



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

29 MAY 2017

AT 7.00pm

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# AGENDA

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**ACKNOWLEDGEMENT OF COUNTRY**

**APOLOGIES**

**PRESENT**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 8 MAY 2017**

**DECLARATION OF INTEREST**

**COMMEMORATIONS AND ANNOUNCEMENTS**

**PUBLIC FORUM**

**PRESENTATIONS**

**MAYORAL MINUTES**

**STAFF REPORTS**

Environment and Development Reports

Operation Reports

Corporate and Community Reports

**COUNCIL COMMITTEE MINUTES**

Community Development Committee - Minutes 9 May 2017

Crime Prevention Committee - Minutes 15 May 2017

Traffic Advisory Local Committee Minutes - 18 May 2017

**DELEGATES REPORTS – NIL**

**NOTICES OF MOTION**

Opal Card – Councillor Coleman

**QUESTIONS WITH NOTICE – NIL**

**NOTICE OF RECISSIONS – NIL**

**BUSINESS OF GREAT URGENCY**

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

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## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-1            ENVIRO - 29/05/17 - LITHGOW LOCAL HERITAGE ADVISORY                          COMMITTEE (LLHAC) - APPOINTMENT OF COMMUNITY MEMBERS

**REPORT BY: A MUIR- GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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## REFERENCE

Min No. 16-247:            Ordinary Meeting of Council held on 10 October 2016  
Min No. 16-248:            Ordinary Meeting of Council held on 10 October 2016

## SUMMARY

This report recommends the appointment of community representatives to the Lithgow Local Heritage Advisory Committee.

## COMMENTARY

At the Ordinary Meeting of Council held on 10 October, Council resolved to appoint Councillors to the Local Heritage Advisory Committee and to call for nominations for the community/external members of the committee in accordance with the adopted terms of reference.

Nominations were called for community/external members of the Committee. Under the current terms of reference the following membership is required to be filled:

- 1 member from the NSW National Trust (Lithgow Branch)
- 1 member from the Lithgow and District Family History Society
- 2 members of the community
- 1 member representing the local Indigenous community

Council received six (6) nominations as follows;

<b>Nominations received</b>	<b>Brief background and interest</b>	<b>Relevant position based on membership submission detail</b>
Dr Helen Clements	Active National Trust – Lithgow Branch Member Former member of the LLHAC Post Graduate work in politics and anthropology	NSW National Trust (Lithgow Branch)
Ramsay Moodie	Member and Treasurer of NSW National Trust – Lithgow Branch Chartered Accountant Member and Treasurer of The Western Crossings Trust Member Hartley District Progress Association Responsible for the development and implementation of the Hartley Valley Heritage Property Date Signing Project	Community Member
Colin Hunter	Former Councillor Lithgow City Council Former member of the LLHAC Involved in Heritage Projects in Rydal	Community Member
Danny Whitty	Extensive Committee experience Holds executive positions on National Trust and Lithgow Family History	Community Member
Sue Graves	Former Councillor Lithgow City Council Chairperson Lithgow Tidy Towns Researchers and publishers local and family history Member of the Environment Advisory Committee Interested in heritage and environment	Community Member
Helen Riley	Elder of the Wiradjuri Mingaan Community Although not appointed for the former LLHAC; was forwarded all agendas and minutes for information and so is informed of the Committee's work Cultural knowledge of the area and experienced in consultations and partnerships with many community groups and working parties	Local Indigenous Community Member

**CONCLUSION**

The adopted LLHAC Terms of Reference require the all members to have a broad heritage knowledge and/or skills including in the areas of: the principles of heritage conservation; moveable heritage; oral history, architecture, adaptive reuse, education, planning, property economics, rural interests, industrial heritage, cultural landscapes, and heritage tourism.

The recommended appointments all to some degree satisfy the minimum terms of reference requirements.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Copies of nominations received.

**RECOMMENDATION**

**THAT** Council:

1. Appoint the following persons to the Lithgow Local Heritage Advisory Committee
  - Dr Helen Clements – National Trust representative
  - Ramsay Moodie – Community Member
  - Colin Hunter – Community Member
  - Helen Riley – Local Indigenous Community representative
2. Write to the Lithgow and District Family History Society to request a nomination for that position on the Committee.
3. Call for further nominations from the building, property and development industries for that position on the Committee.

**ITEM-2            ENVIRO - 29/05/17 - DA094-17 PROPOSED PLACE OF PUBLIC  
                          WORSHIP, CALL IN REPORT**

**REPORT BY:    A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT**

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**SUMMARY**

To inform Council of the 'call in' of a development application, pursuant to Council policy.

**COMMENTARY**

Council is in receipt of a Development Application DA094/17 for a change of use – private residence to a place of public worship and temporary accommodation on land known as Lot 101 DP 5255, 53 Ferro Street Lithgow.

The application has been called in for determination by Councillor McAndrew.

The application has been notified to surrounding landowners and placed on public exhibition.

**POLICY IMPLICATIONS**

This application has been 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.

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

No specific implications at this point of the process.

