



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 29 April 2019

at 7:00 pm

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- 1. Acknowledgement of Country**
- 2. Present**
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- 7. Public Forum**
- 8. Mayoral Minutes**

9. Staff Reports

9.1. General Manager's Reports

9.1.1. GM - 29/04/19 - ALGWA Annual Conference

Report by General Manager

Summary

Correspondence has been received from Blacktown City Council on behalf of the ALGWA National Conference extending an invitation to staff and Councillors to attend the event in May 2019.

Commentary

Correspondence was received on 6 March 2019 from Kerry Robinson, Chief Executive Officer of Blacktown City Council, extending an invitation to all staff and Councillors to attend the biennial ALGWA National Conference from 15-17 May 2019 being held at the Novotel Sydney.

The theme for the conference is "100 Years of Women" and will focus on how far women in Local Government have come in the last 100 years.

To attend the full conference for a Member is \$1,000 (incl. GST) or Non-Member \$1,100 (incl. GST) and does not include accommodation or travel costs.

As the 2018/19 Councillor professional development, travel and accommodation votes have been fully expended, budgeted funds are unavailable to support Council funded attendance at the ALGWA National Conference.

Should Council resolve to send a delegate to the 2019 ALGWA National Conference at Council's expense, cost savings or additional revenue will need to be identified as part of the 2018/19 Quarter Three budget review. If cost savings or revenue cannot be identified, the additional expense will add to Council's forecast deficit operating position at 30 June 2019.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$17,000 for all Councillor professional development, travel and accommodation in 2018/19.
- Cost centre - 1059
- Expended to date - \$17,275
- Future potential impact - nil.

Legal and Risk Management Implications

Nil

Attachments

1. Invitation - ALGWA National Conference - Blacktown City Council **[9.1.1.1]**
2. Final- Program-2019- National- ALGW A- Conference **[9.1.1.2]**

Recommendation

THAT Council:

1. Determine whether to fund the cost of a Councillor delegate's attendance at the 2019 ALGWA National Conference as the 2018/19 Councillor professional development, travel and accommodation votes have been fully expended.
2. Note that if Council votes a funding allocation for the attendance of a Councillor at the 2019 ALGWA National Conference, cost savings or additional revenue will need to be identified as part of the 2018/19 Quarter Three budget review.

9.2. Economic Development and Environment Reports

9.2.1. ECDEV - 29/04/19- DA151/18- Removal and construction of a new concrete skate park, Kremer Park, Portland

Report by Director of Economic Development & Environment

Reference

Min 18-81: Ordinary Meeting of Council held 26 March 2018

Min 18 – 353: Ordinary Meeting of Council held 26 November 2018 – Portland and Wallerawang Skateparks

Summary

To assess and recommend determination of Development Application DA149/18 for the removal of the old skate park and to construct a new skate park on land known as Lot 7003 DP 1075853, Kremer Park, Kiln Street Portland.

Commentary

The property is relatively flat land and contains the Kremer Park football field/showground, tennis courts, playground equipment and the existing skate park that is proposed to be removed as part of this application. Residential dwellings are located adjacent to the skate park on Lime Street.

The proposal involves the removal of the existing skate park that consists of a skate ramp, jump and concrete area. The skate park is proposed to be replaced with rails, pipes and jumps.

The whole of the new skate park area is proposed to consist of an area of approximately 500m².

OTHER ISSUES

Issues relating to Crown Land and Native Title are outlined in the Legal and Risk Management Implications sections of this report.

Policy Implications

Policy 7.1 Filling and Levelling of Land

Unless otherwise provided by an Environmental Planning Instrument or Development Control Plan, a development application be required in the following circumstances:

1. *Where land is subject to inundation by floodwaters, or*
2. *Where excavation or the depth of fill exceeds 900mm.*

Separate development applications are not required where the cut and/or fill is identified in a development application for a structure on the land.

The proposal involves excavation works with a cut as deep as approximately 1.5m for some sections of the development. Cut and fill levels varies across the proposed development area.

Policy 7.5 Notification of Development Applications

This policy applies to all applications as below:

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

5.3 Certain types of development will be notified to adjoining landowners as well as the wider neighbourhood, and in some circumstances for 21 days, as indicated in the following table:

Type of Development Proposed	Minimum Notification Required (Surrounding Landowners)	Period

Multi-dwelling Housing, hostels, boarding houses, child care centres, Hotels, Motels, Tourist Facilities, residential flat buildings, residential care facility, seniors housing, serviced apartments, places of public worship, recreation facility , amusement centres, professional consulting rooms	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days
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The development is not exempt under Council's policy. Therefore, the proposal was notified to surrounding landowners and placed on display for a period of 21 days with no submissions received

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

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. Kremer Park is Crown under Council's control, however given Council's management of this land the proposal is reported to Council for determination.

Financial Implications

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

Legal and Risk Management Implications

Environmental Planning and Assessment Act 1979

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 are outlined in the attached Planning Assessment Report.

Crown Land Management Act 2016

Under Section 3.20 of the Act Council is the Manager of the Crown Land. Council was appointed Crown Land Manager on 7 May 1999 pursuant to Government Gazette of the State of NSW dated 7 May 1999.

Clause 3.39 states:

3.39 Approvals of activities under Local Government Act 1993 must comply with plans of management

A local council cannot grant an approval for an activity under Part 1 of Chapter 7 of the Local Government Act 1993 that authorises or requires a person to do (or not to do) anything on or in relation to dedicated or reserved Crown land that would result in a contravention of a plan of management for the land.

Kremer Park is utilised as community land that contains an existing skate park. The development proposes to remove the existing skate park to reconstruct a new one. As such the development would not contravene the plan of management for the land as it will remain for community purposes.

Native Title (New South Wales) Act 1994 No 45

Pursuant to section 8.7 of the Act, Council submitted an application to the Native Title Claimant as the relevant land is the subject of active native title application NC2018/002 filed by Warrabinga-Wiradjuri #7.

Under the Act, Council is required to notify the Native Title Claimant and the Aboriginal Party who may be have a connection to the land.

Council notified Warrabinga-Wiradjuri of the application on the 8 March 2019. Council received a response from the Warrabinga-Wiradjuri Solicitors who advised that they have no issues with the development.

Local Government Act 1993

Division 1 Classification and reclassification of public land

The property is defined as being public land that is utilised by all members of the community. It is Crown land that is controlled by Council.

Attachments

1. D A 151-18 Portland Skate Park Kremer Park Portland Section 4.15 Development Consent Report [9.2.1.1]

Recommendation

THAT:

1. The Development Application DA151/18 be APPROVED subject to conditions of 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.

9.2.2. ECDEV - 29/04/19- DA149/18 (MOD006/19) Proposed Removal of Old Skate Park and Construction of New Skate Park, Tweedie Street Wallerawang

Report by Director of Economic Development & Environment

Reference

Min 18 - 332: Ordinary Meeting of Council held 26 November 2018 - Proposed Removal of Old Skate Park and Construction of New Skate Park, Tweedie Street Wallerawang.

Min 18 – 353: Ordinary Meeting of Council held 26 November 2018 – Portland and Wallerawang Skate Park.

Summary

To advise Council of a modification of development consent application Mod 006/19 to the approved DA149/18 for the removal of the old skate park and to construct a new skate park.

Commentary

The original application approved the location of the new skate park to be adjacent to the Memorial Hall and Tweedie Street. The purpose of the modification is to relocate the skate park clear of Councils existing sewerage and stormwater infrastructure.

The modification involves the new skate park being re-located east of the property, closer to the boundary of the Police Station and south closer to the existing playground. It is proposed to be re-orientated along the boundary of the drainage reserve, as per the following diagram:



The existing concrete footpath will be relocated around the new skate park.

The size and design of the skate park will be similar to the original approval.

Policy Implications

Policy 7.1 Filling and Levelling of Land

Unless otherwise provided by an Environmental Planning Instrument or Development Control Plan, a development application be required in the following circumstances:

- 1. Where land is subject to inundation by floodwaters, or*
- 2. Where excavation or the depth of fill exceeds 900mm.*

Separate development applications are not required where the cut and/or fill is identified in a development application for a structure on the land.

The proposal involves excavation works with a cut as deep as approximately 2m for the skate bowl section of the development. Cut and fill levels varies across the proposed development area.

The extent of cut and fill exceeds Council's Policy and therefore the development application was lodged to Council for assessment.

Policy 7.5 Notification Of Development Applications

Council Policy 7.5 is applicable to all land within the Lithgow Local Government Area (LGA) and prescribes the following:

3.5 NOTIFICATION OF AN APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT (SECTION 4.55 OF THE EP&A ACT)

Council will notify an application to modify a development consent if the original assessment of the development application was notified or advertised. This includes an application to modify a development consent that was granted by the Land and Environment Court.

Council will notify the application for modification in the same manner as the original development application.

Council will notify those persons who previously made submission(s) and any other person, who in the opinion of the Development Assessment Officer may now be affected by the application for modification.

Notwithstanding the above, Council will not notify S4.55(1) and S4.55(1A) applications where the Development Assessment Officer is of the opinion that the application involves minimal environmental impact and is unlikely to prejudice any person(s) who were originally notified, any person(s) who previously made a submission or having regard to any matter raised in those submissions.

