



AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

24 SEPTEMBER 2018

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

**ITEM-1 GM - 24/09/18 - NOMINATIONS FOR AND ELECTION FOR THE POSITION
OF MAYOR FOR THE PERIOD 2018 to 2020**

REPORT BY: GENERAL MANAGER

SUMMARY

Council is required to elect a Mayor. This report provides the procedure for the election of Mayor for the coming two year period.

COMMENTARY

Where the Mayor is elected by the councillors the Council is required to elect a Mayor to preside over the Council for the ensuing two year period.

The NSW Parliament recently passed amendments to the *Local Government Act 1993* (the LGA) known as the Phase 1 reforms, focussing mainly on improving council governance and strategic business planning.

Part of these amendments provide that Section 230(1) a mayor elected by councillors holds office for two years, subject to the Act.

290 When is an election of a mayor by the councillors to be held?

- (1) The election of the mayor by the councillors is to be held:*
 - (a) if it is the first election after an ordinary election of councillors-within 3 weeks after the ordinary election, or*
 - (b) if it is not that first election or an election to fill a casual vacancy-during the month of September, or*
 - (c) if it is the first election after the constitution of an area-within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
 - (d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors-within 14 days after the appointment or election of the councillors.*
- (2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*
- (3) For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.*

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

The Mayoral Fee presently paid by Lithgow City Council is \$22,972 pa, plus \$10,848 pa Councillor Fee totalling \$33,820 pa. Plus private use of a motor vehicle is also provided.

Nominations

Nominations are now invited for the Office of Mayor for the 2018 to 2020 term (until September 2020). The elections of Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Mayor.

Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

Nomination

A councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one councillor is nominated for the position of Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.

Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause “absolute majority” in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Lithgow City Council has traditionally held the vote by the 'Open Voting' method.

General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

Notes:

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Monday 27th September 2018 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) “Open Voting” means voting by a show of hands or similar means;

- (iv) “Ballot” has its normal meaning of secret ballot; and
- (v) “Ordinary Ballot” means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nomination forms for the position of Mayor are coloured **BLUE** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

As outlined in the report.

ATTACHMENTS

1. Nomination Forms (blue)

RECOMMENDATION

THAT Council proceed with the election of the Mayor using the Open Voting method.

**ITEM-2 GM - 24/09/18 - NOMINATIONS FOR AND ELECTION FOR THE POSITION
OF DEPUTY MAYOR FOR 2018 to 2019**

REPORT BY: GENERAL MANAGER

SUMMARY

Council may elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor, if so decided, for the coming one year period.

COMMENTARY

Councillors **may** elect one from their number to be the Deputy Mayor. The person may be elected for the Mayoral term or a shorter one (s.231).

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:-

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

This Council in the past has elected a Deputy Mayor for the same term as the Mayor however at the Extra Ordinary Meeting of Council held on 28 August 2016 the following was resolved which established the Deputy Mayor to hold the position for a term of one year:

16 – 237 RESOLVED

THAT Council:

- 1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;*
- 2. Resolve that a Deputy Mayor is to be elected for a one year term.*
- 3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and*
- 4. Council determines that NIL fee is to be paid to the Deputy Mayor.*

The procedure for the election of Deputy Mayor is:

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

Nominations

Nominations are now invited for the Office of Deputy Mayor for the 2018 to 2019 term (until September 2018). The elections of Deputy Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Deputy Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Deputy Mayor.

Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

Nomination

A councillor may be nominated without notice for election as Deputy Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one councillor is nominated for the position of Deputy Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.

3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause "absolute majority" in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Lithgow City Council has traditionally held the vote by the 'Open Voting' method.

General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

Notes:

- (i) Nomination forms for the position of Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Monday 24th September 2018 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) "Open Voting" means voting by a show of hands or similar means;
- (iv) "Ballot" has its normal meaning of secret ballot; and
- (v) "Ordinary Ballot" means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nominations forms for the position of Deputy Mayor are coloured **GREEN** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

Additional fees, if any, for holding the position of Deputy Mayor are to be **deducted** from payments to the Mayor. **No fees** are presently paid by Lithgow City Council for the holder of the position of Deputy Mayor.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 231 of the Local Government Act 1993 provides that the councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

As outlined in the report.

ATTACHMENTS

1. Nomination Forms - Green

RECOMMENDATION

THAT Council:

1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected for a one year term.
3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. Determines the fee that is to be paid to the Deputy Mayor, if any.

ITEM-3 GM - 24/09/18 - DELEGATIONS TO DEPUTY MAYOR 2018-2019

REPORT BY: GENERAL MANAGER

SUMMARY

This report is for Council to give consideration to the granting of Delegations of Authority to the Deputy Mayor to assist them in performing their roles with Council.

COMMENTARY

Section 226 of the Local Government Act 1993 outlines the role of the Mayor. Section 226 provides:

The additional proposed delegations for the **Deputy Mayor** are:

1. Function of the Deputy Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

2. General Manager's Performance Review

In the absence of and with authorisation from the Mayor, chair a meeting of all Councillors convened to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

These additional functions are practical delegations which assist the smooth functioning of the Council. Such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

POLICY IMPLICATIONS

As outlined in the report.

FINANCIAL IMPLICATIONS

As outlined in the report.

LEGAL IMPLICATIONS

Council is limited in the functions that can be delegated. This is provided for in Section 377 of the New South Wales Local Government Act 1993.

RECOMMENDATION

THAT Council, in addition to the functions outlined in Section 226 of the New South Wales Local Government Act 1993, delegate the following:

1. To the Deputy Mayor of Lithgow City Council:

a. Function of the Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

b. General Manager's Performance Review

In the absence of and with authorisation from the Mayor, chair a meeting of all Councillors convened to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

2. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 27 AUGUST 2018

DECLARATION OF INTEREST

COMMEMORATIONS AND ANNOUNCEMENTS

PUBLIC FORUM

PRESENTATIONS – Nil

MAYORAL MINUTES

STAFF REPORTS

General Managers Reports
Economic Development and Environment Reports
Water and Wastewater Reports
Finance and Assets Reports
People and Services Reports

COUNCIL COMMITTEE MINUTES

Lithgow Local Heritage Advisory Committee Meeting Minutes – 13 August 2018
Youth Council Minutes for 21 August 2018
Environmental Advisory Committee Meeting Minutes - 5 September 2018
Community Development Committee Minutes 11 September 2018
Sports Advisory Committee Meeting Minutes - 12 September 2018

NOTICES OF MOTION

Portland Commonwealth Bank Australia Closure – Councillor Coleman
Train Guard Job Losses – Councillor Coleman

BUSINESS OF GREAT URGENCY

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

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GENERAL MANAGERS REPORTS

ITEM-4 GM - 24/09/18 - COMMITTEES

REPORT BY: GENERAL MANAGER

SUMMARY

The purpose of this report is for Council to consider the re-appointment of councillors to s355 committees of Council and delegates to external committees, organisations and other working groups.

COMMENTARY

The following councillors represent Council on S355 Committees and External Committees and Organisations for the 2017/18 period.

Internal Committees	2017/18 Representative
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Thompson Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin
Audit Committee	Councillor Goodsell Councillor McAndrew (Alternate)
Economic Development	All Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	Councillor Lesslie Councillor Coleman
Lithgow Crime Prevention	Cr Coleman Cr Goodwin
Mining Taskforce	Councillor Lesslie Councillor Thompson Councillor McAndrew
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring
Finance Committee	Councillor McAndrew Councillor Ring Councillor Thompson
Strategic Land Use Planning Project Steering Committee	Councillor McAndrew Councillor Ring Councillor Thompson

External Committees	
Arts Out West Committee	Councillor Lesslie
Bells Line of Road Group	Councillor Goodwin Councillor Statham
NSW Rural Fire Service Senior Management Team	Councillor Lesslie Councillor Statham (alternate)
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Thompson Councillor Goodsell (alternate)
Upper Macquarie County Council	Councillor Thompson Councillor Lesslie
Centroc	Councillor Lesslie General Manager
Pine Dale Coal Mine Community Committee	Councillor Thompson
Cullen Valley Coal Mine Community Committee	Councillor Lesslie
Invincible Coal Mine Community Committee	Councillor Lesslie
Clarence Coal Mine Community Committee	Councillor Thompson
Centennial Coal Western Community Consultative Committee	Councillor Statham
Association of Mining Related Councils	Councillor McAndrew
Lithgow Correctional Centre Committee	Councillor Coleman
Airly Mine Community Consultative Committee	Councillor McAndrew
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglenook Exploration & Charbon Colliery Community Consultative Committee	Councillor Thompson
Eskbank Rail Heritage Centre Committee	Councillor Ring
Wolgan Valley Wilderness Railway Committee	Councillor Coleman
Rural Fire Service Lithgow District Liaison Committee	Councillor Lesslie Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Smith
Skillset	Councillor Statham

POLICY IMPLICATIONS

Code of Meeting Practice

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Local Government Act 1993

Local Government (General) Regulations 2005

RECOMMENDATION

THAT Council:

1. (a) Delete the Mining Taskforce Committee.
- (b) Delete the Bells Line of Road Group.
- (c) Amend “Centroc” to WSROC”.
- (d) Replace the Pine Dale Coal Mine Community Committee with “Energy Australia Lithgow Region Community Consultative Committee”. Councillor Thompson to remain as the representative.
- (e) Delete the Association of Mining Related Councils.
- (f) Include the Central Tablelands Alliance Councils Audit Committee. The Mayor being the appointed representative.
2. Reconfirms the councillor appointments made to the s355 Committees of Council and External Committees and Organisations.