**RECOMMENDATION**

**THAT** the calling in of Development Application DA094/17 be noted.

**ITEM-3            ENVIRO - 29/05/17 - WALLERAWANG POULTRY FARM UPDATE**

**REPORT BY:    A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT**

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**REFERENCE**

Min No 16-122:        Ordinary Meeting of Council held on 6 June 2016  
Min No 16-147:        Ordinary Meeting of Council held on 27 June 2016  
Min No 17-33:         Ordinary Meeting of Council held on 6 February 2017

**SUMMARY**

This report is provided in relation to the Council resolution of 11 May 2015 being:

**15-101 RESOLVED**

***THAT** Further reports to Council in relation to complaints and ongoing odour surveys for the Wallerawang Poultry Farm only occur in instances where an odour level of 2 or more is recorded on the odour intensity scale by Council's odour specialist.*

**COMMENTARY**

**Odour Survey Results**

As part of ongoing routine odour monitoring an odour intensity level of 2 was detected by Council's odour specialist on Thursday 26 April 2017, which may be described as:

2.Odour present in the air, which easily activates the sense of smell, is very distinctive and clearly distinguishable, tends to be objectionable and/or irritating, and is persistent in the community.

The results of Council's odour survey undertaken on Thursday 26 April 2017 are described below. Refer to Attachments 1 and 2 for the associated Site Map and Odour Intensity Scale.

Location on Site Map	Time	Odour Intensity Detected		Comments/Odour
		Maximum Level	Minimum level	
1	11:04am to 11:09am	0	0	Nil.
2	10:58am to 11:03am	0	0	Nil.
3	10:40am to 10:45am	2	0	Nil.
4	10:46am to 10:51am	0	0	Nil.
5	10:52am to 10:57am	0	0	Nil.

It should be noted that Council also received a complaint from a member of the public on Friday 7 April 2017, which stated that the Chicken Farm had smelt on the afternoon and evening of Thursday 6 April 2017 and morning of Friday 7 April 2017. Accordingly, Council's Odour Specialist undertook a survey on Monday 10 April 2017 and the following results were recorded:

Location on Site Map	Time	Odour Intensity Detected		Comments/Odour
		Maximum Level	Minimum level	
1	11:00am to 11:05am	0	0	Nil.
2	11:06am to 11:11am	0	0	Nil.
3	11:12am to 11:17am	1	0	Nil.
4	11:18 am to 11:23am	0	0	Nil.
5	11:24am to 11:29am	0	0	Nil.

The survey detected a maximum odour intensity level of 1 (as described in Attachment 2).

**Weather Data**

The following daily weather observations and monthly statistics were recorded by the Australian Bureau of Meteorology (BOM) for the area of Wallerawang on each day (and month) that an odour reading was detected:

***Daily Observations – Monday 10 April 2017***

Weather Observation		Results	Highest or Lowest of the Month
<b>Temperatures</b>	Maximum	<b>12.4°C</b>	Yes, lowest.
	Minimum	4.4°C	No.
<b>Rain</b>		<b>8.2mm</b>	Yes, highest.
<b>Maximum Wind Gusts</b>	Direction	No data	No data.
	Speed	No data	
	Time	No data	
<b>9am</b>	Temperature	<b>5.9°C</b>	Yes, lowest.
	Relative Humidity	80%	No.
	Wind Direction	North West	No.
	Wind Speed	19km/h	
<b>3pm</b>	Temperature	No data	No data.
	Relative Humidity	No data	No data.
	Wind Direction	No data	No data.

**Comment:** Monday 10 April 2017 experienced the lowest maximum daily temperature at 12.4°C, the highest daily rainfall at 8.2mm and the lowest daily 9am temperature at 5.9°C, for the month of April. According to the BOM, the mean daily wind speed at 9am for the month was 7km/h and therefore, it is considered the 9am wind speed of 19km/h recorded on Monday 10 April 2017 in a North Westerly direction, was particularly high. It is likely that the cool temperatures, rainfall and high wind speed may have contributed towards the maximum odour reading of 1 detected at location 3 (refer to Attachment 1) along Thompsons Creek Road, South-East of the farm.

***Daily Observations – Thursday 26 April 2017***

Weather Observation		Results	Highest or Lowest of the Month
Temperatures	Maximum	15.0°C	No.
	Minimum	<b>11.1°C</b>	Yes, highest.
Rain		0.2mm	No.
Maximum Wind Gusts	Direction	No data	No data.
	Speed	No data	
	Time	No data	
9am	Temperature	13.2°C	No.
	Relative Humidity	<b>57%</b>	Yes, lowest.
	Wind Direction	North West	No.
	Wind Speed	19km/h	
3pm	Temperature	No data	No data.
	Relative Humidity	No data	No data.
	Wind Direction	No data	No data.

**Comment:** Thursday 16 April 2017 experienced the highest minimum daily temperature at 11.1°C and the lowest daily relative humidity at 57%, for the month of April. The daily wind speed at 9am of 19km/h in a North Westerly direction was also particularly high compared to the monthly average. It is likely that the warm minimum temperature, low humidity and high wind speed may have contributed towards the maximum odour reading of 2 detected at location 3 (refer to Attachment 1) along Thompsons Creek Road, South-East of the farm.

### **Landowner Consultation**

In response to the maximum Odour Level of 2 detected by Council's Odour Specialist on Thursday 26 April 2017, Council requested that the landowner show cause as to why Council should not issue a Penalty Infringement Notice due to non-compliance with Condition 8 of Development Consent (93/98DA, BA173/98) which states:

8. No offensive odours due to the development shall be emitted beyond the boundaries of the property.

The landowner has been provided a period of 7 days to respond to Council.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

To ensure that the development complies with the *Environmental Planning & Assessment Act 1979* in relation to compliance with conditions of consent.

