment costs.

The material and contracts expense budget has been increased by \$1.07M, mainly for disaster relief project costs.

The 2019/20 capital expenditure budget has increased from \$27.8M (excluding loan repayments) at the end of Quarter One to \$28.04M (excluding loan repayments), mainly due to the addition of sewer mains renewal works.

Only 27% of the 2019/20 revised capital budget has been spent at 31 December 2019. Expenditure on tip asset and water / wastewater projects is particularly low for the year to date. Capital projects will be comprehensively reviewed in Quarter Three to determine if any projects need to be transferred to a future year as other priorities (particularly water infrastructure maintenance and bushfire recovery) have arisen in recent months.

\$1M Bushfire Recovery Grant

In January 2020, Council received a \$1M grant allocation from the National Bushfire Recovery Agency. The funds can be spent on projects and activities that the Council deems essential for the recovery and renewal of their communities. A condition of the grant is that Council needs to provide a Program of Works within 3 months to the Office of Local Government (OLG).

As Council has been proactive in its implementation of bushfire recovery projects and activities, the \$1M grant allocation has been fully committed. With the Mayor’s approval, the administration has taken action to seek additional funding from the National Bushfire Recovery Agency for ongoing works, including further clearing of trees.

A high-level project budget has been prepared for eligible bushfire recovery projects and activities, based on expenditure commitments to date and expected spending requirements. The Mayor has approved the project budget within his capacity under the Local Government Act to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.

A budget variation for the \$1M grant income and \$1M grant expenditure was included in the 2019/20 Quarter Two Budget Review.

The table below shows the approved project budget for eligible bushfire recovery projects and activities.

Category C NDRA Program of Works

| Project | Budget | Actuals Ledger | Project Commitments | Variance |
|---|---------------------|----------------|---------------------|----------------|
| Bushfire Recovery Events | \$ 20,000 | \$ - | \$ - | \$ 20,000 |
| Bushfire Recovery Coordinator | \$ 50,000 | \$ 259 | \$ - | \$ 49,741 |
| Bushfire Recovery Community Support | \$ 55,000 | \$ 14,070 | \$ 40,601 | \$ 329 |
| Make safe - on-site sewer systems | \$ 10,000 | \$ - | \$ - | \$ 10,000 |
| Removal of burnt out vehicles | \$ 10,000 | \$ - | \$ - | \$ 10,000 |
| Clean-up Petra Ave Playgroup Facility, Clarence | \$ 16,210 | \$ - | \$ - | \$ 16,210 |
| Tree Removal - Private Property | \$ 688,790 | \$ - | \$ 75,375 | \$ 613,415 |
| Stormwater clean-up | \$ 150,000 | \$ - | \$ - | \$ 150,000 |
| Total Expenses | \$ 1,000,000 | 14,329 | 115,976 | 869,695 |

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 October December Quarterly Report Final [**11.5.3.1** - 18 pages]

Recommendation

THAT Council:

1. Notes the content of the report and the revised consolidated operating result before capital grants of \$2.202M for the 2019/20 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 October 2019 to 31 December 2019.
2. Adopts the variations to the Council budget as outlined in the attached report, which includes eligible grant funded bushfire recovery projects and activities.

11.5.4. FIN - 24/02/2020 - Delegation for Acceptance of Tenders

Report by General Manager

Reference

Min 18-195: Ordinary Meeting of Council held 23 July 2018.

Summary

To advise Council that the General Manager has delegated his authority to accept tenders with a contract value of up to \$500,000 for the period leading up to his retirement. The General Manager has made this temporary change to the delegation to ensure the perception of probity in the acceptance of tenders.

Commentary

At the Ordinary meeting of Council held 23 July 2018 Council resolved:

18 – 195 RESOLVED

THAT:

1. Council delegate the General Manager authority to accept Council tenders with a Contract value of up to \$500,000 where all other tender requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005 are met; and
2. The Council delegate the General Manager authority to execute the resulting contract and any associated documentation under this delegation; and
3. If required, the relevant amendments to Policy 1.4 – Tendering be adopted and implemented immediately.
4. The General Manager report to each Council meeting on the tenders that he has authorised and that the Mayor be advised of each tender determined by the General Manager. This be carried out for a trial period of 6 months.