Internal Committees	2018/19 Representative
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Thompson Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin
Audit Committee	Councillor Goodsell Councillor McAndrew (Alternate)
Economic Development	All Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	Councillor Lesslie Councillor Coleman
Lithgow Crime Prevention	Cr Coleman Cr Goodwin
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring
Finance Committee	Councillor McAndrew Councillor Ring Councillor Thompson
Strategic Land Use Planning Project Steering Committee	Councillor McAndrew Councillor Ring Councillor Thompson
External Committees	
Arts Out West Committee	Councillor Lesslie
NSW Rural Fire Service Senior Management Team	Councillor Lesslie Councillor Statham (alternate)
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Thompson Councillor Goodsell (alternate)
Upper Macquarie County Council	Councillor Thompson Councillor Lesslie
WSROC	Mayor

	Deputy Mayor (alternate) General Manager
Energy Australia Lithgow Region Community Consultative Committee	Councillor Thompson
Cullen Valley Coal Mine Community Committee	Councillor Lesslie
Invincible Coal Mine Community Committee	Councillor Lesslie
Clarence Coal Mine Community Committee	Councillor Thompson
Centennial Coal Western Community Consultative Committee	Councillor Statham
Lithgow Correctional Centre Committee	Councillor Coleman
Airly Mine Community Consultative Committee	Councillor McAndrew
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglennook Exploration & Charbon Colliery Community Consultative Committee	Councillor Thompson
Eskbank Rail Heritage Centre Committee	Councillor Ring
Wolgan Valley Wilderness Railway Committee	Councillor Coleman
Rural Fire Service Lithgow District Liaison Committee	Councillor Lesslie Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Smith
Skillset	Councillor Statham
Central Tablelands Alliance Councils Audit Committee	Councillor Lesslie

ITEM-5 GM - 24/09/18 - UPDATE CANBERRA VISIT JUNE 2018

REPORT BY: GENERAL MANAGER

SUMMARY

On 18, 19 and 20 June this year the Mayor, Deputy Mayor, Councillors Thompson and Goodwin, the General Manager and Andrew Muir met with a number of Federal Government Ministers and Shadow Ministers in Parliament House in Canberra. The meetings were arranged to discuss and lobby around issues impacting our LGA.

Issues around FAG grants, mental health, road and rail, energy, sport and aged care facilities etc were discussed but with our main aim being job creation support for our area. Indications were given by some of the politicians lobbied that they would look at visiting Lithgow and/or have their staff engage with Council about some of the issues raised.

At Council's Ordinary Meeting on 27 August 2018, Council requested an update on progress of the issues and any meetings that had occurred as a result of Council's representations.

COMMENTARY

The Lithgow Delegation met with members of the Government and Opposition in an attempt to induce the broadest understanding and support for the matters affecting the Lithgow community. Meetings were held with the following Parliamentary Members and staff.

- Andrew Gee MP, Member of Calare
- Senator the Honourable Stephen Jones MP, Shadow Minister for Regional Services, Territories and Local Government and Regional Communications.
- Senator the Honourable Dr John McVeigh MP - Minister for Regional Development, Territories and Local Government
- Mental Health Advisor - Michael Gardner (as the Hon. Greg Hunt MP – Minister for Health was unable to attend)
- The Hon Josh Frydenberg MP Minister for the Environment and Energy
- Senator the Honourable Michaelia Cash, MP, Minister for Jobs and Innovation. Senator for Western Australia.
- Senator The Hon Marise Payne, Minister for Defence
- Senator the Honourable Richard Marles MP, Shadow Minister for Defence, Member for Corio.
- Karen Andrews MP, Assistant Minister for Vocational Education and Skills
- Senator the Honourable Mark Butler MP – Shadow Minister for Climate Change and Energy
- The Hon Michael McCormack MP Deputy Prime Minister, Minister for Infrastructure and Transport (Leader of the Nationals)
- Senator the Honourable Bridget McKenzie MP - Minister for Rural Health/Sport/Regional Communications. Deputy Leader of the Nationals.

UPDATE

Michaela Cash's Office:

On Monday 20 August 2018, Mr Howard Aldis from the Department of Jobs and Small Business and Mr Grayson Wolfgang from the Department of Industry, Innovation and Science attended Lithgow Council and met with Council's executive management to discuss job and skill development and Defence supply chain growth which requires an understanding of potential

industry support to Defence contractors. This was relevant to Lithgow, as it has existing Defence Industry and in the medium to long term is looking to facilitate further industry development in the LGA. The Department employees provided the following information:

- Links to the ASBAS (digital Solutions) which is delivered out of Western Sydney.
- Becbiz which is the NSW Government small business advisor services.
- Industry Growth Centres
- Central West Jobs Action Plan
- <https://www.industry.nsw.gov.au/business-and-industry-in-nsw/assistance-and-support/central-west-growth-program>

and provided a list of Industry support links (see attached) provided by the Australian Government which are being followed up by Council's Economic Development team.

Marise Payne's Office:

Departmental Staff have given Council details of contacts for CIDC (see below) and a representative of CIDC attended the launch of the Lithgow Council REDS at the Black Gold Motel in Wallerawang recently.

*(The Centre for Defence Industry Capability (CDIC) has a national network of business advisers to help Australian businesses **enter the defence industry**. It provides businesses with advice and assistance to improve their **productivity and global competitiveness** in meeting defence capability needs.*

*The CDIC also works with **research and academic institutions** to facilitate research and commercial collaborations.*

CDIC business advisers have extensive defence and private sector experience across business management, skills development, innovation collaboration, export activities and supply chain facilitation. They work closely with Defence, Defence projects, prime contractors, research institutions, and Commonwealth, state and territory bodies, building a network of knowledge and relationships between industry and Defence.)

The General Manager attended an Industry briefing on 30 August 2018 in Sydney held by Naval Ship Management (NSM) which has recently been short- listed for the RFT stage of the LHD Asset Class Prime contract. NSM are supportive of the Commonwealth's objectives to support and develop local industry and wish to gain a deeper understanding of the capability and capacity of the local supply chain to support future programs.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved -Nil
- Cost centre -NA
- Expended to date -NA
- Future potential impact – Development of Industrial base in the long term

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Business Journey document supplied by Department of Industry, Innovation and Science.

RECOMMENDATION

THAT Council note that matters raised at meetings between Council and Federal Parliamentarians in June 2018 are continuing to be addressed by all parties.

**ITEM-6 GM - 24/09/18 - INDUSTRY GROWTH, DIVERSIFICATION AND UPSKILLING
- DEFENCE SUPPORT**

REPORT BY: GENERAL MANAGER

SUMMARY

Following Council's meeting with the former Minister of Defence the Hon Marise Payne and Departmental staff at Parliament House in June 2018, Administration seeks Council approval to develop a database of local industry and skills to assist in their potential participation in upskilling assistance and tendering for business as part of the Australia wide Defence Support initiative.

COMMENTARY

A key strategy for Council is the development of existing Industry and Business and the diversification of the Industrial/Business base in the Lithgow LGA. A key aspect of the current Industry base in the Lithgow LGA is the Defence Industry footprint arising from small arms production.

The Australian Government has embarked upon a \$200 Billion expenditure initiative which seeks to improve in part, Defence Industry capability, including the provision of upskilling support to industries and businesses that the Government believes necessary to achieve its objectives.

Discussions between Defence Departmental Staff and Council executives over the last two months have resulted in Council making contact with the Centre for Defence Industry Capability (CIDC), the Australian Business Defence Industry (ABDI) and the Naval Ship Management (NSM) Australia Joint Venture.

The **Centre for Defence Industry Capability (CDIC)** supports Australian businesses entering or working in the defence industry.

The CIDC helps businesses navigate the defence market, provide specialist advice on improving competitiveness and accessing global markets, and facilitate connections with other businesses and Defence. The CIDC also link Australian innovators and researchers to the Defence Innovation Hub and the Next Generation Technologies Fund.

With \$200 billion being invested by Government to modernise defence capability, the CIDC's task is to work with industry, Defence, and state and territory governments to build a world-class, globally competitive and sustainable Australian defence industry.

The **Australian Business Defence Industry (ABDI)**, is a nationally focused member organisation, and Councils executive have approached ABDI for details on membership. The ABDI provide a range of services to support entry into and business with the Australian Defence market.

The **NSM Australia Joint Venture (NSM)** is a joint venture between UGL and Babcock, established to execute the ANZAC Class Group Maintenance Contract with the Commonwealth Government. A key aspect of the Joint Venture is the desire to ensure continuity in supply chain logistics translating into depth of provision of products and skills over the long term.

A number of relevant skills and services are contained in the Supplier Pre-Qualification Questionnaire-Capabilities (attached) and include-

- Welding
- Cranage and scaffolding

- Cleaning, communications, confined space management, electrical cabling, electrical switchgear
- Firefighting system repair, flooring-carpet coverings, floor tiles
- Hoses, Hydraulics,
- Motor rewinds
- Pipe work system installation and repair,
- Sewage system replacement and repair etc. (see attached for comprehensive list)

Administration is recommending to Council that we commence an initiative to broaden Lithgow's defence Industry support profile by-

1. Developing a database of relevant skills contained within Industry and business in Lithgow based on the Supplier Pre-Qualification questionnaire – Capabilities circulated by NSM.
2. Join ABDI to enable us to alert those local industries/Businesses that wish to compete/participate in work/tenders that are in the market from time to time.
3. Organise a networking function with interested Businesses who may consider joint tenders/EOI for Defence Support related projects.

POLICY IMPLICATIONS

Diversification and enhancement of existing Industrial base in Lithgow LGA

FINANCIAL IMPLICATIONS

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact - \$500 for annual membership of ABDI (to be funded from existing budgets)

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. NSM Supplier pre- Qualification Questionnaire
2. Background ABDI.

RECOMMENDATION

THAT Council agree to

1. Develop a database of relevant skills contained within Industry and business in Lithgow based on the Supplier Pre-Qualification questionnaire – Capabilities circulated by NSM.
2. Join ABDI to enable us to alert those local industries/Businesses that wish to compete/participate in work/tenders that are in the market from time to time.
3. Organise a networking function with interested Businesses who may consider joint tenders/EOI for Defence Support related projects.

ITEM-7 GM - 24/09/18 - SCHOOL STUDENT TRANSPORT SCHEME RESPONSE

REPORT BY: GENERAL MANAGER

REFERENCE

Min 18-173: Ordinary Meeting of Council held 25 June 2018

SUMMARY

This report is to inform Council of the response letter received from The Hon. Andrew Constance MP, Minister for Transport and Infrastructure in correspondence sent in relation to the School Student Transport Scheme.

COMMENTARY

At the Ordinary Meeting of Council held 25 June 2018 Council resolved to write to the Hon. Andrew Constance MP, Minister for Transport and Infrastructure:

18 – 173 RESOLVED

THAT Council:

1. Lobby Transport for NSW to consider reviewing and adjusting the School Student Transport Scheme so that families with primary school children living in close proximity to the primary schools within regional and rural NSW are not financially disadvantaged.
2. Make representations to both the Minister for Transport and Infrastructure, Andrew Constance MP, and the Shadow Minister for Transport and Shadow Minister for Roads, Maritime and Freight, Jodi McKay MP, with our concerns regarding the School Student Transport Scheme.
3. Notify neighbouring councils of the decision tonight so that they may also have the option to lobby Transport for NSW.

