



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Wednesday 29 January 2020

at 7:00 pm

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1. Acknowledgement of Country

Acknowledgement of Country

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

Declaration of Webcasting

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

2. Present

3. Apologies

4. Declaration of Interest

5. Confirmation of Minutes

6. Commemorations and Announcements

7. Public Forum

8. Mayoral Minutes

8.1. MAYORAL MINUTE - 29/01/2020 - Future Civic Reception for RFS and other Agencies and Volunteers

Report by Mayor – Councillor Ray Thompson

Summary

As Mayor, I believe it appropriate for Council and members of our wider community to show our appreciation to those members of the RFS, other volunteers, members of charitable organisations and other agencies, who put themselves at risk or provided support during the Bushfire Emergency that hit Lithgow LGA during this latest fire season. Nothing we can say or do will equal the unselfish efforts of these members of our community, and I propose that a community event at a time when the current fire season is over, be held to show our appreciation to these people.

Commentary

At the extraordinary Council meeting on the 13th January 2020, I attempted to provide a comprehensive list of all those volunteer and support agencies that aided our Lithgow community during the recent emergency (refer attachment). I am aware that we are still in bushfire season, and that further calls may be placed on our RFS volunteers as we progress into the second half of summer. I propose that Council direct the Administration to seek advice from our local RFS brigades to get an idea of a suitable date and time for the community to come together to show our appreciation for all that they and the support agencies have done for us.

Attachments

1. Mayor Minute - 13012020 - Bush Fire Emergency Report [8.1.1 - 4 pages]

Recommendation

THAT Council-

1. Hold a community event at a date to be determined to allow the Lithgow and surrounding communities show their appreciation to the RFS volunteers and other support agencies/personnel for their efforts in protecting life and property during the recent bushfire emergency.
2. Direct the administration to contact our local RFS brigades with a view to determining an appropriate date and time to hold such an event at the end of the current bushfire season.

9. Notices of Motion

9.1. NOTICE OF MOTION - Councillor Statham - 29/01/2020 - Men's Shed, Recycled Goods

Report by Councillor Maree Statham

Commentary

Members of the Wallerawang Men's Shed have requested I assist the members in seeking special permission from Council regarding the admittance of two members twice weekly for two hours to scour the local land fill sites.

Each member would need an identification lanyard for entry at all times.
Single entry NOT PERMITTED, two members would be required as above, at all times for entry.

PORTLAND and LITHGOW Men's Shed members support this request as they too seek approval for limited access to these sites.

The Men's Sheds groups from our Local Government Area along with the Lithgow Womens Shed rely on recycled materials. These recycled goods are a cost effective method required to continue the excellent work carried out by these groups.

It would be UNFORTUNATE if Councillors do not support this request as there is NO DOUBT these popular groups of volunteers find comradery and friendship in their semi retired or retired lives. The Men and Women attending these groups take great pride in their work. The loss of such groups due to lack of recycled materials would certainly produce a negative result for our LGA as well as the members and families of the members of these groups.

The Wallerawang, Portland, Lithgow and the Lithgow Womens Sheds share a special bond which promotes self esteem, motivation and assists in supporting loneliness and at times mental health.

Attachments

Nil

Recommendation

THAT Lithgow City Council support the entry of the WALLERAWANG, PORTLAND, LITHGOW MENS SHEDS members, also the LITHGOW WOMENS SHED local landfill sites.

CONDITIONS

1. Entry by identification, signed document from President of each individual group.
2. Two hours per week, times determined by council staff
3. No SINGLE entry, at ALL times TWO members together permitted entry

Management Comment:

In its deliberations on the matter the Council may wish to consider the following:

- Scavenging at Lithgow landfill would be problematic under the current landfill contract. The contractor would have to agree.
- The implications of awarding 'scavenging rights' to one party or parties without a wider expression of interest process.
- The need for the necessary insurances; risk assessment documentation; Safe Work Method Statements; and inductions.

9.2. NOTICE OF MOTION - Councillor Wayne McAndrew - 29/01/2020 - Council Professional Indemnity Insurance

Report by Councillor Wayne McAndrew

Attachments

Nil

Recommendation

THAT the General Manager provide a copy of the Council's Professional Indemnity Insurance policy and schedules to all councillors and bring back a report with answers to the following questions:

1. Does the current Professional Indemnity Insurance policy include or exclude defamation actions?
2. Does the current Professional Indemnity Insurance policy include or exclude Councillors?
3. Have any claims been made recently under the Professional Indemnity Insurance policy and if so, are they reported each year in the Council's annual Report?

9.3. NOTICE OF MOTION - Cr Coleman - 29/01/2020 - Water Distribution Points

Report by Councillor Cassandra Coleman

Commentary

Paid water distribution points play a crucial role in supporting rural communities in having reliable and affordable access to household water during periods of drought.

Attachments

Nil

Recommendation

THAT the General Manager provide a report to the Council, considering the costs and benefits of installing a paid water distribution point in both Wallerawang and Portland.

9.4. NOTICE OF MOTION - Cr Coleman - 29/01/2020 - Bush Fire Expo

Report by Councillor Cassandra Coleman

Commentary

The Expo to include presentations by the NSW Rural Fire Service, Lithgow Council, SES, Fire and Rescue NSW and perhaps a talk from the Indigenous community about traditional indigenous fire management known as cool and quick burns.

While a range of local and regional service and product providers, including builders, fire safety companies, bush-fire management consultants and contractors, building materials providers and landscapers could be invited to display options to make us more prepared and resilient in the face of the threat that bushfires poses on our community.

Attachments

Nil

Recommendation

THAT Lithgow City Council further develop their partnerships with key stakeholders such as the NSW Rural Fire Service, SES, Fire and Rescue NSW and various government ministers or representatives to host a Bush Fire Expo to assist the local government area of Lithgow with the recovery and healing process.

9.5. NOTICE OF MOTION - Councillor Steve Ring - 29/01/2020 - Policy 3.1 Water Service and Meter Installation - Amendment

Report by Councillor Steve Ring

Reference

Min 18-257: Ordinary meeting of council held at 24 September 2018.

Commentary

Historically the development of Lithgow and its villages (specifically Portland) allowed for the creation of laneways between roads providing a potential rear entrance for houses and or businesses. As a consequence, a small number of locations within Lithgow have two lots between the road and the lane (historical anomalies). Potentially some of these smaller lots adjacent to the laneways could be developed with tiny/small houses consistent with the intent of the Lithgow LEP 2014 to provide a range of housing types.

The current policy does not differentiate between these established lots and proposed new subdivisions. The Policy adopted the provisions of the Water Service Association of Australia's, Meter Selection and Installation Code of Practice - WSA12-2012.

As such the existing policy precludes the establishment of private easements to allow these smaller blocks to connect to council water mains via a private easement. The preferred approach has been to require the proponent at their own cost to install a new section of water main.

The cost of establishing the new main may be significantly disproportionate to size of the development and if constructed Council would acquire a new asset and all the associated problems that arise with them. In some instances, the new main could be up to 1 kilometre and only ever service three small developments.

In researching this matter, I contacted several local Councils (inclusive of Midwestern, Bathurst, Cowra, Orange and Central Tablelands Water) seeking advice on how they would deal with this type of issue.

Two councils responded to the need for councils to provide water if the proposed site is within 225 metres of the main (Local Government Act Specifically Chapter 7 Part 2 Division 1 Item 124), while another advised of the need to assess the feasibility of supply within 700 metres of the main.

The general consensus of the Councils contacted was that easements were not a preferred option but they were not opposed to them if they were a more effective option and implemented properly. One council in relation to the scenario provided, advised they would run a "50 mm service pipe and manifold in council's footpath near the laneway. Install the meters and the customer would then install a private service to their house, the private service would be the responsibility of the owner of the land."

On the basis of the research that I have undertaken, the most cost-effective option for Council to ensure the provision of water to the historical anomalies within the LGA is through the establishment of private easements established in accordance with section 88B of the Conveyancing Act 1919. That these easements can only occur when the block requiring servicing is within 225 metres of the council main.

Attachments

1. Historical Lot Anomalies Lithgow [9.5.1 - 5 pages]

Recommendation

THAT Council amend Policy 3.1 Water Service and Meter Installation to permit the establishment of private easements in accordance section 88B of the Conveyancing Act 1919 to permit the provision of water to identified historical anomalies within Lithgow that are located within 225 metres of the council water main.

9.6. NOTICE OF MOTION - Councillor Cassandra Coleman - 29/01/2020 - Clarence Community Building

Report by Councillor Cassandra Coleman

Commentary

On Saturday 21st December 2019, extremely destructive fires struck Lithgow, Clarence and Dargan. Seven homes and nine outhouses were destroyed in Clarence alone.

This community has experienced a traumatic event and restoring a community space could be part of the healing process, plus provide a public place for community members to come together.

Attachments

Nil

Recommendation

THAT:

1. Given the destruction of the Clarence community building in the recent bushfires, can Council advise of its intended community use in the future, in direct community consultation with Clarence.
2. Council consider assigning funds from the National Bushfire Recovery Fund for its restoration.

Management Comment:

At its Ordinary meeting of 23 September 2019, the Council considered a report on Lot 2 DP719201 Petra Avenue, Clarence and resolved as follows:

19-294 RESOLVED

THAT

1. Council call for expressions of interest in Lot 2 DP719201 Petra Avenue, Clarence for a period of 3 months to gauge the level and nature of interest in the Property from the community.
2. At the conclusion of the expression of interest period, the matter be returned to Council for a decision on the future of the Property

The call for expressions of interest has been open since October and ends on 31 January 2020.