At the 27 August 2018 Ordinary meeting of Council, it was resolved that a report only be brought to Council when the delegation has been exercised (Min. No. 18-215).

Section 377 of the NSW Local Government Act 1993 sets out the authority of the General Manager with regard to the delegation of functions.

378 Delegations by the general manager

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).

Commencing immediately and for the remaining period up to his retirement, the General Manager has delegated his authority to accept tenders with a contract value of up to \$500,000 to the Chief Financial and Information Officer. Upon the commencement of the next General Manager or an Acting General Manager, the delegation will revert to the General Manager's role.

A report will be brought to Council at any time when the delegation has been exercised.

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 General Manager has delegated his authority to accept tenders with a contract value of up to \$500,000 for the period leading up to his retirement to ensure the perception of probity in the acceptance of tenders.

Attachments

Nil

Recommendation

THAT Council note that the General Manager has delegated his authority to accept tenders with a contract value of up to \$500,000 for the period leading up to his retirement. The delegation will revert to the General Manager's role upon the commencement of the next General Manager or an Acting General Manager.

11.6. People and Services Reports

11.6.1. PS - 24/02/2020 - Delivery Program - Six Monthly Progress Report

Report by Director of People & Services

Reference

Min No.18-165 Ordinary Meeting of Council held on 25 June 2018.

Summary

This report provides details of the July to December Progress Report against the combined 2017-21 Delivery Program and 2019/20 Operational Plan.

Commentary

The Local Government Act 1993 S404(5) states:

“The general manager must ensure that regular progress reports are provided to the council, reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months”.

The July to December Progress Report against actions in the combined 2017-21 Delivery Program and 2019/20 Operational Plan has been compiled in accordance with the requirements under the Local Government (General) Amendment (Planning and Reporting) Regulation 2009. A copy of this report has been provided to Councillors within their Business Paper Packages.

The document will be placed on Council’s website and made available for viewing.

Policy Implications

There are no policy implications as a result of the July to December Progress Report

Financial Implications

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

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. July December 2019 Progress Report [11.6.1.1 - 94 pages]

Recommendation

THAT Council note the July – December Progress Report against the combined 2017-21 Delivery Program and 2019/20 Operational Plan.

11.6.2. PS - 24/02/2020 - Financial Assistance

Report by Director of People & Services

Reference

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

Summary

This report advises Council of fee waivers approved by the General Manager under delegation from 1 July 2019 to 14 February 2020 and requests that a further allocation of \$1,000 be made by Council to accommodate fee waiver requests up until 30 June 2020.

Commentary

Council Policy 4.2 Financial Assistance includes an allocation for the waiver by the General Manager of fees of up to \$500 per event for the use of Council facilities throughout the year. Policy 4.2 also requires that such fee waivers be reported to Council twice annually.

Council resolved on 24 June 2019 (Min 19-174) to allocate \$1,000 for this purpose in 2019/20. The General Manager has approved the following waivers since 1 July 2019.

| Applicant | Request | Waiver Amount |
|-------------------------------|---|--|
| After Care Lithgow | Library meeting room hire fee waiver for people living with mental illness workshop | \$66 |
| Uniting NDIS | Queen Elizabeth Park fee waiver for community event for people with disabilities | \$150.50 |
| St Joseph's School Portland | Portland Crystal Theatre hire fee waiver for school musical | \$200 |
| Portland Business Association | Saville Park Portland hire fee waiver for Carols by Candle Light Night event on 7 December 2019 | \$259.50 |
| Walk n Talk Lithgow | Blast Furnace hire fee waiver for Saturday 7 December 2019 event. | \$56.50 |
| Community Fund Raising event | Civic Ballroom hire fee waiver for event on Saturday 8 February 2020 to raise funds to help with the treatment costs for a young family whose primary breadwinner has been diagnosed with cancer. | \$550* |
| | | *Note this was an urgent request as community interest exceeded expectations requiring relocation from the original lower cost Vale Hall venue |
| Total | | \$1,282.50 |

It is recommended that Council allocate a further \$1,000 for remaining fee waiver requests up until 30 June 2020. This increase can be met from the existing \$5,000 Financial Assistance allocation for Tony Luchetti Showground/ Civic Ballroom fee waivers. No requests for these waivers have been received to date.