As the development is being re-oriented and relocated, the development would be required to be re-neighbour notified to surrounding landowners.

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

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. As the modification is of minor nature and requires re-notification and reassessment, it is requested that the final assessment of the application be determined by Council's General Manager.

Financial Implications

- Budget approved - N/A for the assessment of the development application.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – Council will burden the cost of the construction of the development.

Legal and Risk Management Implications

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

Attachments

Nil

Recommendation

THAT:

1. Council note the information in this report relating to the modification of development consent application Mod 006/19 to the approved DA149/18 for the removal of the old skate park and to construct a new skate park.
2. Council delegate authority to the General Manager to determine the application once a full assessment has been carried out.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

9.2.3. ECDEV - 29/04/19 - Springvale Water Treatment Project Modification 3

Report by Director of Economic Development & Environment

Reference

Min No 16 – 318: Ordinary Meeting of Council dated 21 November 2016 - State Significant Development – SSD 7592 – Springvale Coal Pty Ltd Water Treatment Project.

Summary

To advise Council on a Major Project that has been submitted to the Department of Planning and Environment (the Department) for the Springvale Water Treatment Project (SSO-7592) Modification 3.

Commentary

Springvale Coal is seeking a modification to the Springvale Water Treatment Project (WTP) development consent for the implementation of a proposed interim water management strategy.

The Springvale Mine Extension Project (SSD 5594) was approved on 21 September 2015 and requires groundwater currently released through the existing Licenced Discharge Point 009 into Sawyers Swamp Creek and the Cox's River catchment to cease by 30 June 2019.

To achieve compliance, the Springvale Water Treatment Project was initiated and involves the transfer of water from the existing dewatering facilities on the Newnes Plateau to a new water treatment plant located at the Mount Piper Power Station. Treated water will be used within the Mount Piper Power Station cooling water system with excess treated water transferred to Thompsons Creek Reservoir for storage and subsequent reuse in the power station operations.

The Springvale Water Treatment Project was approved on 19 June 2017 and, once operational, will eliminate direct mine water discharges from the Springvale Delta Water Transfer Scheme into the Cox's River catchment.

As per the consent, Springvale Coal is committed to eliminating mine water discharges from Licenced Discharge Point 009 to the Cox's River catchment by 30 June 2019.

An interim water management strategy has been proposed to provide a contingency for the scenario where the Springvale Water Treatment Plant has not been fully commissioned by the time mine water discharges are required to cease through LDP009.

The proposed interim water management strategy involves a bypass of the desalination system at the Mount Piper Power Station for incoming mine water prior to storage within Thompsons Creek Reservoir.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 16 April 2019. Given the timeframe between Council meetings a submission was made on behalf of Council raising no objections.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

Nil

Recommendation

THAT the information in the report on the Springvale Water Treatment Project (SSO-7592) Modification 3, be NOTED.

9.2.4. ECDEV - 29/04/19 - Proposed Addition to Storage Shed at Lithgow Golf Club - Lot 1 DP 840412, Great Western Highway Marrangaroo

Report by Director of Economic Development & Environment

Summary

To determine Development Application DA031/19 for additions to the storage shed at Lithgow Golf Club at Lot 1 DP 840412 Great Western Highway Marrangaroo.

Commentary

Council is in receipt of a Development Application DA031/19 submitted by Lithgow Golf Club for additions to an existing storage shed on land known as Lot 1 DP 840412 Great Western Highway Marrangaroo. The purpose of this development is to provide storage facilities for golf carts.

The proposal provides for the construction of a 48m² shed addition, 8 metres long by 6 metres wide with a wall height of 2.7m and maximum ridge height of 3.772m. The proposed addition will be located 23 metres behind the rear of the existing club house and approximately 30 metres from the southern boundary.

The site is currently used as a public recreation facility comprising the golf clubhouse, associated outbuildings and 18 hole golf course. The golf clubhouse is listed under Council's LEP 2014 as being an item of local environmental heritage. Council's Heritage Inventory Sheet (B106) identifies that the clubhouse has been extensively altered and extended unsympathetically. However, the important architectural and aesthetic feature is the front brickwork façade and decorated brick wall. It is therefore considered that the proposed shed located at the rear of the clubhouse will have no impact on the heritage significance of the building including the architectural and aesthetic feature of the front façade.

Furthermore, it is considered that the proposal will have minimal impact on the adjoining properties as the shed addition is approximately 30 metres from the nearest dwelling and is screened by scattered mature trees. Additional landscaping will also be provided to further screen the shed from the clubhouse.

Policy Implications

Policy 7.5 Notification of Development Applications

This policy applies and surrounding neighbours were notified regarding the shed addition. No submissions were received by Council.

Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land

The policy *Development Applications on Council Owned Land* requires Development Applications on Council owned 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.

Financial Implications

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

Legal and Risk Management Implications

Environmental Planning and Assessment Act 1979

In determining a Development Application, a consent authority is also required to take into consideration the matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979. A Planning Assessment report is attached.

Local Government Act 1993

The *Lithgow Golf Course Plan of Management* applies to the community land described as Lithgow Golf Course, categorised as a sportsground and contained within Lot 1 DP 840412. It is considered that the proposed addition to the golf cart storage shed will improve the quality of the recreational facility and is ancillary to the golf course and complies with the objectives of the plan.

Attachments

1. DEVELOPMENT ASSESSMENT REPORT - D A 031-19 **[9.2.4.1]**

Recommendation

THAT

1. The Development Application DA031/19 be APPROVED subject to conditions on the consent as shown in the attached 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the local Government Act, 1993.

9.2.5. ECDEV - 29/04/19 - Proposed Licence to Portland Men's Shed

Report by	Director of Economic Development & Environment
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Summary

The purpose of this report is to request approval to grant a licence to Portland Men’s Shed for a period of 12 months to use the Mick Moore Pavillion at Kremer Park.

Commentary

Kremer Park is Crown land managed by Council. It comprises an oval, 2 x toilet blocks, a grandstand, cricket nets, horse stables, playground, tennis courts, clubhouse, a skate park and the Mick Moore Pavillion.

The *Crown Land Management Act 2016* provides that a licence of Crown land may only be granted if the use is authorised in a Plan of Management. However, councils have until 21 June 2021 to implement Plans of Management for Crown land, and transitional arrangements allow Council Crown Land Managers to grant appropriate licences (consistent with the purpose, such as public recreation) until Plans of Management are adopted (section 2.20 of *Crown Land Management Act 2016* and clause 31 of the *Crown Land Management Regulation 2018*).

Council has enquired with NSW Department of Industry as to the appropriateness of issuing a licence to Portland Men’s Shed pending adoption of a Plan of Management, and the Department has suggested a 12 month licence until a Plan of Management for Kremer Park is adopted.

The proposed licence

Council proposes to grant a 12 month licence to Portland Men’s Shed. The proposed licence includes the following key terms:

- Term: 12 months
- Licence Fee: \$490 + GST per annum
- Permitted use: Community purpose - activities of Portland Men’s Shed including meetings, social functions and building and construction activities that do not interfere with the amenity of Kremer Park or the neighbourhood.
- Insurance: Portland Men’s Shed is required to maintain public liability insurance for an amount of \$20,000,000 for any one occurrence or event and any other insurance required by law pertaining to the use of the premises.
- Indemnity: Portland Men’s Shed indemnifies the Council and the Minister against all actions, suits, claims, debts, obligations and other liabilities that may arise from the licensee’s use of the premises.
- Repairs: Portland Men’s Shed is responsible for repair of any damage occasioned by the licensee’s use of the premises, but the licensee must not make any structural alterations or additions without the prior written consent of Council, which consent may be held in its absolute discretion.

Native title advice

As the Crown Land Manager of Kremer Park, Council is required to obtain Native Title Manager Advice before undertaking future acts on Kremer Park. Native Title Manager Advice has been obtained regarding the proposed licence, and the advice confirms:

1. that the proposed act (grant of a licence) is a valid future act (24JA(1) of the Native Title Act 1993); and
2. procedural rights are required (section 24JB of the Native Title Act 1993); and
3. if native title is determined to exist in relation to Kremer Park, at some future date, Council may be liable for compensation under the provisions of the Native Title Act 1993 and the Crown Land Management Act 2016.

Policy Implications

Compliance Policy 9.16

Financial Implications

- Budget approved - Not applicable
- Cost centre - Not applicable
- Expended to date - Not applicable
- Future potential impact – Not applicable

Legal and Risk Management Implications

Crown Land Management Act 2016
Native Title Act 1993

Attachments

1. Draft licence to Portland Men's Shed **[9.2.5.1]**

Recommendation

THAT:

1. Council endorse the Licence to Portland Men's Shed; and
2. Authorise Council's General Manager to proceed with execution of the Licence Agreement.

9.2.6. ECDEV - 29/04/19 - Council Policy 8.3 Main Street Facade

Report by Director of Economic Development & Environment

Reference

Min No 19-23 Ordinary Meeting of Council 25 February 2019

Summary

To seek Council approval for the adoption of the amended version of Council Policy 8.3 Main Street Façade.

Commentary

At Council's Ordinary meeting of 25 February 2019, it was resolved to place revised Policy 8.3 - Main Street Façade on public exhibition for a period of 21 days with the policy being reported back to Council for final adoption following exhibition and consideration of any submissions received.