### **ATTACHMENTS**

1. Site Map of Chicken Farm and Odour Investigation Area.
2. Odour Intensity Scale.

## RECOMMENDATION

**THAT** the information regarding odour issues at the Wallerawang Poultry Farm be noted.

## OPERATION REPORTS

### ITEM-4            OPER - 29/05/17 - OWNERSHIP OF LOWTHER CHURCH AND CEMETERY

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

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## SUMMARY

This report details the discussion of ownership of the Lowther Church and Cemetery.

## COMMENTARY

Parish of St Patrick & St Francis Xavier conducted a recent review of Church property where it was found that the Lowther Church and Catholic portion of the Lowther Cemetery, Jenolan Caves Road, Lowther (Lot 86 and 87 DP 757063) are owned by the State of New South Wales not the Roman Catholic Diocese of Bathurst

The Church assumed responsibility for the Church building and cemetery, albeit with the voluntary assistance of local residents. Solicitors acting on behalf of the Trustee contacted the two residents to clarify their involvement in the Lowther Cemetery which is completely voluntary and there is no agreement held with Council for their service

Advice has been received from Cain Kensit and Messenger, Solicitors acting on behalf of the Trustee, that it is clearly the case that the land upon which the disused Lowther Church is located and the land comprising the Catholic portion of the Lowther Cemetery are owned by the State of New South Wales, and that the Lowther Cemetery is recorded in the Cemeteries and Crematoria NSW Register as being operated by Lithgow City Council.

To date, on the false premise that these lands were Church property; the Church has assumed responsibility for the Church building and cemetery, albeit with the voluntary assistance of local residents Michael and Rosemary Richards. In light of the revelation, the Church will no longer accept any responsibility for their operation or maintenance.

## POLICY IMPLICATIONS

NIL

## FINANCIAL IMPLICATIONS

Possible increase in recurrent costs for cemetery maintenance

## LEGAL IMPLICATIONS

NIL

## ATTACHMENTS

1. Letter from the Parish of St Patrick & St Francis Xavier and
2. Letter from Cain, Kensit and Messenger regarding investigation
3. Map and Title Search of Lot 86 and 87 DP 757063

## RECOMMENDATION

**THAT** Council note the information concerning responsibility for all cemetery lands at Lowther Cemetery.

**ITEM-5            OPER - 29/05/17 - PROPOSED PARTIAL ROAD CLOSURE AND  
PURCHASE FROM COUNCIL AT OLD BATHURST ROAD, SOUTH  
BOWENFELS**

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

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**SUMMARY**

The registered proprietors of Lot 57 DP751650, being residence at 158 Old Bathurst Road, South Bowenfels 2790 have requested a proposal for partial road closure and purchase from Council.

**COMMENTARY**

The attached plan shows the location of the fence located outside the boundary on Old Bathurst Road. The fence line was apparently established when Old Bathurst Road was constructed in the 19<sup>th</sup> century. With the construction of the adjacent subdivision 061/07DA, Old Bathurst Road has been slightly re-adjusted to the south eastern corner of the subject property. The area of land requested to be purchased is that part of Old Bathurst Road lying within the fence line. The adjoining owners therefore, apply for the closure of Old Bathurst Road within the fence line and would expect to pay Council the full value thereof, and all fees, costs and expenses associated with the road closure and acquisition.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Draft plan prepared by surveyor Robert B. Slarke depicting part of Old Bathurst Road, South Bowenfels which the adjoining owners would like to acquire from Council.

**RECOMMENDATION**

**THAT** the General Manager be authorised to negotiate with the owners of Lot 57 DP751650 for the proposed closure and purchase of a section of Old Bathurst Road, South Bowenfels.

**ITEM-6            OPER - 29/05/17 - STORMWATER EASEMENT, LOT 3 DP881717  
                         KIRKLEY STREET, SOUTH BOWENFELS**

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

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## **SUMMARY**

This report details the submission of a deed of agreement and transfer granting easement in relation to Lot 3 DP 881717, Kirkley Street, South Bowenfels.

## **COMMENTARY**

Following the upgrade of Kirkley Street in conjunction with the construction of the Bowen Vista subdivision, stormwater and sewer infrastructure was collected and directed at the lowest topographical point being Lot 3 DP881717. To satisfactorily discharge these services required access through private property. Following discussion with the owner of the subject property it was agreed, subject to piping of the stormwater discharge, to create an easement to contain both stormwater and sewerage through the property.

Le Fevre & Co has submitted a deed of agreement executed by the owner and duly witnessed for execution by Council's Acting General Manager. In conjunction with the deed of agreement, a transfer granting easement has also been submitted. Both documents require formal execution. The deed of agreement and transfer of easement relate to an agreement reached in 2015 with the owner of Lot 3 DP 881717. This agreement related to the piping of stormwater drainage in a natural watercourse located along the eastern boundary of Lot 3 DP881717. In consideration of Council's agreement to this proposal, Council sought consent to the creation of an easement for drainage of sewage and water which would incorporate the extended stormwater pipe and the existing sewer mains.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

Funding for installation of pipes reserved.

## **LEGAL IMPLICATIONS**

Easements are created under Section 88B of the Conveyancing Act.