**9.7. NOTICE OF MOTION - Councillor Deanna Goodsell - 29/01/2020 -
Communication to Residents**

Report by Councillor Deanna Goodsell

Commentary

On Sunday 19th January, a major break in the Lithgow water mains had residents in significant parts of our LGA unable to access water for some 35 hours.

The break was reported to Council at 6am Sunday 19th January.

The significant break had Council staff working around the clock for 33 hours in very trying circumstances, to restore water to our residents, which indeed was a job well done.

Restoration of water service took place on Monday 20th January at 2-45pm with the advice being "it would take a few of hours for all those affected to receive water".

In extreme and unpredictable circumstances, it is important for our residents, particularly our elderly and vulnerable to have access to current information regarding the failure of essential infrastructure services and the possible ongoing impacts to resident's health and well-being.

Council issued important timelines for restoration of water services on 3 occasions. I understand the difficulties Council staff faced and why the estimated timelines for restoration were not met. In extreme circumstances, the community should be kept informed at all times.

On reviewing Councils Policies there appear to be none that address this type of scenario.

Attachments

Nil

Recommendation

THAT

1. Council review or develop a clear communication policy in regard to the breakdown of essential infrastructure services that impact the health and wellbeing of our residents and ratepayers
2. Communication needs to be timely and appropriately detailed to give the community an understanding of the issue and confidence that the Council has the matter in hand

10. Notices of Rescission

10.1. NOTICE OF RESCISSION - 29/01/2020 - Zig Zag Railway Co-op Ltd Representations

Report by Councillor Ray Thompson
Councillor Steve Ring
Councillor Wayne McAndrew

Reference

Min 20-5: Extra Ordinary Meeting of Council held 13 January 2020

Attachments

1. Rescission Notice - Zig Zag Railway [**10.1.1** - 1 page]

Recommendation

THAT Council rescinds motion 20-5 adopted on 13th January 2020 at Council's extra ordinary meeting, following a request from the Chairman of the Zig Zag Railway who has advised that such motion is not necessary and restoration of the Zig Zag Railway is proceeding as planned with the full support of the NSW State Government.

11. Questions with Notice

11.1. QUESTION WITH NOTICE - Councillor Stephen Leslie - 29/01/2020 - Cost of Millmore case.

Report by Councillor Stephen Lesslie

Attachments

Nil

Recommendation

Could a report be brought down on all costs, legal and otherwise, associated with the David Millmore case?

12. Staff Reports

12.1. General Manager's Reports

12.1.1. GM - 29/01/2020 - Audible Communication of Councillor Discussion during Webcast

Report by General Manager

Summary

Community feedback following a number of Council meetings that have been webcast indicate a difficulty in hearing Councillor comments during debate as they stand to reply in Council. This paper recommends Councillors remain seated during Council meetings so that they are closer to microphones and to assist in efficient communication with the community tuned into Council's webcast.

Commentary

Council meetings are now webcast so that interested members of the community can follow the discussions and debate on agenda items of interest to them. The webcast initiative promotes transparency and community inclusiveness but will fail to deliver these objectives if the community cannot hear clearly comments by its elected officials.

There is nothing in the Code of Meeting Practice that mandates that elected Officials must stand when addressing items on the agenda, and given the microphone infrastructure in place, administration believes it is acceptable to follow that practice that has been adopted in a wide range of Councils, for elected officials to remain seated during debate.

Policy Implications

NIL

Financial Implications

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact – Clearer communication to the community during webcasting of Council meetings.

Legal and Risk Management Implications

NIL

Attachments

Nil

Recommendation

THAT Council directs all elected officials to remain seated closer to microphones during Council meetings to ensure that the best possible communication occurs through Council's webcasting infrastructure for the benefit of the Lithgow community.

12.2. Economic Development and Environment Reports

12.2.1. ECDEV - 29/01/2020 - Proposed Waiving of Footpath Trading Fees

Report by Director of Economic Development & Environment

Summary

To request that Council waive the Footpath Trading Application Fee and Annual Renewal Fees for 2019-20.

Commentary

Representations have been made to Council from local businesses in relation to the fee applied for Footpath Trading Applications. Council's adopted Fees & Charges 2019/20 require the following fees to be paid and compliance with Council's Footpath Trading Policy to be met:

Footpath trading

Application fee \$66.00

Annual Renewal \$33.50

It would demonstrate Council's support to small businesses that may be being affected by the current drought and bushfires for Council to waive the 2019-20 fee for footpath trading. Although the footpath trading fee is minimal, the waiving of the fee will reduce costs to all small businesses that may be struggling.

Policy Implications

Council's Footpath Trading Policy 5.3 states:

1(xi) any fees payable for an application for approval, renewal or any other aspect of this policy shall be subject of annual reviewed by Council in consideration of its annual fees and charges.

As previously mentioned, the Fees & Charges 2019/20 were adopted by Council and applied to all Footpath Trading Applications. All businesses who are yet to apply for a Footpath Trading approval will still be required to apply to Council and provide a Certificate of Currency for \$20,000,000 public liability insurance. However, a fee for the 2019/20 financial year will no longer be applicable if Council agrees to the recommendation.

Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact - \$522.00 would be refunded for current footpath trading approvals in the 2019/20 financial year. There may also be additional footpath trading applications up until 30 June 2020 and these fees for 2019/20 would not be recovered.

Legal and Risk Management Implications

There are no legal implications applicable as any footpath trading will still require an approval under the Roads Act 1993.

Recommendation

THAT the Footpath Trading Application fee and annual renewal fee for 2019/20 be waived and a refund be made for fees already paid.

12.2.2. EDED - 29/01/2020 - Sponsorship Request - Jetblack 24Hr Mountain Biking Event 2020

Report by Director of Economic Development & Environment

Summary

The purpose of this report is to inform Council of a sponsorship request of \$4,900 received from Rocky Trail Entertainment (event organisers) for the 2019 Jetblack 24 Hour Mountain Biking Event. It is suggested that Council's sponsors the event in 2020 providing \$4,900 as requested, with funds being available from the Economic Development REDS budget.

Commentary

The Jet Black 24 Hour is the premier mountain bike endurance event in NSW. Established in 2009 this event has been held in the Lithgow destination (Rydal Showgrounds) in both 2018 and 2019. For both years, the event has been the recipient of \$5,000 from Council's Events Attraction Fund.

In 2019 more than 300 race competitors from NSW and the ACT raced in teams of up to 6 in the 24-Hour competition and up to 4 in the 6+6 Hour event, clocking in almost 2,900 laps and recording more than 27,500 racing kilometres over the weekend.

The race was very popular with local racers as well as riders from the broader region (Bathurst, Orange, Oberon). Sydney participants included the Jetblack Racing Team who participated with more than 20 racers (this is the largest amateur racing team in Australia). 10% of racers came from the ACT.

2019 Event Statistics:

1. 309 event registrations
2. Rider demographics
 - 84% male racers | 16% female racers
 - 13 children (U12) in the free kid's race
 - 1/3 of racers participated in the 'social' 6-Team category.
 - 3 Junior teams (U18) = 12 riders
3. 139 visiting families and friends of racers
4. 435 counted event participants (racers, supporters, crew, families)
5. 698 nights generated (number calculated based on registration and on-site rider survey)
6. 1,978 views of special #rockytraildestination blog about Lithgow region (+33% from 2018)
7. 9,300 Page Views across JB24H event website
8. 14,068 people - Facebook paid advertising reach (\$134.65 Jan-Mar 2019)
9. 700 clicks on Google adwords banners (\$253 investment = 36c per click)
10. 166,000 Google adwords banner impressions (1 Jan -22 Feb 2019)
11. 1,086 Video views on YouTube
12. Event-specific Facebook statistics
 - 75,205 Total reach unique users (total reach FY to date 656,630 unique users)
 - 4,744 Total count engaged users
 - 7,978 Total video views event-related
 - 11,600 People reach by Event created on Facebook

Event participation in 2019 was up 7% on 2018 and Rocky Trail Entertainment, were very happy with the event and support from the Council. It is worth noting the organisers spent \$4,259.68 with local businesses directly for event operations and promotions.