The revised policy was placed on public exhibition with no submissions 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 and Risk Management Implications

Nil.

Attachments

1. Policy 8 3 Main St Facade Restoration Program Version 4 [9.2.6.1]

Recommendation

THAT the revised version of Policy 8.3 - Main Street Façade attached to the business paper be adopted by Council and be implemented immediately.

9.3. Water and Wastewater Reports

9.3.1. WWW – 29/04/19 – Water Report

Report by Director of Water & Wastewater

Reference

Min No 19-75 Ordinary Meeting of Council 25/03/19

Summary

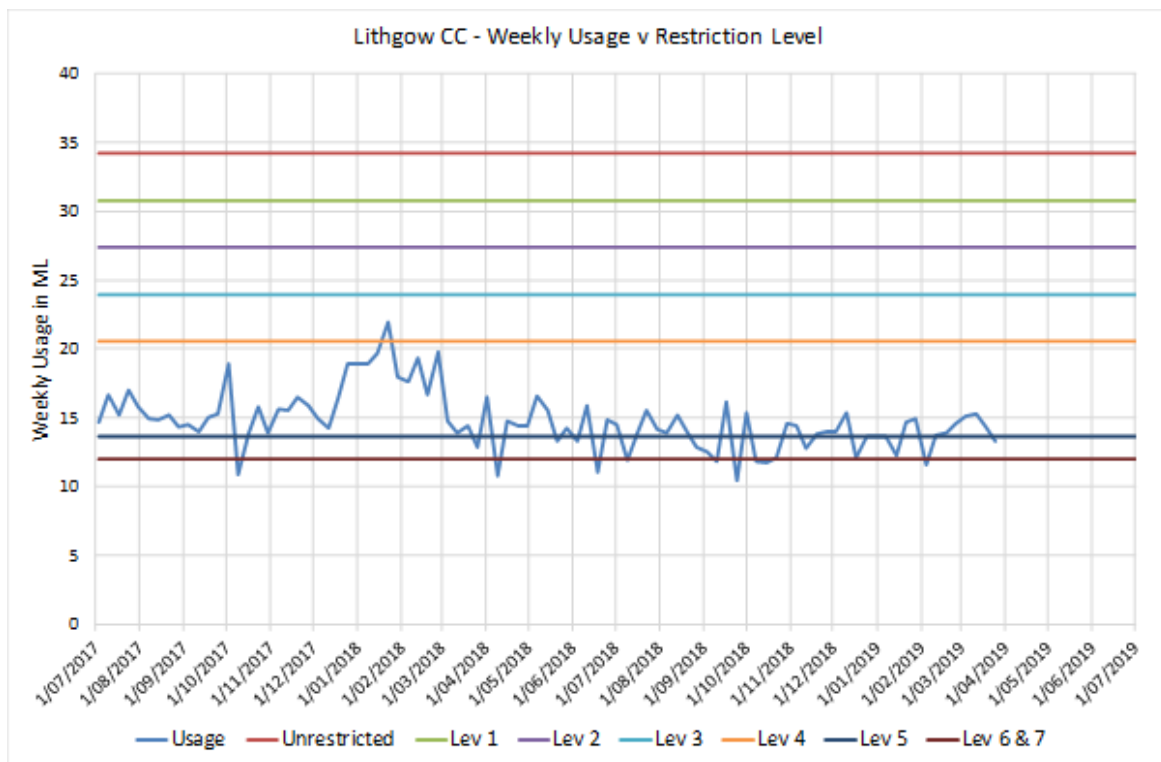
This report provides an update on various water management issues.

Commentary

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

Farmers Creek No. 2 Dam capacity on Monday 9th April 2019 was down 4.1m or 56%.

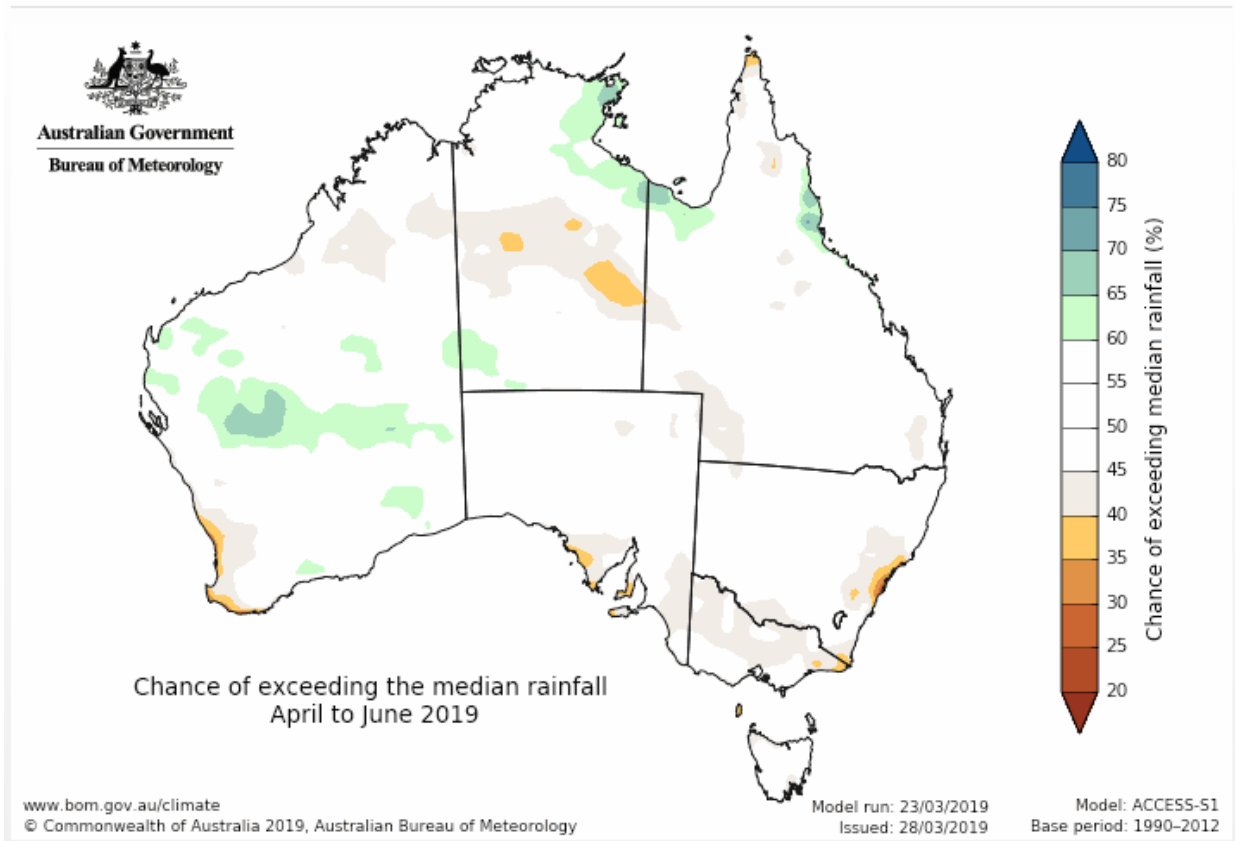
Oberon Dam capacity on Monday 9th April 2019 was 42.1%. Total volume banked is currently approx. 6.1%, so storage adjusted for bank is 36.0%. Level 2 restrictions on the FRWS are now in effect. At this point Council is currently unaffected as current demands are lower than level 4 and slightly above level 5 restriction levels as per the below.



Climatic and Rainfall Outlook

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

- For Australia, the April to June rainfall outlook, issued 28 March 2019, shows no strong indication either way towards a wetter or drier than average three months ahead.
- Both days and nights are likely to be warmer than average.
- The main climate drivers for Australia (e.g., El Niño/La Niña and the Indian Ocean Dipole) are neutral, which is why the rainfall outlook is not showing a tendency towards a wetter or drier than average three months ahead (i.e., close to a 50% chance of exceeding median). However, the Bureau's climate model suggests there is a chance El Niño will develop in autumn. If El Niño does develop, it would increase the chances of drier conditions in the south and east



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 2018/2019

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
September	104.7	0	51.0
October	139.3	0	65.6
November	116.4	0	55.0
December	128.6	0	41.4
January	121.4	0	82.7
February	116.8	0	53.8
March	151.9	0	57.9
TOTAL	1101.1	318.7	533.2

Clarence Water Transfer Scheme

The Clarence Water Transfer Scheme is not currently not operating due to the level within Farmers Creek Dam.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently only supplying water to a portion of Lithgow with WaterNSW supplying water into Lithgow and the villages for the period. No health-based ADWG values were exceeded for the period 14/03/19 to 10/04/2019.

Treatment Plants Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP in accordance with Environment Protection Licence requirements. Samples were collected on 26/03/19 and taken to Sydney Water for testing. There was one (1) non-compliance recorded at the Wallerawang Sewage Treatment Plant for the month March 2019. Result for Total Nitrogen returned was 10.4mg/L with the Licence limit being 10mg/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 supplied water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis, Rydal and a portion of Lithgow during the period. There was one (1) exceedance of health-based ADWG values for the period 14/03/19 to 10/04/2019. Results received 04/04/2019 indicated a sample collected from Railway Avenue, Portland on Tuesday 02/04/2019 exceeded Health target for Total Coliforms with a result of 2. This exceedance was dealt with in accordance with Council Drinking Water Management System and the requirements of NSW Health which requires a repeat sample be taken which returned a result of <1.

