



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

21 NOVEMBER 2016

AT 7.00pm

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# AGENDA

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## **ACKNOWLEDGEMENT OF COUNTRY**

## **APOLOGIES**

## **PRESENT**

## **CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 31 OCTOBER 2016**

## **CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 10 NOVEMBER 2016**

## **DECLARATION OF INTEREST**

## **PUBLIC FORUM**

## **PRESENTATIONS**

Audit Presentation of the 2015-16 General Purpose and Special Purpose Financial Report

## **MAYORAL MINUTES**

Keep NSW Beautiful Blue Star Sustainability Awards

## **STAFF REPORTS**

General Managers Reports  
Environment and Development Reports  
Operation Reports  
Corporate and Community Reports

## **COUNCIL COMMITTEE MINUTES**

Traffic Advisory Local Committee - 27 October 2016

## **NOTICES OF MOTION**

Outsourcing of Cleaning Contracts  
Job Creation Support for Our Local Government Area  
NBN System for Our Local Government Area  
Lithgow City Council's Contract for Legal Advice  
Lithgow City Council's Newspaper Advertising & Shop Local Christmas Business Promotion  
Wallerawang Police Staffing

## **BUSINESS OF GREAT URGENCY**

as identified by Clause 241 of the Local Government (General) Regulations 2005

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## **PRESENTATIONS**

**ITEM-1            CORP - 21/11/16 - AUDIT PRESENTATION OF THE 2015-16  
GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL  
REPORT**

**REPORT BY: A SHELTON – ACTING GROUP MANAGER CORPORATE &  
COMMUNITY**

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## **SUMMARY**

To advise Council that its' Auditors, Crowe Horwath, will be at the meeting of 21 November 2016 to make a presentation of the 2015/16 General Purpose Financial Reports and Special Purpose Financial Reports and Special Schedules.

## **COMMENTARY**

In compliance with Section 418(3) of the Local Government Act due notice has been provided in the local media that the 2015/16 financial statements will be presented to the public. Copies of the financial statements have been made available for inspection at the Administration Centre and on Council's website. All interested members of the public have been invited to attend and in accordance with Section 420 of the Local Government Act 1993, Council will accept submissions, in writing, for a period of seven days following the audit address. As per the Act submissions received will be forwarded directly to the Auditors for their response.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The 2015/16 General Purpose Financial Reports, Special Purpose Financial Reports and Special Schedules represent Council's position as at 30 June 2016.

## **LEGAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

**THAT** Council:

1. Thank Crowe Horwath for the presentation.
2. Accept submissions, in writing, for a period of seven days following the audit address until 4.30pm on the 28 November 2016. All submissions which are received by the due date be forwarded to Council's Auditors in line with Section 420(3) of the Local Government Act.

## MAYORAL MINUTE

### ITEM-2            MAYORAL MINUTE - 21/11/16 - KEEP NSW BEAUTIFUL BLUE STAR SUSTAINABILITY AWARDS

**REPORT BY: COUNCILLOR S LESSLIE**

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## SUMMARY

To advise Council of the pleasing results at the recent Keep NSW Beautiful (KNSWB) Blue Star Sustainability (Regional) Awards held at Orange.

## COMMENTARY

Lithgow entries achieved success at the recent Keep New South Wales Beautiful Blue Star Awards held at Orange with one winner; three highly commended; and three finalists.

Lithgow Men's Shed won the Community Environmental Achievement Award for its entry which involved saving the former amenities building at the JM Robson Aquatic Centre from demolition and restoring it to a functional use.

Lithgow was one of four finalists in the Overall Regional Sustainability Award (formerly known as the Tidiest Town in New South Wales) which was awarded to Maitland.

Highly Commended Awards went to Lithgow High School in the Cultural Heritage category and Mrs Helen Drewe in Environment Achievement. Ferrero Australia also achieved a highly commended award in the Sustainable Systems – Category.

Two Finalist certificates were awarded to Zig Zag Public School in Going Green Education and Lithgow Small Arms Factory Museum in Cultural Heritage.

The results of the recent awards are once again very pleasing and great testament to the efforts of our local tidy towns committees and community partners.

## RECOMMENDATION

**THAT** the results of the recent Keep New South Wales Beautiful Blue Star Sustainability Awards be noted and the local award winners be congratulated on their achievements.

## GENERAL MANAGERS REPORTS

### ITEM-3 GM - 21/11/16 - LAKE PILLANS – NATIVE FISH STOCKING PROGRAM

**REPORT BY: A MUIR – ACTING GENERAL MANAGER**

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## SUMMARY

To advise Council of a request for dollar for dollar funding towards a fish stocking program of Lake Pillans.

## COMMENTARY

At Council's Ordinary meeting of 31 October 2016 a presentation was received from Mr Barry Stone in relation to the stocking of native fish in Lake Pillans. It appears that Mr Stone has been successful in an application to NSW Department of Primary Industries for funding of \$1,265 to stock Lake Pillans with 200 Australian Bass. However, for this to proceed matching funding would be required which Mr Stone is requesting of Council.

There are currently no funds within Councils adopted budget to contribute towards this project. Mr Stone may apply under Council's financial assistance program and a form has been provided to him in this regard. It is anticipated that all financial assistance requests will be considered at the December meeting of Council. This will also allow some time to investigate the suitability of Lake Pillans for the stocking of and potential consumption of fish.

## POLICY IMPLICATIONS

Policy 4.2 - Financial Assistance – Section 356 of The Local Government Act will be the applicable policy in considering an application for financial assistance at Council's December meeting should Mr Stone apply. It should be noted that the policy is targeted at not-for-profit community groups and organisations however Council may wish to extend consideration to a private individual in this instance if it so chooses.

## FINANCIAL IMPLICATIONS

Nil at this stage

## LEGAL IMPLICATIONS

Nil

## RECOMMENDATION

**THAT** the information regarding possible dollar for dollar funding for a native fish stocking program of Lake Pillans be noted.

**ITEM-4 GM - 21/11/16 - WIDE BODIED TRAINS ON BLUE MOUNTAINS LINES**

**REPORT BY: A MUIR – ACTING GENERAL MANAGER**

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**SUMMARY**

To advise Council of correspondence received from Blue Mountains City Council in relation to wide bodied trains and seek clarification of the issue.

**COMMENTARY**

Correspondence has been received from Blue Mountains City Council (attached) in relation to a concern that the introduction of new wide bodied trains on the Blue Mountains line will not allow the trains through existing tunnels between Bell and Lithgow. In recent discussions with the Member for Bathurst, the Honourable Paul Toole, he did indicate that he's understanding was that there was a project in hand in relation to the tunnels so the trains could be accommodated. However, given the obvious issues to the Local Community it is suggested that a formal response and clarification be sought to ensure that this will not be an issue for Lithgow residents.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Letter from Blue Mountains City Council – Wide Bodied Trains on the Blue Mountains Line

**RECOMMENDATION**

**THAT** correspondence be provided to the Member for Bathurst, The Honourable Paul Toole MP, seeking clarification and assurance that the introduction of wide bodied trains on the Blue Mountains Line will allow access to Lithgow and will not be impeded by the tunnels between Bell and Lithgow.



## ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-5            ENVIRO - 21/11/16 - DA244-15 PROPOSED CHILD CARE CENTRE,  
22 LITHGOW STREET LITHGOW

REPORT BY: JIM NICHOLS- ACTING GROUP MANAGER ENVIRONMENT &  
DEVELOPMENT

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## REFERENCE

Min No. 16 – 254:    Council Ordinary Meeting 10 October 2016

## SUMMARY

To assess and recommend determination of DA244/15 for a proposed child care centre at 22 Lithgow Street, Lithgow with the recommendation being for deferred commencement approval subject to conditions of consent.

## COMMENTARY

### Proposal

Council is in receipt of Development Application DA244/15 from Childcare Specialists Australia Pty Ltd for a long day child care centre on land known as Lot 1 DP 786694, 22 Lithgow Street Lithgow.

The land is mostly flat from Lithgow Street and slopes towards Queen Elizabeth Park at the rear of the property. There is some scattered vegetation onsite that is required to be removed as a result of the proposed building. The land has been approved for subdivision and that process is underway. The development is to be located on the subdivided allotment from Lot 1 DP786694 being 2068m<sup>2</sup>, which is vacant land and adjoins the St Helens building to be located on a separate allotment.

The child care centre is proposed to include 16 car spaces, landscaping, 2 playgrounds, 5 child care rooms, storage areas, 5 separate bathrooms, laundry, training room, nappy changing rooms, kitchen, staff room, reception, office and 3 cot rooms. Additionally a split level at the rear would contain a store room and toilets. The total ground floor area is 817m<sup>2</sup>, with vehicle access from Lithgow Street. The proposed hours of operation are from 7am to 6pm Monday to Friday with 14 full/part time staff to cater for a maximum of 84 children (0 to 5yrs).

### Lithgow Local Environmental Plan 2014 (LEP2014) Assessment

The development will integrate a suitable business with other developments within the main town centre. The proposal also attempts to maximise and encourage walking by being within proximity to the town centre and other similar developments.

The proposal will be undertaking earthworks on the site to provide for the building, play areas and carparking. The potential impacts from the earthworks will be minimised by sedimentation and erosion controls onsite. The proposal would have a condition imposed regarding relics, if approved, due to the proximity to the adjoining heritage listed building of St Helens. This will reduce any potential impacts on relic and maximise

records of any findings during the development process. The development has been designed in a way that will have a neutral or beneficial impact on water quality subject to conditions that would be imposed by Water NSW. The proposal will meet the requirements of earthworks set by the LEP2014.

**Adjoining Landuse:** The surrounding area is generally used for commercial developments; a school and residential uses. The area is a mixture of land uses and is close to the town centre. During the assessment process there was a concern that the development would not be consistent with the surrounding land uses as it may be an overdevelopment of the site given the potential for carparking overflow. A concern was raised that the use of on street carparking may impose conflicts for the existing adjoining land uses such as the school. This would be especially evident in peak traffic times given the location near a busy intersection, “school buses”, parents delivering primary school children; and other uses within the area.