2020 Jetblack 24Hr

1. For the 2020 Jetblack Rocky Trail Entertainment have targeted an increase in visitation of 15%, looking to attract an additional 40-50 racers plus families.
2. For 2020, they will again conduct primary and secondary research before (during registration process) and during the event to get an accurate insight into the dynamics in Lithgow.
3. The Central Tablelands Mountain Bike Club is the official hosting club, they assist in the identification of suitable trails and are financially remunerated by Rocky Trail Entertainment (“venue hire”), which is a major income stream for the local Lithgow club.
4. As per previous years all local businesses will be invited to promote their services and offers directly to the racers, supporters and families via Rocky Trail’s powerful online and events promotional platforms.
5. Posters and flyers will be provided to the Lithgow Visitor Information Centre (new initiative).
6. 2020 Marketing Campaign in detail:
 - a. **Significant social media channels** - more than 8,500 followers on Facebook and 3,000+ followers on Instagram.
 - b. Rocky Trail have now engaged a **Social Media Agency** who will run an aggressive and targeted advertising campaign and post event-specific content in the race lead up regularly (blog posts, how-to-info, photos and videos from previous events).
 - c. **Editorial features** - regular event information and media releases; direct communication with key editors; offer to provide free entries for giveaways, submitting information for calendars.
 - d. **Invitation of journalists** - FLOW Magazine, AMB and Mountain Biking Australia, Enduro Mag, Marathon-MTB.com - free entry and catering package.
 - e. **Twitter** – 800+followers – regular news in event lead-up.
 - f. **Facebook** – 8,500+ followers – regular updates (up to daily in immediate lead-up – one month out); weekly event updates (3 months out), event listing – average post reach: 1,500 views, weekly average reach 2,600.
 - g. **Instagram** – 3,500+ followers – focus on venue and uniqueness of destination – great photos from 2018/2019 events to create word-of-mouth momentum –push: #rockytrailracer campaign.
 - h. **Other Cycling forums** - nationwide postings and event calendar features, including: Adventure Race.com, The Berm, Silent Revolution, Sydney Cyclist, SportzHub, FLOW, AMB.
 - i. **E-Newsletter** - 2 per month 12,000+ database. Custom newsletter about Jetblack 24 Hour. Inclusion in #rockytrailracer campaign and ambassador program – word-of-mouth promotion via group of riders who receive tools and resources to spread news about the event in the lead-up (e.g. business cards, flyers etc.).
 - j. **Blogging** - Destination blog about Lithgow - in-house and support by Social Media agency. Event-specific blogs to generate traffic to website.
 - k. **Destination NSW** - Tourism event listing.
 - l. **LCC Economic Development E-Newsletter** – 1,400 database, promote event to local businesses for rider offers and potentially prizes/sponsorship.
 - m. **Lithgow Tourism** - Website listing “What’s On”, event listing and PR cooperation.
 - n. **Marathon-MTB.com** - Featured event + banners.
 - o. **Facebook** – 3-month advertising campaign; ads and post boosts.
 - p. **AdventureRace.com.au** - Calendar feature – highlight event.
 - q. **Video Show-Reel** - Show-Reel with photos from last year – BEFORE; using this year’s photos as highlight photo gallery-video – AFTER.
 - r. **Photography & Video** - post event for editorial, rider photos subsidised, free photos for private use incl. social media; Editorial photos for use for promotion of event in coming years; to DNSW and Council for destination promotion.

Mountain biking and cycling are key targeted growth areas in the Lithgow REDS. The Jetblack 24Hr is Council's signature, and only, commercial mountain biking asset – and it is very unique and marketable. Rocky Trail Entertainment is committed to the annual running of the event in Lithgow and they deliver a strong and comprehensive marketing program for the event.

It is suggested that Council's sponsors the event in 2020 providing \$4,900 as requested, with funds being available from the Economic Development REDS budget.

Policy Implications

Policy 6.1 - Corporate Sponsorship applies. In accordance with the Policy it will be necessary to enter into a sponsorship agreement that will include provisions on acknowledgement by the parties of their respective good public image and media recognition.

Financial Implications

- Budget approved - \$50,000 for the delivery of REDS initiatives.
- Cost centre - PJ 700072
- Expended to date – \$30,914 – \$18,995 remaining budget is available, from which the \$4,900 sponsorship amount will be drawn from.
- Future potential impact - Sponsorship will be for 2020 only, any future sponsorship requests will be considered by Council.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT

1. Council sponsors the Jetblack event in 2020 providing \$4,900 as requested, with funds being available from the Economic Development REDS budget.
2. A sponsorship agreement be entered into between Council and Rocky Trail Entertainment for the Jetblack 24 hour 2020 event and the General Manager be authorised to execute the agreement.

12.2.3. ECDEV - 29/01/2020 - Exemption to S94A Contributions for Pied Piper Preschool 18 Pindari Place Wallerawang

Report by Director of Economic Development & Environment

Summary

Pied Piper Preschool Association Inc. have requested that Council consider an exemption to the Section 94A contributions required under Section 94A Development Contributions Plan 2015, as part of the development proposal DA176/19 - Alterations and Additions to Pied Piper Preschool. These proposed works are being funded by the NSW Government's Start Strong Capital Works Program.

Commentary

Development Application DA176/19 from Pied Piper Preschool Association INC. Is located on land known as Lot 1 DP 705950, 18 Pindari Place Wallerawang NSW 2845 for the following proposal:

1. A 17m x 10m extension on the south of the existing building to facilitate:
 - o A new playroom to accommodate up to 20 children and associated storage;
 - o New amenities area;
 - o New staff areas including the reception, office and staff room;
 - o Increased outdoor area and new fencing along the southern property boundary.

2. Minor alterations to the existing car park and pedestrian areas, and landscaping including screen planting and additional rain garden beds.

The applicant has requested that an exemption to the Section 94A Development Contributions Plan 2015 be permitted for this development. The proposal does not meet the requirements for automatic exemption under Clause C7 of the Section 94A Development Contributions Plan 2015, therefore, Council is asked to consider the request for an exemption.

This type of development may be categorised as a government funded community infrastructure project that will benefit the community. It will assist in addressing the identified need for childcare places given the projected increase of the preschool aged population within the Lithgow Local Government Area. Therefore, although an exemption from Section 94A Contributions would result in Council forgoing \$6,759.59 in restricted use revenue, the benefits provided by the development to the community will be significant.

Policy Implications

Nil

Financial Implications

Lithgow Section 94A Development Contributions Plan 2015 is applicable for the proposed development being for the construction of an Aged Care Facility. The development cost is estimated at \$675,959 and therefore the following provisions of the Lithgow City Council Section 94A Development Contributions Plan 2015 (S94A Plan) applies:

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

A contribution of \$6,759.59 would apply for this development. However, it has been requested by the applicant that consideration to an exemption of the S94A Plan be applied. Therefore, Council would not receive the contribution if it agreed to exempt payment of the contribution.

Legal and Risk Management Implications

Nil

Attachments

1. letter to council Pied Piper [12.2.3.1 - 2 pages]

Recommendation

THAT an exemption to the Section 94A Development Contribution Plan 2015 levy be applied to DA176/19 given the development is to be carried out by a not for profit organisation for government funded essential community infrastructure.

12.2.4. ECDEV - 29/01/2020 - Status Update- DA196/18 Proposed 1 Lot into 32 Lot Subdivision and Draft Planning Agreement, 111 Ian Holt Drive Lidsdale

Report by Director of Economic Development & Environment

Reference

Min No 19-326 - Ordinary Meeting of Council held on 25 November 2019, ECDEV - DA196/18 Proposed 1 Lot into 32 Lot Subdivision and Draft Planning Agreement, 111 Ian Holt Drive Lidsdale

Summary

To advise Council on the status of Development Application DA196/18 and Draft Voluntary Planning Agreement for a proposed subdivision of 1 lot into 32 lots on land known as Lot 2 DP 574754, 'Woodlands' 111 Ian Holt Drive Lidsdale NSW 2790.

Commentary

The proposal is to develop 32 residential allotments and two new public roads. The property contains an area of 11.31ha with all proposed lots to be equal or greater than 2000m². The development proposes to construct two new roads off Ian Holt Drive to service the new lots. No lots are proposed to gain access from Maddox Lane.

At Council's Ordinary Meeting held on 25 November 2019 it was resolved:

THAT:

- 1. The Item in relation to DA196/18 be deferred*
- 2. A site visit be organised with the staff, applicant, Councillors and neighbours.*

A site visit was undertaken on 10 December 2019 with staff, the applicant, Councillors and residents.

From the onsite meeting, one of the concerns raised by the residents related to possible contamination of part of the site. As a result of these concerns the applicant has arranged for contamination testing to be undertaken on that part of the site that adjoins a former Timber Treatment Plant on Maddox Lane.

Once an assessment has been undertaken relating to contamination and the other resident concerns identified at the onsite meeting, a final report will be presented to Council for determination.

Policy Implications

Nil for this report. Policies will be addressed as part of the determination 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

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.

Attachments

Nil

Recommendation

THAT Council notes the status of Development Application DA196/18.

12.2.5. ECDEV - 29/01/2020 - Licence to Capertee & District Progress Association Inc

Report by Director of Economic Development & Environment

Summary

This report seeks Council's approval to grant a licence to Capertee & District Progress Association Inc., for use and management of the public hall situated at 34 Castlereagh Highway, Capertee (the Premises) for a period of 12 months.

Commentary

The Premises is situated on Crown land, being part of Reserve 79154. The Reserve was gazetted for public hall and public recreation in 1956 and is classified 'community' under the *Local Government Act 1993* (s 26).

Lithgow City Council became the Crown Land Manager of the Reserve in 1977, following amalgamation with Blaxland Shire Council.

Use of the Premises is governed by the *Crown Land Management Act 2016* (CLMA) and the *Local Government Act 1993* (LGA).

Generally, a licence in respect of Crown land classified as 'community' can only be granted if the use is authorised in a Plan of Management (LGA, s 46). However, Councils have until 30 June 2021 to implement Plans of Management for Crown land. Interim arrangements allow Crown Land Managers to grant a licence for up to 12 months for a prescribed purpose until Plans of Management are adopted (CLMA, s 2.20 and CLMR, cl 31).

It is proposed to grant a 12 month licence to Capertee & District Progress Association Inc., in accordance with the licence attached to this report. The Association has agreed to the terms and conditions of licence, subject to Council approval.

Key terms of licence

- Term - 12 months
- Licence Fee - \$490 + GST per annum
- Permitted use - Community purpose - activities of Capertee & District Progress Association Inc., including hiring of hall for meetings, community events and markets.
- Insurance - The licensee 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 - The licensee 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 - The licensee is responsible for cleaning and day to day maintenance of the hall. Council is responsible for structural repairs and fair wear and tear, unless caused by the licensee's use of the hall.