Water Reticulation Complaints

Council received 18 complaints during the period 14/03/19 to 10/04/2019 concerning water quality issues, many of which are related to issues experienced with the water supply in Lithgow. The water mains were flushed in all instances of water quality complaints

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council note the water report.

9.3.2. WWW - 29/04/19 - Lithgow Water Supply Report

Report by Director of Water & Wastewater

Reference

Min No 19-85 Ordinary Meeting of Council 25 March 2019

Summary

This report is in response to the resolution as referenced above:

THAT the Director of Water and Waste Water provide a detailed report to Councillors as a matter of urgency to respond to these questions.

Commentary

A Notice of Motion was put forward at the Ordinary Meeting of Council 25/03/19 seeking a report into issues of water supply interruptions and related issues experienced in the Lithgow area in February and March 2019. The report provides a brief background summary of our supply network and the actions taken to date, provides details of the situation which was experienced in February – March, the findings from this event and finally, suggests future actions, both short and long term.

Background

Lithgow's oldest water assets date back to 1896 and are closely aligned to the construction of dams on Middle River (Marrangaroo Creek) and Farmers Creek. In the 1930's through to 1940's significant works were undertaken to extend the water network which coincided with the construction of the Fish Water Supply Scheme. In the early 1980's significant upgrades were undertaken which included the construction of the Oakey Park Water Treatment Plant (OPWTP), additional reservoirs and pipeline upgrades. They are the 3 key timings in the delivery of infrastructure to the Lithgow township. Throughout this time the network has been extended as required to allow further development to occur.

Council's infrastructure is made up of range of materials such as cast iron, concrete, ductile iron cement lined, asbestos, PVC etc. and sizes, ranging from 75mm pipe diameters up to 450mm. It has also been mooted that there may be some wooden pipe within the system but this anecdotal.

In the last 10 years, Council has spent significant amounts and directed resources to improving sewer infrastructure with the construction of 3 new Sewage Treatment Plants and Pump Station improvements. The impact has been to take some of the focus away from Council's water assets in that no large-scale capital renewals, upgrades and/or new works have been undertaken.

Works that have been undertaken on water assets include process improvements with the rehabilitation of the filters at OPWTP, replacement of electrical components throughout OPWTP (due to the age of the componentry so that we can complete the installation of Supervisory Control and Data Acquisition (SCADA) System), replacement of mechanical equipment that reached the end of its useful life, construction of a new reservoir and trunk main and the rehabilitation of another 3 reservoirs to improve their condition and further increase their useful life.

Undertaking the above works has resulted in a reduction in the amount of water mains renewals undertaken due to budget constraints.

Another significant step forward is the implementation of the Asset Management System. Although only in its infancy at present, as more data is collected and further work is undertaken (e.g. to identify asset location, asset age, condition assessment and asset performance etc.) we can better plan a long-term asset replacement strategy.

Recent Situation and Findings

The recent issues experienced are the culmination of several attempts to isolate sections of the network to undertake renewals or repairs, these works include;

1. Bridge Street Water mains renewal.
2. Sandford Ave water mains renewal.
3. NBN causing damage to the water main on the corner of Main and Lithgow Streets.
4. Repairs in Railway Parade.

During this period, staff were also undertaking isolations and network reconfigurations to allow the recently refurbished Shaft Street Reservoir to be placed on-line after 20+ years of being out of service, also to take the other Shaft Street Reservoir off-line for remedial works.

At this point it should be noted that staff are still unable to completely isolate the network to allow completion of the Bridge Street Mains Renewal.

On the night of the 26 February 2019, contractors engaged by NBN Co saw cut the water main on the corner of Main Street and Lithgow Street outside Supercheap Auto. Staff attended on the night to attempt a repair but were unable to isolate supply at that time. Staff worked until after 1 a.m. trying to isolate the section at which point NBN closed the site, removing traffic control and the excavator.

Staff were again on-site the following night to isolate and repair the breakage. Night works minimised disruptions to businesses in Main, Mort, Lithgow and surrounding streets and staff worked in co-ordination with NBN Co. Unfortunately, staff were again unable to isolate the area, looking further afield to isolate supply with no success. During this period, Council staff were working under an NBN Co approval to undertake works within the road reserve issued by RMS. The need for approval from RMS subsequently delayed Council's ability to conduct repairs.

During the week commencing 4 March 2019, staff were finally able to fully isolate the main and conduct repairs. Also, during this week the network configuration was being changed in association with the Shaft Street Reservoir works. At this time, Thales advised that they had experienced a notable increase in water pressure at the site which could not be explained.

During the week commencing 11 March 2019, it became apparent to staff that the system was not operating as it would in normal circumstances. Staff observed reservoirs dropping and not filling, extended pump run times and another reservoir overflowing where no change to its operation had occurred, as well as an increase in the number of water main breaks.

On Friday 15 March 2019, after numerous attempts to fill Shaft Street Reservoir from the OPWTP supply, a decision was made to draw water in from the Fish River Water Supply (FRWS) as water levels within the reservoir were falling critically low. Councillors were advised of the supply change at 7.55pm on 15 March 2019, including the notification:

“This arrangement has not been undertaken for some 20 plus years and due to changes in the system over this time we may experience some issues with pressure”.

It was expected that water pressures would be reduced for some whilst others may have a slight increase which should not exceed 100kpa, as there is only a 10m change in elevation or increase of 10m static head of pressure when drawing water in from FRWS.

From Saturday 16 March, the issues escalated with breaks occurring more frequently and further afield which placed great pressure on Council resources. Staff were stood down for Work Health and Safety reasons and then required to observe a mandatory 10-hour break before returning to commence their next shift. This resulted in rotating rosters with staff covering the operational requirements 24 hours a day for over a week using all available staff and having staff work on their rostered days off. It is important to note that the staff involved cover both water and sewer networks, including the areas of Wallerawang, Portland, Rydal, Cullen Bullen and Glen Davis. Staff were also

responding to other Customer Requests in these areas, as well as completing capital works projects and operational tasks.

On Wednesday 20 March, it was determined that FRWS in fact had not been delivering any water in Lithgow since the previous Sunday, yet the Shaft Street reservoir was full and was overflowing. The valves that allow FRWS to feed into Lithgow were closed, including the valves on the inlet to the reservoir, yet water continued to feed into the reservoir despite Council maps showing that it was impossible for this to occur.

The largest and most publicised of the water main breaks occurred on Wednesday 20 March in Main Street outside the Lithgow Palace Restaurant. This resulted in numerous businesses, residential properties and Lithgow Public School being without water due to the extent of the isolation required. The repair was hampered by the location of an awning support post being directly over the water main. Staff made necessary arrangements in consultation with the Principal and the Department of Education for a temporary supply to the public school so could continue to operate.

The acts and accusations of a small minority of individuals toward staff was disconcerting. It was claimed that the breakages were a deliberate action by Council to justify rate increases and overtime, staff were threatened, sworn at and even spat on. Staff did not react to these actions nor make a complaint to Management, they simply proceeded to carry out their duties.

On Friday 22 March levels in the Cook Street High Reservoir dropped to 0% and Cook Street Low dropped to single figures. Retired staff were called to provide advice. Essentially, staff continued the same series of actions that had already been undertaken to identify if anything was amiss.

From the occurrences, it became evident that something was closed on the Trunk Main that feeds water to the Cook Street Reservoir. A full walk along the water main route was undertaken to check the state of valves and to determine whether they were open or closed, including the Automated Valve that controls water filling the Reservoir. All valves along the route were open. To determine how far water was feeding through the Trunk Main, the main was "tapped" just in front of the Automated Valve and with the valve shut there was merely a dribble of water at that point.

When testing the valves, there was a valve that "did not feel right" which indicated that it may have been broken shut in a previous closure to isolate earlier in the week. Staff were tasked to replace the valve on the next morning. On Saturday 23 March, it was decided to "tap" the main in front of the suspect valve to determine if water was getting to that point and in the worst case, to identify if the valve could not be repaired. A main was exposed "and tapped" to determine that it had water, staff then dug along the pipe to the valve and it was found that the valve was not connected to the main. Further excavation was undertaken and at that point staff could not dig any deeper without causing substantial property damage.

Further attempts were made on Sunday 24 March to determine where water was going, as well as arranging for water to be carted to Cook Street Reservoir as the levels had not changed and Cook Street High was still at 0%. Despite the reservoir being low, residents still had water which appeared impossible from the mapping.

On Monday 25 March, staff who had been involved in all of the isolation of the network were gathered and all of the valves were rechecked to determine their state, e.g. open or closed. It was found that there was a valve that was closed between Bike Stop and Queen Elizabeth Park. Once the valve was opened, water immediately started to flow into the Cook Street Reservoir. This valve is not shown on any of our mapping and it's not clear how or where this is connected.

Findings

The findings from this event are;

1. The way that staff understood the operation of the system is not how it has been operating nor does it seem that it has since possibly the last significant upgrade in the early 1980's.
2. Mapping is hugely inaccurate, particularly around the older infrastructure in the network.