Policy Implications

NIL

Financial Implications

- Budget approved - \$48,000
- Cost centre - 800158
- Expended to date - \$44,236.50
- Future potential impact – N/A

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council

1. Note the fee waivers approved by the General Manager under delegation for the period 1 July 2019 to 14 February 2020.
2. Provide an additional \$1,000 for fee waivers in the remainder of 2019/20 funded from the existing unused \$5,000 allocation for Tony Luchetti Showground/ Civic Ballroom fee waivers.

12. Council Committee Reports

12.1. FIN - 24/02/20 - Finance Committee Meeting Minutes February 2020

Report by Chief Financial & Information Officer

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 10 February 2020.

Commentary

At the meeting of the Finance Committee held on 10 February 2020, the following items were discussed:

- Review of Rating Structure: the Committee discussed the Review of Rating Structure report and endorsed the recommendations.
- Audit Action Lists – the Committee noted progress towards completing the internal audit and external audit actions.
- January 2020 monthly performance report to the Office of Local Government. The Committee discussed the effects of the bushfires on the budget and progress towards meeting the Fit For the Future targets.
- Policy 8.7 Investment Policy: The Committee discussed and endorsed the proposed changes to policy 8.7 Investment Policy.

The Committee also discussed and reviewed the projects and activities budget for the \$1M Grant for Bushfire Recovery.

The following business paper recommendation was also endorsed by the Committee

Council Investments Report January 2020

THAT

1. Investments of \$28,408,230 and cash of \$183,271 for the period ending 31 January 2020 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. Minutes Finance Meeting 10 February 2020 [12.1.1 - 5 pages]
2. Investments Report January 2020 [12.1.2 - 3 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 10 February 2020 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Report for January 2020.

12.2. IS - 24/02/2020 - Minutes of the Operations Committee Meeting - 5th February 2020

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Operations Committee Meeting held on 5th February 2020.

Commentary

At the Operations Committee Meeting held on 5 February 2020, there were numerous items discussed by the Committee including:

- Item 5.1 - Standing Item – Cullen Bullen Sewerage Update
- Item 5.2 - Standing Item – Water & Sewer Infrastructure
- Item 5.3 - Standing Item – Capital Works
- Item 5.4 - Update – Grant Funding Application
- Item 5.5 - Response – Paul Toole MP – Wallerawang School Car Park
- Item 5.7 - Update on Union Theatre Works
- Item 5.8 - Update – Asset Management System

The following item was outside the Committee's delegations and requires Council to formally approve the recommendation:

- Item 5.6 - Request for Widening – Hartley Valley Road, Lithgow

RECOMMENDATION

THAT Council Inform the resident of the considerable backlog of Council's roads renewals program and not consider the widening of Hartley Valley Road, Lithgow until such time that existing sealed road asset conditions have become satisfactory overall.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. DRAFT Minutes - Operation Committee Meeting - 5th February 2020 [12.2.1 - 10 pages]

Recommendation

THAT Council

1. Note the minutes of the Operations Committee Meeting held on 5 February 2020; and
2. Inform the resident of the considerable backlog of Council's roads renewals program and not consider the widening of Hartley Valley Road, Lithgow until such time that existing sealed road asset conditions have become satisfactory overall.

12.3. IS - 24/02/2020 - Minutes of the Traffic Advisory Local Committee (TALC) - 6th February 2020

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Traffic Advisory Local Committee (TALC) held on 6th February 2020.

Commentary

At the TALC meeting held on 6th February 2020, there were numerous items discussed that were outside the Committee's delegation and require Council to formally approve the recommendation:

- Item 6.1 - Letter from Resident – Traffic Signage & Lighting – Hungry Jacks Development

RECOMMENDATION

THAT Council administration investigate the area in relation to reducing the no stopping zone on Stewart street with a common sense approach and report back to TALC to endorse a recommendation to Council.