The General Manager wrote to the Hon. Paul Toole MP, Member for Bathurst Electorate seeking representations to Mr Constance in alignment with the above resolution.

Council is requested to note the response received:

“I am advised there are no plans to change the SSTS eligibility requirements to include all primary school children. There requirements have been set under long standing policy.

Students ineligible for the SSTS can appeal transport for NSW’s decision by making an application to the SSTS Appeals Panel if they feel there are mitigating circumstances such as safety of hardship. The panel will make independent assessment of Transport for SNW’s decision. Further information may be found by visiting apps.transport.nsw.gov.au/ssts.

The SSTS is the most generous free school student transport scheme in Australia and benefits around half 1.1 million school students in NSW. Additionally, school students who are ineligible for the SSTS are entitled to half-price fares on public transport. More information is available at www.transportnsw.info or by calling 131 500.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Correspondence from Hon. Paul Toole MP and Hon. Andrew Constance MP.

RECOMMENDATION

THAT Council:

1. Note the correspondence received in relation to the School Student Transport Scheme from The Hon. Andrew Constance MP.
2. Thanks Mr Toole for his efforts and the correspondence received in response.

ITEM-8 GM - 24/09/18 - EXTRA ORDINARY MEETING OF COUNCIL TUESDAY 29 JANUARY 2019

REPORT BY: GENERAL MANAGER

SUMMARY

An Extra Ordinary meeting of Council is required to be called to consider community feedback and Council endorsement of Council's proposal for a 2019/20 Special Rate Variation application on Tuesday 29 January 2019.

COMMENTARY

IPART has set the date for Council's to notify their intention to apply for a special variation or minimum rates increase as 30 November. On 26 November, Council will be required to consider:

- Adopt for exhibition of the Supplementary Combined 2017-21 Delivery Program and 2018/19 Operational Plan and Resourcing Strategy (Supplementary 2018-2028 Long Term Financial Plan, Supplementary 2018-2028 Strategic Asset Management Strategy and Supplementary 2018-2022 Workforce Plan).
- Endorse its proposal to submit an application for a Special Rate Variation to be submitted on 11 February 2019.

Based on this date Council is required to submit a Special Rate Variation application by 11 February 2019 if it wishes to proceed to lodge an application for consideration.

The Guidelines state:

"Councils must supply a copy of the resolution(s) to apply for the special variation with its application. IPART will not assess a special variation application unless the council demonstrates its commitment to its proposal".

For this reason the Council administration seeks a resolution of Council to hold an Extra Ordinary meeting of Council on Tuesday 29 January 2019 to endorse the final Special Rate Variation application.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council resolve to hold an Extra Ordinary meeting to endorse the Special Rate Variation Application to IPART on Tuesday 29 January 2019.

ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM-9 ECDEV - 24/09/18 - REQUEST FOR CHRISTMAS CELEBRATIONS - REQUEST FOR ASSISTANCE

REPORT BY: **ACTING DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT**

REFERENCE

17-327 Council's Ordinary Meeting of 30 October 2017

SUMMARY

To advise Council of a request from the Portland Business Association to assist with its proposed 2018 Christmas Celebrations.

COMMENTARY

Correspondence has been received from the Portland Business Association requesting assistance for their proposed 2018 Christmas celebrations. This follows the success of their 2017 festival which at Council's Ordinary Meeting of 30 October 2017, the following was resolved:

17 - 327 RESOLVED

THAT Council:

1. Provides \$2,000 Non-Recurrent Financial Assistance to support the Portland Christmas celebrations with such financial support to be applied to:
 - \$1,200 – Road Closure – Set up and Removal of barricades; advertising; emergency services and business notification
 - The balance be applied to assistance in decorating a Christmas Tree on Council land and hanging of Christmas lights across Wolgan Street – This shall include Council staff, plant; stores; any equipment hire; and engagement of specialist contractors
2. Advise the organisers of the celebrations that it is willing to waive Footpath Trading fees of \$62.50 per premises; hire fees of \$246.50 for Saville Park: and Road Closure Application fees of \$326.50 & \$1,200 for road closure set up; removal of barriers and business notification. Such fees be waived accordingly for the 2017 celebrations.
3. Advise the organisers of the event that all other fees and requirements for application forms and insurances will still be required.

MOVED: Councillor W McAndrew **SECONDED:** Councillor R Thompson.
CARRIED

The organisers have also indicated, in relation to the proposed in kind assistance for 2017, for the decoration of a tree on Council land and hanging of Christmas lights across Wolgan Street, that this did not occur. It appears as though the 'in kind' works were not able to be carried out as Council did not have the resources at the time. The Association has provided copies of invoices (attached) of costs totalling some \$749.99. The Coates Hire invoice was for hire of equipment that would have been hired in in any event so it does not represent costs for 'in kind' work not

carried out. The resolution though does cover ‘any equipment hire’. The invoice for \$550 (inc GST) for the ‘erection Christmas tree decorations’ is reflective of works that were required due to Council’s inability provide resources at the time. Therefore, it would not be unreasonable for Council to offer additional financial assistance for this years event up to say \$750 to cover expenditure for works it was not able to carry out in 2017.

For the 2018 Festival, the Association has indicated that events proposed include:

- Playing Christmas music from speakers (from local shops) for the month of December. The appropriate music licences will be held.
- Decorating a Christmas Tree, and hanging Christmas lights across Wolgan Street. This needs to be done before Saturday 1st December 2018, as we will have the ‘Tree Lighting’ and Festival Opening on that Saturday.
- The holding of outdoor Carols by Candlelight Service in Saville Park pending Council approval. This Service will be held on Saturday 8th December 2018 starting from 6.30pm.
- On December 15th, we request permission for the Portland Business Association Inc. to be able to conduct Outdoor Trading of their businesses on the footpaths and use of Mick Moore Park. This would be for the morning of the 15th December 9.00am – 12.00pm.
- On Thursday 20th December 2018, we would like to hold a Christmas Street Festival in Wolgan Street between 5.00pm – 8.30pm. This would require the streets to be closed from Williwa and Wolgan Street intersection to the Wallerawang Road entry onto Wolgan Street. We would also like the Council Carpark (entry via Cullen Street) to be closed during this time for festival activities overflow.
- The Local businesses are planning to decorate their shop fronts with Christmas Lights and Nativity window displays. We would like to request that Lithgow City Council join in the occasion by decorating the Crystal Theatre with lights or projections.
- Local Schools join to participate in the Advent Pageant on the last Friday in November.
- Portland Film Society runs Christmas movies incorporated into our events.

The planned expenditure for the event outlines the following items.

Proposed Expenses: Saville	Amount excluding GST
Park Hiring Fees Footpath	\$ 224.10
Trading Fees – Sat 15 th Dec	\$ 852.27
Road Closure	\$1090.90
Traffic Management application fees	\$ 296.82
Footpath Trading Fees – Thursday 20 th Dec	\$ 852.27
Hire Crystal Theatre	\$ 90.91
Christmas Tree and decorations	\$4545.45
Christmas Lights for streets	\$1818.19
Carols by Candle light; candles, <u>glowsticks</u> , programme	\$ 636.36
APRA Licence	\$ 81.82
Public Liability Insurance portion December	\$ 105.00
Advertising Buses	\$1363.64
Advertising Newspapers	\$1090.81
Advertising Billboard	\$1363.64
Equipment hire - erect lights, decorations, tree	\$ 636.36
Labour- erect lights, decorations, tree	\$ 545.45
Fencing- Carols	\$ 454.55
Catering BBQ	\$ 136.37

The Association has requested that Council donate financially and by waiving various fees for the 2018 festival. A financial assistance application has been provided requesting financial assistance as follows:

- \$3407.27 waving of fees
- \$2677.64 financial support (exclusive of GST)

The Council may waive fees with no budgetary implication other than foregone income. The only exception to this is that a road closure application fee of \$1,200 also covers set up and removal of barricades, 2 weeks advertising and resident, emergency and business notification. It should be noted that the Association may have used outdated fees in their calculations but this should not impact any decision to waive fees.

Any additional monetary contribution would offset costs for the Association who are themselves providing funding and have also obtained various sponsorships. Any 'in kind' work has to be costed to an appropriate allocation and given the difficulties experienced in 2017 it would be suggested that any works performed by Council be limited to setting up and removing barricades in relation to road closures. Any wages and plant would need to be costed against an appropriate allocation.

It is suggested, in addition to waiving fees, that Council allocate a total of \$3,500 in financial assistance. \$2,500 be allocated from the financial assistance program and \$1,000 be allocated from the funding for Christmas decorations. The rationale for additional funding being to offset any costs incurred by the Association through Council not being able to carry out works in kind in 2017.

POLICY IMPLICATIONS

Council Policy 5.3 Footpath Trading will apply. Also Council Policy 4.2 Financial Assistance will be applicable.

FINANCIAL IMPLICATIONS

- Budget approved – An amount of \$106,500 has been allocated in the 2018/2019 budget under Council's Financial Assistance Program and \$11,250 allocated to Christmas Decorations for Lithgow, Portland and Wallerawang.
- Cost centre – 600059 Financial Assistance. 600147 for Christmas Decorations.
- Expended to date – An amount of \$54,442 has been expended to date from the financial assistance program. There has not been any expenditure to date from the allocation for Christmas decorations.
- Future potential impact – Requests may be made for future events which will be assessed at the time.

LEGAL IMPLICATIONS

A Footpath Trading Approval would relate to the provisions of the Local Government Act and Roads Act.