## **ATTACHMENTS**

1. Copies of the deed of agreement and the transfer of easement details are attached for information.

## **RECOMMENDATION**

**THAT** Council execute the deed of agreement and the document for transfer of easement as submitted involving Lot 3 DP881717 Kirkley Street, South Bowenfels

**ITEM-7                    OPER - 29/05/17 - ZIG ZAG RAILWAY ROAD RESERVE LEASE,  
                                  CHIFLEY ROAD, CLARENCE**

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

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**SUMMARY**

This report is a proposal for the creation of a lease agreement to allow Zig Zag Railway Co-op to lease a section of a Lithgow City Council road reserve that its infrastructure is located within.

**COMMENTARY**

The Zig Zag Railway was built between 1866 and 1869 and remained in operation as part of the main western line until 1910. When the Chifley Road was constructed between Bell and Lithgow, part of the original Zig Zag Railway formation was utilised.

When the Zig Zag Railway Co-op Ltd rebuilt the section of track between Mr Sinai Halt and Clarence in 1988, the railway was realigned slightly to the northern side of the Chifley Road and re-joined the original formation on the western side of Clarence Tunnel.

Recently it has been discovered that approximately 1.4km of our rail infrastructure is located within part of the Main Road 516 Road Reserve (Chifley Road) as per the attached survey plan.

As this road is known to be managed by the Roads and Maritime services, they were approached regarding the creation of a lease agreement to allow the Zig Zag Railway Co-op Ltd to lease the section of road reserve that its infrastructure is located within. During negotiations, they have found that this section of road reserve is managed by Lithgow City Council and that any lease agreement should be between the Lithgow City Council and the Zig Zag Railway Co-op Ltd.

To ensure that this can retain rail infrastructure in its current location and continue passenger operations from Clarence station, Lithgow City Council needs to consider entering into a lease agreement with the Zig Zag Railway Co-op Ltd covering the section of road reserve in question.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Survey plans of Chifley Road

## RECOMMENDATION

**THAT** the General Manager be authorised to negotiate with the Zig Zag Railway proposed lease for land occupation by Zig Zag Railway adjacent to Chifley Road.

**ITEM-8            OPER - 29/05/17 - WATER REPORT**

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

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**REFERENCE**

Min No 17-135:            Ordinary Meeting of Council held on 8<sup>th</sup> May 2017

**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 15<sup>th</sup> May 2017 was 85.9%. Oberon Dam capacity on Monday 15<sup>th</sup> May 2017 was 89.9%.

**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 2016/2017.

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

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	112	0	58
August	97	0	66
September	95	0	66
October	111	0	66
November	124	0	56
December	148	0	47
January	112	0	96
February	104	0	69
March	100	0	55
April	141	0	55
<b>TOTAL</b>	<b>1,144</b>	<b>0</b>	<b>634</b>

**Oakey Park Water Quality Summary**

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG values were exceeded for the period 29/04/17 to 19/05/17.

**Fish River Water Scheme Water Quality Summary**

Fish River Water Supply supplied water to Lithgow, Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal from 1/04/17 to 28/04/17. Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 29/04/17 to 19/05/17.

**Current Water Restrictions Update**

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

**Treatment Plants Monitoring Results**

Samples are taken on a monthly basis at various locations within the STPs and WTP. There were no samples taken within this reporting period. Samples are due to be taken 23 May and reported to Council 26 June 2017

**Water Saving Schemes or Processes Update**

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council receiving no applications for a household appliance rebate and approving one application for a water tank rebate for the period 29/04/17 to 19/05/17.

**Water Reticulation Complaints**

No complaints were received during the period 29/04/17 to 19/05/17 concerning water quality issues.

Details of water complaints made in the last six (6) months are displayed in the attachment.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council note the water report.

**CORPORATE AND COMMUNITY REPORTS**

**ITEM-9                    CORP - 29/05/17 - QUARTERLY PERFORMANCE REPORT ON 2016-217 OPERATIONAL PLAN FOR THE PERIOD 1 JANUARY TO 31 MARCH 2017**

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

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**REFERENCE**

Min No 16-127:            Ordinary Meeting of Council held on 6 June 2016  
 Min No. 16-239:        Ordinary Meeting of council held on 21 November 2016  
 Min No. 17-64:           Ordinary Meeting of council held on 27 February 2017

**SUMMARY**

This report provides the Quarterly Performance Report on the 2016-2017 Operational Plan for the period of 1 January to 31 March 2017 with a recommendation that variations to income and expenditure estimates are voted and the revised reduction in the cash balance deficit of \$268,351 being a movement of \$1,000 from the revised budget position be noted. This movement is due to additional funds required for the recruitment of the General Manager.

**COMMENTARY**

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

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

Note: A negative balance is identified in brackets.

<b>2016/17 Quarterly Budget Comparison</b>			
<b>Budget (Inc Internal)</b>	<b>Income \$'000</b>	<b>Expenditure \$'000</b>	<b>Total \$'000</b>
Original	65,269	65,260	9
September Quarter	80,428	80,419	9
December Quarter	80,428	80,770	(267)
March Quarter	81,213	81,481	(268)

<b>2016/17 Quarterly Budget Comparison Fund</b>			
<b>Budget(Inc Internal)</b>	<b>Income \$'000</b>	<b>Expenditure \$'000</b>	<b>Total \$'000</b>
General	49,175	49,443	(268)
Water	8,232	8,232	0
Wastewater	23,806	23,806	0

The revised March quarter of the 2016-2017 Operational Plan has been adjusted as detailed in the table in Attachment 1 on pages 4 to 11.