However, it is recommended that conditions of consent be imposed to ensure that traffic impact is minimised through the following mechanisms:

- Impose time limited parking on Lithgow Street;
- Provide an onsite management plan to ensure that parents are aware of appropriate pick up/ drop off times;
- Implementation of median strip along Lithgow Street between laneways to ensure pedestrians and cars do not unsafely cross the road to enter the Child Care Centre.

**Social and Economic Impact:** The application has the potential to have both positive and negative social impacts. This is due to the proposal providing a sought after service to the community in the way of child care places. The impacts relate to concern that a shortage of off street car parking will force reliance on on-street parking and potentially create unsatisfactory traffic safety issues. However, this is proposed to be mitigated through traffic design and management onsite. The development may have a positive economic impact by way of the creation of employment during construction and ongoing operation and increased facilities within the town.

**Access/ traffic:** The proposal will gain access from Lithgow Street and has been assessed by Council’s engineers. The proposal had traffic issues to be addressed due to the proximity of the Lithgow/Mort Street traffic lights. Therefore, the applicant has proposed a median strip with fencing to eliminate the potential for turning into or out of the development in a right direction. This is acceptable and the entry/exist is accepted by Council, subject to compliance with Council’s requirements.

The development does not meet the requirements for off street carparking for a development of this size. The following calculations are from the Off-Street Carparking Development Control Plan and Roads and Maritime Services (RMS) ‘*Guide to Traffic generating Developments, Section 5- Parking Requirements for Specific Landuses*’:

<b>Lithgow City Council Off-Street Carparking DCP</b>			
<b>Land &amp; Building Use</b>	<b>Rate of provision</b>	<b>Calculations</b>	<b>Shortfall</b>
Child Care Centres	1 space per staff plus 1 space per 8 children	1 x 14 staff = 14 spaces 1 x 84/8 children = 10.5 spaces TOTAL = 25 spaces	<b>9 spaces</b>
<b>RMS Guide to Traffic Generating Development</b>			
<b>Land &amp; Building Use</b>	<b>Rate of Provision</b>	<b>Calculations</b>	<b>Shortfall</b>
Child Care Centres	1 space for every 4 children	1 x 84 / 4 children = 21 spaces TOTAL = 21 spaces	<b>5 spaces</b>

The proposed carparking includes 11 “pick up-drop off” spaces and 5 staff car spaces including stacked car parking onsite and does not meet the requirements of Councils DCP or the RMS guidelines.

Council requested advice from the RMS on this matter with the following comment provided:

*“Lithgow Street adjoining the subject land is a local collector road that intersects with Mort Street at a signalised intersection. Lithgow Street carries a high volume of traffic (590 vehicles during morning peak hour and 670 during evening peak hour) and has high pedestrian movements as well as drop off/pick up movements generated by the nearby primary school. Given the proposed development will involve the dropping off and picking up of young children, Roads and Maritime recommends that this activity not occur within the road reserve and instead, the applicant provide the required number of car spaces on-site.”*

Council then referred the application to the Traffic Advisory Local Committee for final consideration. However, the Committee disappointingly did not provide a recommendation and referred the proposal back to Council staff for determination.

After further discussions on-site and observation of morning school drop off and parking activity, it is suggested that the application may be approved with the following mitigation measures against peak time on- street carparking issues being:

- Impose time limited parking on Lithgow Street;
- Provide an onsite management plan to ensure that parents are aware of appropriate pick up/ drop off times;
- Implementation of median strip along Lithgow Street between laneways to ensure pedestrians and cars do not unsafely cross the road to enter the Child Care Centre.

### **Conclusion**

This has not been an easy application to get to a point where a positive recommendation can be made. The surrounding land uses are for commercial, residential and educational pursuits. There have been concerns that the site may not be suitable for the development at the proposed scale. The Traffic Authority Local Committee did not provide assistance to the assessment. After meeting the proponent, planning consultant and traffic consultant on site whilst observing morning traffic activity, a compromise position will be recommended whereby a “deferred commencement” consent will be issued that will only become an “operational consent”

once the current unregulated on-street parking directly adjacent to the site is replaced with time regulated parking. This should provide adequate additional drop off spaces, bearing in mind that parents must park for a short period to sign in their children. Subject to this deferred commencement consent the development will be able to proceed with a minimal impact to the surrounding area.

**POLICY IMPLICATIONS**

**Policy 7.5 Notification of Development Applications**

This policy applies to all applications as below:

**5. Who will be notified under this Policy and how long is the notification period?**

*5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.*

The proposal was notified to surrounding landowners and placed on display for a period of 21 days in accordance with 6.3 of the policy and therefore complies with requirements of this Council’s Policy. No submissions were received during this process.

**FINANCIAL IMPLICATIONS**

**Water Management Act 2000**

Under the Water Management Act 2000, Section 305, an application for Certificate of Compliance must be submitted to Council. This Act states:

- (1) A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.*
- (2) An application must be accompanied by such information as the regulations may prescribe.*

Therefore Council's Section 64 Contributions under the Local Government Act 1993 for water and sewer will be required to be paid prior to the release of the Final Occupation Certificate for the child care centre. This financial implication applies to the development given the increased load on Council's water and sewer systems. The *Section 64 Determinations Equivalent Tenements Guidelines May 2009* by The Water Directorate provides the following calculation to be applied:

**Clause 8- Standard ET Figures – commercial user categories**

<b>Category</b>	<b>Standard Unit</b>	<b>Suggested Values</b>	
		<b>Water ET</b>	<b>Sewer ET</b>
<i>Community Facilities: Child Care Centre</i>	<i>Person</i>	<i>0.06</i>	<i>0.10</i>

Therefore the following calculations will be applied to the development:

Water= 0.06 x 84 = 5.04 E.T  
 Sewer= 0.10 x 84 = 8.4 E.T

Currently, under Lithgow Council's Fees & Chargers 2016/2017 the contributions for water are \$3,000 per E.T and for sewer, \$2500 per E.T. Therefore the Section 64 Contributions will be a total of \$36,120.00 (\$15,120 for water and \$21,000 for sewer). These fees would be imposed under the development consent, if approved.

### Section 94A Development Contributions Plan 2015

The Section 94A plan applies to this development given it is for a child care centre using the below levies:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

Therefore, a condition of consent would be applied to the development, if approved.

### LEGAL IMPLICATIONS

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979. A full assessment under Section 79C is attached.

### ATTACHMENTS

1. Complete 79C Planning Report under separate cover.

### RECOMMENDATION

#### THAT

1. Development Application DA244/15 be granted a "deferred commencement" consent subject to deferred commencement conditions within the 79C Assessment Report attached.
2. Operational consent be granted in accordance with the operational conditions in the 79C Report following the satisfaction of the deferred commencement conditions.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-6            ENVIRO –21/11/16 - DA228-14 - DRAFT PLANNING AGREEMENT -  
PROPOSED SUBDIVISION 5 LOTS INTO 26, “EURELLA” 602  
UPPER NILE ROAD GLEN ALICE NSW 2849**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT AND  
DEVELOPMENT**

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## **SUMMARY**

To advise and seek endorsement of a Draft Planning Agreement for a proposed subdivision of 5 lots into 26 lots at “Eurella” 602 Upper Nile Road, Glen Alice.

## **COMMENTARY**

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to a 26 lot subdivision proposal. The developer has agreed to make a contribution of \$85,800 (\$3,300 per lot) for the proposed 26 lots to go towards upgrading of Upper Nile Road and Glen Alice Road.

Council’s Engineers have assessed the roads immediately surrounding the proposed subdivision and consider that the contribution is suitable for Upper Nile Road and Glen Alice Road.

The agreement must be endorsed by Council. Once Council has endorsed the Draft Planning Agreement, the required public notification process may proceed.

## **POLICY IMPLICATIONS**

Policy 7.10 – Planning Agreements applies. The Policy provides that a draft VPA is to be reported to Council for approval to be placed on public exhibition and also for final endorsement following exhibition.

## **FINANCIAL IMPLICATIONS**

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to the subdivision proposal. The developer has agreed to make a contribution of \$85,800 (\$3,300 per lot) for the proposed 26 lots to go towards the upgrade of Upper Nile Road and Glen Alice Road.

## **LEGAL IMPLICATIONS**

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 93F – 93L) and the Environmental Planning and Assessment Regulations (Clauses 25B – 25H). Section 935 of the Environmental Planning and Assessment Act provides that public notice must be given of a proposed Planning Agreement for at least 28 days before it can be entered into.

## **ATTACHMENTS**

1. Draft Planning Agreement

## RECOMMENDATION

### THAT

1. Council endorse the Draft Voluntary Planning Agreement proposed by Lyn and Bruce Richardson for a contribution of \$85,800 (\$3,300 per lot) to go toward the upgrade of Upper Nile Road and Glen Alcie Road.
2. The Voluntary Planning Agreement be placed on public exhibition for a period of 28 days.

**ITEM-7            ENVIRO - 21/11/16 - DA228-14 - 26 LOT SUBDIVISION GLEN ALICE**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT & DEVELOPMENT**

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**REFERENCE**

Min No 15-100:        Ordinary Meeting of Council held on 11 May 2015 regarding Agricultural Classification of the property.

**SUMMARY**

To assess and recommend determination of DA228/14. Recommendation will be for approval subject to conditions.

**COMMENTARY**

Council is in receipt of a Development Application DA228/14 for a subdivision of 5 lots into 26 on land known as Lot 5 DP 136719, Lots 3, 4, 11 and 12 DP 755796, “Eurella” 602 Upper Nile Road NSW 2849.