3. Many of the valves on the system are no longer operable, either jammed closed/open or broken.
4. There is a lack of valves on the network which requires large sections of the network to be shut down causing significant disruption.
5. Residential properties are connected directly to Trunk Mains rather than the reticulation network. This is not common practice and should be avoided for multiple reasons.
6. Council has lost a lot of unrecorded corporate knowledge over the years.
7. Staff do not have a process for documenting the method to isolate sections of the network or to record the change of state. Staff do take notes but when multiple crews are involved, this results in confusion and uncertainty.

Future Actions

An increased emphasis will be placed on Asset Management using industry best practice methods. These practices will result in Council being able to demonstrate sustainable management of water assets by improved identification of funding requirements in the 10 year Long Term Financial Plan and thus ensure timely asset replacements, renewals, upgrades and new assets. This also requires the determination of agreed levels of service that align with legislative standards, community expectations and capacity to pay. Long-term funding options, including loan borrowings, will also be considered.

The actions to be undertaken are aligned with key principles of asset management and are as follows:

- Develop accurate mapping of the network;
- Review and update the asset register;
- Analyse operational and maintenance data to assess asset performance/condition and undertake asset condition assessment as part of routine operational and maintenance activities;
- Undertake a formal condition assessment program based on risk profile and sampling to rate each component inspected and enable an estimate to be made of remaining useful life;
- Undertake detailed analysis of critical assets and undertake risk analysis based on condition to predict the timing of future renewals and replacements;
- Revise the prioritised capital renewals program; and
- Undertake financial analysis/planning for the funding and implementation of the program over the term of the Long Term Financial Plan.

To increase Council's ability to deliver increased capital renewal works, two additional outdoor staff are being recruited, funded from the capital renewal / new works budget. Preference was given to appointment of staff rather than engaging contractors who are generally based outside the Lithgow LGA. Also included in the Draft 2019/20 Operational Plan is the appointment of an additional Senior Engineer (Strategy and Projects) who will drive the development of the aforementioned actions.

In coming years, there will be an ongoing focus on water mains renewals to be undertaken in a more strategic manner. There is no timeline for this to occur, it is happening now. The 2019-2029 Long Term Financial Plan (Scenario 3) includes projected asset renewal expenditure to ensure that Council meets the Fit for the Future Asset Renewal Ratio over 10 years.

Asset management planning is not static and will continue to evolve and develop. As more information and data is received, Council's ability to plan and manage the life cycle of the water assets operationally and financially will continually improve.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A

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

Legal and Risk Management Implications

This report informs Council of risk related issues in the management of water assets and the strategies being implemented to address and mitigate these risks.

Attachments

Nil

Recommendation

THAT Council note the report into the water supply issues experienced recently and endorse the strategies and actions which are being implemented to improve the performance of water assets into the future.

9.4. Finance and Assets Reports

9.4.1. FIN - 29/04/19 - Tender Delegations Report

Report by Chief Financial & Information Officer

Reference

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

Min 18-215: Ordinary Meeting of Council held 27 August 2018.

Summary

To advise Council of tenders which the General Manager has used his delegated authority to accept with a contract value of up to \$500,000.

Commentary

At the Ordinary meeting of Council held 27 August 2018 Council resolved:

18 – 215 RESOLVED

THAT the:

1. Council note that there were no exercised delegations to approve tenders between 24 July and 22 August 2018.
2. Report only be brought to Council when the delegation has been exercised.

I am informing Council that the following tender was approved by the General Manager under delegated authority.

Project: construct a new footpath along Wolgan Road, Lidsdale.

Tender accepted: Central Industries.

Amount: \$152,320 (excluding GST) including concrete.

Central Industries received the highest overall score and scored highly across all evaluation criteria. Whilst they did not quote the cheapest price, the pricing offered was competitive and met the Tender Evaluation Group's expectations.

Policy Implications

The tender process and evaluation complies with Council's Tendering Policy 1.4 and Council procedures for Purchasing and Tendering.

Financial Implications

- Budget approved - \$170,400
- Cost centre - PJ100417
- Expended to date - \$7,378
- Future potential impact - nil.

Legal and Risk Management Implications

The tender process for the Construction of the Wolgan Road Footpath was conducted in accordance with Local Government tendering legislation, including Section 55 of the *Local Government Act 1993 (The Act)* and Part 7 of the *Local Government (General) Regulation 2005*. The General Manager had been requested to accept the recommendations of the Tender Evaluation Group under his delegation in accordance with Section 377 (i) of *The Act*.

Council will engage the successful tenderer using an official Council purchase order. Council's Standard Purchase Order Terms and Conditions will apply.

Attachments

Nil

Recommendation

THAT Council note that the exercise of the General Manager's delegation to approve a tender in March / April 2019.

9.4.2. FIN - 29/04/19 - Delivery Program 2017/21 and Operational Plan 2019/20

Report by Chief Financial & Information Officer

Reference

Min 18-165 Ordinary Meeting of Council 25 June 2018.

Summary

The Council's Combined Delivery Program 2017/18-2020/21, Draft Operational Plan 2019/20 and Draft Fees and Charges 2019/20 have been prepared and are included as an attachment for the consideration of Council to place on public exhibition.

The Delivery Program 2017/18-2020/21 was adopted at the Ordinary Meeting of Council held on 26 June 2017 by Council for its four-year term of office.

The Draft Operational Plan 2019/20 details the operational (recurrent or annual) activities, capital works and new initiatives to be undertaken in the 2019/20 financial year. The Operational Plan implements the Delivery Program 2017-2021 actions for the 2019/20 year.

Commentary

The Local Government Act 1993 requires the Council to review its Delivery Program each year, when preparing the Operational Plan. Any significant changes to the Delivery Program and the Draft Operational Plan must be publicly exhibited for a minimum of 28 days, and public submissions considered before the final plans are adopted in June 2019. This report responds to these legislative requirements.

The NSW Government's Integrated Planning and Reporting framework (shown below) demonstrates the approach to development of strategic plans required to be implemented by all NSW councils. The intent of the legislation is to improve the long-term planning for sustainable local government areas through addressing civic leadership, social, environmental and economic issues in an integrated manner.



The Council's responsibilities in supporting achievement of the Lithgow Community Strategic Plan are translated into action through its four-year Delivery Program and annual Operational Plans. The Operational Plan 2019/20, which is the focus of this report, details the planned activities and spending for the third year of the Delivery Program 2017/18-2020/21.

Following an internal workshop with Councillors, the draft Operational Plan 2019/20 has been finalised and details Council's activities and Revenue Policy for 2019/20. It incorporates the strategies of the Community Strategic Plan 2030 for the year ahead, including those activities which are operational (recurrent or annual) activities or capital works and new initiatives to be undertaken.

An overview of some of the key components of Council's combined Delivery Program 2017/18-2020/21 and Draft Operational Plan 2019/20 is provided below. The aim of the Plan is to provide a solid financial framework to ensure infrastructure and services can be provided to meet the requirements of residents and ratepayers within the means of the Council.

Fees and Charges

For 2019/20, the Council has undertaken a thorough review of its fees and charges, utilising the improved methodology which includes:

- 2.7% rate peg was applied to all non-regulatory / non legislated fees and charges and rounding to nearest 50c or \$;
- Simplification of fees structures, e.g. Eskbank House, hall hire, Blast Furnace Park;
- Fees and Charges being reviewed as part of the Service Review Process to identify -
 - conscious pricing principles,
 - new market opportunities and marketing of facilities,
 - cost to provide the service vs income generated; and
- A review of GST being undertaken to ensure tax is correctly applied.

A critical review of fees and charges was undertaken for a number of key areas including Eskbank House, development approvals, hall hire, Union Theatre, waste, cemeteries, JM Robson Aquatic Centre, Queen Elizabeth Park, Blast Furnace Park, Wallerawang Memorial Hall and Water & Wastewater.

Due to the upgrade of the Union Theatre it is considered appropriate that a report be brought to Council later in 2019, following a comprehensive review of the fees and charges in consultation with the community, key users and taking into consideration opportunities for marketing the facility for commercial use. In addition to this, Council will not be taking bookings for the Union Theatre until early 2020, following completion of construction works.

A full summary of the main changes to Fees and Charges for 2019/20 are included on pages 4-10 of the Draft Fees & Charges document included as an attachment to this report. New fees are identified throughout the schedule of Fees and Charges pp11-115. Regulatory / legislated fees and charges are applied on advice from relevant authorities.

Special Rate Variation

In accordance with the January Extraordinary Council meeting resolution (Min. No. 19-03), Council has submitted an application to the NSW Independent Regulatory and Independent Pricing Tribunal (IPART) to maintain the current Special Rate Variation (SRV) + 2.7% rate peg + a one-off (permanent) 4.23% SRV. IPART will release the 2019/20 SRV determinations on 14 May 2019.

The Draft Operational Plan 2019/20 has included income and the proposed expenditure program for the new SRV. Should IPART decline Council's application, the Draft Operational Plan 2019/20 will need to be amended, with the proposed SRV income and expenditure to be removed.

