



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 20 April 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

Extra Ordinary Meeting of Council 6 April postponed from 23 March 2020

6. Commemorations and Announcements

7. Mayoral Minutes

8. Notices of Motion

8.1. Notice of Motion - 20/04/2020 - Covid 19 State and Federal Government Initiatives

Report by Councillor Wayne McAndrew

Commentary

There is no doubt that we are experiencing the largest health crisis in our history. These are indeed terrifying times. Along with that and as a result of the Coronavirus and the Government measures put in place to deal with it, we are also suffering the worst employment crisis since the Great Depression.

Local Government and our Council in particular will not be immune from this.

The Federal and State Governments are putting in stimulus packages to protect employment, the unemployed and businesses and incurring deficits to do so.

Stimulus packages are vitally important especially to regional and rural councils who have already been impacted by drought and bushfires.

I am advised by our General Manager that we do not fit the “essential industry” criteria yet we are required to deliver “essential services” to our community including but not limited to, water, sewerage, waste removal etc.

We were also advised by LGNSW that we are not eligible for the new Job Keeper Program I tend to think that Local Government’s needs and concerns have been bypassed and forgotten in this present crisis. It seems to me that we have been left out in the cold and been discriminated against.

I note also that Blacktown City Council (a member of WSROC) and LGNSW is lobbying State and Federal Governments to include Local Government in the Job Keeper program and to urgently deliver stimulus funds to local Councils.

Attachments

Nil

Recommendation

That as a matter of urgency

1. Council write to our local State and Federal Members, Paul Toole and Andrew Gee requesting their support for Councils to receive a portion of the NSW and Federal Government stimulus packages.
2. Council write to our local Federal Member Andrew Gee requesting his support for local councils to be eligible for the Job Keeper program.
3. A copy of each letter/email be also sent to Blacktown City Council, WSROC and LGNSW.
4. Council also seek relief from the OLG regarding ongoing reporting in relation to the Fit for the Future process.

9. Staff Reports

9.1. General Manager's Reports

9.1.1. GM - 20/04/2020 - Delegation to Mayor and Deputy Mayor - April 2020

Report by General Manager

Reference

Min. No. 20-79 6 April 2020 postponed meeting of 23 March 2020.

Summary

The purpose of this report is to inform Council of the exercise of the Mayor's delegated policy making functions between 7 April 2020 and 9 April 2020. The report also recommends that the delegation to the Mayor and in his absence to the Deputy Mayor continue and be reviewed in four weeks or at the next available Council meeting.

Commentary

At the 6 April 2020 postponed meeting of 23 March 2020, Council resolved:

20 -79 RESOLVED

THAT Council delegate its policy-making functions to the Mayor and in his absence to the Deputy Mayor during the Covid 19 Pandemic Emergency, to be reviewed at four weekly intervals or at the next available Council meeting.

Items Approved by the Mayor

Due to time constraints, the followings items were not considered by Council at the 6 April 2020 meeting and were subsequently approved by the Mayor in accordance with his delegated authority.

8.2.6. ECDEV - 23/03/2020 - Application Fees - Bushfire Affected Properties

This item was approved by the Mayor under delegated authority on 7 April 2020.

20 -79 RESOLVED

THAT

1. Council extends its waiver of fees for bushfire affected properties, identified in the Damage Assessment Database provided by the Emergency Information Coordination Unit Spatial Services, Department of Customer Service to dwellings; Section 68 fees; Construction Certificate fees; and inspections associated with replacement dwellings and outbuildings.
2. Refunds be provided to applicants who have submitted applications that would have otherwise complied with No 1 above.

8.4.1. FIN - 23/03/2020 - Additional Grant to Support Bushfire Recovery

This item was approved by the Mayor under delegated authority on 7 April 2020.

20 -79 RESOLVED

THAT Council endorse the following funding allocation for the additional bushfire recovery grant payment of \$416,667:

- Slope stabilisation - \$316,667;
- Tourism projects - \$50,000; and
- Bushfire Recovery Community Initiatives \$50,000

8.4.2. FIN - 23/03/2020 - Establishment of Mayoral Relief Fund

This item was approved by the Mayor under delegated authority on 7 April 2020.

20 -79 RESOLVED

THAT Council:

1. Note the progress of the application to the Australian Taxation Office to establish a Mayoral Relief Fund with deductible gift recipient status.
-

2. Approve the public fund rules included as an attachment to this report.

Policy Implications

Delegation of Council's policy-making functions to Mayor and Deputy Mayor during emergencies.