Please note the two projects below have had a change in classification (capital/operating) due to the nature of works undertaken which has not had an impact on cash but has changed Council's operating position. They are listed below for transparency and information purposes. Overall there has been a negative impact on the operating position due to these changes.

<b>2016/17 - Reclassifications</b>			
<b>Directorate</b>	<b>Project</b>	<b>Amount</b>	<b>New Classification</b>
Corporate & Community	National Library Heritage Grant	4,500	Operating
Operations	Timber Bridge Inspections	100,000	Operating

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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

The Financial Services Manager, as the Acting Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and reporting) Regulation 20019, that Council's 2016/17 Operational Plan has been reviewed and the financial position of Council is satisfactory.

### **LEGAL IMPLICATIONS**

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

### **ATTACHMENTS**

1. Quarterly Progress Report 1 January – 31 March 2017 including the 2016/17 Quarterly Budget Variations on pages 4 to 11.

## RECOMMENDATION

### THAT:

1. The deficit of \$268,351 for the 2016/17 Operational Plan as detailed in the Quarterly Performance Report for the period 1 January to 31 March 2017 be adopted.
2. Council adopts the variations to the Council budget as outlined in the report.
3. Council notes that the Financial Services Manager, as the Acting Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2016/17 Operational Plan has been reviewed and the financial position of Council is satisfactory.

**ITEM-10            CORP - 29/05/17 - COUNCIL INVESTMENTS HELD TO 30 APRIL 2017**

**REPORT BY:            N DERWENT – FINANCIAL SERVICES MANAGER**

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**REFERENCE**

Min No 17-78:            Ordinary meeting of Council held on 20 March 2017

**SUMMARY**

To advise Council of investments held as at 30 April in the 2016/17 financial year.

**COMMENTARY**

Council's total investment portfolio, as at 30 April 2017 when compared to 31 March 2017, has decreased by \$2,510,000.00 from \$26,140,138.43 to \$23,630,138.43. While cash in Council's bank account increased by \$117,535.11 from \$60,717.69 to \$178,252.80.

There is an overall decrease in cash and investments of \$2,392,464.89 since 31 March 2017. The decrease in cash and investments is due to \$1.4m payment for Portland Sewerage Treatment Plant and payment of operating expenses and capital projects of Council. April has limited revenue with the next rates instalment and Financial Assistance Grant instalment due in May. Please also note that cash on hand is represented by the balance held with CBA and totals \$1,308,252.80. Bank account \$178,252.80 and On call \$1,130,000 and allows Council to maximise interest returns for cash at bank.

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 April 2017 were as follows:

Opening Balance of cash and investments as 01 April 2017	\$26,200,856.12
Plus New Investments – April 2017	\$1,117,535.11
Less Investments redeemed – April 2017	\$3,510,000.00
Closing Balance of cash and investments as at 30 April 2017	\$23,808,391.23

See Figure 1 in attachment for summary of current investments held.

See Figure 2 in attachment for a graph of historical and current investments to 30 April.

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

**POLICY IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 27 October 2014 Council adopted a draft of the Investment Policy as Policy 8.7 which includes the Minster's Investment Order of 12 January 2011.

### **FINANCIAL IMPLICATIONS**

Interest received for month of April 2017 was \$71,226.61. Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

### **LEGAL IMPLICATIONS**

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

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

I, Neil Derwent, Lithgow City Council's Responsible Accounting Officer certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

### **ATTACHMENTS**

1. Investment Register 2016/17 and Cash Flow Chart

### **RECOMMENDATION**

**THAT** Investments of \$23,630,138.43 and cash of \$178,252.80 for the period ending 30 April 2017 be noted.

**ITEM-11            CORP - 29/05/17 - PROPOSED LOCATION OF ROTUNDA IN SAVILLE PARK PORTLAND**

**REPORT BY:        MATTHEW JOHNSON - MANAGER COMMUNITY AND CULTURE**

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## **SUMMARY**

This report details a request from Portland Development Association to locate a rotunda on Council land at Saville Park, Williwa Street Portland.

## **COMMENTARY**

The Portland Development Association has for a number of years planned the installation of a rotunda as a focal point for community activities and as a memorial to the original Portland bandstand that was previously destroyed by fire. The Association has raised funds by way of grants and local community contributions to meet the cost of purchase/construction and installation.

A number of locations have been considered by the Development Association including:

1. Mick Moore Memorial Park on Wolgan Street
2. Saville Park facing Cullen Street within the current memorial park
3. Saville Park on Williwa Street near the Cullen Street corner.

The Portland Development Association considers that options 1 and 2 provide insufficient space to accommodate the rotunda and therefore propose that the rotunda be located in Saville Park on Williwa Street near the Cullen Street corner as shown on the attached map.

Preliminary discussions have been held between the Development Association, Council staff and Council's Heritage Advisor. A Development Application and Construction Certificate will be required for the work at which time the proposal will be assessed by Council.

It is recommended that Council resolve to publicly exhibit this proposal for a period of 28 days to determine community views on the proposal.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

Portland Development Association advises that they have sufficient funds to complete this project.

### **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Proposal from Portland Development Association
2. Map showing proposal

## RECOMMENDATION

**THAT** Council:

1. Publicly exhibit for 28 days the proposal from Portland Development Association to locate a rotunda on Council land at Saville Park, Williwa Street Portland.
2. Note that a further report will be brought back to Council detailing any significant community objections to the proposal.
3. Note that if no significant objections are received, the General Manager will sign the Development Application for the proposal and that the Development Application will be considered at a future meeting of Council.