ATTACHMENTS

1. Letter from Portland Business Association Incorporation.
2. Financial Assistance Application.

RECOMMENDATION

THAT

1. Council provides a total of \$3,500 in financial assistance to support the 2018 Portland Christmas Celebrations. \$2,500 of which to be funded from the Financial Assistance program and \$1,000 to funded from Council's allocation for Christmas Decorations.
2. Council waive its footpath trading fees for each premises; hire fees for Saville Park; hire of Crystal Theatre, road closure application and fees for the 2018 event.
3. Any costs associated with setting up and removal barriers for the road closure be costed to the Christmas Decoration allocation in Council's budget.
4. Council advise it is unable to provide any additional works in kind, including decoration of the Crystal Theatre, but would be happy to allow Members of the Association onto the property to carry out any decorations subject to the normal volunteer induction requirements; \$20,000,000 Public Liability Insurance; and any required risk assessments.
5. The organisers of the event be advised that all other fees and requirements for application forms and insurances will still be required

**ITEM-10 ECDEV - 24/09/18 - AUSTEN QUARRY EXTENSION PROJECT -
MODIFICATION 1 (SSD 6084 MOD 1) - NOTICE OF DETERMINATION**

REPORT BY: ACTING DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

- Min 14-480: Ordinary Meeting of Council held on 15 December 2014 - Austen Quarry Stage 2 Extension Project (SSD 6084)
- Min 18-87: Ordinary Meeting of Council held on 23 April 2018 - Austen Quarry Stage 2 Extension Project (SSD 6084) Modification 1
- Min 18-120: Ordinary Meeting of Council held on 28 May 2018-Austen Quarry Stage 2 Extension Project (SSD 6084) Modification 1

SUMMARY

To advise Council of the approval issued by the Department of Planning and Environment in relation to the Austen Quarry 'Extension Project' - Modification 1 (SSD 6084 MOD 1), Jenolan Caves Road, Little Hartley.

Council's previous submissions to the Department of Planning and Environment related to noise, traffic movements and hours of operation for trucking operations.

COMMENTARY

Council has received the notice of determination by the Department of Planning and Environment in relation to the Austen Quarry 'Extension Project' - Modification 1 (SSD 6084 MOD 1), Jenolan Caves Road, Little Hartley. The modification consent has been approved.

Throughout the process Council has maintained its concerns in relation to the extended transport hours, traffic movements and acoustic amenity of the surrounding area.

The 4 a.m. commencement of trucking operations has been approved. The Department of Planning and Environment endeavoured to take Council's concerns into consideration through the following conditions (amended conditions highlighted):

Extractive Material Transport

8. The Applicant must not:

- (a) transport more than **1.6** million tonnes of quarry products from the site during any financial year;*
- (b) dispatch more than **300** laden trucks from the site on **weekdays** and **167 laden trucks from the site on Saturdays**; and*
- (c) dispatch more than **200** laden trucks from the site per **weekday**, averaged over the total number of dispatch **weekdays** in any calendar month.*

NOISE

Hours of Operation

1. The Applicant must comply with the operating hours set out in Table 1.

Table 1: Operating Hours

Activity	Permissible Hours
• Loading and dispatch	• 4 am to 10 pm Monday to Friday; • 5 am to 3 pm Saturdays; and • At no time on Sundays or public holidays.

Transport Management Plan

23. The Applicant **must** prepare a Transport Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (a) be submitted to the Secretary for approval at least 3 months prior to the commencement of quarrying operations under this consent, unless otherwise agreed by the Secretary;
- (b) describe the measures that would be undertaken to monitor the intersection performance at the Jenolan Caves Road and Great Western Highway intersection and maintain an acceptable level of service at this intersection;
- (c) include a Drivers' Code of Conduct **that includes:**
 - **details of the safe and quiet driving practices that must be used by drivers travelling to and from the quarry, with a particular focus on the morning shoulder period;**
 - **a map of the primary haulage route;**
 - **safety initiatives for haulage during peak periods and along school bus routes;**
 - **an induction process for vehicle operators and regular toolbox meetings; and**
 - **complaints resolution and disciplinary procedures;**
- (d) describe the measures that would be put in place to ensure compliance with the Drivers' Code of Conduct.

The Applicant must implement the Transport Management Plan as approved by the Secretary.

OTHER ISSUES

Nil.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Notice of Modification for the Austen Quarry 'Extension Project' -Modification 1 (SSD 6084 MOD 1)
2. Austen Quarry 'Extension Project' - Modification 1 (SSD 6084 MOD 1) - Consolidated Conditions

RECOMMENDATION

THAT the report on the determination of the Austen Quarry 'Extension Project' - Modification 1 (SSD 6084 MOD 1) be noted.

ITEM-11 ECDEV - 24/09/18 - DA114/18 - PROPOSED 3 LOT SUBDIVISION BARTON AVENUE WALLERAWANG

REPORT BY: ACTING DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT

REFERENCE

Min 17-293: Ordinary Meeting of Council held 25 September 2017
Min 18-158: Ordinary Meeting of Council held 25 June 2018

SUMMARY

To assess and recommend determination of Development Application DA114/18 for a subdivision of 1 lot into 3 lots on land known as Lot 20 DP 1217065, Barton Avenue, Wallerawang.

COMMENTARY

Council is in receipt of a Development Application DA114/18 for a subdivision of 1 lot into 3 lots on land known as Lot 20 DP 1217065, Barton Avenue, Wallerawang. The property currently contains an area of some 61ha and is vacant of building structures.

Proposed lot 1 will contain an area of 17.5ha and is to be sold as per Council's resolution dated 25 September 2017 for future development.

Proposed lot 2 will contain an area of 0.51ha and is the subject of a lease agreement with the Department of Education. This parcel of the land is used as a sports oval for the Wallerawang Public School (Lot 22 DP830058).

Proposed Lot 3 will contain an area of 43.3ha and will be a residue lot remaining in Council ownership.

The property is restricted by easements for transmission lines, access and pipelines. The property adjoins the Wallerawang Public School, the Wallerawang indoor sport and recreation centre, and residential dwellings. Lake Wallace and the Lake Wallace recreational area is located adjacent to the property on Barton Avenue.

NOTIFICATION

Advice of the proposal was sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with four submissions received. A summary of the submissions is outlined below:

Objections

1. There is a major sewer line that runs parallel to the rear of the houses along Lyon Parade and there is no mention of any easement for access to that line for maintenance.
2. Future developments would impact views from properties within Lyon Parade.
3. A small section of the property is known as Cannelite Street. This is not indicated on the plans as a public street. This area provides access to 2 properties; provides access to the

rear properties along Lyon Parade; and provides access to sewer manholes behind the dwellings and access for fire rescue services.

4. Devaluation of properties on the corner of Lyon Parade and Cannelite Street.
5. The stormwater from properties within Lyon Parade on the eastern side flows into proposed Lot 1 with no containment.

Applicant's Response

1. *The sewer line is covered by the provisions of Section 59A of the Local Government Act 1993 which states:*

59A Ownership of water supply, sewerage and stormwater drainage works

- a) *Subject to this division, a council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by the Council (whether or not the land is owned by the Council).*
 - b) *A Council may operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things necessary or appropriate to any of its works to ensure that, in the opinion of the Council, the works are used in an efficient manner for the purposes for which the works were installed.*
 - c) *The provisions of this section have effect despite anything contained in Section 42 of the Real Property Act 1900.*
 - d) *An easement does not give the Council any more rights to access and maintain these assets than they already have under this provision of the Local Government Act 1993.*
2. *No development is proposed as part of this application. The adjoining properties do not have an easement for views over the subject land. Due to the slope of the land, any future development is unlikely to interrupt views from adjoining neighbours unless it was of a considerable size. If any residential development of this scale is proposed in the future as part of later development applications, then the adjoining neighbours should be invited to submit any comments on that development as part of Council's Consent process. As no development is proposed for this development, no views will be impacted.*
 3. *No part of the development has a frontage to Cannelite Street. Cannelite Street comes to a T-intersection with Lyon Parade. While the kerb and gutter along Lyon Parade turns into the subject land no public road exists in this location.*
 4. *The value of adjoining properties is not a valid planning consideration and should not be taken into account when considering this application. The development is not likely to impact the values of the surrounding properties.*
 5. *No development is proposed as part of this application and as such, any stormwater that enters the subject land will not have an adverse effect on the development. If future development is to take place, the impact of the stormwater must be considered as part of the design and construction of that development. This would be done as part of the design and construction of that development. This would be done as part of any normal engineering design which accompanies development where construction is to take place.*

Council Officer's Comment:

1. The development was referred to Council's Water and Sewer Officer for comment. An easement will be created over Council's sewer main located at the rear of the properties along Lyon Parade. This would be conditioned on the consent.
2. No building structures have been proposed as part of this application. The property has a steep downwards slope towards Lake Lyell. As such any future development would be on a lower elevation to the existing dwellings along Lyon Parade.

3. Whilst not currently a public road, the small section off Lyon Parade that is known as Cannelite Street is proposed to remain as Council owned land and be dedicated as a public road. This was agreed upon by the proposed new owners of the land and Council.
4. Property valuations are not assessed by Council and this is not a valid Planning consideration.
5. As no structures are involved with this application, drainage runoff will not be impacted upon. Drainage will continue to flow towards Lake Wallace. Inter-allotment drainage will be designed for future developments.

OTHER ISSUES

No.

POLICY IMPLICATIONS

Policy 7.2 Subdivision – Release Of Subdivision Plans

1. *Council will endorse subdivision certificates prior to completion of subdivision works only on the following basis:*
 - a) *Subdivision works must be substantially complete. "Substantially complete" means that all civil works have been completed including roads, water supply, sewerage and drainage. Minor outstanding works refers to installation of street signage, final rectification/seeding of excavations & batters and landscaping.*
 - b) *Works as executed plans must have been submitted to Council and accepted.*
 - c) *Security for incomplete works must be provided to Council prior to the endorsement of the subdivision certificate, either by cash deposit or unconditional bank guarantee.*
 - d) *The amount of the security must be 100% of the estimated cost of completion of the outstanding works.*
2. *The General Manager is authorised to determine the amounts of security deposits for outstanding subdivision work and to release security upon satisfactory completion and to vary the time periods for completion of works as deemed necessary.*
3. *The General Manager is authorised to decline to allow bonding of outstanding subdivisions works where the deferred completion of works would not be in the best interest of Council and the community.*
4. *The owner of the land to which the subdivision relates must provide written authority allowing Council to enter the site and make all necessary arrangements to have outstanding works completed within six (6) months of the date of the subdivision certificate.*
5. *The General Manager may sub delegate any function under this policy including the issue of a Subdivision Certificate.*

On completion of the subdivision and to Council's satisfaction that the conditions on the consent have been undertaken, the applicant will be required to submit a subdivision certificate for the development.

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

Policy 7.6 *Development Applications on Council Owned Land* requires Development Applications on Council land 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 Council's ownership of this land the proposal is reported to Council for determination.

Policy 7.7 Calling In Of Development Applications By Councillors

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

3. *Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:*
- Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been “called in”; and
 - Reported to an Ordinary Meeting of Council for determination.

The application was called in by Cllr Wayne McAndrew and reported at Council’s Ordinary Meeting 25 June 2018.