The proposal is for a 26 lot subdivision being:

- Lot 1 to contain an area of 62ha with access from the western side of Upper Nile Road,
- Lot 2 to contain an area of 67ha with access from the western side of Upper Nile Road,
- Lot 3 to contain an area of 73ha with access from the western side of Upper Nile Road,
- Lot 4 to contain an area of 78ha with access from the western side of Upper Nile Road,
- Lot 5 to contain an area of 81ha with access from the western side of Upper Nile Road,
- Lot 6 to contain an area of 41ha with access from the western side of Upper Nile Road,
- Lot 7 to contain an area of 48ha with access from the western side of Upper Nile Road,
- Lot 8 to contain an area of 82ha with access from the eastern side of Upper Nile Road,
- Lot 9 to contain an area of 41ha with access from the eastern side of Upper Nile Road,
- Lot 10 to contain an area of 72ha with access from the eastern side of Upper Nile Road. Lot 10 also contains an existing cottage being the “Eurella” homestead
- Lot 11 to contain an area of 42ha with access from the eastern side of Upper Nile Road,
- Lot 12 to contain an area of 126ha with access from the eastern side of Upper Nile Road,



- Lots 13 to 24 is proposed to contain an area of 41ha each and to have access from Jamieson Road,
- Lot 25 to contain an area of 47ha with access from Jamieson Road, and
- Lot 26 to contain an area of 46ha with access from Jamieson Road. The lot currently contains outbuildings and a wool shed.

The subdivision is proposed to be undertaken in 3 stages being:

Stage 1: Lots 1 to 6 plus the residue

Stage 2: Lots 13 to 26 plus the residue, with the formation of Jamieson Road

Stage 3: Lots 7 to 12

### **PERMISSIBILITY UNDER RYLSTONE LOCAL ENVIRONMENTAL PLAN 1996**

The application was lodged prior to the gazettal of Lithgow Draft Local Environmental Plan 2013 (DLEP2013). Therefore, the application is to be assessed under Rylstone Local Environmental Plan 1996 (LEP1996) whilst having regard to DLEP2013 in accordance with the *Environmental Planning & Assessment Act 1979*.

The development is considered to comply with the objectives of the 1(a) General (Rural) zone under LEP 1996.

At the Ordinary Meeting of Council held on 11 May 2015 a report was presented regarding the Agricultural Classification of the property. Council resolved that Lot 5 DP 136719, Lots 3, 4, 11 and 12 DP 755796 for DA 228/14 are not prime crop and pasture land for the purposes of the Rylstone Local Environmental Plan 1996 and were subsequently able to be subdivided. The application was substantially delayed to allow resolution of the Agricultural classification issue. The applicant also required determination of this issue prior to expecting funds on reports which would not have been required if the application failed this “threshold” test.

The development satisfactory complies with the Rylstone LEP 1996.

### **PERMISSIBILITY UNDER LITHGOW DRAFT LOCAL ENVIRONMENTAL PLAN 2013**

The proposed subdivision will generally meet the objectives of zone RU1 Primary Production Zone under the Draft LEP2013 which was subsequently gazetted as Lithgow Local Environmental Plan 2014. However, the subdivision does not meet the requirements of Clause 4.1 ‘Minimum subdivision lot size’ as the property is located within “Area 1”.

Clause 4.1 states:

*(4A) Despite any other provision of this clause, land identified as “Area 1” or “Area 2” on the Lot Size Map may not be further subdivided.*

As such Area 1 relates to the former Rylstone area and prime crop and pasture land. The property is identified as containing biodiversity. The proposed subdivision is not expected to have any adverse impact on ecological value or significant flora and fauna on the property as no building structures are proposed at this stage.

No clearing of the property is proposed as part of this application and the land form would not be impacted upon.

Part of the property is identified as being sensitive land. The majority of the land is relatively flat and is not subject to high erosion potential, salinity, impede drainage or expected to be subject to regular or permanent inundation. The development is designed, sited and will be managed to avoid significant adverse environmental impact.

The property is identified as containing ground water vulnerability. Geotechnical reports have been submitted with the application along with soil tests which identify the impact on groundwater to be minimal. Groundwater dependent ecosystems would not be impacted upon by the development as the landscape of the property is proposed to remain.

Therefore the development generally complies with the provisions of the DLEP2013 with the exception of the minimum subdivision lot size. However, given the application was lodged under the Rylstone LEP 1996, the development may be given determinative weight in this instance under Rylstone LEP 1996.

### **Exhibition & Community Concerns**

The proposal was notified to adjoining landowners and placed on public display in Councils Administration Building for a period of 14 days. During the exhibition period no submissions were received.

### **Conclusion**

The proposal generally complies with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality subject to conditions of consent being imposed. As such it is recommended that development consent be granted subject to the conditions as detailed within the 79C assessment (Attachment 1).

### **POLICY IMPLICATIONS**

#### ***Policy 7.7 -Calling in of Applications by Councillors***

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

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

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

As the application was called in by former Councillor Inzitari, determination of this application will therefore be by the elected Council.

### **FINANCIAL IMPLICATIONS**

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to the subdivision proposal. The developer has agreed to make a contribution of

\$85,800 (\$3,300 per lot) for the proposed 26 lots to go towards upgrading of Glen Alice Road and Upper Nile Road.

Council's Engineers have assessed the roads immediately surrounding the proposed subdivision and consider that the contribution is suitable for Upper Nile Road and Glen Alice Road.

Additionally, Council's Section 94A Development Contribution Plan 2015 will be applicable to the construction of dwellings on each proposed lot in the future.

It is considered appropriate that if the application is approved, the following condition be imposed on the consent:

*8. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act the draft Planning Agreement that relates to the Development Application, the subject of this consent must be finalised and paid prior to the issue of the Subdivision Certificate for each stage.*

- *Applies to all stages of the subdivision.*

The details of the VPA have been separately reported to Council at this meeting.

#### **LEGAL IMPLICATIONS**

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979. A full assessment under Section 79C is attached.

#### **ATTACHMENTS**

1. Complete 79C Planning Report under separate cover.

#### **RECOMMENDATION**

##### **THAT**

1. Development Application 228/14 be approved, subject to the conditions outlined in the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-8            ENVIRO - 21/11/16 - STATE SIGNIFICANT DEVELOPMENT - SSD  
7592 - SPRINGVALE COAL PTY LTD WATER TREATMENT  
PROJECT**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT &  
DEVELOPMENT**

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## **SUMMARY**

To advise Council on a Major Project that has been submitted to the Department of Planning and Infrastructure (the Department) for the Springvale Colliery, Castlereagh Highway, Lidsdale.

## **COMMENTARY**

### **Proposal**

The proposal involves the transfer and treatment of water from the existing underground mine dewatering facilities at Springvale Mine and Angus Place Colliery for industrial reuse at the Mount Piper Power Station (owned by Energy Australia).

The development is proposed to improve environmental outcomes for the Coxs River catchment and comply with the water quality performance measures for mine water discharges required under the Springvale Mine Extension Project SSD 5594 conditions relating to water management and to reduce salinity in mine water discharges.

The proposal involves:

- A system to transfer up to 36 ML/day of dewatered mine water from the existing gravity tank that forms part of the approved Springvale Delta Water Transfer Scheme (SDWTS) on the Newnes Plateau to Mount Piper Station.
- A new water treatment plant at the power station incorporating desalination of processes to reduce the salinity in mine water to a standard suitable for reuse.
- Transfer of treated water from the water treatment plant to the power stations cooling water system to contribute to the demand for make-up water.
- Discharge of any excess treated water to a new licensed discharge point for environmental release to Wangcol Creek.
- Disposal of residuals from the pre-treatment process in the reject emplacement area at the Springvale Coal Service site.
- Transfer of the saline brine stream to the power station cooling water blowdown system for integration with existing treatment and brine disposal practices.
- Installation of a crystalliser to provide further treatment of the additional salt load generated within the power stations cooling water blowdown system.

A summary of the key environmental impacts are outlined below.

Surface water quality: Majority of the treated mine water would be reused within the power stations cooling system. Treated water discharged to the new discharge point on Wangcol Creek would only occur when the power station is operating at less than 50% capacity. Discharges to Wangcol Creek would result in flushing and dilution of higher electrical conductivity water and would reduce the salinity in Wangcol creek.

Catchment hydrology and hydraulics: The development is proposed to discharge up to 32 ML/day treated mine water to Wangcol Creek. Hydrological modelling of the maximum discharge showed that there would be a minimal change in peak flow rates and no change in the critical storm duration.

Soils: Soil disturbance during construction includes: boring, trenching and decommissioning pipeline extents and clearing, regrading and building infrastructure. The impacts on soil would be mitigated via soil and erosion controls. The areas disturbed would also be progressively rehabilitated except where permanent access roads are constructed.

Flora and Fauna: Some native vegetation and threatened flora and fauna species would be disturbed. It is expected that there would be a removal or modification of up to 27.84ha of native vegetation and associated habitats within the project area. Two ecological communities (EECs) were also identified. The biodiversity assessment for the development indicated that the impacts to the EECs are small and temporary with no long term impacts to the abiotic factors critical to the survival of the EEC.

Springvale and Angus Place Coal have a biodiversity offset strategy for projects to minimise and avoid impacts.

The development would provide a positive influence to aquatic ecology within the Wangcol Creek and Coxs River due to the intermittent discharges.

Air Quality: Potential dust emission may occur during construction. Impacts would be temporary and undertaken a significant distance from sensitive receivers. Mitigation measures would be implemented to control dust.

Noise: Noise during operation of the proposal is predicted to be insignificant.

Aboriginal Heritage: There are seven Aboriginal heritage sites in the vicinity of the development. The sites are located over 30 metres from the development. The sites are not expected to be impacted upon due to mitigation measures proposed.

Heritage: There are two heritage items within the vicinity, being 'The Cottage' (listed under Council's LEP 2014) and 'The European Surveyors' Tree (not listed). Both items are not within the project area and are not expected to be impacted upon.