**ITEM-12            CORP - 29/05/17 - EXCESSIVE WATER ACCOUNT FOR PROPERTY  
                          NUMBER 13350**

**REPORT BY: NEIL DERWENT – FINANCIAL SERVICES MANAGER**

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**SUMMARY**

To provide a report on a request from the owner of property 13350 seeking financial consideration for excessive water account.

**COMMENTARY**

Council is in receipt of a request from the property owner seeking consideration in relation to excessive water consumption as a result of broken pipes under the house at the property.

The meter for the above property was read by Council staff on 27 March 2017 and this showed a reading of 9,031. On reviewing the readings this showed as an extremely high consumption and Council attended the property again to re-read on 11 April 2017 to reread. The meter reading then showed a read of 9,148 (a quarterly consumption of 884kls).

The residential water account is made up of:

Tariff 1 - \$376.31      (<250kls consumption)

Tariff 2 - \$3,563.21    (>250kls consumption)

Minus Pension Rebate - \$0.90

Total - \$3,938.62

The four water accounts issued on the property prior to the leak were for;

DATE	METER READING	QUARTERLY CONSUMPTION	AMOUNT	READING DAYS	DAILY AVERAGE
16/03/2016	8,090	83kls	\$256.33	89	0.933
24/06/2016	8,135	45kls	\$138.15	100	0.450
22/09/2016	8,167	32kls	\$98.62	90	0.356
23/12/2016	8,264	97kls	\$300.77	92	1.054
<b>TOTAL</b>			<b>\$793.87</b>		

When averaged using the previous four readings prior to when the leak occurred, an estimate of what the account for the property would be \$199.04 - 64kls. This is a difference of \$3,739.58 being charged. A maximum allowance of \$200.00 was provided on 12 May 2017 as per Policy 8.1 'Excessive Water Usage Allowance for Breakages', making the difference in balance charged \$3,539.58.

The breakage occurred on a private property and in this instance Council is not at fault and has been asked to consider removing or reducing the account.

Council officers have investigated this request and denied reducing the account as the policy only allows the \$200 rebate which has already been applied.

**POLICY IMPLICATIONS**

Policy 8.1 'Excessive Water Usage Allowance for Breakages' and Policy 8.3 'Hardship Policy'.

**FINANCIAL IMPLICATIONS**

Possible write off of \$3,539.58 and interest. Write-offs have not been included in the current budget.

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council:

1. Offer no further consideration additional to the \$200 rebate previously applied to water consumption charges on the property.
2. Advise the property owner in writing of Council's resolution and confirm the availability of a negotiated repayment arrangement under policy.

**ITEM-13            CORP - 29/05/17 - EXCESSIVE WATER ACCOUNT FOR PROPERTY NUMBER 46410**

**REPORT BY:        NEIL DERWENT – FINANCIAL SERVICES MANAGER**

**SUMMARY**

To provide a report on a request from the owner of property 46410 seeking financial consideration for excessive water account over a 6-7 month period from 27/4/2015 till 17/12/2015.

**COMMENTARY**

Council is in receipt of a request from the property owner seeking relief for water accounts totalling \$3,521.42, with interest accruing. This is due to an unconcealed leak which was not noticeable under a cement slab on the property.

Council received initial notification from the property owner on 24 December 2015 in regards to finding the water leak along with a letter from the plumber engaged. A maximum allow of \$200.00 was provided on 10 February 2015 as per Policy 8.1 'Excessive Water Usage Allowance for Breakages'.

The meter for the property was read by Council and as a result shows the below information breakdown;

DATE	METER READING	QUARTERLY CONSUMPTION	AMOUNT	READING DAYS	DAILY AVERAGE
27/04/2015	4,881	352 KLS	\$1,506.80	111	3.171
22/06/2015	5,074	193 KLS	\$858.85	56	3.446
01/10/2015	5,405	331 KLS	\$1,155.77	101	3.277
<b>TOTAL</b>			<b>\$3,521.42</b>		

The four water accounts issued on the property prior to the leak were for;

DATE	METER READING	QUARTERLY CONSUMPTION	AMOUNT	READING DAYS	DAILY AVERAGE
01/04/2014	4,217	87 KLS	\$272.64	84	1.036
03/07/2014	4,319	102 KLS	\$434.52	93	1.097
07/10/2014	4,423	104 KLS	\$307.84	96	1.083
06/01/2015	4,529	106 KLS	\$313.76	91	1.165
<b>TOTAL</b>			<b>\$1,328.76</b>		

When averaged using the previous four readings prior to when the leaks occurred in 2015, an estimate of what the account for the property would be as shown in the table following.

DATE	METER READING	CONSUMPTION CHARGD	AMOUNT	ESTIMATE CONSUMPTION	ESTIMATE AMOUNT
27/04/2015	4,881	352 KLS	\$1,506.80	101 KLS (40 T1, 61 T2)	\$389.85
22/06/2015	5,074	193 KLS	\$858.85	59 KLS (59 T2)	\$262.55
01/10/2015	5,405	331 KLS	\$1,155.77	107 KLS (107 T1)	\$332.77
<b>TOTAL</b>			<b>\$3,521.42</b>		<b>\$985.17</b>

This is a difference in \$2,536.25 being charged. A maximum allowance of \$200.00 was provided on 10 February 2015 as per Policy 8.1 'Excessive Water Usage Allowance for Breakages', making the difference in balance charges \$2,336.25.