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

Consideration of delegation of Council's policy-making functions to the Mayor and Deputy Mayor during emergencies, within the legislative requirements of the Local Government Act 1993.

Attachments

Nil

Recommendation

THAT Council

1. Note the March 2020 meeting agenda items approved by the Mayor in accordance with his delegated authority.
2. Continue to delegate its policy-making functions to the Mayor and in his absence to the Deputy Mayor during the Covid 19 Pandemic Emergency, to be reviewed at four weekly intervals or at the next available Council meeting.

9.2. Economic Development and Environment Reports

9.2.1. ECDEV - 20/04/2020 - Lithgow Regional Marketing Cooperative

Report by Director of Economic Development & Environment

Summary

The purpose of this report is to advise Council of the inaugural members of the Lithgow Regional Marketing Cooperative (LRMC) and to seek endorsement for the draft Terms of Reference (ToR) developed.

Commentary

The Economic Development Economic Development Committee gave in principle support and endorsed the establishment of the Lithgow Regional Marketing Cooperative at the September 2019 Economic Development Committee meeting.

In December 2019, Lithgow Tourism's membership businesses were approaching asking for expressions of interest to form the inaugural LRMC. Via that EOI process seven members have secured a place on the Committee:

1. Rich Evans – Portland Foundations/Village Voice/Ironfest.
2. Kat Alexander – Blue Fox/Fast Fox.
3. Barbara Moran – Secret Refuge at Portland Gate.
4. Larry Pitts – Arundel Cottage.
5. Genna Inzitari – Zig Zag Motel.
6. Sharon Howard – Gang Gang Gallery, and
7. Shane Wade/Chelsea Walsh - Lithgow Workies.

The draft LRMC ToR are included as an attachment for Council's review and endorsement.

Policy Implications

Nil

Financial Implications

- Budget approved - \$20,000 for 2019/2020 financial year.
- Cost centre - PJ600105
- Expended to date - nil.
- Future potential impact - It is anticipated there will be a case to increase funds allocated to destination marketing to allow the LRMC to develop and implement a stronger suite of future destination marketing initiatives. This will require Council's consideration at the appropriate time.

Legal and Risk Management Implications

Nil

Attachments

1. To R Lithgow Regional Marketing Cooperative November 2019 Final Draft [9.2.1.1 - 3 pages]

Recommendation

THAT Council note the listing of inaugural members of the LRMC and endorse the draft LRMC Terms of Reference.

9.2.2. ECDEV - 20/04/2020 - Angus Place Mine Extension Project (SSD 5602)

Report by Director of Economic Development & Environment

Reference

Min No 13-427: Ordinary Meeting of Council held on 16 December 2013 – Angus Place Mine Extension Project (SSD-5602).

Min No 14-207: Ordinary Meeting of Council held on 12 May 2014 – Angus Place Mine Extension Project (SSD-5602).

Summary

To advise Council on a Major Project Amendment Report that has been submitted to the Department of Planning Industry and Environment (the Department) for the Angus Place Mine Extension Project (SSD-5602).

Commentary

The State Significant Development (SSD 5602) was submitted to NSW Department of Planning, Industry and Environment (DPIE) in April 2014 for the Angus Place Mine Extension Project. In 2015, a decision was made to place the Angus Place Colliery into care and maintenance following the completion of secondary extraction within longwall panel 900W.

At that stage, the assessment of the extension project was placed on hold.

The project includes all currently approved operations, facilities and infrastructure of the Angus Place Colliery, except as otherwise indicated below:

- Extend the life of the mine to 31 December 2053;
- Increase in Project Application Area from 10,460ha to 10,551ha;
- Increase in full time equivalent (FTE) personnel from 300 to 450;
- Increase the extraction rate up to 4.5 million tonnes per annum of ROM coal from the Lithgow Seam underlying the Project Application Area;
- Continue the development of new roadways to enable access to the proposed 1000 panel longwall mining area;
- Extraction of existing approved longwall 910;
- Development and extraction of 15 longwalls (LW1001-1015) with void widths of 360m;
- Development of underground roadway connections between the Angus Place Colliery underground mine workings and the Springvale Mine underground mine workings;
- Transfer up to 4 Mtpa of run-of-mine (ROM) coal to the Angus Place pit top for processing and handling before being transported off site in accordance with the Western Coal Services Project development consent (SSD 5579);
- Transfer up to 4.5 Mtpa of ROM coal by underground conveyor to the Springvale Mine pit top via proposed new underground connection roadways for handling and processing in accordance with the Springvale Mine Extension Project development consent (SSD 5594);
- Enlargement of the ROM coal stockpile at the Angus Place Colliery pit top from 90,000t to 110,000t capacity;
- Construction of the approved but not yet constructed 4.5 m shaft at the Angus Place Ventilation Facility on the Newnes Plateau;
- Installation and operation of the ventilation fan at the Angus Place Ventilation Facility on the Newnes Plateau;
- Construction and operation of one additional downcast shaft and mine services boreholes within the proposed Angus Place Ventilation Facility on the Newnes Plateau to support mining in the 1000 panel area;