Policy 7.5 Notification Of Development Applications

The development is not defined as being exempt under Council’s Notification Policy. Therefore the following clause applies:

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 sent to surrounding landowners and placed on public display in Council’s Administration Building for a period of 14 days with four submissions received. A summary of the submissions are outlined earlier in this report. As such the development complies with Council’s Policy.

FINANCIAL IMPLICATIONS

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A
- Other – Upon future applications relating to the use of the land being created on proposed Lot 1, Council will provide appropriate connection/s to the allotment.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979. These matters are specifically addressed in the attached assessment report.

ATTACHMENTS

1. Assessment report including consideration of matters under section 4.15 of the Environmental Planning and Assessment Act.

RECOMMENDATION

THAT

1. The Development Application DA114/18 be **APPROVED** subject to conditions on the consent as shown in the attached Section 4.15 report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

WATER AND WASTEWATER REPORTS

ITEM-12 WWW - 24/09/18 - WATER AND WASTEWATER POLICY 3.1 REVIEW

REPORT BY: EXECUTIVE MANAGER WATER & WASTEWATER

REFERENCE

Min 18 – 196: Ordinary Meeting of Council 23 July 2018

SUMMARY

A review of all the Water and Wastewater Policies were undertaken. This report seeks the approval to implement Policy 3_1 Water Service and Meter Installation immediately.

COMMENTARY

The Policy 3_1 Water Service and Meter was presented to Council at the Ordinary of Council on 23 July 2018

The policy ensures Council meets its statutory obligations and clearly define Council's acceptable standards concerning water service connections, meter selection and installation of water meters.

The Water and Wastewater Department seek a resolution of Council to implement the policy immediately after the 28 day public exhibition period. There were no submissions received in relation to this policy.

POLICY IMPLICATIONS

Primarily the subject of this report

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Policies are prepared to assist in decision making and provide further guidance with regard to statutory obligations.

ATTACHMENTS

1. Policy 3.1 Water Service and Meter Installation

RECOMMENDATION

THAT Council adopt policy 3_1 Water Service and Meter and implement the policy immediately.

ITEM-13 WWW - 24/09/18 - WATER REPORT

REPORT BY: EXECUTIVE MANAGER WATER & WASTEWATER

REFERENCE

Min No 18-:224 Ordinary Meeting of Council 27/08/18

SUMMARY

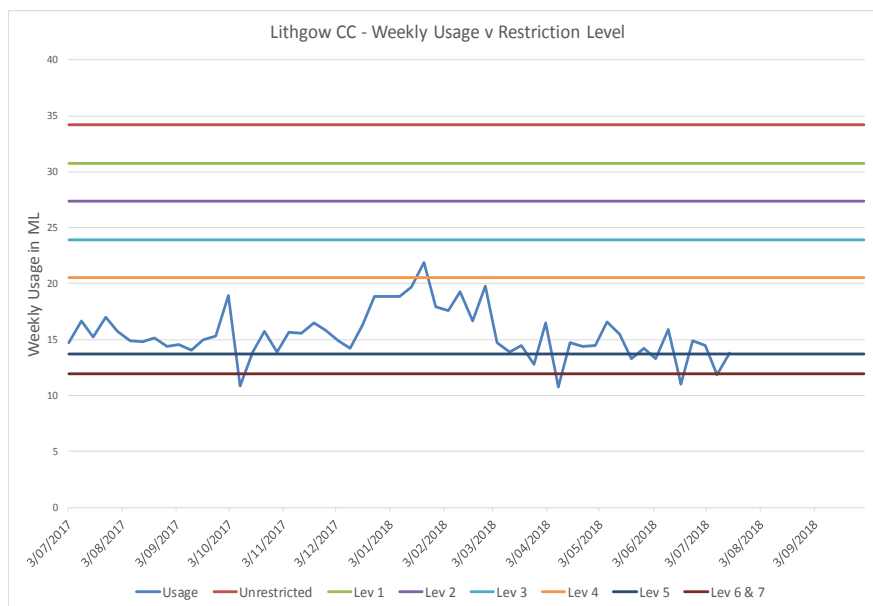
This report provides an update on various water management issues.

COMMENTARY

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

Farmers Creek No. 2 Dam capacity on Monday 10th September 2018 was 100%. Clarence Water Transfer System shut down 24/08/18

Oberon Dam capacity on Monday 10th September 2018 was 54%. Total volume banked is currently approx. 6%, so storage adjusted for bank is 48%. Level 1 restrictions on the FRWS are now in effect, At this point Council is currently unaffected as current demands are currently lower than level 4 restriction levels as per the below.

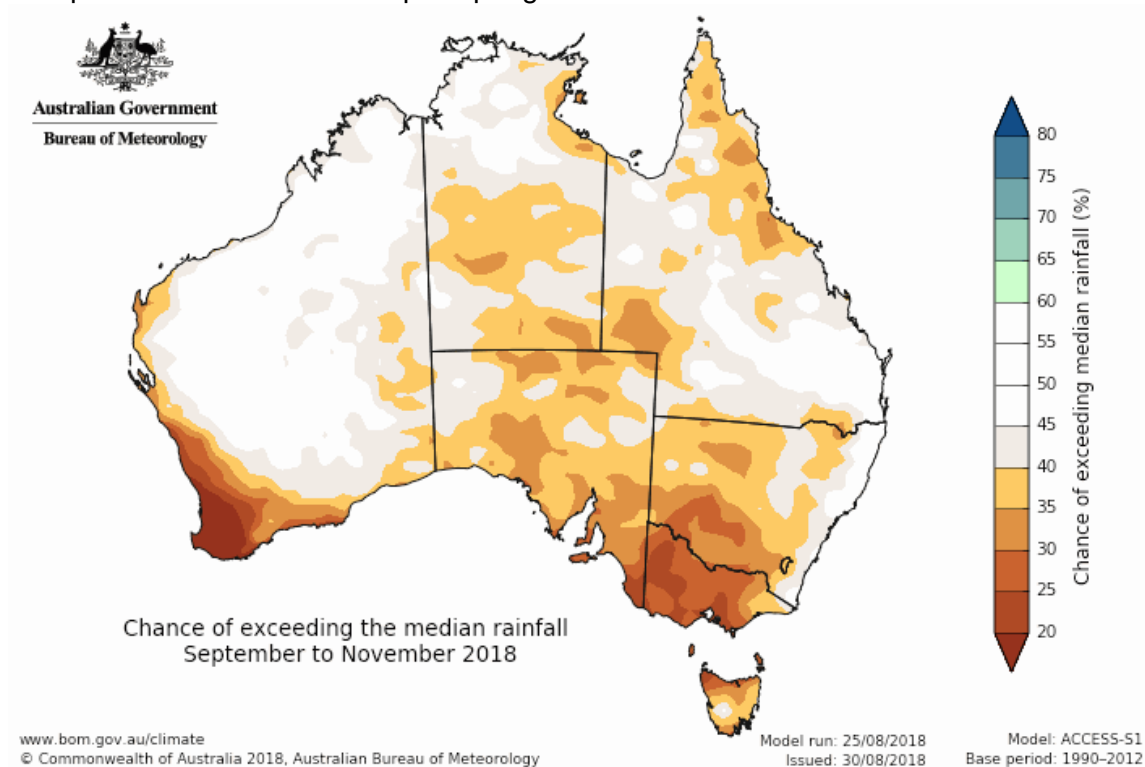


Climatic and Rainfall Outlook

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

- Spring (September to November) is more likely to be drier than average for southwest WA, most of SA, the southern NT, inland NSW (west of the divide), Victoria, Tasmania, and northern Queensland. Elsewhere, there are roughly equal chances of a wetter or drier than average three months, meaning there is no strong indication either way that it will be particularly wet or dry
- A drier and warmer than average spring would likely mean intensification of the existing drought conditions across parts of eastern Australia and an increase in bushfire potential.

- The El Niño-Southern Oscillation (ENSO) and the Indian Ocean Dipole (IOD) are currently neutral. However, current observations and model outlooks indicate El Niño and a positive IOD could develop in spring



Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Water NSW (Fish River Scheme) for 2017/2018 and a cumulative total by month for 2018/19.

Table 1 – Oakey Park Monthly Output and Clarence Transfer 2017/2018

Total for 2017/18	1,388.1	760.2	810.4
Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	114.9	176.7	69.8
August	107.1	142.0	56.0
TOTAL	222.0	318.7	125.8

Clarence Water Transfer Scheme

The Clarence Water Transfer Scheme has been operating since 5th October 2017 and since commencing operation has pumped 1,078.9 megalitres of water into Farmers Creek No. 2 dam up to 24/08/18 when the operation of the transfer system was ceased.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently only supplying water to Lithgow with WaterNSW supplying water to the villages for the period. No health-based ADWG values were exceeded for the period 18/08/18 to 14/09/2018 from the 13 samples collected. There was one exceedance of aesthetic-based ADWG values for the period 15/08/18 to 14/09/2018. Exceedance was for Aluminium, from a sample collected at Oakey Park Water Treatment Plant. The result received on the 15th August was 0.72mg/L with an aesthetic value of 0.2mg/L. A repeat sample was taken in accordance with NSW Health recommendations with the returned result indicates levels below the ADWG values

Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP in accordance with Environment Protection Licences requirements. Samples were taken on 28/08/18 and taken to Sydney Water for testing. There was one non-compliance recorded at Council's Portland STP for the month of August 2018. The Ammonia level recorded was 5.90 mg's/L and Council's EPA Licence Limit for the Portland Plant is 5 mg's/L. All test results are published on the Lithgow City Council website as required by the Protection of the Environment Operations Act 1997.

Fish River Water Scheme Water Quality Summary

Fish River Water Supply Scheme supplied water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal during the period. No health-based ADWG values were exceeded for the period 18/08/18 to 14/09/18.

Current Water Restrictions Update

Level 3 restrictions are effective from Tuesday, 26th September 2017.

Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving one (1) application for a household appliance rebate and one (1) application for a water tank rebate for the period 18/08/18 to 14/09/2018.

Water Reticulation Complaints

Council received 18 complaints during the period 18/08/18 to 14/09/18 concerning water quality issues, many of these issues were related to Council isolating sections of water main in preparation for water main replacement. The water mains were flushed in all instances of water quality complaints and the water was tested at the location of each complaint with there being no exceedances of ADWG values.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

FINANCE AND ASSETS REPORTS

ITEM-14 FIN - 24/09/18 - COUNCIL INVESTMENTS REPORT AUGUST 2018

REPORT BY: CHIEF FINANCIAL & INFORMATION OFFICER

REFERENCE

Min No 18-231: Ordinary meeting of Council held on 27 August 2018.