Public notice requirements

Under the interim arrangements public notice and exhibition requirements are waived, but will be required in the future, should a new licence be entered following adoption of a Plan of Management.

Native title advice

Crown Land Managers are required to obtain Native Title Manager Advice before undertaking future acts (CLMA, s 8.7) on Crown land. Native Title Manager Advice has been obtained regarding the proposed licence. The Advice confirms:

- that the proposed act is a valid future act (24JA(1) of the Native Title Act 1993); and
- no procedural rights are required (section 24JB of the Native Title Act 1993).

Policy Implications

9.16 - Compliance Policy

10.20 - Leasing and Licensing Policy

Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Licence Fee - \$490 + GST per annum

Legal and Risk Management Implications

Local Government Act 1993

Crown Land Management Act 2016

Attachments

1. 19.12.18 - draft licence to Capertee & District Progress Assoc [12.2.5.1 - 7 pages]
2. 19.10.01 - Native Title Manager Advice (proposed licence) [12.2.5.2 - 2 pages]

Recommendation

THAT Council

1. Endorse the 12 month licence to Capertee & District Progress Association Inc.
2. Authorise the General Manager to proceed with execution of the Licence Agreement.

12.2.6. ECDEV - 29/01/20 - Lease to Australian Red Cross Society

Report by Director of Economic Development & Environment

Reference

9.2.9 – Proposed lease to Australian Red Cross Society

Summary

This report provides an update to Council regarding the lease to Australian Red Cross Society (ABN 50 169 561 394) (**Red Cross**) of the community hall located at Queen Elizabeth Park, Main Street, Lithgow (**Premises**), and seeks Council's endorsement of the Lease.

Commentary

At the ordinary meeting of Council held on 23 September 2019, Council resolved to:

1. Grant preliminary approval to the proposed lease to Australian Red Cross Society.
2. Give public notice of the proposed lease and place the lease on public exhibition for at least 28 days.
3. The matter be returned to Council for endorsement of the lease to Australian Red Cross Society, with details of any submissions received during the exhibition period and any consequent recommendations or amendments.
4. That if no submissions against the lease are received within the 28 days that the General Manager be delegated authority to sign the lease.

Council has fulfilled the public notice and exhibition requirements. During the exhibition period, Council received one submission from the Lithgow branch of the Australian Red Cross Society. Council has clarified the matters raised in the submission, and the Lithgow branch has indicated its satisfaction with the response.

Policy Implications

Policy 9.16 - Compliance Policy

Policy 1.1 - Land (Council) – Leases – Legal Costs

Policy 10.20 - Leasing and Licensing Policy

Financial Implications

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

Legal and Risk Management Implications

Local Government Act 1993

Real Property Act 1900

Conveyancing Act 1919

Attachments

1. Proposed lease to Australian Red Cross (term 01.07.17 to 30.06.22) [**12.2.6.1** - 28 pages]

Recommendation

THAT Council endorse the lease to Australian Red Cross Society and delegate authority to the General Manager to execute the lease.

12.2.7. ECDEV - 29/01/2020 - Membership of Western Regional Planning Panel

Report by Director of Economic Development & Environment

Reference

Min No 16-255: Ordinary Meeting of Council 1 October 2016

Summary

To nominate two permanent members to the Western Regional Planning Panel.

Commentary

Council had received advice from the Planning Panels Secretariat that the terms of Council's current appointments to the Western Regional Planning Panel has now expired. Council's permanent members to this point have been:

- Mr Andrew Muir
- Councillor Stephen Lesslie

The Mayor, Councillor Ray Thompson, has been appointed as an alternate representative and this appointment continues.

Membership of a Planning Panel is for 3 years. Councils are entitled to have two members. At least one Council member is required to have expertise in one or more of the following areas. Planning, Architecture, Heritage, The Environment, Urban Design, Land Economics, Traffic and Transport, Law, Engineering or Tourism. The "staff appointment" to this position has traditionally been the Manager/Director of the Planning and Development Department of Council or its equivalent under the organisational structure as that person holds qualifications and experience in at least one of the aforementioned areas, The second member has traditionally been the Mayor of the day, however as the membership is for a period it does not cease if there was to be a change in the Mayoral position or Council elections. It may be possible for Council to request the period of appointment to be linked to the end of a council's term of office if it so desired.

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

1. Council appoint the Director of Economic Development & Environment Mr Andrew Muir to the Western Regional Planning Panel for the requisite term.
 2. Council appoint a Councillor to the Western Regional Planning Panel for the requisite term of 3 years or request that the appointment expire at the end of the current council's term.
-

12.3. Infrastructure Services Reports

12.3.1. IS - 29/01/2020 - 2019/2020 Season Fees for Lithgow District Cricket Association

Report by Director of Infrastructure & Services

Summary

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

Commentary

Council are in receipt of a letter from the Lithgow District Cricket Association requesting a waiver of the hire fees for the local sporting fields in the Lithgow LGA during the 2019/2020 Cricket Season.

The Lithgow District Cricket Association lodged a formal application to Council on 23 August 2019 to hire Council's Sporting facilities (including Tony Luchetti Sportsground, Marjorie Jackson Oval, Zig Zag Oval, Conran Oval, Saville Park, Glanmire Oval, Watsford Oval, Wallerawang Oval, Kremer Park – Portland) for the 2019/2020 Cricket Season Competition & Training from 1 October 2019 until 5 April 2020.

This above mentioned application was presented to the Sports Advisory Committee Meeting held on 16 October 2019 and the committee resolved to approve the booking. It was noted by the committee and formally advised to the Lithgow District Cricket Association that the Wallerawang Oval will be unavailable for the 2019/2020 Season due to recent irrigation works and resurfacing of the oval to improve future use of the facility. In addition, Kremer Park would also be out of action until irrigation/restoration works are completed.

The Lithgow District Association were sent an acknowledgement letter detailing the fees for 2019/2020 Season for all fields that were requested except for Wallerawang Oval & Kremer Park which were unavailable for hire during their season.

In the letter sent to the association it was noted that the following fees and charges will apply

Tony Luchetti Sportsground

Refundable bond @ 449.50 per event	= \$449.50
Hire Charge @ 1249.00 per season	= \$1249.00

Marjorie Jackson, Zig Zag, Conran, Saville, Glanmire, Watsford, Kremer

Refundable bond @ 326.00 per event/per field	= \$2,282.00
Hire Charge @ 259.50 per day/per field	

Council should note that the administration calculated the fees in accordance with the 2019/2020 Fees and Charges adopted by Council on 24 June 2019 (Min 19-173).

The Lithgow District Association were informed of the fees and charges in the acknowledgement letter sent to the association on the 14 October 2019. The Association raised their concerns with the fees at the Sports Advisory Committee meeting held on the 16 October 2019. The Association were advised by administration staff at the time of the meeting, with staff explaining in further detail the reasons for the fees being charged and it was also noted that the fees would change once Council was in receipt of the 2019/2020 Cricket Season Draw.

The association sent a letter to Council seeking a fee waiver for the 2019/2020 Cricket Season. At this point administration also received the season draw in which staff were able to determine fees more appropriately due to the draw being presented.

The Administration and the representatives of the Lithgow District Cricket Association met in mid-December to discuss fees for the 2019/2020 cricket season with 3 options based on the Cricket Associations draw that would suffice Council policy and procedures:

Option 1	Option 2	Option 3
Tony Luchetti Sportsground Bond: \$449.50 Hire (per season) - \$ 1249.00	Tony Luchetti Sportsground Bond: \$449.50 Hire (per season) - \$ 1249.00	Tony Luchetti Sportsground Bond: \$449.50 Hire (per season) - \$ 1249.00
Marjorie Jackson Oval Bond: \$ 326.00 Hire (per season): \$1249.00	Marjorie Jackson Oval Bond: \$ 326.00 Hire (per season): \$1249.00	Marjorie Jackson Oval Bond: \$ 326.00 Hire (per season): \$1249.00
Conran Oval Bond: \$326.00 Hire (per day): \$ 259.50 x 16 occurrences = \$ 4152.00	Combined Conran & Watsford Ovals Bond: \$ 326.00 Hire (per day): \$ 259.50 x 16 occurrences = \$ 4152.00	Combined Conran/Watsford& Glanmire Bond: \$326.00 Hire (per day): \$ 259.50 x 16 occurrences = \$ 4152.00
Watsford Oval Bond: \$326.00 Hire (per day): \$ 259.50 x 16 occurrences = \$ 4152.00	Glanmire Oval Bond: \$326.00 Hire (per day): \$ 259.50 x 16 occurrences = \$ 4152.00	
Glanmire Oval Bond: \$326.00 Hire (per day): \$ 259.50 x 16 occurrences = \$ 4152.00		
Bond Total: \$ 1753.50 Hire Total: \$ 14,954.00 Total: \$ 16,707.50	Bond Total: \$1427.50 Hire Total: \$ 10,802.00 Total: \$ 12,229.50	Bond Total: \$ 1,101.50 Hire Total: \$ 6,650.00 Total: \$ 7,751.50

The Lithgow District Cricket Association have lodged a letter (attached) with Council seeking approval to pay the hire fee of the Tony Luchetti Sportsground (Refundable Bond: \$ 449.50 & Hire for Season \$ 1249.00) totalling \$ 1698.50 and requesting Council to waive the fees for the other sporting fields (including Marjorie Jackson / Conran / Watsford and Glanmire Oval for the 2019/2020 cricket season.