Balanced Operating Result Budget (Before Capital)

A key Office of Local Government (OLG) performance measure is the Operating Performance Ratio. The ratio measures Council’s achievement of containing operating expenditure within operating revenue. The ratio is one of the Fit for the Future ratios. The OLG benchmark for the Operating Performance Ratio is 0% which equates to a balanced operating result (before capital).

The Council is committed to delivering a draft 2019/20 budget with a balanced operating result (before capital) for the consolidated funds (i.e. general, water and sewer funds). This commitment is included in Council’s 2019-2029 Long Term Financial Plan (LTFP) which was adopted by Council in January 2019 (Minute No. 19-03). The table below compares the draft 2019/20 budget operating result budget (before capital) with the forecast result from the 2019-2029 (LTFP).

Fund	Draft 2019/20 Budget Operating Result Before Capital	LTFP Scenario 3 Operating Result Before Capital
General Fund	(592)	(123)
Water Fund	72	1,312
Sewer Fund	984	66
Consolidated Result	465	1,255

Although the draft 2019/20 operating result (before capital) for the general fund and water fund are below the LTFP projections, the delivery of a draft 2019/20 budget with a balanced operating result (before capital) is a significant milestone on Council’s path towards long-term financial sustainability.

The Council took a zero-based budgeting approach in developing the draft 2019/20 budget. The approach involved a systematic review of the actual cost of funding service programs. Historical costs were utilised as a reference guide. In addition, internal overhead allocations were thoroughly reviewed to ensure that they accurately reflected direct and indirect costs.

Actions taken to deliver a draft 2019/20 budget with a balanced operating result (before capital) include:

- \$2.81M of operational business cases were put forward by budget managers; this was reduced to \$1.35M of priority projects in the draft budget;
- The materials & contracts budget has been held at 2018/19 levels; and
- 2018/19 Service Reductions in Transport & Recreation have been held with the \$360K 2019/20 Transport SRV maintenance program included subject to IPART approval.

The draft 2019/20 operating budget includes:

- \$277K insurance premium saving;
- Reduction in the street lighting expense budget with new LED streetlights;
- An organisation-wide reduction in the printing and stationery budget;
- Increases in the Councillor expenses budget;
- Removal of the Local Infrastructure Renewal Scheme subsidy budget; and
- 5 new full-time positions in priority areas and 2 positions approved in 2018/19.

The table below summarises Council’s draft consolidated operating result.

Operating Result	2019/20 Budget \$'000
Income from Continuing Operations	49,997
Less: Expenditure from Continuing Operations	44,394
Operating Result – Surplus / (Deficit)	5,603
Less: Capital Grants & Contributions and Profits on Sale	5,138
Operating Result before Capital and Profits on Sale (a)	465
Income before Capital Income and Profits on Sale (b)	49,997
Operating Performance Ratio (a/b) (Operating Result divided by Operating Revenue)	1.0% <small>(benchmark 0%)</small>

Grant Funding and Corporate Sponsorship

The Council continues to apply for funding from the State and Federal Government and other sources. The Council prepares business cases prior to applying for funding. Many grants require the Council to contribute matching funds which depletes the Council's resources. Business cases take into account the whole-of-life cycle costs relating to funding applications for new assets, for example, maintenance and future renewal expenses. Business cases are only approved if recurrent and renewal costs can be covered.

In 2019/20, key projects to be funded by capital grants and contributions include:

- \$300K - Farmers Creek Precinct Master Plan Implementation;
- \$196K - Cullen Bullen Landfill Closure & Rehabilitation;
- \$637K – Roads to Recovery (operational grant);
- \$197K Lithgow Library Refurbishment Stage 2;
- \$40K – Halloween (corporate sponsorship);
- \$426K – Union Theatre Dressing Rooms; and
- \$2M – Cullen Bullen Sewerage Upgrade (project commencement).

In cases where grant funding has not yet been formally approved, projects may only proceed once grant funding is confirmed.

Council's Revenue Policy

The tables and information included below is extracted from Council's Revenue Policy which is included in the Draft Operational Plan 2019/20 (pages 113 to 126).

Draft Capital Works Program 2019/20

The draft Capital Works Program 2019/20 is summarised in the table below. Council proposes to complete works to the value of \$21.335M in 2019/20. The draft Capital Works Program includes \$685K of SRV funded projects, as well as \$3.7M of projects transferred from the 2018/19 Capital Works Program.

Key projects included in the draft Capital Works Program 2019/20 include:

- \$685K – Special Rate Variation Capital Program (roads, buildings, drainage, solar panels);
- \$3M - Lithgow Resource Recovery;
- \$1.6M - Lithgow Sewerage Treatment Plant;
- \$1.97M - Smart Water Meters (completion of project);
- \$1.2M – Unsealed Roads Sealing; and
- \$2.1M – Cullen Bullen Sewer Upgrade.

Capital Works Program 2019/20	
Bridges	191,938
Buildings	1,606,599
Cemeteries	72,000
Cultural Heritage	288,862
Depots and Store	320,000
Drainage	541,069
Environment	600,000
Footpaths	378,233
Information Technology	80,000
Library	240,067
Lithgow CBD Works	152,656
Plant Replacement	1,500,000
Recreation	990,761
Roads	4,154,880
Tourism	50,000
Village Improvements	30,000
Waste	3,697,000
Wastewater	3,976,501
Water	2,463,983
Total Capital Program	21,334,550

Ordinary Rates

The draft Operational Plan 2019/20 includes income and expenditure from the proposed SRV and the rate peg of 2.7%. Land valuations as at 1 July 2016 will be applied for the 2019/2020 annual rate levy.

Residential			
	Base Amount (\$)	Ad Valorem Amount (c in the \$)	
Lithgow (Including Strathlone, Littleton and Marrangaroo)	311	0.630706	4,754,583
Wallerawang	271	0.490541	520,446
Portland	265	0.469009	496,532
Lidsdale	311	0.467935	101,321
General	218	0.350217	1,901,394
Farmland			
Intense Use	404	0.310402	196,679
Farmland	404	0.310402	1,766,509
Business			
Lithgow	437	2.520578	1,621,842
Wallerawang	437	1.574681	119,285
Portland	437	1.213561	45,467
Lidsdale	296	1.988832	8,431
General	296	0.426459	182,647
Mining			
Coal Mines	10,689	10.587676	2,218,907
Total Estimated Yield			13,934,042

Parking Special Rate

The Parking Special Rate is levied on 150 CBD business properties within the designated area of Lithgow.

At the November 2018 meeting, Council resolved:

18 – 349 RESOLVED

THAT Council take the following action from the 2019/20 financial year:

1. Utilise the parking special rate for Lithgow CBD capital works and maintenance.
2. Determine a specific program of works and activities which will be funded from the parking special rate for inclusion in each year's Operational Plan.
3. Any parking special rate funds not utilised in a financial year be placed in an internally restricted reserve for future Lithgow CBD capital works and maintenance.
4. That the outcome of the program is reported to Council annually and that the program is reviewed in 5 years.

For 2019/20, the estimated yield of the Parking Special Rate is \$254,768. The program of works and activities which will be funded from the parking special rate is included below.

Parking Special Rate – Program of Works	
Project	Budget (\$)
CBD Street Sweeping	102,112
Cook St Plaza Shade Structures	152,656

Section 7.11 and 7.12 Levy Contributions

Council has undertaken a review of its Development Contributions Framework and has proceeded with the introduction of S7.11 and S7.12 (formerly Section 94A) Levy Plans that will apply across the LGA.

The proposed S7.11 and S7.12 Works Program is summarised in the Operational Plan 2019/20 page 122. The summary identifies the S7.11 and S7.12 Levy Contribution portion only for each project.

Sewerage Charges

Over recent years Council has spent approximately \$43 million on the upgrade of the Lithgow, Wallerawang and Portland Sewerage Treatment Plants. Design work has commenced on the Cullen Bullen Sewerage Scheme (\$6.8 million multi-year budget). In addition, planning has commenced for the West Bowenfels Sewerage Scheme.

Council has reviewed the sewerage access and usage charges for 2019/20 and has decided to maintain residential and business access and business usage charges at 2018/19 rates. **There is no increase in sewerage charges for the 2019/20 year.**

The sewerage usage charges will be levied to all properties using Council's reticulated sewerage system.

Sewerage Charges		
Sewerage Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
Residential	936.00	6,783,936
Business (main size):		
200mm	1,212.26	727
100mm	1,212.26	13,699
50mm	1,065.97	73,712
20mm	805.10	288,805
Total Estimated Yield		7,163,879
Sewerage Business Usage Charges		
Type	Charge (\$)	
Business (most commonly 95% of water usage)	1.74	

Stormwater Charges

It is proposed that the following stormwater charges will be levied on all residential and business properties within identified urban areas (except those which are vacant land). There is **no increase** to the residential stormwater levy for the 2019/20 year.

Stormwater Charges		
Type	Charge (\$)	Estimated Yield (\$)
Residential	25.00	156,450
Strata Unit (Residential)	12.50	1,750
Business	25.00 per 350sq metres (\$1,500 Cap)	88,600
Total Estimated Yield		246,800

Waste Charges

There is no increase in waste charges for the 2019/20 year.

In 2018/19, additional costs were incurred by Council’s kerbside waste contractor for the processing of recyclable materials. Council has no alternative except to retain the prior year cost increase as a ‘special waste charge’ of \$28.00 per service for 2019/20.