SUMMARY

To advise Council of investments held as at 31 August 2018 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy.

COMMENTARY

Council's total investment portfolio, as at 31 August 2018 when compared to 31 July 2018, has increased by \$4,400,000 from \$29,840,000 to \$34,240,000. Cash in Council's bank account Increased by \$468,672.33 from \$205,584.59 to \$674,256.92.

There is an overall increase in cash and investments of \$4,868,672.33 since 31 July 2018 which is mainly related to the first rates instalment being due on 31 August 2018 and receipt of the first instalment of the Financial Assistance Grant.

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.

The movement in Investments for the month of August 2018 were as follows:

Opening Balance of cash and investments as 01 August 2018	\$30,045,584.59
Plus New Investments – August 2018	\$10,868,672.33
Less Investments redeemed – August 2018	-\$6,000,000.00
Closing Balance of cash and investments as at 30 June 2018	\$34,914,256.92

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 14 August 2017, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011.

FINANCIAL IMPLICATIONS

- YTD Budget approved – \$60,666.67
- Cost centre - 3259
- YTD Income to date - \$68,752.05
- Future potential impact – Nil

The Council's interest income for YTD is \$8K is over budget due to a combination of reserve balances being greater than forecast and improved investment returns.

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 14 August 2017 Council adopted a revised Investment Policy and investments comply with this Policy.

CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investments Policy.

Ross Gurney
Chief Financial and Information Officer (Responsible Accounting Officer)

ATTACHMENTS

1. Investment Register 2018/19

RECOMMENDATION

THAT

2. Investments of \$34,240,000 and cash of \$674,256.92 for the period ending 31 August 2018 be noted.
3. The enclosed certificate of the Responsible Accounting Officer be noted.

ITEM-15 FIN - 24/09/18 - 2018-19 FINANCIAL ASSISTANCE GRANT

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

SUMMARY

The Council's 2018/19 Financial Assistance Grant (FAG) estimated entitlement has been determined by the NSW Local Government Grants Commission.

This report provides general information on the FAG and details of Council's estimated entitlement for the 2018/19 year.

COMMENTARY

Background

Financial Assistance Grants are paid to Councils to help them deliver services to their communities. The funds are paid annually by the Commonwealth Government. Councils are free to use the funds at their discretion and are accountable to their ratepayers. The allocation is paid in quarterly instalments.

The NSW Local Government Grants Commission (the Commission) is responsible for making the grant allocation recommendations to the NSW Minister for Local Government. The Commission is required to adhere to National Principles which mandate a per capita payment based on population growth / decline. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. In allocating the grants the Commission has had regard to these policies.

A key challenge for the Commission is the application of the minimum per capita grant which has a significant impact on the ability of the Commission to redirect funding. Councils with relative advantage (typically metropolitan councils) generally have increasing populations, whereas councils with relative disadvantage (typically rural and remote councils) are generally depopulating.

The Commission has been reviewing the grant methodology in line with NSW policy to direct the general purpose component of the grant to Councils with greatest relative need. These are largely rural and remote and with small and declining populations.

Lithgow City Council 2018/19 Financial Assistance Grant

The Council's 2018/19 FAG estimated entitlement compared to 2017-18 final entitlement is as follows:

	City of Lithgow Council			
Year	General Purpose	Local Roads	Total	
2017-18	\$3,256,415	\$1,216,031	\$4,472,446	Change
2018-19	\$3,436,329	\$1,262,950	\$4,699,279	5.1%

The budget amount for the 2018/19 FAG is \$4.42M. The estimated payment exceeds the 2018/19 budget by \$279K. A Quarter 1 budget variation will be processed for the additional expected income which will help to reduce Council's planned operating (deficit) (before capital) for 2018/19.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

- Budget approved - \$4,420,000
- Cost centre - 10-3269-1000-41400
- Received to date - \$2,317,501
- Future potential impact – Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Letter from NSW Local Government Grant Commission (23 August 2018)
2. Appendices to NSW Local Government Grant Commission Letter

RECOMMENDATION

THAT Council note the information on the 2018/19 Financial Assistance Grant (FAG) and that the estimated FAG for 2018/19 exceeds the grant budget by \$279K.

ITEM-16 FIN - 24/09/18 - CULLEN BULLEN PROGRESS ASSOCIATION - WATER ACCOUNTS

REPORT BY: CHIEF FINANCIAL AND INFORMATION OFFICER

REFERENCE

Min No 18-232: Ordinary meeting of Council held on 27 August 2018.

SUMMARY

At the ordinary meeting of Council held on 27 August 2018, it was resolved (Minute No. 18-232):

THAT this item be deferred until such time that a further report and information regarding average past water accounts for the Cullen Bullen Progress Association can be obtained.

This report provides information on past water accounts for the Cullen Bullen Progress Association

COMMENTARY

The water usage by the Cullen Bullen Progress Association has varied depending on the usage of the hall. An analysis of annual usage provides the most useful comparison in the table below:

DATES	CONSUMPTION	AMOUNT	READING DAYS	DAILY AVERAGE
15/12/17- 25/06/18	297	\$981.18	192	1.55
25/11/16- 14/12/17	69	\$214.59	385	0.18
25/11/15- 24/11/16	74	\$230.14	365	0.20

For the period during which the hall had a water leak, water consumption was 296kl.

Based on the table above, average annual water consumption over the prior two years was approximately 70kl per annum. This equates to 17kl of water usage per quarter. On this basis, the water account for the period during which there was a leak would have totalled \$53.72.

In accordance with Policy 8.1 Excessive Water Usage Allowance for Breakages, the Cullen Bullen Progress Association was granted a rebate of \$488.22 (50% of the water account). A further rebate of \$434.50 would be required to bring the Association's water account to the average quarterly bill amount of \$53.72.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

- Budget approved – Nil.
- Cost centre –N/A
- Expended to date - \$488.22
- Future potential impact - N/A

LEGAL AND RISK MANAGEMENT IMPLICATIONS

Nil.

RECOMMENDATION

THAT Council:

1. Authorise an additional rebate of \$434.50 for Cullen Bullen Progress Association's water usage charges to ensure that the September to December 2017 water account is consistent with the Association's average usage over the past two years.
2. Notify the Cullen Bullen Progress Association in writing of Council's resolution.

PEOPLE AND SERVICES

ITEM-17 P&S - 24/09/18 - SPECIAL RATE VARIATION COMMUNITY ENGAGEMENT STRATEGY

REPORT BY: ACTING DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No 18-165: Ordinary Meeting of Council held on 25 June 2018
Min No 18-227: Ordinary Meeting of Council held on 27 August 2018

SUMMARY

This report provides Councillors and the Community with an overview of the community engagement process to be undertaken for the proposed special rate variation application to IPART.

COMMENTARY

The Office of Local Government has advised the IPART has set the rate peg for NSW Council's for 2019/20 at 2.7%. IPART advises that

“Councils have discretion to increase general income up to the rate peg, by less than the rate peg or not at all. However, councils must not increase general income by more than the rate peg, unless IPART grants approval for a special variation.

Councils applying for a special variation must satisfy the criteria listed in the Office of Local Government's Guidelines. The Guidelines will be available on IPART's website when published.

Councils applying for a special variation for 2019-20 must notify IPART by 30 November 2018”.

Over the coming months Council will be continuing to seek input into the proposal to apply for a Special Rate Variation (SRV) to commence in 2019/20. As part of the application, Council must adopt a Community Engagement Strategy which identifies a process to ensure a robust community engagement process is undertaken and that the community is well informed.

The community will be engaged on two Scenarios for ensuring a sustainable future. In communicating these options, the Council will outline the following:

- The magnitude of the financial challenge and infrastructure funding shortfall facing the local government area (LGA) over the next 10 years and its impact on service levels.
- The need to consider community “capacity” to pay additional rates in determining the options to be presented.
- The need for residents to be able to have their say on whether or not they are prepared to pay additional rates to maintain and/ or improve service levels.

The two scenarios, which have been developed for community consideration, are:

Scenario 1

Current SRV expires + rate peg

On 1 July 2019, the current 4.77% SRV expires. A 2.7% rate peg would be added to the lower rate base. The projected loss of rates revenue due to the expiry of the current SRV is estimated at \$624,000 for the 2019/20 year.

Scenario 2

Maintain the current SRV + rate peg + one-off (permanent) 4.23% SRV

Council proposes to apply to retain the current SRV of 4.77%. Council also plans to request an additional one-off SRV of 4.23%. The total SRV application will be for a 9% increase in rates revenue (i.e. the current 4.77% SRV plus a new 4.23% SRV). The 2.7% rate peg will also be added. The impact on ratepayers will be a new 4.23% SRV plus the rate peg. The projected total SRV income (from maintaining the current SRV plus adding the new SRV) is estimated at \$1.178 million for the 2019/20 year.

Importantly, the allocation of funding would be subject to legislatively required annual Service and Asset Management Plan reviews and to addressing priority risk mitigation actions. Expenditure would target critical service/ asset priorities that the community places a high value on and / or those that have a high risk profile.

A detailed Community Engagement Action Plan is included in the attached Special Rate Variation Community Engagement Strategy. However, the following is a summary of key dates (including IPART deadlines) for Councillors to inform them of the process moving forward.

Action	Date
Report to Extra Ordinary meeting of Council for adoption for exhibition of the: <ul style="list-style-type: none"> Supplementary Combined 2017-21 Delivery Program & 2018/19 Operational Plan. Revised document suite for the Resource Strategy; Supplementary 2018-2028 Long Term Financial Plan, Supplementary 2018-2028 Strategic Asset Management Strategy and Supplementary 2018-2022 Workforce Plan. Endorsement of proposal to submit an application for Special Rate Variation. 	26 November 2018
Exhibition of IPR supplementary document suite and Community Engagement for Special Rate Variation.	26 November – 11 January
Notification to IPART of Council's intention to apply for a special rate variation or minimum rates increase.	30 November 2018
Extra Ordinary Meeting of Council for final endorsement of the 2019/20 Special Rate Variation Application to IPART.	29 January 2019
Special Rate Variation applications due to IPART	11 February 2019
Determinations announced for Special Rate Variation and Minimum Rate Variation by IPART	14 May 2019

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Community Survey

- Budget approved - \$66,000
- Cost centre - 600076
- Expended to date - \$45,713.64
- Future potential impact - Nil

Service Review

- Budget approved - \$133,024
- Cost centre - 700048
- Expended to date - \$6,016.50
- Commitments - \$36,454.55
- Future potential impact - Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Special Rate Variation Community Engagement Strategy

RECOMMENDATION

THAT:

1. Council endorses the Special Rate Variation Community Engagement Strategy.
2. Council endorses the timeline for the application process for the Special Rate Variation.