Traffic and Transport: Traffic movements are proposed to occur along the Castlereagh Highway with a 2% increase and Chifley Road with a 1% increase. A higher percentage of traffic is to occur within the Newnes State Forest.

Visual: The facilities associated with the development would not be viewed from residential dwellings or villages. The infrastructure is proposed to blend with the facilities at the power station and mine sites.

Economic impacts: The development would provide employment during the construction works. Other economic benefits include: accommodation and hospitality services within the local community, supply of materials such as ready mix concrete, and procurement of services (plant and equipment hire).

The main economic benefit of the development is to support the ongoing viability of the existing mines and power generation operations as well the continued employment of staff.

### **Status**

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 8 November 2016. A submission was made on behalf of Council regarding the development. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Environment.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

As the proposal falls within Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority.

### **RECOMMENDATION**

**THAT** the information in the report on the Springvale Water Treatment Project be noted.

**ITEM-9            ENVIRO - 21/11/16 - DA238-16 PROPOSED DUAL OCCUPANCY AT  
25 PIMPALA STREET MARRANGAROO**

**REPORT BY: JIM NICHOLS - ACTING GROUP MANAGER ENVIRONMENT &  
DEVELOPMENT**

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## **REFERENCE**

MIN No. 16-257      Council ordinary meeting dated 10 October 2016

## **SUMMARY**

To assess and recommend determination of DA238/16 for a dual occupancy. The recommendation will be for approval subject to conditions.

## **COMMENTARY**

Council is in receipt of a Development Application DA238/16 for a dual occupancy on land known as Lot 33 DP 793965, 25 Pimpala Street Marrangaroo NSW 2790. A report was previously submitted to Council on 10 October 2016 in relation to consideration for a variation to the covenant imposed by Council in 1990 to allow the proposed development:

8. (a) That no more than one (1) main building shall be erected on the land hereby burdened.

Council therefore resolved the following:

***That:***

- 1. Council notify all relevant landowners within the Marrangaroo Estate of the potential variation to the Council covenant that restricts dual occupancy.*
- 2. The proposal be notified for 21 days after which DA238/16 be considered by Council.*

Notification to all landowners within Marrangaroo Estate was undertaken for a period of 21 days. Although Council officers discussed the matter with a number of residents, no submissions were received. Therefore, the following information is provided under point 2 above to enable Council to determine the Development Application.

**Proposal:**

The land currently retains a dwelling and shed on the 4000m<sup>2</sup> allotment. The land is relatively flat with maintained lawn, some landscaping and one driveway from Pimpala Street. The proposed dual occupancy dwelling will include 2 bedrooms, bathroom, study, laundry, kitchen/dining/living, alfresco area and a 2 bay garage at a total of 207.8m<sup>2</sup>. The proposed dwelling is to be constructed on bearers and joists with timber framing, face brickwork and colourbond roofing.

**Lithgow Local Environmental Plan 2014 assessment:**

The development being a dual occupancy (defined below) is permissible under the Lithgow Local Environmental Plan 2014 zone R2 Low density residential, subject to development consent.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note.** Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.** Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

Clause 4.1A below is also applicable to the proposal:

**4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Dual occupancy (detached)	Zone R2 Low Density Residential	1,000 square metres

The development is permissible under Clause 4.1A of the LEP2014 as the land is 4000m<sup>2</sup>.

The allotment meets the minimum lot size requirement of 1000m<sup>2</sup> for dual occupancy development in zone R2 Low Density Residential.

There will be minimal earthworks proposed for the development given the lay of the land and proposed construction methods. All works will be controlled by erosion and sedimentation mitigation measures onsite.

The development will have adequate drainage with conditions of consent for dispersing of stormwater onsite and into existing drainage areas. The development is not expected to have an impact on groundwater systems given the minimal earthworks required and connections to existing Council reticulated sewer.

The proposed development will be connected to water, sewer, electricity and telecommunications with adequate access from Pimpala Street subject to conditions of consent. The development will have all essential services required.

**Marrangaroo DCP**

The development will meet the aims and objectives of the plan which includes maintaining a rural atmosphere, complementary buildings and minimal impacts to adjoining amenity. The permitted land uses as detailed within Clause 3 and 4 of the DCP are no longer applicable as they refer to a previous planning instrument. The current planning instrument is LEP2014 in which a dual occupancy is permissible with consent and overrules the requirements of the DCP.

The proposal complies with Clause 5 restrictions and development standards except for the side setback requirement of 5m. The proposal has a setback of 4m from the eastern boundary, which is a variation of 20%. The reduced setback will not impact the adjoining land and allows room for landscaping and lawn between the boundaries. This variation is minor and is acceptable for the proposed development.



The proposal for an additional single story dwelling constructed of brick at the rear of the property meets the requirements of building design and guidelines of the DCP. The development will not impact on visual privacy and maintains access to sunlight for all properties. The additional driveway can be landscaped to minimise impact on adjoining neighbours.

Contributions will be sought for the development as per Section 94A Development Contribution Plan 2015 and complies with Clause 9 of the DCP. Changes to the Environmental Planning and Assessment Act in 2014 make it clear that DCP's are essentially guidance documents and that higher order plans (eg LEP's) carry more weight.

The development will generally comply with requirements of the DCP unless varied through the provisions of the overriding DCP.

## **POLICY IMPLICATIONS**

### **Policy 7.5 Notification Of Development Applications**

The proposal was notified to surrounding landowners and placed on display for a period of 14 days in compliance with Council's Policy.

A second notification was undertaken for a 21 day period to all landowners within Marrangaroo Estate in relation to the variation to covenant 8(a) for DP793965.

No submissions were received as part of either notification process.

## **FINANCIAL IMPLICATIONS**

### **Section 94A Development Contributions Plan 2015**

The Section 94A plan applies to this development given it is for a dual occupancy at an estimated cost of \$257,300.00, using the below levies:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

A condition of consent will be imposed on the development if approved to ensure the appropriate contribution is paid prior to Construction Certificate release to comply with the Section 94A Plan.

### **Water Management Act 2000**

Under the Water Management Act 2000, Section 305, an application for Certificate of Compliance must be submitted to Council. This Act states:

- (1) *A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.*
- (2) *An application must be accompanied by such information as the regulations may prescribe.*

Section 64 Contributions under Local Government Act 1993 for water and sewer will be required to be paid prior to the release of the Final Occupation Certificate and a condition of consent will be imposed if approved.

### **LEGAL IMPLICATIONS**

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979. A full assessment under Section 79C is attached.

### **ATTACHMENTS**

1. Complete 79C Planning Report under separate cover.

### **RECOMMENDATION**

#### **THAT**

1. Council agree to the variation of the covenant 8(a) relating to DP793965 to allow a dual occupancy under DA238/16 at 25 Pimpala Street, Marrangaroo.
2. Development Application DA238/16 be approved, subject to conditions of consent in the Attachment 79C report.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-10      ENVIRO      -      21/11/16-      DA244-16      -      PROPOSED  
TELECOMMUNICATION FACILITY, COUNCIL'S ROAD RESERVE,  
CORNER OF GLEN ALICE ROAD AND NOOLA ROAD, BOGEE  
NSW 2849**

**REPORT BY: J NICHOLS – ACTING GROUP MANAGER ENVIRONMENT AND  
DEVELOPMENT**

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## **SUMMARY**

To assess and recommend determination of DA244/16. Recommendation will be for approval subject to conditions.

## **COMMENTARY**

Council is in receipt of a Development Application DA244/16 for a Telstra telecommunication facility on a section of Council's Road Reserve on the corner of Glen Alice Road and Noola Road, Bogee.

The development is proposed to improve mobile coverage and access to services via the Telstra network to the Lithgow/Glen Alice area. The facility is proposed to include:

- One new 40m high monopole;
- Six panel antennas on a standard triangular headframe on top of the pole;
- Access to be provided off Noola Road;
- Underground optical fibre and power supply;
- The installation of electrical equipment within the existing Telstra shelter on site;  
and
- The construction of a fenced lease area to house the facility.

The road reserve consists of an area of 206.4m<sup>2</sup>. The buildings and infrastructure will be confined to a small extension to the existing lease area. The access track is proposed to be upgraded to the compound. Minimal earthworks are proposed for the construction of the concrete footing for the monopole.

The development is in co-location with existing telecommunication infrastructure and water closet (WC) that currently exists within the road reserve.

The road reserve has relatively flat topography and consists of a cluster of vegetation with the location for the tower currently cleared. The selected location is deemed to be the most optimal location required for best technical coverage.

## **EXHIBITION & COMMUNITY CONCERNS**

The proposal was notified to adjoining landowners and placed on public display in Councils Administration Building for a period of 14 days. During the exhibition period no submissions were received.

## CONCLUSION

The proposal complies with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality subject to conditions of consent being imposed. As such it is recommended that development consent be granted subject to the conditions as detailed within the 79C assessment (Attachment 1).

## POLICY IMPLICATIONS

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

*Development Applications to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority.* Given that the property is owned by Council, the proposal is reported to Council for determination.

## FINANCIAL IMPLICATIONS

### **Section 94A Development Contributions Plan 2015**

The Section 94A plan applies to this development given it is for a ‘*telecommunications facility*’, at an estimated cost of \$255,000.

Therefore, the following condition of consent should apply to the development if approved:

- *Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$2,550.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.*

## LEGAL IMPLICATIONS

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979. A full assessment under Section 79C is attached.

The applicant is renegotiating a lease agreement with Council to utilise Council land. The lease agreement is detailed under a separate Council report at this meeting.

## ATTACHMENTS

1. Complete 79C Planning Report under separate cover.

## RECOMMENDATION

### THAT

1. Development Application 244/16 be approved, subject to the conditions outlined in the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

## OPERATION REPORTS

### ITEM-11 OPER- 21/11/16 - WATER REPORT

**REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

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## REFERENCE

Min No 16-295: Ordinary Meeting of Council held on 31 October 2016

## SUMMARY

This report provides an update on various water management issues.