- Construction and operation of additional dewatering facilities and associated infrastructure on the Newnes Plateau to support mining in the 1000 panel area to facilitate the transfer of mine water into the Springvale Delta Water Transfer Scheme (SDWTS);
- Transfer of mine inflows from the existing and proposed workings at Angus Place Colliery to the Springvale Water Treatment Project (SSD 7972) for treatment and beneficial reuse at the Mount Piper Power Station;
- Operation of the Angus Place Colliery 930 Bore and associated infrastructure for raw mine water
- Transfer from the SDWTS to the underground mining area; and
- Connection to the Lithgow City Council main sewer line prior to the commencement of longwall extraction (subject to a separate development application through Lithgow City Council).

The EIS endeavours to identify and assess the key environmental impacts of the proposal and develop measures to mitigate impacts. Some of the potential impacts include:

Social and Economic Impacts – Springvale Coal Mine currently employs 450 full-time mine workers and is scheduled for closure in 2024. Once developed, the Angus Place Mine will continue with the employment of 450 mine workers.

Aquatic Ecology - Potential impacts to the aquatic environment from groundwater depressurisation or reduced localised flow has been identified, however, the amended mine design has committed to a number of management and mitigation measures which will ensure that the environmental impact to aquatic habitat value is minimised.

Air Quality - There will be a temporary impact to the immediate air quality during construction works. There are also few residential dwellings within close proximity to the works. Tests have been undertaken and it is considered that this environmental effect will have acceptable impacts.

Cultural Heritage - The original heritage assessment prepared by RPS (2014), identified three Aboriginal heritage sites at potential risk of impact through minor spalling of exposed rock faces.

As a result of the amendments, potential impacts have been reduced and only one site is now at risk of being impacted. Monitoring and reporting activities as well as a heritage Management Plan will be prepared and implemented to ensure protection of heritage items.

Traffic and Transport - As the construction impacts are not long term it is anticipated that impacts can be mitigated. The revised statement of commitments includes a number of management and mitigation measure relating to minimising the temporary impact of construction based traffic, including the preparation of a Construction Traffic Management Plan.

Biodiversity - Infrastructure will be designed to avoid and minimise impacts on bushland and threatened species by avoiding areas of high biodiversity value, confining construction to pre-disturbed areas and established access tracks where possible. Where impacts cannot be avoided, the actual offset liabilities will be offset in accordance with the BC Act.

Water Impacts - All mine inflows from existing workings will be transferred to the Springvale Water Treatment Project for desalination and beneficial reuse at the Mount Piper Power Station.

In general, with the exception of predicted water table declines, the amendment would meet the Level 1 Minimal Impact Considerations for highly productive, porous rock aquifers.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finishes on the 28 April 2020.

The Environmental Impact Statement (EIS) for the proposal is available on the Department of Planning, Infrastructure and Environment's Major Projects website and is available using the following link -

<https://www.planningportal.nsw.gov.au/major-projects/project/12641>

Councillors may wish to view the EIS to assist in understanding the proposal.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A
- Other: The Angus Place Colliery currently contributes to a community enhancement fund as per the following condition that is located on the Airly Mine Consent and the Springvale Mine Consent:

COMMUNITY ENHANCEMENT

From 31 March 2017, the Applicant has agreed to pay a community contribution to Lithgow City Council of \$0.03 per saleable tonne of coal produced from the Springvale, Angus Place and Airly mines capped at a maximum payment of \$200,000 in total (ie for all 3 mines collectively). The contribution is to be used for long-term community activities and projects to be agreed by both the Applicant and LCC.

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 Industry and Environment is the consent authority.

Attachments

Nil

Recommendation

THAT

1. The information in the report on the Angus Place Mine Extension Project (SSD-5602) be noted.
2. Council lodge a submission to the Department of Planning Infrastructure and Environment indicating that it has no objection to the proposed development.

9.2.3. ECDEV - 20/04/2020 - Proposed Acquisition by Transport for NSW

Report by Director of Economic Development & Environment

Summary

The purpose of this report is to inform Council of the proposed compulsory acquisition by Transport for NSW of part of land at Chifley Road, Clarence and seek Council's consent to agree to the compulsory acquisition as requested by Transport for NSW.