Waste Charges		
Type of Service	Charge (\$) (GST ex)	Estimated Yield (\$) (GST ex)
Residential	459.81	3,918,271
Business	459.81	291,290
Non Rateable	459.81	58,396
Unoccupied Urban	204.11	101,851
Rural	141.54	338,564
Total Estimated Yield		4,708,371

Water Charges

The residential or business water availability charge will be levied on all rateable and non-rateable properties which are connected to or within 225 metres of Council’s reticulated water supply system. Water usage charges will be levied to all properties using Council’s reticulated water supply system.

Council has reviewed the water availability and usage charges for 2019/20 and has decided to maintain residential and business availability and usage charges at 2018/19 rates. **There is no increase in water charges for the 2019/20 year.**

Water Charges		
Water Availability Charges		
Type	Charge (\$)	Estimated Yield (\$)
Residential	189.26	1,484,366
Business (main size):		
200mm	1,204.00	1,204
100mm	1,204.00	20,468
50mm	1,059.00	90,015
20mm	800.00	336,000
Total Estimated Yield		1,932,053
Water Usage Charges - Residential		
Kilolitres Used	Charge (\$)	
0 – 250 Residential	3.23 / kl	
250+ Residential	4.85 / kl	
Water Usage Charges - Business		
Kilolitres Used	Charge (\$)	
0 – 500 Business	3.23 / kl	
500+ Business	4.85 / kl	

Proposed Borrowings

There are no borrowings planned for new projects in 2019/2020.

Proposed Loan Borrowings			
	2019/20	2019/20	2020/21
	\$	\$	
Cullen Bullen Sewer Scheme	0	2,000,000	

Community Engagement

The Combined Delivery Program 2017-2021 and Draft Operational Plan 2019/20 is provided for Council’s consideration to place on public exhibition for a minimum period of 28 days. The closing date for public submissions will be Monday 27 May 2019. This will allow the document to be put to the Council for final adoption at the June 2019 meeting.

Should the Council endorse the Combined Delivery Program 2017/18 – 2020/21 and Draft Operational Plan 2019/20, a video providing information on the contents of the Draft Operational Plan will be uploaded to YouTube, linked to Councils website www.haveyoursay.lithgow.com and promoted through media and social media channels. A Community ‘Information Kiosk’ will also be held on Tuesday 14 May between 11.30am and 2.30pm in the Cook Street Plaza (weather permitting) to enable members of the community to meet with Council Officers and Councillors to discuss the Draft 2019/20 Operational Plan. In the event of inclement weather, the ‘Information Kiosk’ session will be held in the Council Chambers.

Policy Implications

Nil arising from this report.

Financial Implications

The financial implications of the combined Delivery Program 2017/18 – 2020/21 and Draft Operational Plan 2019/20 are detailed in the financial plans provided.

Legal and Risk Management Implications

The Local Government Act 1993, Local Government Amendment (Planning and Reporting) Bill 2009 and Local Government (General) Regulation 2005 outlines requirements for the preparation, exhibition and adoption of the Integrated Planning and Reporting Framework. The Draft Delivery Program and Operational Plan must be exhibited for a minimum period of 28 days.

Attachments

1. Draft 2019 20 Operational Plan [9.4.2.1]
2. Draft Fees and Charges 2019 20 V 3 [9.4.2.2]

Recommendation

THAT

1. The combined Delivery Program 2017/2021 and Draft Operational Plan 2019/20 be placed on public exhibition for 28 days. This will include the following documents:
 - a. The combined Delivery Program 2017– 2021 and Draft Operational Plan 2019-2020.
 - b. Draft Fees and Charges 2019/20.
2. The closing date for submissions be Monday 27 May 2019.
3. A report be brought to Council prior to completion of the upgrade of the Union Theatre to provide details of the outcome of the review of fees and charges and to recommend any changes to the fee structure.

9.4.3. FIN - 29/04/19 - New Policies

Report by Chief Financial & Information Officer

Reference

Min 19-32: Ordinary Meeting of Council held 25 February 2019.

Min 19-34: Ordinary Meeting of Council held 25 February 2019.

Summary

The purpose of this report is to seek Council adoption of policies following a period of 28 days public exhibition.

Commentary

At the Ordinary meeting of Council held on 25 February 2019 Council resolved to endorse the following policies for public exhibition and comment for 28 days:

- Policy 9.9 Internal Reporting
- Policy 9.21 IT Infrastructure Security
- Policy 9.2 Fraud and Corruption Control Policy

Policy 9.9 Internal Reporting replaces the former Public Interest Disclosures Policy. The Internal Reporting Policy is drawn from NSW Ombudsman documents to ensure that the policy is fully compliant with all related legislation.

Policy 9.21 IT Infrastructure Security was developed as a management response to an issue raised in the 2017/18 Interim Audit Management Letter. The auditors noted a need to strengthen Council's IT policies.

Policy 9.2 Fraud and Corruption Control outlines the methodology for detecting, deterring and minimising the risk of fraudulent behaviour and corrupt conduct.

The policies were placed on public exhibition which closed on 4 April 2019. No submissions were received on any of the policies.

Policy Implications

The new policies will improve Council's policy framework.

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

1. Policy 9.9 Draft Internal Reporting V 5 **[9.4.3.1]**
2. Policy 9.21- I T-infrastructure-security **[9.4.3.2]**
3. Policy 9.2 Draft Fraud and Corruption Control Policy V 1 **[9.4.3.3]**

Recommendation

THAT Council adopt the following policies as exhibited:

1. Policy 9.9 Internal Reporting
 2. Policy 9.21 IT Infrastructure Security
 3. Policy 9.2 Fraud and Corruption Control Policy
-

9.5. People and Services Reports

9.5.1. PS - 29/04/19 - Consultation with Aboriginal People and Art Painting Collection Policy Review

Report by Director of People & Services

Summary

Policy 4.8 Consultation with Aboriginal People and Policy 4.5 Art Painting Collection have been reviewed and are presented for Council's consideration for adoption. As the changes to both policies are essentially minor in nature, public exhibition of the policies is not required.

Commentary

1. Policy 4.8 Consultation with Aboriginal People

First adopted by Council in 2010, Policy 4.8 details Council's consultation process in relation to matters that affect the Indigenous communities and groups, Indigenous heritage values and places of Indigenous significance.

Recommended Changes

Most recommended changes (as tracked) are minor and relate to terminology other than the following:

Section 3 Use of This Policy

- New references are included to Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000 and Lithgow Local Environmental Plan 2014.
- A new provision is included that consultation with Aboriginal people in relation to Crown Lands, including native title considerations, will be undertaken in accordance with a separate policy to be developed by Council. This reflects recent changes to the Native Title Act.

Section 6.2 Plans of Management

Removal of application of the policy to Crown Lands in accordance with recent changes to the Native Title Act.

Section 7 Identifying Organisations and People that Council will Consult with

The current policy lists the organisations that will be consulted by name. As this list will change over time more frequently than the policy is updated, it is proposed that the Policy refer to a list that can be obtained by contacting Council.

2. Policy 4.5 Art Painting Collection

Policy 4.5 details how Council will develop, maintain and display a permanent artwork collection which primarily reflects the development of art and artists in the Lithgow Local Government Area (LGA).

This policy has been reviewed to provide a more coherent and robust means of managing the collection.

Policy Implications

Policy 4.8 Consultation with Aboriginal People has been revised in accordance with the NSW Office of Environment and Heritage's (OEH) document Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Financial Implications

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

Legal and Risk Management Implications

Council has legal obligations to consult with aboriginal people and assess development proposals in accordance with the NSW Office of Environment and Heritage's (OEH) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Attachments

1. Policy 4 8 Lithgow Aboriginal Consultation revised **[9.5.1.1]**
2. Policy 4 5 Art Painting Collection revised **[9.5.1.2]**

Recommendation

THAT revised Policy 4.8 Consultation with Aboriginal People and Policy 4.5 Art Painting Collection be adopted and implemented immediately.

9.6. Infrastructure Services Reports

9.6.1. IS - 29/04/19 - Lithgow Active Transport Plan

Report by Director of Infrastructure & Services

Reference

Min No: 18-379 Ordinary Meeting of Council 26 November 2018

Summary

This report seeks to transfer additional funds to PJ100441 - Active Transport Plan, using unused funds in the completed project PJ100371 - Commonwealth/Portland Lane, Portland.

Commentary

The Active Transport Plan is being developed with the following objectives:

1. To promote active transport within the community
2. To improve the level of pedestrian access and priority, particularly in areas of high pedestrian concentrations
3. To reduce pedestrian access severance and ensure safe crossings of roads
4. To improve the level of personal mobility and safety for seniors and people with disabilities
5. To provide links with other transport services to achieve an integrated network of facilities
6. To develop a prioritised engineering program of works to achieve the above objectives efficiently

Council has commenced its Active Transport Plan project with public workshops held in Lithgow, Wallerawang, Portland and Cullen Bullen during the first 2 weeks of April.

At the November Council meeting Council resolved to transfer \$25,000 from PJ100377 – Rural Sealed Roads Renewal – Glen Alice Road to PJ100441 – Active Transport Plan to enable the project to proceed. Subsequently the grant funding made available for the project was increased from \$20,000 to \$40,000.