Policy Implications

Nil.

Financial Implications

- Budget approved - hire fees income budget.
- Cost centre - various
- Expended to date - N/A
- Future potential impact - potential reduction of hire fee income for 2019/20.

Legal and Risk Management Implications

Nil

Attachments

1. Lithgow District Cricket Association request to waiver of ground fees [**12.3.1.1** - 1 page]

Recommendation

THAT Council

1. Note the report and the letter advising of the Lithgow District Cricket Association's financial hardship.
2. As per Council's Councils adopted fees and charges apply option 3 as per applied fees and charges for the 2019/2020 financial year.

12.3.2. IS - 29/01/2020 - Policy Review

Report by Director of Infrastructure & Services

Reference

MIN 19-277 – Ordinary Meeting of Council held on 23rd September 2019.

MIN 19-278 – Ordinary Meeting of Council held on 23rd September 2019.

MIN 19 –312 – Ordinary Meeting of Council held on 28th October 2019.

Summary

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

- Policy 10.12 - Vandalism;
- Policy 10.13 - Removal of Trees from Public Land; and
- Policy 10.20 - Vehicle and Plant GPS Location.

Commentary

At the Ordinary Meeting of Council held on 23 September 2019, Council resolved:

19-277 RESOLVED

THAT revised Policy 10.12 - Vandalism be placed on public exhibition for a period of 28 days with the policy then being reported back to Council for further consideration subject to review of any submissions received.

19-278 RESOLVED

THAT Policy 10.20 – Vehicle and Plant GPS Location Monitoring be placed on public exhibition for a period of 28 days with the policy then being reported back to Council for further consideration subject to consideration of any submissions received.

The above-mentioned policies were placed on public exhibition for a 28-day period which closed on the 16th December 2019.

No submissions were received for either of the policies.

At the Ordinary Meeting of Council held on 28th October 2019, Council resolved:

19-312 RESOLVED

THAT:

1. Revised Policy 10.13 - Removal of Trees from Public Land be placed on public exhibition for a period of 28 days with the policy being reported back to Council for consideration for final adoption subject to consideration of any submissions received.
2. Change the wording of the last dot point in the report to "value of the tree".

The policy was placed on public exhibition for 28-day period which closed on 6th December 2019.

No submissions were received for Policy 10.13 - Removal of Trees from Public Land.

Policy Implications

Implementation of new policy – 10.20 Vehicle and Plant GPS Location & Monitoring; and Implementation of revised policies – 10.13 Removal of Trees from Public Land and 10.12 Vandalism.

Financial Implications

Policy 10.20 Vehicle and Plant GPS Location & Monitoring

- Budget approved - \$80,000.00
- Cost centre – PJ 100027
- Expended to date - \$4,957.00
- Future potential impact – Nil.

Policy 10.13 Removal of Trees from Public Land and 10.12 Vandalism

Nil.

Legal and Risk Management Implications

Policy 10.20 - Vehicle and Plant GPS Location & Monitoring

Reduced risk of theft and damage of current and future Council owned plant and vehicles.

Policy 10.13 Removal of Trees from Public Land and 10.12 Vandalism

Nil.

Attachments

1. Policy 10.13 Removal Of Trees From Public Land v4 [**12.3.2.1** - 3 pages]
2. Policy 10.12 Vandalism V 3 [**12.3.2.2** - 4 pages]
3. Policy 10.20 - Vehicle and Plant GPS Location [**12.3.2.3** - 3 pages]

Recommendation

THAT Council adopt the following policies as exhibited for immediate implementation:

- Policy 10.12 - Vandalism;
- Policy 10.13 - Removal of Trees from Public Land; and
- Policy 10.20 - Vehicle and Plant GPS Location.

12.4. Water and Wastewater Reports

12.4.1. WWW - 29/01/2020 - Water Report

Report by Director of Water & Wastewater

Reference

Min No 19-345 Ordinary Meeting of Council 25 November 2019

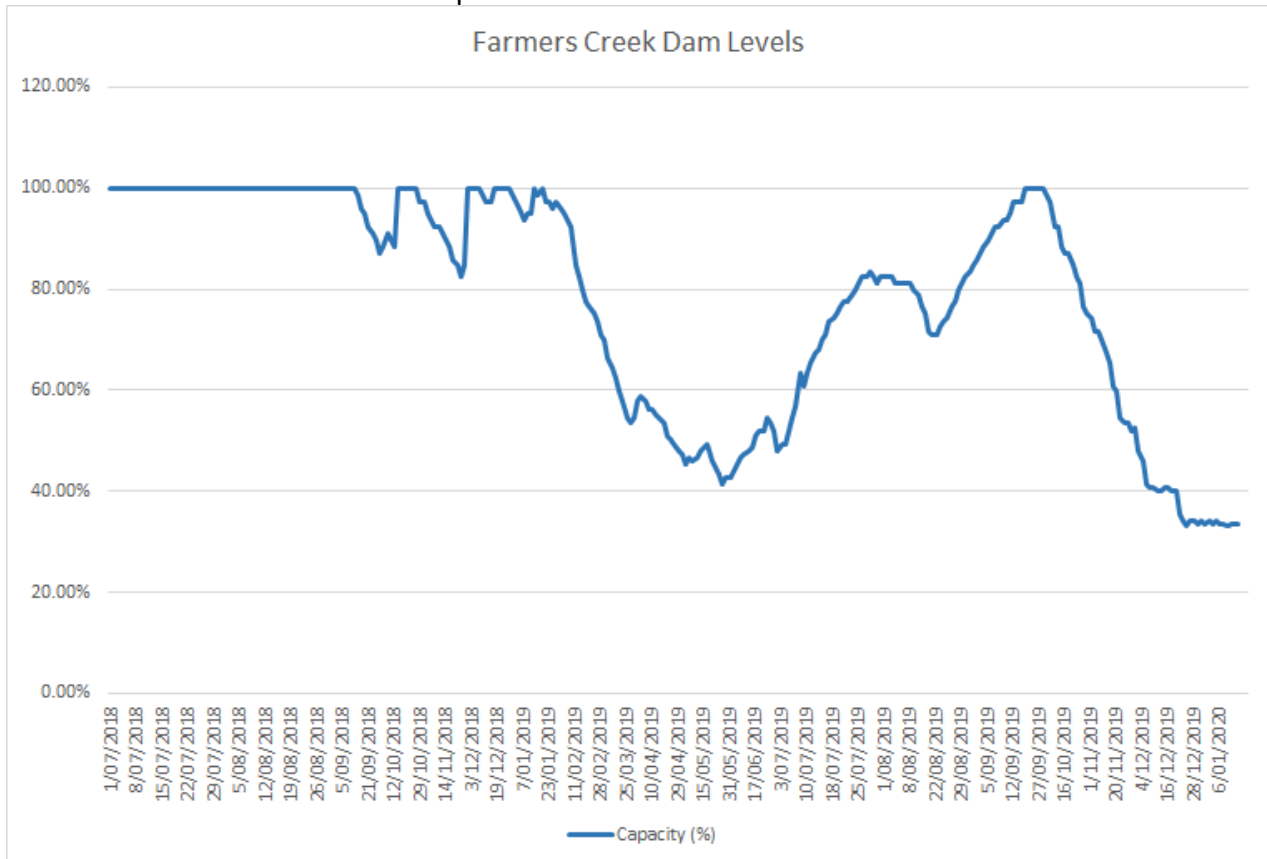
Summary

This report provides an update on various water management issues.