Commentary

Background

In 1984, Council purchased a 1/8th interest in Lot 100 of DP1088253, situated at Chifley Road, Clarence. Lot 100 comprises approximately 16.09 hectares.

In February 2020 Council received correspondence from Transport for NSW proposing to acquire a small part of Lot 100 for the purposes of the Scenic Hill Upgrade Project, which involves the following:

- road widening and realignment;
- improving the intersection at the Lithgow ex-Prisoner of War Memorial on Scenic Hill; and
- improved concrete drains along the road cuttings

The small part of Lot 100 proposed to be acquired by Transport for NSW is identified as Lot 8 in DP1226024 on the 'registered plan of land to be acquired for the purposes of the *Roads Act 1993*' (see attachment). Lot 8 comprises an area of 965 m².

The rest of Lot 100, identified as Lot 2 in DP1226024 on the 'registered plan of land to be acquired for the purposes of the *Roads Act 1993*', comprising 16.02 hectares, is not required for the Scenic Hill Upgrade Project and Council will retain its 1/8 interest in Lot 2.

As mentioned above Council holds only a 1/8th interest in Lot 8. The other 7/8th interests are held by eight individuals (six of them hold a 1/8th interest and two people hold a 1/8th interest as joint tenants).

Transport for NSW has had contact with two of the owners who reside in cottages on site, and it is understood they agree to the acquisition with all costs and property adjustments to be borne by Transport for NSW. Transport for NSW has not been able to locate the other six registered proprietors, and it is understood that some or all may be deceased.

Power of Transport for NSW to acquire land

RMS has authority under the *Roads Act 1993* to acquire land (s. 177). RMS was recently replaced by Transport for NSW. The *Transport Administration Act 1988* provides that a reference to RMS in any legislation is now to be construed as Transport for NSW (cl 218(6) of Sch 7).

Acquisitions may be made by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (s. 178(1) *Roads Act 1993*).

Transport for NSW has requested that the acquisition from Council be by way of agreement. Ordinarily the compulsory acquisition process requires a genuine attempt to acquire land by agreement for at least 6 months before giving a proposed acquisition notice. However, the parties may agree to a shorter or longer period (ss. 10A(2) and 10A(3) *Land Acquisition (Just Terms Compensation) Act 1991*).

Transport for NSW wishes to expedite the acquisition as the works are scheduled to commence in early 2021. Therefore, in relation to Council's 1/8 interest, Transport for NSW is requesting Council's written consent to:

1. dispense with the minimum six month negotiation period (s. 10A(3) of the *Land Acquisition (Just Terms Compensation) Act 1991*);
2. the compulsory acquisition of Council's 1/8th interest in Lot 8 (s. 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*);
3. compensation be determined by the Valuer-General of NSW.

Power of Council to deal with the land

Council may deal with land classified 'operational' at its discretion, but council has no power to sell, exchange or otherwise dispose of land classified 'community' (s. 45 *Local Government Act 1993* (**LGA**)). Therefore, if the land is classified 'community', Council has no power to agree to the acquisition, and Transport for NSW will need to compulsorily acquire the land without the agreement of Council.

Council's land register and generic plan of management indicate that Lot 100 in DP1088253 is classified 'community'. However, given that Council holds only a 1/8 interest in the land, the land is otherwise in private ownership and is used for residential purposes, it is likely that the reference to 'community' classification is an error. This is considered below.

The rules regarding classification

- The LGA requires all 'public land' to be classified either 'community' or 'operational'.
- The LGA defines 'public land' as any land (including a public reserve) vested in or under the control of the council, but does not include a public road, or land to which the Crown Land Management Act 2016 applies, or a common, or a regional park under the National Parks and Wildlife Act 1974' (Dictionary, LGA).

The facts

- Council purchased a 1/8 interest in the land on 27 February 1984
- The other 7/8 interests are in private ownership
- The land comprises residential cottages (as recognised by clause 7.11 of Lithgow LEP 2014) and bushland, and was (and still is) used for residential purposes
- The land is not used for a community purpose
- The land does not vest in Council nor is it controlled by Council

Council's 1/8th interest in the land does not meet the criteria of 'public land' and therefore is not required to be classified.

Was the land classified 'community'?

- There is no evidence on record of a Council resolution classifying the land
- There is no evidence that the land was classified through a Local Environmental Plan
- There is no evidence that the owners of the land gave consent to classify the land 'community' (as required by cl 6(4), Sch 7 LGA).