## COMMENTARY

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

Farmers Creek No. 2 Dam level on Thursday, 10 November 2016 was 100%. Oberon Dam level on Thursday, 10 November 2016 was 99.5%.

### 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 Fish River for 2016/2017. Table 2 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 Fish River for 2014/2015 and 2015/2016.

**Table 1 - Oakey Park Monthly Output and Clarence Transfer 2016/2017**

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	112	0	58
August	97	0	68
September	95	0	66
October	111	0	66
<b>TOTAL</b>	<b>415</b>	<b>0</b>	<b>258</b>

**Table 2 - Oakey Park Monthly Output and Clarence Transfer 2014/2015 & 2015/2016**

Month	2014/2015			2015/2016		
	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	80	0	63	113	0	50
August	145	0	45	112	0	66
September	105	0	66	117	0	57
October	112	0	61	123	0	63
November	120	0	65	117	0	75
December	84	0	36	162	63	55
January	89	0	100	120	0	74
February	95	0	66	111	0	77
March	143	0	67	132	0	88
April	99	0	71	119	12	61
May	105	0	55	131	0	43
June	131	0	74	95	0	53
<b>TOTAL</b>	<b>1,308</b>	<b>0</b>	<b>769</b>	<b>1,452</b>	<b>75</b>	<b>719</b>

**Oakey Park Water Quality Summary**

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG values were exceeded for the period 22 October 2016 and 11 November 2016.

**Treatment Plants Monitoring Results**

Samples are taken on a monthly basis at various locations within the STPs and WTP. Nine samples were taken on 18 October 2016 and forwarded to Australian Laboratory Services (ALS) for testing. There were two (2) non-compliances at Lithgow STP and one (1) Portland STP as detailed below in Table 3. All other test results complied with licence criteria. All test results are published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

**Table 3 – Treatment Plants Monitoring Results**

Plant	Non Compliance	Licence Limit	Date Sampled	Cause of Non Compliance	Action Taken To Mitigate Adverse Effects Of The Non Compliance	Action Taken To Prevent Future Reoccurrence Of Non Compliance
Lithgow STP	Faecal Coliforms 1,300cfu/100ml	200cfu/100ml	18/10/2016	Due to scheduled maintenance of process equipment and loading on process streams.	Disinfection process limits increased.	Maintenance of equipment completed.
Lithgow STP	Ammonia 4.53mg/L	2mg/L	18/10/2016	Due to maintenance works being undertaken, process control was interrupted.	Disinfection processed increased.	Maintenance of equipment completed.
Portland STP	Faecal Coliforms 1,500cfu/100ml	600cfu/100ml	18/10/2016	Due to loading of filter during augmentation of STP.	Increased disinfection of effluent, closer monitoring of effluent quality.	Increased monitoring of effluent quality & disinfection processes.

### Fish River Water Scheme Water Quality Summary

Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 22 October 2016 and 11 November 2016.

### Current Water Restrictions Update

Level 1 restrictions are effective from Monday, 17 March 2014.

### Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving three (3) applications for household appliance rebates and no applications for water tank rebates for the period 22 October 2016 and 11 November 2016.

### Water Reticulation Complaints

One (1) complaint was received during the period 22 October 2016 and 11 November 2016 concerning water quality issues in the following area. Testing of the water was undertaken at this location.

Locality	Concern	Notes
Gemalong Close, Marrangaroo	Customer advised that over the weekend the water quality was a deep rusty colour and still is the same today.	Flushed and tested. No health-based ADWG values were exceeded.

Details of water complaints made since November 2015 are displayed in the attachment.

### POLICY IMPLICATIONS

NIL



**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Water Quality Complaint Trend

**RECOMMENDATION**

**THAT** Council notes the water report.

**ITEM-12            OPER – 21/11/16 – LITHGOW FLOOD STUDY – REFERRAL OF  
FINAL DRAFT DOCUMENT TO PUBLIC EXHIBITION**

**REPORT BY: J EDGECOMBE – ACTING WORKS MANAGER**

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**REFERENCE**

Min No 12-367:        Ordinary Meeting of Council held on 15 October 2012

**SUMMARY**

This report provides detail regarding the progress of the Lithgow Flood Study.

**COMMENTARY**

On the 27<sup>th</sup> November 2016, members of the Flood Study Working Group met to discuss the progress of the Lithgow Flood Study Review. The consultants, Lyall and Associates presented their work to the group for discussion. From this meeting, it was found that subject to a review of and comparison between the GIS data from the Lithgow Floodplain Management Study (Kinhill, 1991) and the models from the draft review, there are no outstanding issues that require modification of the final draft document.

The next stage of the process is a public exhibition of the draft document, with the aim of allowing the public to voice their concerns and have any questions answered. The minimum timeframe for public exhibition is 21 days. During this period, a standard media release will be prepared to inform the general public of the locations of the document and how it can be sourced. In order to better ensure that those residents with properties that are flood affected are aware of the proposed changes, Council officers will contact them directly with the purpose of gauging interest on methods of direct interaction with these residents.

During the period of public consultation, it is expected that one final information session will be presented to Councillors.

After the public exhibition period, the report will be brought back to Council in the New Year with the purpose of adoption and formal replacement of the current Flood Study from 1991.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

## RECOMMENDATION

**THAT** Council proceed with the public exhibition of the draft Lithgow Flood Study Review for a period of 21 days.

**ITEM-13 OPER - 21/11/16 - TELSTRA LEASE AGREEMENT**

**REPORT BY: J EDGEcombe – ACTING WORKS MANAGER**

**SUMMARY**

In conjunction with DA204/16, Telstra are proposing a new and amended lease agreement for a portion of council land at the corner of Glen Alice and Bogee Road.

**COMMENTARY**

The proposed lease area is part of a road reserve under the care and control of Council. This land was previously leased by Telstra for 20 years (from 1/07/96 – 30/06/16). Telstra are proposing to install a 40m telecommunications tower to provide mobile coverage to Bogee and surrounding communities and to increase coverage on the local road network. The previous lease area contains an existing Telstra facility and this lease agreement seeks to increase the lease area to install the new telecommunications tower at the same site. The previous lease and existing Telstra infrastructure have had no impact on Council operations and the proposed lease agreement shouldn't have any impact into the future. Therefore it is recommended that Council enter into legal negotiations with Telstra.

**Previous Lease Agreement**

The previous lease for the land was entered into between Rylstone Council and Telstra. This agreement was for a twenty year period from 1<sup>st</sup> July 1996 – 30<sup>th</sup> June 2016. The rent agreement for the lease was as follows:

- \$1,250.00 for the period commencing 1 July 1996 – 30 June 2001 (\$250.00 per annum)
- For each five year period thereafter, the rent will increase by 15% over the rent payable in respect of the previous period

**Proposed Lease Agreement**

The proposed lease is for a 206.4 metres squared area in Council's road reserve on Glen Alice Road, Bogee. The lease agreement proposes 4 consecutive leases of 5 years in length. The rent is to be increased by 2% each year.

Lease	Start Date	End Date	Rent (per annum) (Increasing by 2% each year)
Lease 1	1 December 2016	30 November 2021	\$4,000.00
Lease 2	1 December 2021	30 November 2026	\$4,416.32
Lease 3	1 December 2026	30 November 2031	\$4,875.98
Lease 4	1 December 2031	30 November 2036	\$5,383.47

The lease agreement proposes for rent payment to commence on the date Telstra informs Council of its intention to begin building works on the land.

### **Potential Impacts to Council**

The proposed lease will have a negligible impact on Council operations. There are currently no plans to widen Glen Alice Road and usage of the road is not likely to increase significantly over the medium to long term. The existing Telstra SCAX (small country automatic exchange) on the site has not had an impact on Council's operation or planning with regards to Glen Alice Road. The proposed new telecommunications tower is located further from the road than the existing SCAX so isn't likely to have any additional impact on Council operations.

### **FINANCIAL IMPLICATIONS**

This lease agreement will provide Council with positive cash flow of \$4,000.00 per annum increasing by 2% each subsequent year.

### **ATTACHMENTS**

1. Bogee CMTS Pre-Legal – 20 10 16 as amended – Lease Agreement
2. Bogee – 30423500 – 151 – Original Lease Agreement

### **RECOMMENDATION**

#### **THAT:**

1. The Acting General Manager be authorised to negotiate and finalise the terms and conditions of a lease with Telstra for Council owned land in Bogee; and
2. The affixing of the Council seal to lease documentation be authorised if necessary.

**ITEM-14          OPER - 21/11/16 - OPERATIONS COMMITTEE MEETING - 14  
NOVEMBER 2016**

**REPORT BY:          I STEWART – GROUP MANAGER OPERATIONS**

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**SUMMARY**

This report details the Minutes of the Operations Committee Meeting held on 14 November 2016.

**COMMENTARY**

At the Operations Committee held on 14 November 2016, there were numerous items discussed by the Committee, including:

- Terms of Reference Review

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

- Reallocation of Funds – Wolgan Causeway

**THAT** Council reallocate the 2016/17 Vale Street, Portland Hotmix Re-sheet budget to the repair of the Wolgan Valley concrete causeway and reconstruction of Cullenbenbong Road, Kanimbla Valley.

- Reallocation of Funds – 2016/17 Hotmix Program

**THAT** Council reallocate funds in the 2016/17 hotmixing budget to accommodate for the shortfall outlined above.

- 2015/16 Blackspot Program Intersection Designs

**THAT** Council note the proposed upgrades on Lithgow Street and at the Macualey Street intersection.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Operations Committee Meeting of 14 November 2016

## RECOMMENDATION

### **THAT Council:**

1. Notes the minutes of Operations Committee Meeting 14 November 2016;
2. Reallocate the 2016/17 Vale Street, Portland Hotmix Re-sheet budget to the repair of the Wolgan Valley concrete causeway and reconstruction of Cullenbenbong Road, Kanimbla Valley;
3. Reallocate funds in the 2016/17 hotmixing budget to accommodate for the shortfall outlined above; and
4. Note the proposed upgrades on Lithgow Street and at the Macqualey Street intersection.