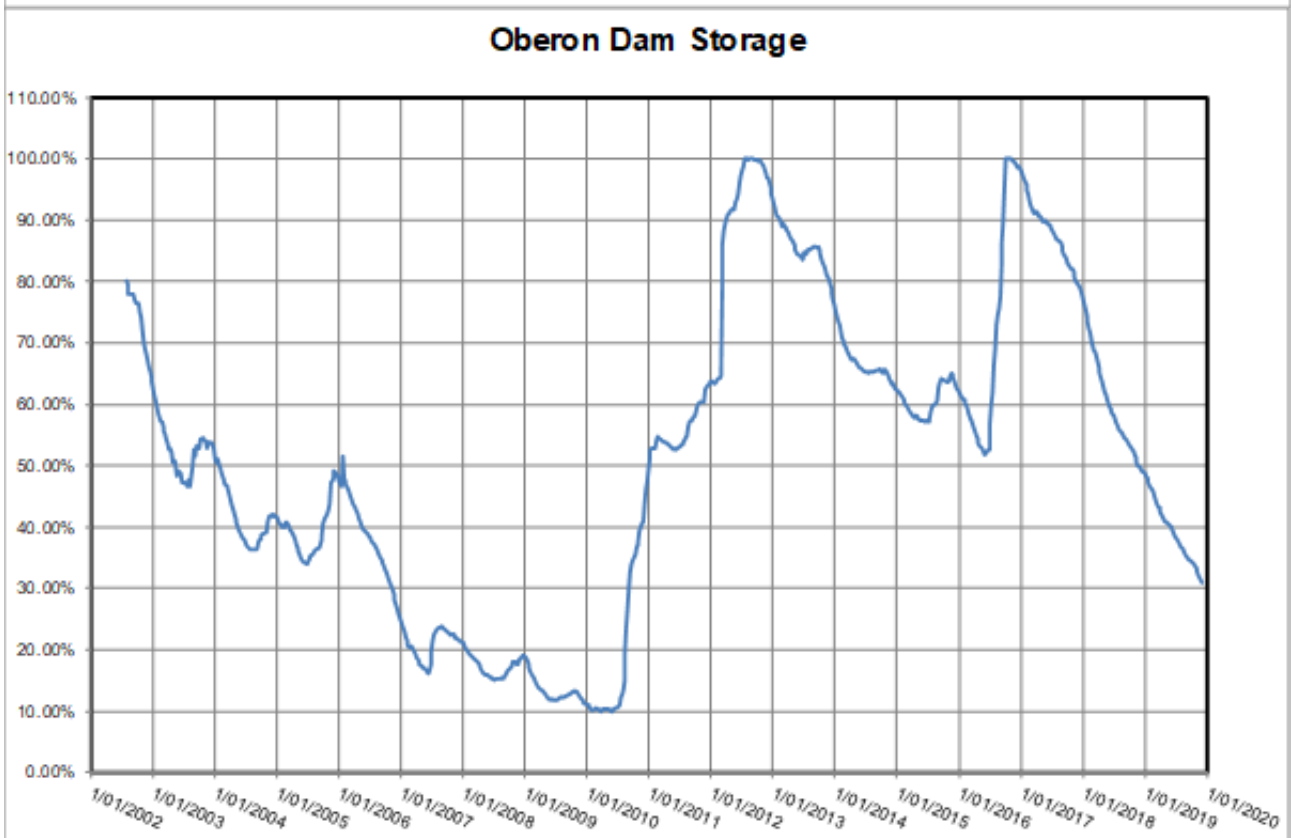
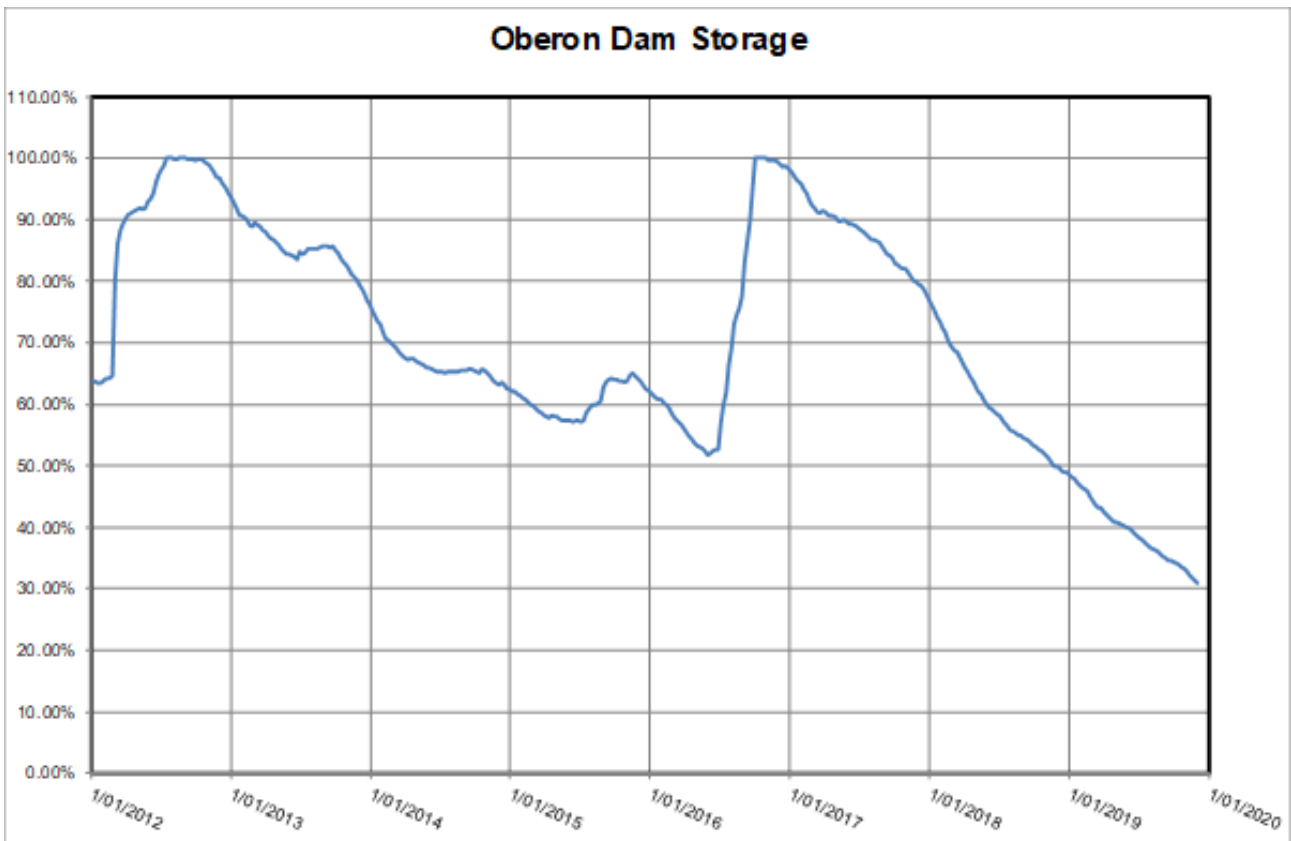
Commentary

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

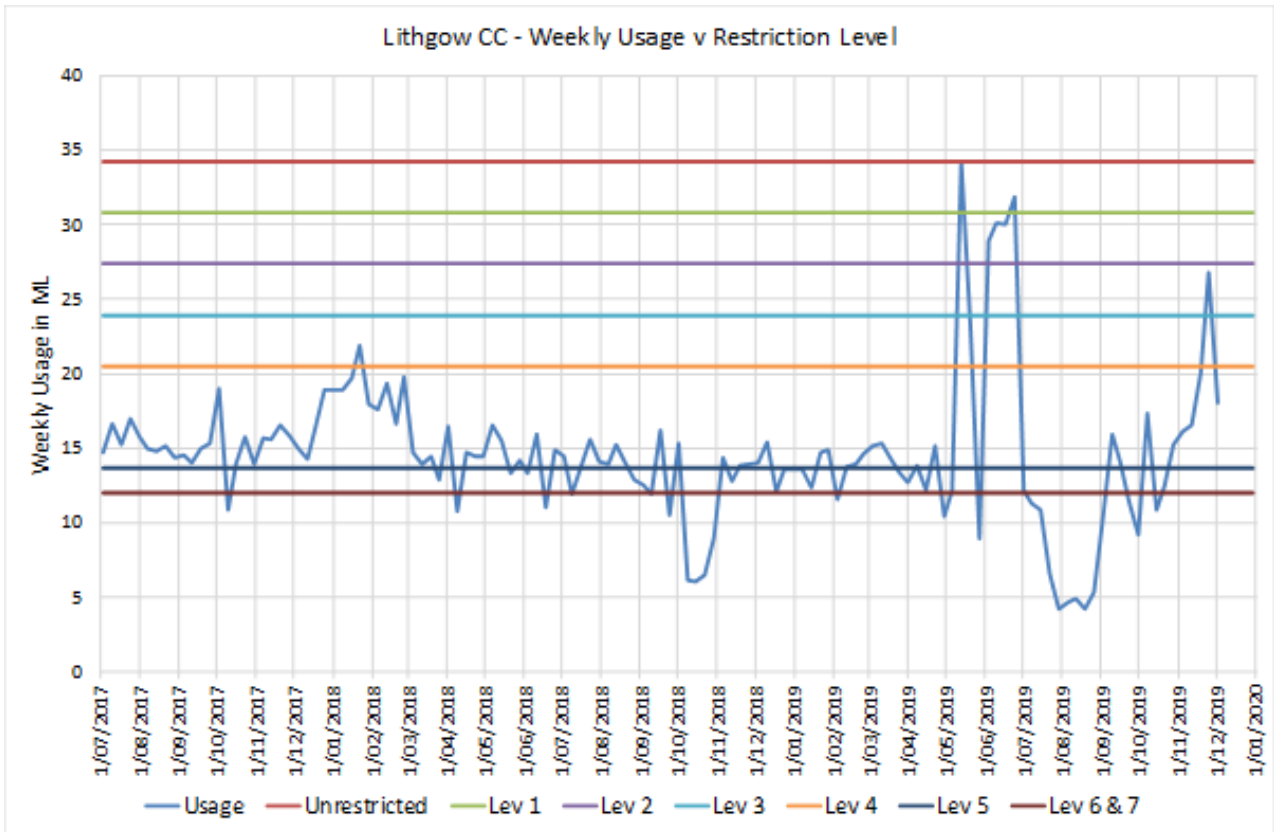
Farmers Creek No. 2 Dam capacity on Tuesday 21st January 2020 was down 6.2m or 40.7%. Clarence Transfer System operated from 26th September 2019 until 20 December 2019 when part of the infrastructure was damaged due to the bushfires. Operation of the system resumed 24th December 2019 and continues to operate.



Oberon Dam capacity on Monday 20th January 2020 was 27.7%. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 21.2%. Level 4 Restrictions come into effect when adjusted storage reaches 20%.