Conclusion

The reference to the land as 'community' in the land register and plan of management appears to be an inadvertent error as Council's 1/8 interest in Lot 100 was not classified and is not required to be classified because it is not 'public land'.

Council is therefore at liberty to agree to the compulsory acquisition by agreement, which will enable Transport for NSW to expedite the matter and progress the works in early 2021.

Use of the land

As Council does not use the land for any purpose the acquisition by Transport for NSW will be no impediment to Council. Council merely holds a 1/8 interest in the land.

As mentioned above, Transport for NSW has been in consultation with the two interest holders who reside on site and it is understood they are content with the acquisition. As to the remaining interest holders there are mechanisms in the *Land Acquisition (Just Terms Compensation) Act 1991* for compensation to be retained in a trust account for six years to allow for claims by legitimate owners.

Policy Implications

9.16 Compliance policy

Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date - Nil
- Future potential impact - compensation to be determined by the Valuer-General of NSW.

Legal and Risk Management Implications

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1998

Attachments

1. Letter and encl from Transport for NSW acquisition (26.02.20) [9.2.3.1 - 14 pages]

Recommendation

THAT

1. Council authorise the administration to provide written consent to Transport for NSW to the following:
 - a. The compulsory acquisition of Council's 1/8 interest in Lot 8 in DP1226024 as per Section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*;
 - b. Dispense with the minimum six month negotiation period in accordance with Section 10A(3) of the *Land Acquisition (Just Terms Compensation) Act 1991*;
 - c. The compensation be determined by the Valuer-General of NSW.
2. Council authorise the General Manager to sign all documents and attend to all matters necessary to facilitate the transfer to Transport for NSW of Council's 1/8 interest in Lot 8 in DP1226024.
3. The administration amend the land register and plan of management as necessary to remove the reference to the land as 'community'.

9.3. Water and Wastewater Reports

9.3.1. WWW - 20/04/2020 - Clarence Water Transfer System

Report by Director of Water & Wastewater

Reference

Min No 19-313 Ordinary Meeting of Council 26 October 2019

Summary

As per Item 2, Minute No 19-313 from the October 2019 Ordinary Meeting of Council, this report provides the total cost of the Clarence Transfer System (including grants) and ongoing maintenance and operational costs.

Commentary

The report provides the total cost of the Clarence Transfer System (including grants) and ongoing maintenance and operational costs since 2001. Anything prior to 2001 will require retrieval of records from archives. It is also unclear as to how the Transfer System began its operations and whilst some research has been undertaken it is not clearly evident when the dam on the Wollangambe River was constructed and whether the transfer system pre-dates the approval of the Clarence Colliery in 1976 by the Blaxland Shire Council. There are a number of dams on the Newnes Plateau that were constructed to supplement water supplies in Lithgow, such as the Middle Rivers Dam, Bungleboori Dam, Farmers Creek No 1 and No 2 Dams which were all constructed between 1891 and 1940 and it is thought that the dam on the Wollangambe River may have also been constructed for this propose.

Water Licencing Cost

Council holds 2 Water Access Licences (WAL), with WAL 26195 associated with the water pumped from the Clarence Colliery Main Dam to the Farmers Creek Dam with an entitlement of 1293 Megalitres (ML) per annum. Charges associated with the entitlement are determined by IPART on per Megalitre rate (\$/unit) for the Hawkesbury and Lower Nepean Rivers Water Source and comprise an access charge, which is calculated by multiplying the entitlement quantity (1293) by the unit charge (\$1.69) and a usage charge, which is calculated by multiplying the usage quantity by the unit charge (\$1.44). Note, prices currently being reviewed by IPART and are subject to change.

Based on the above the cost of the water is;

Qty	\$/unit	Amount
1293 ML	1.69	\$2185.17
1293 ML	1.44	\$1861.92
		\$4047.09

Note. The above value is based on Council utilising the full licences amount of 1293ML.

It is also important to understand that similar Licencing arrangements exist for water extracted from Farmers Creek Dam. Council has a WAL with an entitlement of 1500 ML/a.

Qty	\$/unit	Amount
1500 ML	1.69	\$2535.00
1500 ML	1.44	\$2160.00
		\$4695.00

The issue with the current licencing arrangement is that when we transfer from Clarence to Farmers Creek Dam and then extract the same amount of water from Farmers Creek Dam to the Water

Treatment Plant, we incur the cost twice. The actual cost of the water from Clarence to OPWTP is \$2.88 per ML.