- Item 6.2 - Installation of Traffic Mirror – Sodwalls/Jerry Meadow Road

RECOMMENDATION

THAT Council

1. Investigate and install Advance sign & Finger board signage for the area of the intersection (Sodwalls Rd & Jerry's Meadow Road) as better option than a mirror install.
2. Council lodge a request to RMS to review the speed zone along the Sodwalls Road.

- Item 6.4 - Event – Tour de Cure – Charity Bike Ride – 8th to 10th March 2020

RECOMMENDATION

THAT Council approve the Tour De Cure bike riding event on the Lithgow Council managed roads as per the attached Traffic Management Plan.

- Item 6.5 - McKanes Bridge Refurbishment – Community Consultation Results

RECOMMENDATION

THAT Council install vehicle length limiting signage, restricting access to general access vehicles 12.5m and under, once the refurbishment of the McKanes Bridge on McKanes Falls Road is complete

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - TALC Committee Meeting - 6 th February 2020 [**12.3.1** - 7 pages]

Recommendation

THAT Council:

1. Note the minutes of the TALC Committee meeting held on 6 February 2020; and
2. Administration investigate the area in relation to reducing the no stopping zone on Stewart street with a common sense approach and report back to TALC to endorse a recommendation to Council.
3. Investigate and install Advance sign & Finger board signage for the area of the intersection Sodwalls Rd & Jerry's Meadow Road) as a better option then a mirror installation.
4. Lodge a request to RMS to review the speed zone along the Sodwalls Road.
5. Approve the Tour De Cure bike riding event on the Lithgow Council managed roads as per the attached Traffic Management Plan.
6. Install vehicle length limiting signage, restricting access to general access vehicles 12.5m and under, once the refurbishment of the McKanes Bridge on McKanes Falls Road is complete.

12.4. IS - 24/02/2020 - Sports Advisory Committee Meeting - 12th February 2020

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Sports Advisory Committee Meeting held on 12th February 2020.

Commentary

At the Sports Advisory Committee held on 12th February 2020, there were numerous items discussed by the Committee including:

1. 2020 LJ Hooker Reg Cowden Memorial Sports Start of the Year Awards
2. Booking Requests

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

- Item 5.1 - Financial Assistance Requests

RECOMMENDATION

THAT Council provide Kade Anderson with \$300.00 toward the cost of participating in the NSW under 13 Boys Indoor Hockey Team.

Policy Implications

Nil

Financial Implications

- Budget approved - \$2,500.00
- Cost centre - PJ 800158
- Expended to date - \$600.00
- Future potential impact - \$300.00 (Total Remaining \$1600.00)

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Sports Advisory Committee Meeting - 12 th February 2020 [12.4.1 - 10 pages]

Recommendation

THAT Council:

1. Note the Minutes of the Sports Advisory Committee Meeting held on 12th February 2020; and
2. Provide Kade Anderson with \$300.00 toward the cost of participating in the NSW under 13 Boys Indoor Hockey Team.

13. Business of Great Urgency

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

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

14. Closed Council

Confidential – Notice of Rescission - 24/02/2020 - Lithgow Landfill Waste Disposal Contract

| | |
|------------------|--|
| Report by | Councillor Cassandra Coleman Councillor Maree Statham Councillor Stephen Lesslie |
|------------------|--|

Reason for Confidentiality

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

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

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

CONFIDENTIAL - 24/02/2020 - ECDEV - Waste Services Contract - Variation of Kerbside Recyclables Processing Agreement

| | |
|------------------|--|
| Report by | Director of Economic Development & Environment |
|------------------|--|

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,

Summary

The purpose of this report is to seek Council's endorsement to vary the nominated processor of kerbside recyclables.

Recommendation

THAT Council Resolve to move into Closed Council to consider the confidential report: Waste Services Contract - Variation of Kerbside Recyclables Processing Agreement and the Confidential Notice of Rescission - Lithgow Landfill Waste Disposal Contract as listed in the Agenda

Live webcast Notification:

The meeting will now be in recess and move into closed council. The live streaming will cease from this point and resume again when resolved to move back into full council.