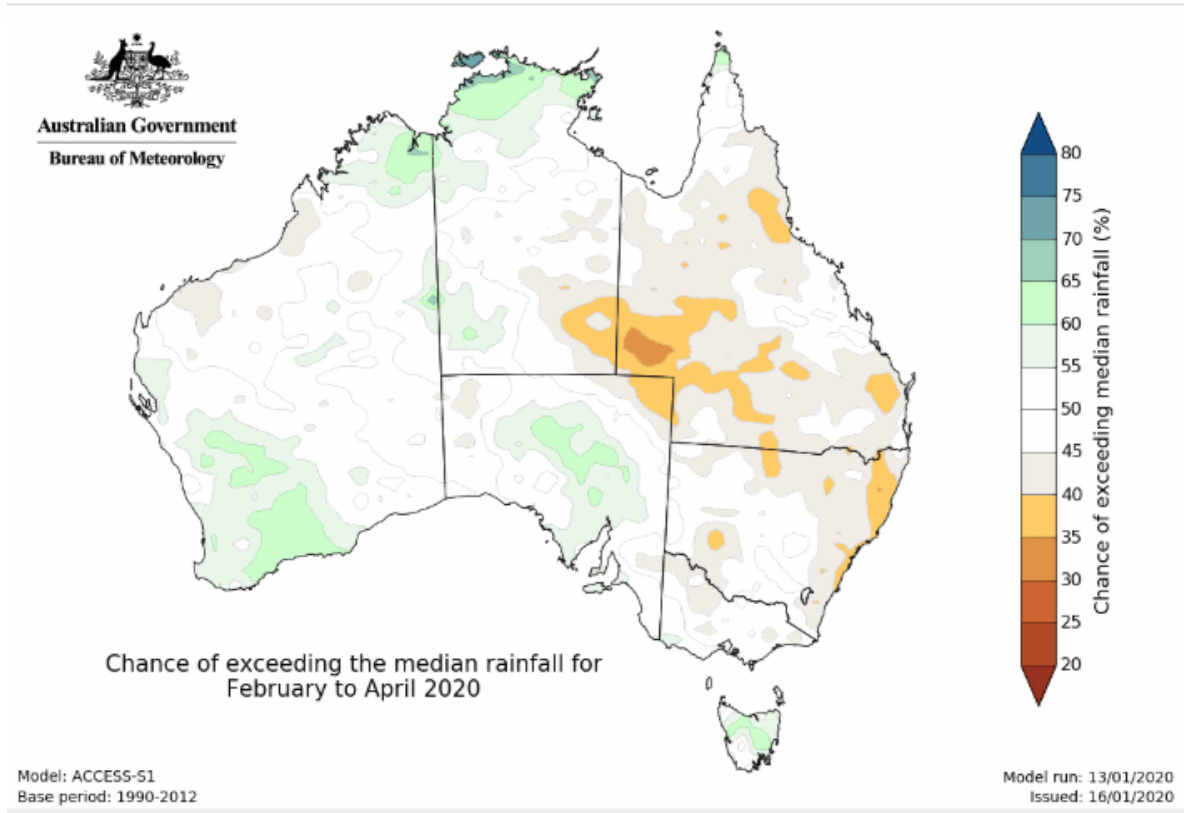
Level 3 restrictions on the FRWS are now in effect. Level 3 restriction trigger is 25% of adjusted storage. As can be seen in the below Usage v Restriction Level the current demands of the Council are lower than the current restriction level and are consistently below level 4 restriction level. This means that Council is managing water demand in accordance with the FRWS Drought Management Strategy.



Climatic and Rainfall Outlook

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

- The chances of a wetter or drier than average February to April are roughly equal for most of Australia.
- Daytime temperatures for February to April likely to be above average across almost all of Australia except the southwest, with February to April nights very likely to be warmer than average for most of the country.
- The positive Indian Ocean Dipole (IOD) and the negative Southern Annular Mode (SAM) phase have ended, meaning most climate influences are now neutral
- February to April has roughly equal chances of being wetter or drier than average for most of Australia. This means there is no strong push towards wetter or drier than average conditions for the coming three months for most of the country. Some small parts of the east are slightly more likely to be drier than average, while parts of the north are slightly more likely to be wetter than average.
- While outlooks for drier than average conditions have eased compared to those issued for late 2019, several months of above average rainfall are needed to see a recovery from current long-term rainfall deficiencies.



Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Water NSW (Fish River Scheme) for 2017/2018 and 2018/2019 and a cumulative total by month for 2019/20.

Table 1 – Oakey Park Monthly Output and Clarence Transfer 2019/20

Total for 2017/18	1,388.1	760.2	810.4
Total for 2018/19	1,318.6	318.7	762.4
Licence Limit (ML/a)	1500	1293	1778
Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	44.076	134.529	58.251*
August	138.509	101.154	52.728*
September	21.471	39.166	60.926*
October	121.740	0.000	55.891
November	135.40	5.686	63.306
December	161.052	87.424	60.764
January			
February			
March			
April			
May			
June			
TOTAL	622.248	367.959	351.866

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

Clarence Water Transfer Scheme

Clarence Transfer System operated from 26th September 2019 until 20 December 2019 when part of the infrastructure was damaged due to the bushfires. Operation of the system resumed 24th December 2019 and continues to operate

Oakey Park Water Quality Summary

No Australian Drinking Water Guideline (ADWG) values were exceeded for the period 14 November 2019 to 17 January 2020.

Treatment Plant Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP in accordance with Environment Protection Licence requirements. Samples were collected on 27th November 2019 and 18th December 2019 and taken to Sydney Water for testing. All results complied with Council's EPA licences.

Fish River Water Scheme Water Quality Summary

No Australian Drinking Water Guideline (ADWG) values were exceeded for the period 14 November 2019 to 17 January 2020.

Water Reticulation Complaints

Council received forty four complaints during the period 14/11/2019 to 17/01/2020 concerning water quality issues and water main breaks. Of these, twenty three complaints related to a burst watermain on 22nd December following the weekend where Lithgow experienced a number of fires which placed enormous strain on the water reticulation system. In all other instances, the mains were flushed and testing carried out. These test results complied with the ADWG.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT the January 2020 Water Report be noted.

12.5. Finance and Assets Reports

12.5.1. FIN - 29/01/20 - Cullen Bullen Progress Hall Proposal

Report by Chief Financial & Information Officer

Reference

Min. No. 19-281 Ordinary Meeting of Council held on 23 September 2019.

Summary

At the September 2019 meeting, Council resolved to:

1. Authorise the General Manager to progress negotiations with Cullen Bullen Progress Association with regard to Council taking responsibility for Cullen Bullen Progress Hall.
2. Note that negotiations with Cullen Bullen Progress Association would include resolution of queries raised in the Association's letter of 12 August 2019 and discussions on the transfer of ownership of the hall building to Council.

The purpose of this report is to update Council on the progress of negotiations with Cullen Bullen Progress Association and to provide details of the Association's requests for assistance from Council.

Commentary

The Chief Financial & Information Officer and the Director Economic Development & Environment met with representatives of the Cullen Bullen Progress Association on 19 November 2019.

The Council officers responded to queries raised in the Association's letter of 12 August 2019. Representatives of the Association and Council officers negotiated on the following proposal:

- Cullen Bullen Progress Association to advise Council of annual outgoings for the hall. Council will then consider a financial assistance grant to help with hall operating expenses for the 2020/21 financial year.
- Negotiations with the Association will continue with regard to Council taking responsibility for Cullen Bullen Progress Hall and ownership of the hall site from July 2021.

The proposal allows time for Council to conduct a necessary title search for the hall site and to progress discussions on the transfer of the hall site to Council in 2021 (at nil cost to Council). The property transfer is required for Council to take responsibility for ongoing maintenance and renewal of the hall building.

The Association has estimated its annual costs for the hall at approximately \$5,000 for insurance, electricity and maintenance. Rates and annual charges are estimated at \$1,105 for the 2020/21 year. The total amount of financial assistance required for the 2020/21 year is **\$6,605**. Any financial assistance would be provided within the payment conditions and reporting requirements of Policy 4.2 Financial Assistance.

In 2019/20 the Association received financial assistance of \$610 for general rates. The Association receives minimal income for hall usage (mainly local community use).

Policy Implications

Any financial assistance would be provided within the payment conditions and reporting requirements of Policy 4.2 Financial Assistance.

Financial Implications

- Budget approved - Nil.
- Cost centre - PJ 800158 financial assistance
- Expended to date - Nil.
- Future potential impact - \$6,605 for the 2020/21 year.

Legal and Risk Management Implications

Should Council determine to take responsibility for Cullen Bullen Progress Hall, risks would need to be managed consistent with Council's risk management framework.

Attachments

Nil

Recommendation

THAT Council:

1. Authorise the General Manager to continue to progress negotiations with Cullen Bullen Progress Association with regard to Council taking ownership of Cullen Bullen Progress Hall from 1 July 2021.
2. Include financial assistance of \$6,605 (partly applied as a general rates rebate) to Cullen Bullen Progress Association in the draft 2020/21 budget for consideration as part of Council's budget deliberations.
3. Note that a future report will be provided when negotiations to transfer the Cullen Bullen hall site to Council have progressed.

13. Council Committee Reports

13.1. FIN - 29/01/20 - Audit Committee Minutes 3 December 2019

Report by Chief Financial & Information Officer

Reference

Min No. 19-282 Ordinary Meeting of Council 23 September 2019.