The breakage occurred on a private property in early 2015 and the account was sent to the owner in which they would have been aware there was an increase in the account. The owner did not notify Council until December 2015.

Council officers have investigated this request and denied reducing the account as the policy only allows the \$200.00 rebate which has already been applied.

**POLICY IMPLICATIONS**

Policy 8.1 'Excessive Water Usage Allowance for Breakages' and Policy 8.3 'Hardship Policy'.

**FINANCIAL IMPLICATIONS**

Possible write off of \$2,336.25 and interest. Write-offs have not been included in the current budget.

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council:

1. Offer no further consideration additional to the \$200 rebate previously applied to water consumption charges on the property.
2. Advise the property owner in writing of Council's resolution and confirm the availability of a negotiated repayment arrangement under policy.

**ITEM-14            CORP - 29/05/17 - POLICY 8.1 EXCESSIVE WATER USAGE  
ALLOWANCE FOR BREAKAGES**

**REPORT BY:    N DERWENT – FINANCIAL SERVICES MANAGER**

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## **REFERENCE**

Min No 16 – 268:            Ordinary Meeting of Council held on 12 December 2016

## **SUMMARY**

To provide Council with a revised Policy 8.1 'Excessive Water Usage Allowance for Breakages' and seek endorsement to place on exhibition for 28 days for public comment.

## **COMMENTARY**

At the Ordinary Meeting of Council held on 12 December 2016 Council resolved:

THAT Council officers review "Policy 8.1 – Excessive Water Usage and Allowances for Breakage" and "Policy 8.6 – Hardship Policy" in regards to matters of complaint handling and delegated authority and report back to Council.

Policy 8.1 – Excessive Water Usage and Allowances for Breakage has been revised to include the following changes:

1. This policy applies to concealed or undetectable leaks. The previous version of the policy did not specify the nature of the leaks.
2. A rebate of 50% of the excess water bill to a maximum of \$2,500. The previous version of the policy was limited to a \$200 rebate which lead to a large number of requests being reported to Council for determination.
3. A maximum rebate of 50% of applicable Liquid Trade Waste and Business Sewer Discharge charges at applicable discharges factors. The previous version of policy did not address the impact of leakages on liquid trade waste or sewer calculations.
4. Council has discretion to fully write off charges for an eligible pensioner for the purposes of section 575 of the Local Government Act, 1993. There were no allowances for pensioners in the previous version of the policy.

## **POLICY IMPLICATIONS**

Following exhibition, Policy 8.1 'Excessive Water Usage Allowance for Breakages' will be returned to Council for adoption

## **FINANCIAL IMPLICATIONS**

Reduction in income which excessive water usage accounts are written off or reduced.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Policy 8.1 'Excessive Water Usage Allowance for Breakages'

**RECOMMENDATION**

**THAT:**

1. Council endorse Policy 8.1 Excessive Water Usage Allowance for Breakages for public exhibition and comment revised for 28 days.
2. Following the exhibition period the policy be returned to Council for adoption.

## COUNCIL COMMITTEE MINUTES

ITEM-15            **CORP - 29/05/17 - COMMUNITY DEVELOPMENT COMMITTEE  
MINUTES 9 MAY 2017**

**REPORT BY: MATTHEW JOHNSON - MANAGER COMMUNITY AND CULTURE**

### SUMMARY

This report details the minutes of the Community Development Committee meeting held on 9 May 2017.

### COMMENTARY

At the Community Development Committee meeting held 9 May 2017 various items were discussed by the committee, including:

#### **Item 2 Terms of Reference.**

In accordance with the Committee Terms of Reference, the Committee appointed Councillor Lesslie as Chairperson and Sebastian Caruso as Vice Chairperson.

#### **Item 4 Financial Assistance Applications**

The Committee considered Round 1 2017/18 financial assistance applications received during April 2017 and for allocation in 2017/18 and recommends that:

Council approve \$3,000 in Round 1 2017/18 financial assistance to the Wallerawang and Lidsdale Progress Association for its New Year's Eve Pyrotechnical event.

Council note that the balance of the applications received be deferred to the next Community Development Committee meeting.

#### **Item 7 Locality Naming**

The Committee considered a request from a member of the public for Council support of a proposal to name a mountain 3.8 kilometres east of Mount Strolomo and 6 kilometres north of Mount Horrible as Mount Dulabree. The request advises that the mountain is known to local residents as Mount Dulabree and is the name used to market the surrounding property for sale in 2016. Council support is required before the request can be considered by the Geographic Names Board of NSW.

### **POLICY IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

### **FINANCIAL IMPLICATIONS**

Council has allocated \$73,000 for Non-Recurrent Financial Assistance in the draft 2017/18 Delivery program.

## ATTACHMENTS

1. Minutes of the Community Development Committee meeting held 9 May 2017.
2. Mount Dulabree naming request letter

## RECOMMENDATION

**THAT** Council:

1. Note the minutes of the Community Development Committee meeting held 9 May 2017.
2. Note the election of Councillor Lesslie as Chairperson and Sebastian Caruso as Deputy Chairperson.
3. Approve the allocation of \$3,000 in Round 1 2017/18 financial assistance to the Wallerawang and Lidsdale Progress Association for its New Year's Eve Pyrotechnical event.
4. Note that the balance of the applications have been deferred to the next Community Development Committee meeting and that Council staff provide a recommended amount for each line item.
5. Place the Mount Dulabree naming proposal on public exhibition for a period of 28 days and, if there are no community objections received, advise the Geographic Names Board of NSW of Council's support for the proposal.