Action	Date
Report to Extra Ordinary meeting of Council for adoption for exhibition of the: <ul style="list-style-type: none">• Supplementary Combined 2017-21 Delivery Program & 2018/19 Operational Plan.• Revised document suite for the Resource Strategy; Supplementary 2018-2028 Long Term Financial Plan, Supplementary 2018-2028 Strategic Asset Management Strategy and Supplementary 2018-2022 Workforce Plan.• Endorsement of proposal to submit an application for Special Rate Variation.	26 November 2018
Exhibition of IPR supplementary document suite and Community Engagement for Special Rate Variation.	26 November – 11 January
Notification to IPART of Council's intention to apply for a special rate variation or minimum rates increase.	30 November 2018
Extra Ordinary Meeting of Council for final endorsement of the 2019/20 Special Rate Variation Application to IPART.	29 January 2019
Special Rate Variation applications due to IPART	11 February 2019
Determinations announced for Special Rate Variation and Minimum Rate Variation by IPART	14 May 2019

ITEM-18 P&S - 24/09/18 - FINANCIAL ASSISTANCE ARTS OUT WEST

REPORT BY: ACTING DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No 18-199 Ordinary Meeting of Council held on 23 July 2018

SUMMARY

This report advises Council on information received from Arts Outwest in support of their request for financial assistance, and recommends that Council provide \$10,000 Non-Recurrent Financial Assistance to them.

COMMENTARY

At the Ordinary Meeting of Council held on 23 July 2018 (Min 18-199), Council resolved to allocate \$40,942 Round 1 Non-Recurrent Financial Assistance to various projects and to defer a further allocation of \$10,000 to Arts Out West until the General Manager can investigate and bring back a report to the August Council meeting on the material benefits to the Local area.

Arts Outwest has subsequently provided information in support of their financial assistance request.

Arts Outwest, is a regional arts development organisation, based at Charles Sturt University Bathurst, that covers 11 local government areas in the Central West. Arts Outwest receives Federal and State Government funding as well as contributions from its member Councils. Its mission is to promote, facilitate, educate and advocate for arts and culture in the Central West.

Its primary functions include:

- Promoting arts and cultural events throughout the region.
- Providing support and advice to artists.
- Courses and professional development for artists.
- Advocacy – working with government, business and the not-for-profit sector to influence arts development.

Arts Outwest identifies a number of planned events for Lithgow including:

- Arts and Dementia program at Gang Gang Gallery
- Hosting Artstate Regional Arts Conference and Exhibitions at Bathurst in November 2018.
- Curating an exhibition by artist Kew-Y-Ahn at Hartley Historic site.
- Support for development of an art gallery at Portland cement works.
- Spring networking night for Lithgow artists.

Arts Outwest estimates that value of its services to Lithgow LGA is \$47,508

Lithgow City Council has in the past entered into 3 year Memorandums of Understanding (MOU) with Arts Outwest under which Council pays of \$0.65 per head of population. The current 3 year MOU has now expired. The amount payable in 2018/19 under a new MOU would be \$14,037.40 ex GST.

Council has allocated a total of \$106,500 for Financial Assistance in the 2018/19 Operational Plan which is approximately \$50,000 less than the \$156,844 allocated in 2017/18.

With \$54,442 already allocated, an amount of \$52,058 remains for allocation in Round 2 and for any further allocations as resolved by Council during the year.

In view of the reduced allocation to Financial Assistance by Council in 2018/19, the Community Development Committee carefully considered all proposals at its 10 July 2018 meeting, to ensure that the highest priority projects with the most benefit to the community were recommended to Council for approval. For this reason, the Committee recommended that Council allocate \$10,000 to Arts OutWest, rather than the amount that would be payable under a new MOU.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - \$106,500
- Cost centre - 600059
- Expended to date - \$54,442
- Remaining funds - \$52,058
- Future potential impact – the allocation of \$10,000 to Arts Outwest will reduce the funds available for Round 2 allocation to \$42,058

LEGAL IMPLICATIONS

Council provides financial assistance under Section 356 of the Local Government Act, 1993.

ATTACHMENTS

1. Report to Lithgow City Council: the benefits of the Arts Outwest program.

RECOMMENDATION

THAT Council:

1. note the Arts Outwest Program Report to Lithgow City Council
2. Provide \$10,000 2018/19 Non-Recurrent Financial Assistance to Arts Outwest.

ITEM-19 P&S - 24/09/18 - WORLD WAR I PLAQUE QUEEN ELIZABETH PARK WAR MEMORIAL

REPORT BY: ACTING DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No 18-167: Ordinary Meeting of Council held on 25 June 2018

SUMMARY

This report advises Council on progress with the installation of a plaque at the Queen Elizabeth Park War Memorial commemorating all those who served in World War I, and recommends that Council authorise its installation on the wall that currently contains a Korean War plaque, with the Korean War plaque to be relocated to the wall that contains the Vietnam War plaque.

COMMENTARY

At the Ordinary Meeting of Council held on 25 June 2018 (Min18 – 167), Council resolved

THAT Council:

1. Support the installation of the plaque listing the names of all who served in World War 1 on the Queen Elizabeth Park War Memorial noting that funding is to be provided by sources external to Council.
2. Write a letter of thanks to Mr Burrett for undertaking this very worthwhile project.

The plaque is currently being manufactured and is to be unveiled at the Remembrance Day ceremony on 11 November 2018.

Discussions have been held with Mr Burrett and the Lithgow RSL Sub-Branch regarding the precise location of the plaque.

There are four granite faced walls within the Cenotaph. One wall contains a WWII plaque, another a Vietnam War plaque and the third, a Korean War plaque. The fourth wall is blank.

Mr Burrett had asked that the WWI plaque be installed on the blank wall however the RSL Sub Branch have stated that they wish to keep that wall for the future installation of plaques commemorating service during the Gulf wars and subsequent overseas engagements.

A suggestion by the RSL Sub Branch that the new WWI plaque be installed instead on the back of an existing wall or on a separate structure outside the Cenotaph were considered. It is recommended that these options not be supported as the new WWI plaque deserves to be given equal recognition to all plaques within the Cenotaph.

It is recommended that Council authorise the installation of the new WWI plaque on the wall that currently contains a Korean War plaque, with the Korean War plaque to be relocated to the wall that contains the Vietnam War plaque.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of manufacturing the WWI plaque have been met by Mr Burrett with grant funds. The installation of the WWI plaque and relocation of the Korean War plaque will be undertaken by Council at minor cost.

- Budget approved - \$10,000
- Cost centre - 600104
- Expended to date - \$2,655
- Future potential impact – minor

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council authorise the installation of the new WWI plaque on the wall of the Queen Elizabeth Park Cenotaph that currently contains a Korean War plaque, with the Korean War plaque to be relocated to the wall that contains the Vietnam War plaque.

ITEM-20 P&S - 24/09/18 - PEOPLE AND SERVICES POLICY REVIEW

REPORT BY: ACTING DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min 18 – 198: Ordinary Meeting of Council 23 July 2018
Min 18 – 200: Ordinary Meeting of Council 23 July 2018

SUMMARY

To provide a two policies to Council for approval as part of the comprehensive review of People and Services Policies.

COMMENTARY

As Council will recall, the Signs as Remote Supervision and Inspection, Evaluation and Maintenance of Footpaths and Cycle ways Policies were submitted to Council on 23 July 2018 and subsequently exhibited to the public for comment. The policy is now available for Council consideration:

- 9.18 Signs As Remote Supervision,
- 9.19 Inspection, Evaluations and Maintenance of Footpaths and Cycle ways,

No public submissions were received.

POLICY IMPLICATIONS

Primarily the subject of this report.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Policies are prepared to assist and assist in decision making and may provide further guidance with regard to statutory obligations.

POLICY IMPLICATIONS

As per the Policies attached to the report.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. 9.18 Signs As Remote Supervision,
2. 9.19 Inspection, Evaluations and Maintenance of Footpaths and Cycle ways,

RECOMMENDATION

THAT Council adopt the policies and implement immediately the following policies:

- 9.18 Signs As Remote Supervision,
- 9.19 Inspection, Evaluations and Maintenance of Footpaths and Cycle ways.

**ITEM-21 P&S - 24/09/18 - REQUEST FROM LITHGOW WOMEN'S SHED TO LEASE
COUNCIL PREMISES**

REPORT BY: ACTING DIRECTOR PEOPLE AND SERVICES

SUMMARY

This report details a request from the Lithgow Women's Shed to lease the former trotting club rooms in the Tony Luchetti Showground precinct for its operations.

COMMENTARY

Council has recently received correspondence from the Lithgow Women's Shed which has been seeking suitable premises for their operations for some time without success and now seeks Council agreement to use the former trotting club rooms in the Tony Luchetti Showground precinct. The club rooms have been unused for some time.

Lithgow Women's Shed aims to promote the health, well-being and empowerment of its members, in much the same way as men's sheds. Council has previously provided premises for the Lithgow, Portland and Wallerawang Mens Sheds.

With no current or proposed alternative use under consideration for the trotting club rooms, it is recommended that Council negotiate a lease with the Lithgow Women's Shed, subject to them obtaining the necessary funds and completing the required upgrade works within a reasonable time period. Council would need to undertake a building condition assessment and a risk assessment prior to occupation.

Council has no funds in the current year budget and it appears that the Women's Shed has no funds at this stage although new funding opportunities regularly become available.

By way of comparison, the Lithgow Men's shed renovated the dilapidated South Littleton Hall in around 2011/12 at a cash cost of around \$40,000, together with an extensive amount of volunteer labour by shed members. The \$40,000 cash component was comprised of \$10,000 Council and \$30,000 external funding.

While the trotting club rooms are in much better condition than the South Littleton Hall was, fairly extensive works (not yet determined) are likely to be required to achieve building and accessibility compliance and to upgrade electricity and other services.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Budget approved - nil
- Cost centre – n/a
- Expended to date - nil
- Future potential impact – none in current year budget

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Request from the Lithgow Women's Shed

RECOMMENDATION

THAT Council administration negotiate a lease with the Lithgow Women's Shed, subject to them obtaining the necessary funds and completing the required upgrade works within a reasonable time period.