## CORPORATE AND COMMUNITY REPORTS

**ITEM-15            CORP – 21/11/16 - TRANSFER OF COAL SKIPS FROM ESKBANK HOUSE AND MUSEUM TO CITY OF GREATER LITHGOW MINING MUSEUM INC**

**REPORT:            N PARRY - CULTURAL DEVELOPMENT OFFICER**

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## REFERENCE

Min No 15 -254:     Ordinary Meeting of Council held on 28 September 2015

## SUMMARY

To advise Council of a report on machinery and mining relics at Eskbank House and recommend donation of the two items to the City of Greater Lithgow Mining Museum.

## COMMENTARY

A report on the significance of six items of machinery and mining relics currently displayed outdoors at Eskbank House was prepared in September 2015 by historical archaeologist and heritage consultant Ray Christison of Highground Consulting. Two of those six items are coal skips which are relics from the Lithgow State Coal Mine, which ceased operation in 1964. The coal skips were transferred for display at Eskbank House and Museum in the mid-to-late 1960s and are currently part of the Eskbank House and Museum Collection.

### **State Mine Steel Bodied Coal Skip No.68**

One of a batch purchased by the State Coal Mine after the disastrous underground fire of August 1953, it is an example of the types of larger capacity coal skips introduced into the collieries of the Western Coalfields as part of post-war modernisation. It is the only Lithgow State Coal Mine coal skip known to have survived, most being scrapped after closure of the mine. It is also one of only two flat wheel skips held by collecting institutions in the Lithgow district and is the only surviving coal skip capable of holding ladders - shafts that were attached to the horse's body harness so that the pony could pull carts. The skip has local historical, social and technical/research significance, rarity, representativeness and a high degree of integrity.

### **State Mine Water Baling Coal Skip**

An example of the coal skips used on the Western Coalfields from the earliest days of mining, it has been modified to carry water. It has local historical and technical/research significance, rarity, representativeness and a moderate degree of integrity.

### **Recommendations of Significance Assessment**

Both items require conservation and interpretation as part of the story of the Lithgow State Coal Mine. Conservation measures include stabilising the timbers and metal in the skips and erecting covers to shield them from the elements.



### **Request for Transfer to State Mine Heritage Park and Railway**

On 19 October 2016 Ray Christison, in his capacity as president of the State Mine Heritage Park and Railway and City of Greater Lithgow Mining Museum Inc, wrote to Council requesting the transfer of these skips to the State Mine Heritage Park and Railway, where they will be conserved, placed under cover, and interpreted as part of the history of the Lithgow State Mine.

### **Heritage Advisor's Assessment**

Council's Heritage Advisor, Christo Aitken, advises that he supports the application by State Mine Heritage Park and Railway. His response is extracted below:

*Council is currently re-considering the display equipment generally in the grounds of Eskbank and now seems an opportune time to also consider alternative interpretation opportunities in Lithgow which may provide an opportunity to further improve the visitor experience at Eskbank. There does not appear to be a direct association between the machinery and Eskbank House and Council's original intention in creating the existing machinery display is unclear. If it had been agricultural machinery that might relate to the adjacent stables and outbuildings then there might have been some relevance.*

- The coal skips on visual inspection do appear relatively fragile in view of their timber construction. They have deteriorated and this will continue as they are stored in the open.
- The 2015 significance assessment concluded that the machinery had local historical and technical significance with rarity values.
- In conclusion, I support the offer from the State Mine Heritage Park. It is fortunate that Council has been able to provide a relatively safe home for these rare coal skips from the past 50+ years which may otherwise have been lost totally from the region.

*The offer from the Lithgow Mine Heritage Park & Railway Museum has value because it will:*

- i. return the machinery to a place that has potentially a direct association;
- ii. enable the skips to be stored undercover which will extend their life;
- iii. ensure that appropriate interpretation and longer-term care can be carried out by the staff at the State Mine Heritage Park & Railway and;
- iv. reinforce the significance and sense of place that once was the State Coal Mine that has become a visitor destination for Lithgow and the Region.

### **Donating and Deaccessioning**

At present, Council has no policy for removing, or deaccessioning items from the Eskbank House and Museum Collection.

While the coal skips, are relevant to the aim of Eskbank House, which is to collect, preserve and interpret items representing the technological, business and social aspects of the development of industry and manufacturing within Lithgow, their physical

integrity is compromised in their current location because the items cannot be stored or looked after properly. An alternative and more appropriate custodian is available at Lithgow Mine Heritage Park & Railway Museum.

### **FINANCIAL IMPLICATIONS**

Lithgow State Mine Heritage Park has requested financial assistance from Council in relation to transport costs. These have not been quantified but are not expected to be significant.

### **LEGAL IMPLICATIONS**

NIL

### **ATTACHMENTS**

1. Request from City of Greater Lithgow Mining Museum
2. Correspondence from Council's Heritage Adviser
3. Report on Moveable Heritage Eskbank House and Museum

### **RECOMMENDATION**

**THAT** Council:

1. Approve the donation of the State Mine steel bodied coal skip No. 68 and the State Mine water baling coal skip to the City of Greater Lithgow Mining Museum Inc and their deaccessioning from the Eskbank House and Museum collection.
2. Provide up to \$2,000 from Councils non-recurrent financial assistance allocation to the City of Greater Lithgow Mining Museum to assist them to cover the expense of moving these items in a sensitive manner.

**ITEM-16          CORP - 21/11/16 - COUNCIL INVESTMENTS HELD TO 31  
OCTOBER 2016**

**REPORT FROM:    A SHELTON – ACTING GROUP MANAGER CORPORATE &  
COMMUNITY**

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**REFERENCE**

Min No 16-182:    Ordinary meeting of Council held on 18 July 2016  
Min No 16-228:    Ordinary meeting of Council held on 29 August 2016  
Min No 16-266:    Ordinary meeting of Council held on 10 October 2016  
Min No 16-296:    Ordinary meeting of Council held on 31 October 2016

**SUMMARY**

To advise Council of investments held as at 31 October in the 2016/17 financial year.

**COMMENTARY**

Council's total investment portfolio, as at 31 October 2016 when compared to 30 September 2016, has decreased by \$1,447,000.00 from \$26,347,138.43 to \$24,900,138.43. While cash in Council's bank account increased by \$45,405.67 from \$43,399.11 to \$88,804.78.

There is an overall decrease in cash and investments of \$1,401,594.33 since 30 September 2016.

This is primarily due to general operational costs.

See Attachment **Figure 1** for Investment Register 2016/17.

The movement in Investments for the month of October 2016 as per **Figure 2** in attachment.

If the movement in the bank account is negative, this is shown as a net redemption. If the movement in the bank account is positive this is shown as a net new investment.

On the graph shown in **Figure 3** of attachment, the historical and current investments to 31 October are shown.

A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received e.g. Water, Wastewater, Stormwater, Domestic Waste, Parking, or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

**POLICY IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 27 October 2014 Council adopted a draft of the

Investment Policy as Policy 8.7 which includes the Minster's Investment Order of 12 January 2011.

### **FINANCIAL IMPLICATIONS**

Interest received for month of October 2016 was \$18,762.88. Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

### **LEGAL IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 and investments will comply with this Policy which includes the following:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 12 January 2011
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A (2), 14c(1) & (2)

### **ATTACHMENTS**

1. Tables and Graphs

### **RECOMMENDATION**

**THAT** Investments of \$24,900,138.43 and cash of \$88,804.78 for the period ending 31 October 2016 be noted.

**ITEM-17          CORP – 21/11/16 – 2015-16 ANNUAL REPORT, 2012-2016 STATE OF ENVIRONMENT REPORT AND 2012-2016 END OF TERM REPORT**

**REPORT BY: A SHELTON – ACTING GROUP MANAGER CORPORATE & COMMUNITY**

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## **REFERENCE**

Min No 13-404	Ordinary Meeting of Council held on 25 November 2013
Min No 14-464	Ordinary Meeting of Council held on 17 November 2014
Min No 15-304	Ordinary Meeting of Council held on 16 November 2015
Min No.16-229	Ordinary Meeting of Council held on 29 August 2016
Min No. 16-299	Extra Ordinary Meeting of Council held on 10 November 2016

## **SUMMARY**

This report provides a copy of the Annual Report 2015-2016 and its supplementary reports; State of Environment Report 2012-2016 and End of Term Report 2012-2016 to Council for its information.

## **COMMENTARY**

The Local Government Act 1993 states:

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

*The annual report in the year of the ordinary election must include a report (its “**State of Environment Report**”) as to the state of the environment in the local government area in relation to the objectives for the environment established by the Community Strategic Plan.*

Council is also required to prepare an End of Term Report on progress with the implementation of the Community Strategic Plan. This report was presented to the final meeting of an outgoing council on 29 August 2016 and is provided for endorsement to be published in the Annual Report.

The Annual Report for the year 2015-2016 and State of Environment and End of Term Reports for the period 2012-2016 have been prepared and will be forwarded to the Office of Local Government. Copies of the reports have been provided to Councillors within their Business Papers Packages.

Copies of the reports will be placed on Council’s website and hard copies will be available for viewing at the Council’s Administration Centre, the Lithgow Library Learning Centre and Portland, Wallerawang and Rydal Libraries.

## **POLICY IMPLICATIONS**

There are no policy implications as a result of this report.

### **FINANCIAL IMPLICATIONS**

The reports were produced internally and funded from the recurrent budget.

### **LEGAL IMPLICATIONS**

The Annual Report, State of Environment Report and End of Term Report 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. Annual Report 2015/16
2. State of Environment Report 2012-2016
3. End of Term Report 2012-2016.