Annual Access Charges total \$4720.17 for the 2 WAL's.

There is also an administration fee of \$200.40 on the charges

Operating and Maintenance Costs

With regard to electrical costs, under the current Memorandum of Understanding (MOU) which was entered into during the most recent upgrade of the transfer system, Council “is to reimburse the Mine Operator for the cost incurred by it in respect of all electricity consumed in the operation of Council’s Water Infrastructure”. To date, the Mine Operator has not on-charged those costs. It should also be noted that the Colliery regularly undertakes mechanical and electrical maintenance task on behalf of Council and again have not forwarded their costs to Council. This arrangement began and continues since the upgrade of the transfer system circa 2013/14.

The below provides the operational and maintenance expenditure since 2000/01 Financial Year which includes wages (including on-costs), materials, electricity (prior to 2014), insurances and contractors.

2001	\$12,279.48
2002	\$19,560.30
2003	\$44,474.33
2004	\$41,511.65
2005	\$72,959.80
2006	\$79,936.18
2007	\$11,962.35
2008	\$26,724.51
2009	\$133,478.27
2010	\$117,871.34
2011	\$133,478.27
2012	\$22,478.27
2013	\$164,023.19
2014	\$56,965.39
2015	\$65,174.02
2016	\$30,918.62
2017	\$59,295.90
2018	\$83,594.86
2019	\$25,260.89

Capital Upgrade/Renewal Costs

Since 2001 there has only been one investment in capital upgrades on the Transfer System. This upgrade was funded 100% by the Commonwealth of Australia, under the Sustainable Rural Water Use and Infrastructure Program. Council was successful in obtaining funding of \$4 million for the upgrade in 2009. In 2013, sections of the pipeline were destroyed by fire prior to the upgrade being commissioned. Under the same funding program, further funds were made available to Council to reconstruct the burnt out sections bringing the total of the funding to \$4.5million.

More recently in the fires of 2019, sections of the pipeline that are constructed on the Clarence Colliery Pit Top area where affected and repairs where undertaken by Centennial Coal. Centennial Coal have not forwarded on their costs for the repairs.

Policy Implications

Nil

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - the report provides details of expenditure to date from 2001.
- Future potential impact – is dependent on the amount of water extracted.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council note the report on the total cost of the Clarence Transfer System (including grant allocations) and ongoing maintenance and operational costs.

9.4. Finance and Assets Reports

9.4.1. FIN - 20/04/2020 - Investment Report March 2020

REPORT BY {REPORT-BY}

Reference

Min No 20-58: Ordinary meeting of Council held on 24 February 2020.

Summary

To advise Council of investments held as at 31 March 2020 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy.

Commentary

Council's total investment portfolio as at 31 March 2020, when compared to 28 February 2020, has increased by \$940,000 from \$28,200,000 to \$29,140,000. Cash in Council's bank account decreased by \$696,662 from \$795,336 to \$98,674.

There is an overall increase in cash and investments of \$243,338 since 28 February 2020, which is mainly due to the ordinary operations of Council, including third rates instalment receipts received in the first week of March.

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

The movement in Investments for the month of March 2020 were as follows:

Opening Balance of cash and investments as 01 March 2020	\$28,995,336
Plus New Investments – March 2020	\$5,743,338
Less Investments redeemed – March 2020	-\$5,500,000
Closing Balance of cash and investments as at 31 March 2020	\$29,238,674

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

Policy Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 24 February 2020, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011.

Financial Implications

- YTD interest income budget approved – \$352,500
- Cost centre - 3259
- YTD Income to date - \$456,730
- Future potential impact – Nil

The Council's interest income for YTD is \$104K is over budget due to a combination of reserve balances being greater than forecast and timing on the impact of falling interest rates on investment returns. The 2019/20 interest income budget will be reviewed at the end of Quarter Three.

Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return.

Legal and Risk Management Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 24 February 2020, Council adopted a revised Investment Policy and not all investments comply with this Policy. There will be an orderly transition to the new policy limits. As monies invested in instruments and category limits compliant with the previous policy but inconsistent with the current policy mature, the funds will be re-invested in accordance with the new policy limits.

Risk is managed by taking a conservative approach to managing Council's investments and only investing in term deposits.

CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

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

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

Attachments

1. Attachment 1 [9.4.1.1 - 1 page]

Recommendation

THAT

1. Investments of \$29,140,000 and cash of \$98,674 for the period ending 31 March 2020 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

9.5. People and Services Reports

9.5.1. PS - 20/04/2020 - Financial Assistance COVID-19 Response

Report by Director of People & Services

Summary

Council staff recently reached out to three of the largest local community organisations that work with vulnerable people in Lithgow to see if they require financial assistance to continue providing services during the COVID-19 shutdown. This report advises Council of assistance provided to date and recommends provision of further financial assistance as detailed below.