Summary

At the September 2019 Ordinary Meeting of Council, it was resolved:

THAT Council:

1. Endorse the re-establishment of an Audit, Risk and Improvement Committee (ARIC) in partnership with Oberon Council from November 2019.
2. Endorse the appointment of Mr Phillip Burgett & Mr Neil Maltby as independent ARIC members for the remaining term of Council to September 2020.
3. Endorse the draft CTA ARIC Charter included as an attachment to the report.
4. Note that the Mayor will be Council's voting member of the CTA ARIC at the November meeting.
5. Note that a further report will be provided in early 2020 to seek nominations for the appointment of a second Councillor voting member and to appoint a third independent voting member of the CTA ARIC for the remainder of the Council term.

This report summarises the minutes of the Central Tablelands Alliance Audit Risk & Improvement Committee (CTA ARIC) meeting held on 3 December 2019. The report also seeks nominations for the appointment of a second Councillor voting member of the CTA ARIC.

Commentary

In accordance with the adopted revised Charter of the CTA ARIC, the Committee first held a joint meeting with Oberon Council followed by separate meetings for each Council.

At the joint Councils CTA ARIC meeting held on 3 December 2019, the following items were presented and discussed:

- Appointment of Committee Chair - Neil Maltby was appointed as the Chair of the Central Tablelands Alliance ARIC Committee.
- Endorsement of CTA ARIC Charter – a meeting will be held between the independent members and both Councils regarding the Charter with the Charter returning to the next Committee meeting.
- 2020 Meetings Dates - 2020 CTA ARIC meetings were set for the first Tuesday of the months of March and June 2020.
- Recruitment of independent member - the process of recruiting a third independent member will begin in early 2020.
- Appointment of second Councillor voting member – the subject of a recommendation of this report.
- Internal audit plan - for further discussion to determine the highest priority risk areas for each Council.
- Risk management and internal audit framework - discussion paper – submission lodged by Lithgow Council in December 2019.

At the Lithgow Council CTA ARIC meeting held on 3 December 2019, the following items were presented and discussed:

- Compliance - review of Legal and Compliance risks - the CFIO to review the presentation of the compliance report to show any incomplete actions in the Compliance Register.
- Risk Management – risk register / Council Risk Committee update – the CFIO to review the risk reporting in the Pulse system to identify suitable reports to present to the Committee.

- Fraud control – update on strategies and controls - the Committee noted the information regarding the fraud control framework review.
- Financial Management - the committee received and noted the 2018/19 Financial Statements, 2019/20 Quarter 1 Budget review, Investment Policy review and the Conduct of Audit Report.
- Governance - the information was noted regarding the policy register and conflicts of interest.
- 2018/19 Annual Report - the Committee received and noted the implementation of strategies / performance measurement data – 2018/19 annual report.
- Service Reviews – Update - the information on the service reviews was noted.
- Internal & External Audit - the Committee received and noted the Audit Action lists and 2018/19 Audit Final Management Letter.

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 ARIC assist in the management and mitigation of risk at Council.

Attachments

1. CTA ARIC - Joint Councils Meeting Minutes - 3 December 2019 [**13.1.1** - 3 pages]
2. Lithgow Meeting - CTA ARIC - Minutes 3 December 2019 [**13.1.2** - 4 pages]

Recommendation

THAT Council:

1. Endorses the CTA Audit Risk & Improvement Committee 3 December 2019 meeting minutes.
2. Seek nominations and appoint a second Councillor voting member of the CTA Audit Risk & Improvement Committee.

13.2. IS - 29/01/2020 - Sports Advisory Committee Meeting Minutes 11th December 2019

Report by Director of Infrastructure & Services

Summary

This report provides details of the Minutes of the Sports Advisory Committee Meeting held on the 11 December 2019.

Commentary

At the Sports Advisory Committee Meeting held on the 11th December 2019, there were numerous items discussed by the committee including:

1. 2019 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
2. Booking Requests

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

- Item 8 – New Members
RECOMMENDATION THAT: Council accept Johnny Farr as the Sports Advisory Committee Representative from Lithgow Bears RLFC.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. DRAFT Minutes - Sports Advisory Committee Meeting - 11 th December 2019 [**13.2.1** - 11 pages]

Recommendation

THAT Council:

1. Note the minutes of the Sports Advisory Committee Meeting held on the 11th December 2019; and
2. Accept Johnny Farr as the Sports Advisory Committee Representative from Lithgow Bears RLFC.

13.3. FIN - 29/01/20 - Finance Committee Meeting Minutes January 2020

Report by Chief Financial & Information Officer

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 14 January 2020.

Commentary

At the meeting of the Finance Committee held on 14 January 2020, the following items were discussed:

- Cullen Bullen Progress Hall proposal: the CFIO presented the report to the January Council meeting and the business paper recommendations were endorsed by the Committee.
- Review of Rating Structure: the CFIO presented the report to the January Council meeting. The Committee requested that the staged implementation for the power generation category be two years. The Committee determined to recommend that additional rates revenue be applied to the business rates of Wallerawang to bring them into line with other similar towns within the LGA.
- Audit Committee Minutes 3 December 2019: The Committee discussed the Audit Committee Minutes report to the January Council meeting.
- Amicus Investment Report: the charts and tables included in the Amicus Advisory monthly investments report will be included as an attachment to the Council Investments report for future reporting.
- Audit Action Lists – the Committee noted progress towards completing the internal audit and external audit actions.
- December 2019 monthly performance report to the Office of Local Government.

The following business paper recommendations were also endorsed by the Committee

Council Investments Report November 2019

THAT

1. Investments of \$32,058,230 and cash of \$546,130 for the period ending 30 November 2019 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Council Investments Report December 2019

THAT

1. Investments of \$29,535,230 and cash of \$261,513 for the period ending 31 December 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. Minutes Finance Meeting 14 January 2020 [13.3.1 - 6 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 14 January 2020 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Reports for November 2019 and December 2019.

13.4. PS - 29/01/2020 - Women's Advisory Committee Minutes

Report by Director of People & Services

Summary

The Minutes of the 19 November 2019 Women's Advisory Committee meeting are presented for Council's consideration.

Commentary

At the 19 November 2019 Women's Advisory Committee meeting various matters were discussed including:

Item 6.1 Empowerment Working Group Report with a recommendation that Council support the Women's Advisory Committee in gaining use of the UWS building to run workshops built around awareness and mindfulness to achieve empowerment for members.

Item 6.2 Family and Community Relationships Working Group Report with a recommendation that Council assist with the costs of a morning tea to launch "Your Safe Haven". *Council Officer note: These minor costs can be met from an existing budget allocation for small events.*

Item 6.3 Service Advocacy Working Group Report with a recommendation that Council approach NSW Health to fund a holistic women's health and wellbeing centre in Lithgow.

Item 6.4 Skills Building Working Group Report with a recommendation that the Women's Advisory Committee seeks funding to support the launch of morning teas to entice people into the Bowenfels Community Hub to increase social inclusion and connectedness. *Council Officer note: Council staff will have discussions with Lithgow Information and Neighbourhood Centre on this matter.*

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Minutes Womens Advisory Committee 14 November 2019 [13.4.1 - 7 pages]
2. Service Advocacy Working Group Advocacy for service delivery [13.4.2 - 2 pages]
3. Women's Advisory Committee - Skill Building Presentation - Final [13.4.3 - 9 pages]
4. Family and Community Relationships - Proposal Your safe Haven [13.4.4 - 3 pages]

Recommendation

THAT Council

1. Note the minutes of the 19 November 2019 Women's Advisory Committee meeting.
2. Note that Council staff will assist the Women's Advisory Committee in gaining use of the UWS building to run workshops built around awareness and mindfulness to achieve empowerment for members.
3. Note that Council will assist with the minor costs of a morning tea to launch "Your Safe Haven".
4. Seek the support of the Member for Bathurst Paul Toole and the NSW Minister for Health in establishing a holistic women's health and wellbeing centre in Lithgow.
5. Note that Council staff will have discussions with Lithgow Information and Neighbourhood Centre regarding possible support for the launch of morning teas to entice people into the Bowenfels Community Hub to increase social inclusion and connectedness.

13.5. PS - 29/01/2020 - Crime Prevention Committee Minutes

Report by Director of People & Services

Summary

The Minutes of the 16 September and 2 December 2019 Crime Prevention Committee meetings are presented for Council's consideration.

Commentary

At the Crime Prevention Committee meeting held 16 September 2019, the Committee considered various items including:

NSW Bureau of Crime Statistics and Research (BOCSAR) Crime Statistics for Lithgow to 30 June 2019.

At the Crime Prevention Committee meeting held 2 December 2019, the Committee considered various items including:

NSW Bureau of Crime Statistics and Research (BOCSAR) Crime Statistics Crime Trends report for the period 2014/15 to 2018/19.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Crime Prevention Minutes 2 December 2019 [**13.5.1** - 3 pages]
2. Crime Prevention Minutes 16 September 2019 [**13.5.2** - 4 pages]

Recommendation

THAT Council note the Minutes of the 16 September and 2 December 2019 Crime Prevention Committee meetings.

14. 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.

15. Closed Council

15.1. CONFIDENTIAL - ECDEV - 29/01/2020 - Lithgow Landfill Waste Disposal Contract

Report by	Director of Economic Development & Environment
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Reason for Confidentiality

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

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

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

Reference

Minute No 19-89 (Lithgow Landfill Waste Disposal Contract): Ordinary Council Meeting 25 March 2019.

Summary

The purpose of this report is to seek Council's endorsement to vary the termination date of the Lithgow Landfill Waste Disposal Contract with Henry Plant and Equipment Hire to 31st December 2020 under the terms of a *Non-binding Heads of Agreement* negotiated through a formal mediation process.

Recommendation

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