COUNCIL COMMITTEE MINUTES

ITEM-22 ECDEV - 24/09/18- LITHGOW LOCAL HERITAGE ADVISORY COMMITTEE MEETING MINUTES - 13AUGUST 2018

REPORT BY: ACTING DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

REFERENCE

Min 18-40: Ordinary Meeting of Council 26 February 2018
Min 18-71: Ordinary Meeting of Council 26 March 2018
Min 18-201: Ordinary Meeting of Council 23 July 2018

SUMMARY

This report details the Minutes of the Lithgow Local Heritage Advisory Committee Meeting held on 13 August 2018.

COMMENTARY

At the Lithgow Local Heritage Advisory Committee held on 13 August 2018, there were 7 items on the agenda as follows:

1. Welcome/present/ apologies/declaration of interests
2. Confirmation of Minutes from Previous Meeting
3. Lithgow Heritage DCP Chapter – Preliminary Working Draft
4. Former milk depot site – Inch Street Lithgow – heritage significance – potential threat from onsite works
5. Identifying new items for local heritage listing
6. General Business
7. Next meeting

Council's attention is drawn to the Committee Action for Item 4 as follows:

“That for the long term benefit of Tourism in the LGA, that the Committee endorses in principle the necessity to preserve the corridor/linkages between Blast Furnace Park and Eskbank House”.

The actions of the Committee in relation to each item are identified in the attached minutes.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes from the Lithgow Local Heritage Advisory Committee Meeting of 13 August 2018.

RECOMMENDATION

THAT Council notes the minutes of the Lithgow Local Heritage Advisory Committee held on the 13 August, 2018 and adopt the committee actions therein.

ITEM-23 P&S - 24/09/18 - YOUTH COUNCIL MINUTES FOR 21 AUGUST 2018

REPORT BY: ACTING DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No 17- 363 Ordinary Meeting of Council held on 27 November 2017.
Min No 18 – 95 Ordinary Meeting of Council held on 23 April 2018.

SUMMARY

This report details the minutes of the Youth Council meeting held on 21 August 2018

COMMENTARY

At the 21 August 2018 Youth Council meeting, various items were discussed, including:

- Addressing Bullying
- Skate Park Signage
- Support for Local Farmers
- Youth Leadership Forum

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved – Nil
- Cost centre - n/a
- Expended to date - Nil
- Future potential impact - Nil

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Youth Council Meeting held on 21 August 2018.

RECOMMENDATION

THAT Council notes the minutes and endorses the recommendations of the Youth Council meeting held on 21 August 2018.

**ITEM-24 ECDEV - 24/09/18 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING
MINUTES - 5 SEPTEMBER 2018**

REPORT BY: ACTING DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 5th September 2018.

COMMENTARY

At the Environmental Advisory Committee meeting held on 5th September there were 6 items on the agenda which are outlined in the attached minutes including matters arising from the previous minutes, illegal dumping and single use plastic bags.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes from the Environmental Advisory Committee meeting held on 5th September 2018.

RECOMMENDATION

THAT Council note the minutes of the Environmental Advisory Committee held on 5th September 2018 and adopt the recommendations therein.

**ITEM-25 P&S - 24/09/18 - COMMUNITY DEVELOPMENT COMMITTEE MINUTES 11
SEPTEMBER 2018**

REPORT BY: ACTING DIRECTOR PEOPLE AND SERVICES

REFERENCE

Min No 18-72: Ordinary Meeting of Council held on 26 March 2018
Min No 18-72: Ordinary Meeting of Council held on 28 May 2018
Min No 18-199: Ordinary Meeting of Council held on 23 July 2018

SUMMARY

This report details the Minutes of the Community Development Committee Meeting held on 11 September 2018.

COMMENTARY

At the Community Development Committee held on 11 September 2018, numerous items were discussed by the Committee including;

Council consultation on major projects and initiatives in Item 4.
Recognition of Ron Bidwell OAM in Item 5.
Commemorative sign near the Queen Elizabeth Park Cenotaph in Item 6

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Budget approved - nil
- Cost centre – n/a
- Expended to date – n/a
- Future potential impact – nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Community Development Committee Meeting held on 11 September 2018.

RECOMMENDATION

THAT Council notes the Minutes and endorse the recommendations of the Community Development Committee Meeting held on 11 September 2018.

ITEM-26 IS - 24/09/18 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 12 SEPTEMBER 2018

REPORT BY: DIRECTOR INFRASTRUCTURE SERVICES

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held 12 September 2018.

COMMENTARY

At the Sports Advisory Committee Meeting held 12th September 2018, the following items were discussed:

- LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
- Booking Requests

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

- New Member Request – Lithgow District Football Association Inc.

RECOMMENDATION

THAT Council accept the representative from Lithgow District Football Association.

POLICY IMPLICATIONS NIL

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held 12 September 2018.

RECOMMENDATION

THAT Council:

1. Note the Minutes of the Sports Advisory Committee held 12 September 2018; and
2. Accept the representative from Lithgow District Football Association.

NOTICE OF MOTION

ITEM-27 NOTICE OF MOTION - 24/09/18 - PORTLAND COMMONWEALTH BANK AUSTRALIA CLOSURE

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

At the September meeting of the Portland Business Association Incorporation (PBAI) the closure of the Portland Branch of the Commonwealth Bank, which is to occur in November, was hotly debated.

The PBAI resolved that it strongly opposed the closure of the Branch for the following reasons:

- the loss of a service for less mobile elderly residents,
- the loss of local jobs,
- time lost and security risks for Portland business people who will have to travel further for their banking, and
- added pressure on the local Post Office with an extra demand for banking services.

It was suggested that the Commonwealth Bank could retain its service to Portland by reducing the operating hours of the branch instead of closing it.

RECOMMENDATION

THAT Lithgow City Council write to Angus Sullivan, Group Executive Retail Banking Services of the Commonwealth Bank of Australia, and raise the concerns and objections of the residents of Portland in relation to the proposed closure of its Portland Branch in November 2018.

ITEM-28 NOTICE OF MOTION - 24/09/18 - TRAIN GUARD JOB LOSSES

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

COMMENTARY

The Waterfall Rail Accident occurred on 31 January 2003. The driver suffered a sudden heart attack and lost control of the train. The train derailed, overturned and collided with the rocky walls of the cutting in a remote area south of the Waterfall station, killing seven people and injuring many more.

On the 21 August 2017 the fourth annual report on the implementation of the NSW Government response to the recommendations contained within the Final Report of the Special Commission of Inquiry into the Waterfall Rail Accident was presented to The Hon. Andrew Constance Minister for Transport and Infrastructure by Office of the National Rail Safety Regulator (ONRSR)

The report includes 177 recommendations, including a summary of the NSW Government's responses to each of the recommendations.

Recommendation 5 reads

“All train guards should be trained by RailCorp in the use, of the MetroNet radio and instructed to use it in any emergency.”

In the Lithgow Mercury dated 10 September 2018 resident Samantha Steele expressed her concern regarding a plan to replace guards on the new Inter-City Fleet with “customer service representatives.” The new fleet is a driver-only operation.

In the Lithgow Mercury dated 28 August 2018 a local guard had also expressed his concerns about the proposed staffing arrangements on the new intercity fleet.

If there are no guards on the trains, where is the trained back-up staff referred to in Recommendation 5 of the ONRSR report? What safety measures can take the place of trained staff riding on the train?

Train guards perform a number of extremely useful functions as part of their duty and are a human face which gives confidence to travellers and assistance to those who may be disabled, anxious or simply lost. Lithgow rail travellers have the right to continue to use the train service confidently, safely and independently, with the presence of guards on the trains.

It has been brought to my attention that there are potentially 24 train guards based at Lithgow and 23 at Mount Victoria; the majority of these people live in the Lithgow LGA.

Loss of their jobs would impact severely upon our community and local economy.

RECOMMENDATION

THAT

1. Lithgow City Council write to Paul Toole, Member for Bathurst, expressing our community's concerns regarding the potential job losses on removing train guards from the new intercity fleet, and the potential safety risks to our residents.
2. The General Manager provide a report on the cascading effect of job losses in the LGA.

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.*

CLOSED COUNCIL

ITEM-29 **CONFIDENTIAL - CLOSED COUNCIL - IS - 24/09/18 - BITUMEN
CONTRACTS FOR 2018/19 CAPITAL WORKS**

REPORT BY: DIRECTOR INFRASTRUCTURE SERVICES

REFERENCE

Min 18-165: Ordinary Meeting of Council held 25 June 2018

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

SUMMARY

This report seeks a determinations from Council to award a tender for the provision of bitumen sealing services to Lithgow City Council as part of Council's 2018/19 Operational Plan.

RECOMMENDATION

THAT Council consider the report Bitumen Contracts for 2018/19 Capital Works in closed Council in accordance with Section 10A (2) (c) and (d) of the Local Government Act 1993.

**ITEM-30 CONFIDENTIAL - CLOSED COUNCIL - ECDEV - 24/09/18 - RURAL FIRE
SERVICE REMOTE AREA TRAINING CENTRE**

REPORT BY: ACTING DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT

Reason for Confidentiality

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

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

REFERENCE

Min No. 16-215: Ordinary Meeting of Council held on 29 August 2016

SUMMARY

This report is to provide an update in relation to negotiations with Centennial Springvale Pty Limited and Springvale SK Kores Pty Limited ("**Centennial Coal**") about the matters resolved at the Ordinary Meeting of Council on 29 August 2016 and to seek a further resolution to negotiate and enter a Compensation Agreement under the Mining Act 1992 with Centennial Coal.

RECOMMENDATION

THAT the report Rural Fire Service Remote Area Training Centre be considered in Closed Council in accordance with Section 10A (2)(c) of the Local Government Act 1993.

**ITEM-31 CONFIDENTIAL - CLOSED COUNCIL - GM - 24/09/18 - APPOINTMENT OF
SENIOR EXECUTIVE POSITIONS**

REPORT BY: GENERAL MANAGER

Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)

SUMMARY

This report presents the remaining applicants to the Council for the positions of:

- Director of Economic Development and Environment
- Director of People and Services

RECOMMENDATION

THAT Councillors consider the report Appointment of Senior Executive Positions in closed council in accordance with Section 10A(2)(a) of the Local Government Act 1993.