### **RECOMMENDATION**

**THAT** council:

1. Adopt the Lithgow City Council Annual Report 2015/16 and the State of Environment Report 2012-2016.
2. Note the Lithgow City Council End of Term Report 2012-2016.

**ITEM-18          CORP - 21/11/16 - YOUTH STRATEGY AND ACTION PLAN 2016-2020**

**REPORT BY: VIKTORIA GULABOVSKI – COMMUNITY DEVELOPMENT OFFICER**

**SUMMARY**

Council has over the past eighteen months developed a Youth Strategy and Action Plan which is now presented to Council for adoption.

**COMMENTARY**

As identified in the Community Strategic Plan 2026, Council developed a Youth Strategy to ensure that local young people are included in decision-making and community life, are provided with opportunity and choice, and feel a strong sense of belonging and wellbeing. During the development of the Youth Strategy, Council surveyed approximately 580 young people who live in the Lithgow LGA and consulted with Youth Council and local service providers in the youth sector. The data collected from the consultation process was used to develop the action plan in the Youth Strategy, which is designed to achieve positive outcomes in the areas of health, education, employment, relationships, recreation, safety and participation for young people in Lithgow.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

Many actions within the Action Plan will be at no additional cost and those actions that do involve significant cost will be considered in the annual budget process.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Youth Strategy and Action Plan 2016-2020

**RECOMMENDATION**

**THAT** Council:

1. Note completion of the Youth Strategy and Action Plan 2016-2020.
2. Place the Youth Strategy and Action Plan 2016-2020 on public exhibition for 28 days after which it will be brought back to Council for final adoption.

**ITEM-19          CORP - 21/11/16 - COMMUNITY STRATEGIC PLAN - COMMUNITY  
ENGAGEMENT STRATEGY**

**REPORT BY: A SHELTON – ACTING GROUP MANAGER CORPORATE &  
COMMUNITY**

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**REFERENCE**

Min 11-444:                  Ordinary Meeting of Council 31 October 2011

**SUMMARY**

This report provides a copy of the Community Engagement Strategy which details the process for engagement with the community in the development of the Community Strategic Plan 2030 to Council for its information.

**COMMENTARY**

The Local Government Act 1993 s402 (4) states:

“The council must establish and implement a strategy (its "**community engagement strategy**"), based on social justice principles, for engagement with the local community when developing the community strategic plan”.

The Community Engagement Strategy for the development of the Community Strategic Plan has been reviewed and is presented to Council for endorsement.



<b>Timeframes</b>	<b>Type of engagement</b>
1 November - 16 December	<p>Councillor Planning Workshop            Community Survey            Telephone Survey            Web Survey            Analyse data and report prepared for EMT/Council on significant items identified which will impact on the results.            Inform the Community            Through web, local and regional media, council connections, rates notices, e-bulletin, social media            Send out letters to stakeholders lists – government departments, community organisations.            Summary document/issues papers printed and distributed to key Council outlets and community groups.            Results of both forums to be placed online following the forums for information.            Youth Engagement            Encourage survey participation - Stage 3/High School.</p>
January - June 2017	<p>Feedback to continue to be provided and strategies, as developed, placed on website for exhibition.            Targeted consultations undertaken for the development of the Resource Strategy as necessary.            Draft Integrated Planning and Reporting Framework reported to Council and adopted for Exhibition in April.            Exhibition April/May 2017            Integrated Planning and Reporting Framework Exhibited for public comment.            Council Information Sessions to be held for Delivery Program/Operational Plan at Lithgow, Wallerawang, Portland, Hartley, Rydal, Capertee/Capertee Valley.            Integrated Planning and Reporting Framework adopted June 2017.</p>

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

\$20,500 has been allocated in the current 2016/17 budget for this project.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Community Engagement Strategy

## RECOMMENDATION

**THAT** Council endorse the Community Engagement Strategy for the development of the Community Strategic Plan.

**ITEM-20          CORP 21/11/16 - QUARTERLY PERFORMANCE REPORT ON 2016-2017 OPERATIONAL PLAN FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2016**

**REPORT BY: A SHELTON – ACTING GROUP MANAGER CORPORATE & COMMUNITY**

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## **REFERENCE**

Min No 16-127: Ordinary Meeting of Council held on 6 June 2016

## **SUMMARY**

This report provides the Quarterly Performance Report on the 2016-2017 Operational Plan for the period of 1 July to 30 September 2016 with a recommendation that variations to income and expenditure estimates are voted and the revised reduction in the cash balance surplus of \$9,000 being no movement from the original budget result be noted.

## **COMMENTARY**

The July to September Quarterly Performance Report on the 2016-2017 Operational Plan has been prepared and details are provided with the attachment to the Business Paper.

This report provides a detailed summary of achievements against the Delivery Program 2013-2017.

The revised September quarter of the 2016-2017 Operational Plan has been adjusted as detailed in Table 3 (See attachment).

Please note that an additional \$198,000 is being requested to be transferred from the Waste cash reserve in order to complete works which have been deemed highly important or necessary to meet environmental and regulatory requirements. The following is a summary of the additional funding sought:

- **Angus Place Rehab - \$20,000 additional funds** – A geotechnical report on the site recommended the construction of a compacted pad before the waste transfer station is built to ensure concrete footings are solid as the site was an old landfill. These additional works will ensure longevity of the new waste transfer station construction.
- **Tarana Transfer - \$48,000 additional funds** – Council committed to the construction of a waste transfer station at Tarana to improve waste collection service in this community. The three quotes Council received for the project were above the original cost estimate and budget allocation.
- **Waste Trenches - \$20,000 additional funds** – Due to the increasing cost of contractors who undertake all works on rural waste depots and the increasing complexity of works required at these sites as they near the end of their operational life. Previous budget allocations have been inadequate to undertake works required to provide these waste services.

- **Hazardous Waste Store - \$10,000 additional funds** – Council was receiving hazardous chemicals dumped at the Lithgow Solid Waste Facility which it is not licenced to receive under the EPA Environmental Protection Licence. Therefore, Council installed a Hazardous Waste Store at the Lithgow Works Depot to store such waste until it can be correctly disposed of by a licenced contractor.
- **Site Wide Waste Management Lithgow Landfill - \$100,000** - Council is required to construct a clean water diversion drain around the southern and eastern boundary of the Lithgow Solid Waste Facility (LSWF) to divert stormwater around landfill operations.

### **POLICY IMPLICATIONS**

There are no policy implications as a result of this report.

### **FINANCIAL IMPLICATIONS**

The financial implications as reported in the July to September Quarterly Performance Report, 2016/17 Operational Plan.

The Financial Services Manager, as the Acting Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and reporting) Regulation 2009, that Council's 2016/17 Operational Plan has been reviewed and the financial position of Council is satisfactory.

### **LEGAL IMPLICATIONS**

The Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out 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. Quarterly Progress Report 1 July – 30 September 2016.
2. Table 1 – 2016/17 Quarterly Budget Comparison, Table 2 – 2016/17 Quarterly Budget Comparison Fund & Table 3 – 2015/16 Quarterly Budget Variations.

### **RECOMMENDATION**

#### **THAT Council**

1. The surplus of \$9,000 for the 2016/17 Operational Plan as detailed in the Quarterly Performance Report for the period 1 July to 30 September 2016 be adopted.
2. Council note and approve the additional transfers from the unrestricted Waste cash reserve balance listed in the above report.
3. Council adopt the variations to the Council budget as outlined in the report.
4. The Council notes that the Financial Services Manager, as the Acting Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2016/17 Operational Plan has been reviewed and the financial position of Council is satisfactory.

## COUNCIL COMMITTEE MINUTES

ITEM-21 OPER - 21/11/16 - TRAFFIC ADVISORY LOCAL COMMITTEE - 27  
OCTOBER 2016

**REPORT BY: I STEWART - GROUP MANAGER OPERATIONS**

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### SUMMARY

This report details the Minutes of the Traffic Advisory Local Committee Meeting held on 27 October 2016.

### COMMENTARY

At the Traffic Advisory Local Committee meeting held on 27 October 2016, the following items were discussed by the Committee:

- Lithgow Street Childcare Centre – On-Street Parking
- Daruk Crescent, Lithgow – Speeding Concerns
- Hassans Walls Road, Lithgow – Speeding Concerns
- McCann Way, Cullen Bullen – Signage
- Tour De Range – Event Approval
- Blackspot Program – Safety Upgrade Designs

### POLICY IMPLICATIONS

NIL

### FINANCIAL IMPLICATIONS

NIL

### LEGAL IMPLICATIONS

NIL

### ATTACHMENTS

1. Minutes of the Traffic Advisory Local Committee meeting held on 27 October 2016.

### RECOMMENDATION

**THAT** Council note the minutes of the Traffic Advisory Local Committee held on 27 October 2016.

## NOTICE OF MOTION

### ITEM-22 NOTICE OF MOTION - 21/11/16 - OUTSOURCING OF CLEANING CONTRACTS

**REPORT BY: COUNCILLOR W MCANDREW**

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## SUMMARY

Concerns regarding the quality, efficiency and effectiveness of the outsourced cleaning contract Council entered into earlier this year

## COMMENTARY

Early this year, the previous council decided to contract out all of council cleaning responsibilities to outside contractors. Aside from the fact that some of our own council employees would be affected by that decision, I and some other councillors were also concerned about the fact that by contracting out, Council would lose oversight and control of the issue. Based on complaints that I and other councillors have received in the last few months regarding dirty toilet's, overflowing garbage bins etc and most recent the Civic Ballroom complaint (copy of email attached), it seems our concerns were valid.

## ATTACHMENTS

1. Email complaint regarding the Civic Ballroom

## RECOMMENDATION

**THAT** A written report be brought back to Council at the next Ordinary meeting of Council outlining the following:

1. The terms of the Contract clearly stating what is required by the contractor in undertaking the contract, detailing what tasks, when performed and to what quality, regulations and requirements
2. The term of the contract
3. Any contract dispute settling clauses.
4. Any get out or termination clauses
5. What would be involved in bringing the work back under council staff and control?
6. Also, as bin cleaning/collection is also undertaken by JR Richards, a clear delineation between each contractor's roles and responsibilities.