**ITEM-16            CORP - 29/05/17 - CRIME PREVENTION COMMITTEE MINUTES 15  
MAY 2017**

**REPORT BY:    M JOHNSON – COMMUNITY AND CULTURE MANAGER**

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## **SUMMARY**

This report details the minutes of the Crime Prevention Committee meeting held on 15 May 2017.

## **COMMENTARY**

At the Crime Prevention Committee meeting held 15 May 2017 various items were discussed by the committee, including:

### **Item 2 Election of Chairperson and Vice Chairperson**

In accordance with the Committee Terms of Reference, the Committee appointed Councillor Coleman as Chairperson and Danny Whitty as Vice Chairperson.

### **Item 3 Terms of Reference**

The Committee currently has a vacancy for a second Councillor Representative and Council is requested to appoint a Councillor to fill this vacancy. It appears that when committee membership was reported in October 2016 that this information was not provided. However, the Terms of Reference for the Committee do allow for two councillors.

## **POLICY IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

## **FINANCIAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Crime Prevention Committee meeting held 15 May 2017.

## **RECOMMENDATION**

### **THAT** Council:

1. Note the minutes of the Crime Prevention Committee meeting held 15 May 2017.
2. Note the election of Councillor Coleman as Chairperson and Danny Whitty as Deputy Chairperson.
3. Appoint an additional Councillor to the Committee to fill the current vacancy.

**ITEM-17            OPER - 29/05/17 - TRAFFIC ADVISORY LOCAL COMMITTEE MINUTES  
                         - 18 MAY 2017**

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

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## **SUMMARY**

This report details the Minutes of the Traffic Advisory Local Committee Meeting held 18 May 2017.

## **COMMENTARY**

At the Traffic Advisory Local Committee meeting held on 18 May 2017, the following items were discussed by the Committee:

- Local Traffic Committee Terms of Reference
- Pedestrian Refuge – Barton Avenue Wallerawang
- Wolgan/Newnes – Single Lane Bridge Signage
- Mortlock Close – No Through Road

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes of the Traffic Advisory Local Committee meeting held on 18 May 2017.

## **RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Traffic Advisory Committee held on 18 May 2017.
2. Note the review of the committee terms of reference in accord with the Delegation to Councils for the Regulation of Traffic.
3. Constructs a pedestrian refuge on Barton Avenue as detailed in this report.
  - Installs Pedestrian and Refuge Island signage in advance of the refuge.
  - Installs parking restriction signage in the vicinity of the refuge.
  - Removes a portion of Armco railing at the refuge location.
  - Constructs a concrete path connecting the existing footpath to the crossing.
  - Conduct appropriate education program to inform public on appropriate use of the facility.
  - Check and if required, modify existing lighting to comply with Australian Standards.

- Modification of the No Stopping signage.
- 4. Installs the required signage at the approaches of the bridge on Wolgan Road.
- 5. Installs the required signage at Mortlock Close.
- 6. Investigate and action the opportunity of installing advanced warning signage which notifies heavy vehicles of the 3.8m height restriction at the intersection of Inch Street and Bells Road.

## NOTICE OF MOTION

ITEM-18 NOTICE OF MOTION - 29/05/17 - OPAL CARD

REPORT BY: COUNCILLOR C COLEMAN

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## COMMENTARY

Before the full implementation of the Opal Card system Lithgow seniors were able to travel to and from Sydney for \$2.50 using both Lithgow Bus Lines and the trains. With the full implementation of the Opal Card system, Lithgow Bus Lines was excluded from the Opal Card network. This has had the effect of doubling the cost of bus and train travel for our seniors as it now costs \$2.50 to travel by bus to the station and another \$2.50 on Opal to travel on the train.

## POLICY IMPLICATIONS

NIL

## FINANCIAL IMPLICATIONS

NIL

## LEGAL IMPLICATIONS

NIL

## RECOMMENDATION

**THAT** Lithgow City Council write to the Minister for Transport and Infrastructure, Mr Andrew Constance, and ask him to reverse his decision to exclude Lithgow Bus Lines from the Opal Card network.

## **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-19            ENVIRO - CLOSED COUNCIL - CONFIDENTIAL - 29/05/17 - GUMNUT  
HOUSE LEASE**

**REPORT BY:    A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**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

**RECOMMENDATION**

**THAT** Council consider the Gumnut House Lease Option in closed Council in accordance with Section 10A (2) (c) of the Local Government Act 1993.

**ITEM-20            OPER - CONFIDENTIAL COUNCIL - 29/05/17 - REPLACEMENT OF  
RADIO TELEMTRY NETWORK LITHGOW, PORTLAND AND  
WALLERAWANG - TEN 01-17**

**REPORT BY:    R BROWNLOW – WATER & WASTE WATER MANAGER**

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### **Reason for Confidentiality**

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

- (d) commercial information of a confidential nature that would if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

### **SUMMARY**

This report seeks determination from council to award a tender for upgrade of councils Radio Telemetry network for Lithgow, Portland and Wallerawang water & waste water assets.

### **RECOMMENDATION**

**THAT** Council consider the report on Replacement of Radio Telemetry Network Lithgow, Portland and Wallerawang – 01/17 in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.