This means that currently \$65,000 is available in the project budget.

Council officers successfully negotiated with the preferred consultant to allow the project to proceed within budget. As part of the negotiation Council agreed to the following:

- Council staff would assist in the advertisement and organisation of the community consultation events
- Council staff would internally develop reports, project plans and costings for the villages of Rydal, Cullen Bullen, Capertee and Tarana based on mapping and consultation undertaken by the consultant

If an additional \$5,000 in Council funding can be used on the project the consultant would be able to complete the reports, project plans and costings for the villages of Rydal, Cullen Bullen, Capertee and Tarana. This would provide the following benefits to Council:

- Consistency between the major centres and the villages in the final Active Transport Plan documentation
- Higher quality concept plans and costing for key projects in the villages of Rydal, Cullen Bullen, Capertee and Tarana
- Internal Council resources would be freed up to be utilised in other areas

It is proposed to reallocate \$5,000 from the PJ100371 - Commonwealth/Portland Lane, Portland, which has been completed with a \$6,980 underspend, to the Active Transport Plan project. As funds would be reallocated from a capital project to an operational project, Council's projected deficit operating result (before capital) at 30 June 2019 would increase as a result of the funds reallocation.

Policy Implications

Nil

Financial Implications

1. Budget approved - \$65,000
2. Cost centre - PJ100441 – Active Transport Plan
3. Expended to date - \$0
4. Future potential impact – Transfer of \$5,000 from SRV funded PJ100371 – Commonwealth/Portland Lane, Portland to PJ100441 – Active Transport Plan

As funds would be reallocated from a capital project to an operational project, Council's projected deficit operating result (before capital) at 30 June 2019 would increase by \$5,000.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council reallocate \$5,000 from PJ100371 – Commonwealth/Portland Lane, Portland to PJ100441 – Active Transport Plan.

10. Council Committee Reports

10.1. IS - 29/04/19 - Sports Advisory Committee Meeting 27th March 2019

Report by Director of Infrastructure & Services

Summary

This report details of the Minutes of the Sports Advisory Committee Meeting held on 27th March 2019.

Policy Implications

At the Sports Advisory Committee Meeting held on 27th March 2019, there were numerous items discussed by the committee including:

7. 2019 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
8. Booking Requests

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

- Item 5.1 - Recommendation that Council provide Emily Thompson with \$500 toward the cost of participating in the School Sport Australia 17yrs & under Girls Hockey Team: and Michael Carew – Ferguson with \$500 toward the cost of participating in the U9 SAP with the Western Mariners FC.

Financial Implications

- Budget approved - \$112,500 non-recurrent financial assistance
- Cost centre – PJ 600059
- Expended to date - \$84,946
- Future potential impact – Nil.

Legal and Risk Management Implications

Nil

Attachments

5. Sports Advisory Committee Meeting - Draft Minutes - 27 March 2019 [10.1.1]

Recommendation

THAT Council

1. Note the minutes of the Sports Advisory Committee Meeting held on the 27th March 2019; and
2. Approve financial assistance of \$1,000 from the current allocation for sports related financial assistance (Policy 4.2 Financial Assistance) being \$500 for Emily Thompson (Hockey) & \$500 for Michael Carew- Ferguson (Soccer).

10.2. FIN - 29/04/19 - Audit Committee Meeting Minutes 14 March 2019

Report by Chief Financial & Information Officer

Summary

This report summarises the Minutes of the Central Tablelands Alliance (CTA) Audit Committee Meeting held on 14 March 2019.

Commentary

The meeting was the Quarter Three 2018/19 meeting of the CTA Audit Committee, which was established in partnership with Oberon Council.

At the CTA Audit Committee Meeting held on 14 March 2019, the following Lithgow City Council items were discussed:

- The Centium work plan for the contract and project management internal audit project.
- Progress of development of the 2018/19 external audit Engagement Plan.
- 2018/19 Quarter Two Budget Review Report with budget variations adopted by Council.
- The final Management Letter for the 2017 /18 audit.
- The 2018 / 19 Audit Action List.
- Finance notes / comments / actions document for the NSW Auditor – General's Report on Local Government 2018.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

The functions of the CTA Audit Committee assist in the management and mitigation of risk at Council.

Attachments

1. CENTRAL TABLELANDS ALLIANCE - Minutes March 14 2019 Meeting **[10.2.1]**

Recommendation

THAT Council endorses the CTA Audit Committee March 2019 meeting minutes.

10.3. FIN - 29/04/18 - Finance Committee Meeting Minutes 8 April 2019

Report by Chief Financial & Information Officer

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 8 April 2019.

Commentary

At the meeting of the Finance Committee held on 8 April 2019, the following items were discussed and noted:

- Draft 2019/20 budget and minor changes to the draft 2019/20 Capital Works Program since the presentation to the Councillor Information Session on 1 April 2019.
- Finance update - information on current Finance projects, including the draft 2019/20 budget and the 2018/19 Quarter Three budget review.
- The Annual Audit Engagement plan, in particular, key dates for the audit and preparation of the 2018/19 financial statements.
- Rates paid by Wallerawang and Mount Piper power station.
- The ALGWA Annual Conference report which will be considered at the April Council meeting.
- Review of March Finance and Assets reports – review of the CTA Audit Committee report, the Tender Delegations report and the New Policies report (reports for consideration at the April Council meeting).
- March monthly performance report to the Office of Local Government.
- The Audit Action Lists.

The following business paper recommendation was endorsed by the Committee:

Council Investments Report March 2019

THAT

1. Investments of \$30,160,000 and cash of \$161,285.26 for the period ending 31 March 2019 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. Finance Committee Meeting Minutes - 8 th April [**10.3.1**]
2. Investment Report March 2019 [**10.3.2**]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 8 April 2019 and note the items not requiring a resolution of Council;
2. Endorse the recommendations proposed in the Council Investments Reports for March 2019.

11. Delegates Reports

11.1. Clarence Colliery Community Consultative Committee Meeting Minutes - 21st March 2019

Report by Mayor Councillor Ray Thompson

Summary

To provide minutes of the Clarence Colliery Community Consultative Committee meeting held on Thursday 21st March 2019 and have been submitted for Councils information.

Commentary

N/A

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Clarence CCC Minutes 21 March 2019 Fnl **[11.1.1]**

Recommendation

THAT Council note the minutes of the Clarence Colliery Consultative Committee Meeting held on Thursday 21st March.

12. Notices of Motion

12.1. Notice of Motion - 29/04/19 - Councillor Cassandra Coleman - Australian Local Government Women's Association NSW

Report by Councillor Cassandra Coleman

Commentary

At the 2019 Australian Local Government Women's Association NSW conference in Liverpool I, Councillor Cassandra Coleman, was elected unopposed to the position of President. In this position I have the opportunity to network with women Councillors from across the state, which will contribute positively to my personal and professional development as a Councillor.

Most importantly, I will be able to actively promote and showcase the Lithgow Local Government Area as a place to visit and to stay.

Any platform that assists in providing economic opportunities to Lithgow should be supported.

Policy Implications

Financial Implications (added my management)

- Budget approved:
 - \$2,000 per Councillor as per Policy 9.5 Councillor expenses
 - \$15,500 total 2018/19 Councillor training and expenses budget
- Cost centre - 1059
- Expended to date:
 - approx. \$3K paid to support attendance at ALGWA conferences and meetings
 - \$17,725 for all Councillor training and expenses (total 2018/19 budget over expended).
- Future potential impact:
 - draft 2019/20 budget - \$18,000 pool for all Councillor professional development
 - draft 2019/20 budget - \$4,500 pool for all Councillor general travel expenses
 - accommodation and meals as per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009

If Council votes a funding allocation for Cr Coleman's attendance at the 2019 ALGWA National Conference, cost savings or additional revenue will need to be identified as part of the 2018/19 Quarter Three budget review.

Attachments

Nil

Recommendation

THAT Council:

1. Provide continuing support to Cr C Coleman in her position on ALGWA.
2. Support the attendance of Cr Coleman at the 2019 National ALGWA Conference in Blacktown on 15-17 May 2019.

**12.2. Notice of Motion - 29/04/19 - Councillor Cassandra Coleman - Hermitage Hall ,
Albert Street Lithgow**

Report by Councillor Cassandra Coleman

Commentary

Hermitage Hall, in Albert Street, Lithgow, is a Council-owned building. It is used by a number of local community groups. According to information recently received the building has not had major repairs done to it for 3 to 4 years. There has been periodic maintenance work when requested by users of the hall, which has been completed promptly. However, the Hall is in need of a makeover - it looks shabby and needs repainting and the floor boards need some attention.

Financial Implications

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

Legal and Risk Management Implications

Recommendation

THAT a report be brought back to Council on the costs involved in getting the Hermitage Hall up to a standard befitting a Council-owned facility.

13. Business of Great Urgency

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

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

14. Closed Council

CONFIDENTIAL - FIN 29/04/19 - Review of CTA Audit Committee

Reason for Confidentiality

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

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

CONFIDENTIAL - IS - 29/04/19 - Replacement of Roadside Fencing - Wolgan Road, Wolgan Valley

Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Recommendation

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