**ITEM-23 NOTICE OF MOTION - 21/11/16 - JOB CREATION SUPPORT FOR OUR LOCAL GOVERNMENT AREA**

**REPORT BY: COUNCILLOR W MCANDREW**

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**COMMENTARY**

Recent media reports have stated that the Lithgow Local Government Area has the highest unemployment rate in the Central West at close to 9%. The recent report of the closure of the Hazelwood Power Station in the Latrobe Valley in Victoria has reminded me of our own power station and mine closures, two industries as vital to our area as the Hazelwood Station is to the Latrobe however both areas have been treated decidedly differently by both the Federal and State Governments. I quote a recent media report:

“The Victorian State Government has pledged a package of \$22 million for “personalized support” for workers including TAFE training, financial counselling etc. and a further \$20 million to set up a Latrobe Valley Authority to lead the economic transition, added to this \$224 million will go towards the establishment of an “economic growth zone” The Federal Government is offering \$43 million including \$3 million for active assistance, retraining and other forms of financial services”

I note also in the above quoted report, the current unemployment rate in the Latrobe Valley is standing at 7%.

**ATTACHMENTS**

1. Media Report on Latrobe Valley

**RECOMMENDATION**

**THAT** Council seek meetings with the State Member Paul Toole and Federal Member Andrew Gee to discuss ways in which we can lobby the respective State And Federal Governments to assist our area in ways that are similar to what is occurring in the Latrobe Valley of Victoria.

**ITEM-24 NOTICE OF MOTION - 21/11/16 - NBN SYSTEM FOR OUR LOCAL GOVERNMENT AREA**

**REPORT BY: COUNCILLOR C COLEMAN**

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**COMMENTARY**

Although surrounding areas like Bathurst, Mudgee and the Blue Mountains have the NBN, the majority of our Local Government Area has none and with no indication of when our area will be provided with NBN facilities.

The NBN is extremely important for existing and future business and industry needs especially small and home based businesses and we as council have a responsibility to our residents and ratepayers to advocating passionately for this facility.

I also understand after the recent meeting with Nepean Blue Mountains Local Health District Board that the NBN is also vital for improving the telemedicine service currently provided (a form of video conferencing) that alleviates travel between Lithgow and Sydney for the treatment and monitoring of patients.

The NBN will bring increased speed, better connection, better quality and increased range for the telemedicine process.

With the NBN, the Telemedicine Service could be expanded so that more patients, instead of travelling for follow up appointments to Sydney after their surgery could telemedicine here at home in Lithgow.

**RECOMMENDATION**

**THAT** Council as a matter of urgency, request a meeting as soon as possible with our local Federal Member Andrew Gee to discuss this issue and request an urgent delegation to the Federal Minister responsible for the NBN role out.



**ITEM-25 NOTICE OF MOTION - 21/11/16 - LITHGOW CITY COUNCIL'S  
CONTRACT FOR LEGAL ADVICE**

**REPORT BY: COUNCILLOR M TICEHURST**

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**REFERENCE**

Min 956 – 2002: Ordinary Meeting of Council 8 July 2002.

**SUMMARY**

The Lithgow City Council following a public tender process, previously entered into a seven year Contract with the firm, LeFevre & Co. Solicitors of Lithgow for the provision of the Council's Legal Services.

If I recall correctly, this seven year contract has now well and truly expired and it would be appropriate for the Council to now conduct a new public tender process for the future provision of the Council's Legal Services.

**RECOMMENDATION**

**THAT** Council conduct a new public tender process for the future provision of the Council's Legal Services.

**ITEM-26 NOTICE OF MOTION - 21/11/16 - LITHGOW CITY COUNCIL'S  
NEWSPAPER ADVERTISING AND SHOP LOCAL CHRISTMAS  
BUSINESS PROMOTION**

**REPORT BY: COUNCILLOR M TICEHURST**

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**REFERENCE**

Local Government Act 1993 - Various Sections as set out below:

- Chapter 6, Part 2, Division 2, 47 Leases, licences and other estates in respect of community land, terms greater than 5 years Chapter 11,
- Part 5, 348 Advertising of staff positions Chapter 13,
- Part 3, Division 1, 410 Alternative use of money raised by special rates or charges Chapter 16,
- Part 4, 644A Public consultation on proposal to establish alcohol-free zone Chapter 16,
- Part 4, 644B Establishment of alcohol-free zones Chapter 16,
- Part 4, 645 Suspension or cancellation Chapter 17,
- Part 2, Division 2, 698 Judicial notice of certain documents Chapter 17,
- Part 2, Division 3, 707 Publication of notices in Gazette and newspaper Chapter 17,
- Part 2, Division 3, 710 Service of notices on persons Chapter 17,
- Part 2, Division 5, 715 Notice of proposal to sell land

Local Government (General) Regulation 2005 - Various Sections as set out below.

- Part 2, Division 6, 77 Public Notice of draft local approvals policies
- Part 2, Division 6, 78 Public notice of approval
- Part 3, Division 4, 100 Public notice of local orders policy
- Part 4, Division 2, 112 Consultation concerning categorisation of land as an area of cultural significance
- Part 4, Division 3, 118 Additional notifications in relation to certain filming projects
- Part 6, Division 1, 137 Water supply may be restricted if there is a shortage of supply
- Part 7, Division 1, 164 Definitions
- Part 9, Division 6, 216 Council's annual financial reports to be amended in certain cases
- Part 10, Division 2, 232 Notice of meetings
- Part 11, Division 2, 277 Notice of changes to wards
- Part 11, Division 2, 277B Advertising by election manager
- Part 11, Division 3, 280 Advertising of enrolments
- Part 11, Division 4, 288 Notice of election and call for nomination proposals
- Part 11, Division 4, 296 Declaration of uncontested election
- Part 11, Division 6, 300 Notice of contested election
- Part 11, Division 9, 356 Declaring the election

- Part 11, Division 9A, Subdivision 3, 356G Name and address on electoral material
- Part 11, Division 9A, Subdivision 5, 356M Distribution of electoral material on election days
- Part 13, Division 2, 401 meaning of “diligent inquiry”
- Schedule 10 Constitutional referendums and council polls

## SUMMARY

Under the NSW Local Government Act 1993 and the related Local Government (General) Regulations 2005, the Lithgow City Council is required to public advertise in a public newspaper. A search list is provided in the above Reference.

For the past some 25 years the Lithgow City Council has held an ongoing contract with the Lithgow Mercury (now Fairfax Media) to publicly advertise Council information once a week, previously in the Thursday Mercury when it was published three days a week and now the Council Column as it is titled, now in the Friday Lithgow Mercury since is it now published twice a week.

The cost of this weekly either half-page or full-page Council Column advertising in the Lithgow Mercury is on the advice of the former General Manager, costing this Council some \$40,000 or nearly \$800 each week. This amounts to nearly half of the total Lithgow City Council budget for all Advertising.

Additional to this cost is that Lithgow City Council ratepayers, residents and businesses now have to pay \$1.80 each week or up to an additional \$90 or more each year to access Council information.

I recently asked the Acting General Manager if he could advise me with information on how the Council currently gets it's information out to the ratepayers, businesses, etc.; i.e. Facebook, Council Connections, Mercury, radio, email, letters, etc.

He responded: I think what you have pretty much covers it except that we also try and do a number of Media Releases. The television and radio media pick up on matters they think of interest either from the business paper or from media releases. Occasionally we will include a flyer on something specific with rate notices. I think we have also tried to respond to concerns from the Glen Alice community by utilising the Mudgee Guardian on issues that might affect them. Also letter box drops can occur on specific issues where, for example, there may not be a known email address, eg advising people that a DA they have objected to is going to Council. I'm also advised that our Facebook posts link to twitter and get tweeted. There is also a weekly e-bulletin to subscribers which is pretty much what is in the weekly council column and a monthly e-bulletin to schools. Tourism also have an Instagram site. Also the Lithgow App and the Wasteinfo app.

## ATTACHMENTS

1. Attached Lithgow City Council weekly advertising for the months of September and October 2016 in the Lithgow Mercury newspaper.

## RECOMMENDATION

**THAT** Council:

1. Immediately cease its weekly Council Column public advertising in the Lithgow Mercury and only public advertise on an as needs basis.
2. Utilise its immediate savings and allocate \$5,000 towards a “Shop Local” Christmas Business Promotion across its Local Government area.

**ITEM-27 NOTICE OF MOTION - 21/11/16 - WALLERAWANG POLICE STAFFING**

**REPORT BY: COUNCILLOR J SMITH**

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**SUMMARY**

To seek a meeting with New South Wales Police to discuss the allocation of police resources at Wallerawang following a recent spate of petty crime.

**COMMENTARY**

There have recently been a number of incidents at Wallerawang involving petty crime such as and vandalism; breaking and entering; and damage to property. Some of this illegal activity has occurred on Council assets such as the Memorial Hall. The allocated Police officer at Wallerawang is very diligent and community minded but with the available Police resources stretched across Lithgow, Portland, Wallerawang and Capertee is often called away from Wallerawang which means less presence for both patrols and responding to incidents.

It is suggested that a meeting be sought with Inspector Chris Sammut of the Chifley Local Area Command to discuss the allocation of Police resources to Wallerawang as well as seeking a briefing on the recent criminal activity at Wallerawang.

**RECOMMENDATION**

**THAT** a meeting be sought with Inspector Chris Sammut of the Chifley Local Area Command (Lithgow Police Station) to discuss the allocation Police resources at Wallerawang and also seek a briefing on recent criminal activity.

## **BUSINESS OF GREAT URGENCY**

*In accordance with Clause 241 of the Local Government (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 of:*

- 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.*