Commentary

Contact has been made with Lithgow Community Projects, Lithgow Information and Neighbourhood Centre (LINC) and Uniting Care Lithgow. The response from Uniting Care Lithgow has been that no assistance is required as they have shutdown all of their services.

Lithgow Community Projects

A request for a \$4,899.92 financial assistance allocation was received from Lithgow Community Projects (LCP) to help with additional cleaning costs in their Women and Children's Crisis Centre which provides emergency accommodation for women and children who have experienced domestic or family violence or who are homeless due to other life crises. This facility consists primarily of shared kitchens, bathrooms, laundry, living areas etc and while current best practice is that they be cleaned at least twice a day, LCP's budget only allows for a professional cleaning service to be engaged once a fortnight. Council has provided \$4,899.92 financial assistance to enable these spaces to be cleaned daily for a period of 8 weeks.

The request was circulated to Councillors and approved by the Mayor within his capacity under the Local Government Act to exercise, in cases of necessity, the policy making functions of the governing body between Council meetings.

Lithgow Information & Neighbourhood Centre (LINC)

LINC has requested financial assistance of \$2,000 to enable it to employ an additional staff member for 8 weeks for its 2nd Bite program which is a partnership between LINC, Food Bank and Coles, under which fresh produce and bread are distributed 3 days a week to vulnerable members of the community free of charge.

Normally this role would be undertaken by a volunteer but in the current public health circumstances, LINC has reduced use of its mostly elderly and health vulnerable volunteers.

LINC has also asked for \$1,000 financial assistance for the purchase of board games and other resources for the adults with a disability who live in its group homes and who would normally participate in day excursions that have been suspended during the Covid 19 shutdown.

Policy Implications

Financial Assistance is provided under S356 of the Local Government Act 1993

Financial Implications

Council has allocated \$48,000 in the current year for Financial Assistance. \$4,000 of this allocation was for Tony Luchetti Showground/ Civic Ballroom fee waivers which remains unspent and will not be required due to the COVID-19 shutdown of Council facilities. A further \$3,000 was allocated to Wallerawang Lidsdale Progress Association for the 2019 New Year's Eve Fireworks and Community Fun Day which did not proceed due to the December bushfires. \$11,500 was allocated to the Lithgow

Show Society for the 2020 Lithgow Show that did not proceed due to its cancellation due to COVID-19.

- Budget approved - \$48,000
- Cost centre – PJ 800158
- Expended/allocated to date - \$40,794 including \$11,500 for 2020 Lithgow Show that has been allocated but not paid.
- Future potential impact – LCP - \$4,899.92; LINC \$3,000; **Total \$7,899.92** for 2019/20 only.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council

1. Provide \$3,000 Financial Assistance to Lithgow Information & Neighbourhood Centre to enable it to provide services to vulnerable members of the community.
2. Note that Council has provided \$4,899.92 financial assistance to Lithgow Community Projects for additional cleaning of the Women and Children's Crisis Centre and that this request was circulated to Councillors and approved by the Mayor within his capacity under the Local Government Act to exercise, in cases of necessity, the policy making functions of the governing body between Council meetings.

9.5.2. PS - 20/04/2020 - Farmers Creek Share Path Along Burton street

Report by Director of People & Services

Reference

Min 17 – 267: Ordinary Meeting of Council 25 September 2017

Min 20-71: Ordinary Meeting of Council 9 March 2020

Summary

At the Ordinary Meeting of Council held on 9 March 2020, Council resolved (Min 20-71)

THAT:

Council note the report on the Farmers Creek shared pathway along Burton Street and that a resident site meeting be held as soon as possible.

The resident site meeting was held on Wednesday 18 March 2020 with what appeared to be the majority of Burton Street residents present. A number of Councillors and Council staff were also present.

This report discusses the concerns raised by residents at the site meeting and recommends that Council proceeds with the rollout of the shared pedestrian/cycle pathway along Burton Street.

Commentary

As reported to the Ordinary Meeting of Council held on 9 March 2020, the Farmers Creek Masterplan, adopted by Council on 25 September 2017 (Min 17 – 267) provides Council and the community with a strategic framework for the development of the Farmers Creek Precinct. It includes strategies for vegetation and weed management, for linking public open space by way of a shared pedestrian/cycle pathway to recreational destinations and for encouraging greater community use and subsequent improved community health outcomes.

Works being undertaken in the current year, funded 50% each by Council and a NSW Clubgrants Infrastructure Grant, extend the shared path from Coalbrook Street to Saywell Park and possibly Lake Pillans and include:

- Construction of approximately 760 metres of 2.5-metre-wide concrete shared path between the Coalbrook Street bridge over Farmers Creek and Sandford Avenue, between Tank Street and Guy and Burton Streets and from the proposed Burton Street bridge along Burton Street to Inch Street.
- Reconstruction of the Tank Street/ Macaulay Street intersection to improve safety.
- Utilising the existing asphalt pathway between Sandford Avenue and Montague Street off leash area.
- The construction of two new pedestrian/cycle bridges over State Mine Creek at Guy Street and Farmers Creek near Burton Street.

Burton Street Proposal

The current works involve construction of a shared footpath to 2.5 metre wide standard along the eastern side of Burton Street to the Inch Street intersection where the narrow existing footpath will be used for pedestrians with cyclists using a marked on road lane on Inch Street between Burton Street and Saywell Park.

Burton Street is an essential part of the shared pathway, linking the pathway from Macauley and Guy Streets to Inch Street and to Lake Pillans, Blast Furnace and beyond.

Burton Street Resident Concerns

The concerns expressed by Burton Street residents about the proposed shared pathway on the eastern side of Burton Street relate to potential safety concerns for cyclists and pedestrians from

cars reversing from driveways/garages and loss of amenity from bringing cycle and pedestrian traffic into what is currently a quiet cul-de-sac.

At the 18 March 2020 site meeting, residents asked that Council consider alternative routes for the shared pathway as discussed below.

Along Northern Side of Farmers Creek between Burton Street and Atkinson Street.

Wherever possible, the shared path works have followed the Farmers Creek corridor and the Farmers Creek Masterplan identified this possible alignment in a future stage of works. Council staff undertook an assessment of its viability and found that the available land between property boundaries was insufficient to make construction affordable. Issues include the narrowness of the Farmers Creek corridor in this location and the resultant high cost of constructing a pathway following the creek alignments, requiring significant creek bank stabilisation and fencing.

Furthermore, a pathway in this location would be very close proximity to the rear property boundaries of residents in Inch Street, Laidley Street and Burton Street and would likely attract more resident opposition than the current proposal.

Alternative Alignment Away from Farmers Creek.

Some residents at the site meeting suggested alternative routes for the pathway from the Tank Street/Macauley Street intersection where they would eventually join with the recently constructed shared pathway to the Blast Furnace ruins.

1. Along Tank Street past Lithgow Workies to the Inch Street/Railway Parade intersection and along Inch Street to Blast Furnace Or;
2. Along Gay, Donald and Bennet Streets and past Eskbank House to Inch Street.

Alternative 1 would take the shared path through the busy area around Lithgow Workies and then would need to be on-road for the entire length of Inch Street from Tank Street to Blast Furnace as the footpath corridor is too narrow for a shared path.

Alternative 2 would require the pathway to pass a number of residential properties on Tank and Gay Streets and again would likely attract resident opposition.

Proposals to divert so far from the Farmers Creek corridor would be significantly different to the approved purpose of the NSW Club Grants Infrastructure Program grant funding agreement under which the works are being undertaken.

Conclusion

Council adopted the Farmers Creek Masterplan in September 2017 in order to create a unifying green corridor through the Lithgow Urban area as a place for leisure and recreation, to link together various attractions, to restore native vegetation and enhance the city's biodiversity while softening the urban landscape, to offer educational opportunities and nature encounters, and to enhance the water quality of Farmers Creek.

Implementation works aim to progressively reinstate many of the environmental values that have been lost for decades and to promote community pride and enjoyment. Increasingly many communities throughout Australia have come to develop a re-appreciation of their "degraded" waterways.

Council doesn't have a blank canvas to work with in rolling out the shared pathway and must therefore make a number of compromises due to factors such as cost, boundary encroachments and the width of creek and road corridors.

The eastern side of Burton Street currently has no formed footpath and is wide enough to accommodate a 2.5 metre wide footpath, therefore it has been determined to be the most practical route for the pathway to proceed.

The benefits of the shared pathway are for the whole community. While the residents of Burton Street have expressed opposition to this proposal, it is considered that the impacts on those residents will be minor and in fact there are likely to be net benefits as they can also use the shared path to access places of interest along Farmers Creek and beyond. The section of creek between Guy and Burton Streets also lends itself to further greening as a pleasant resting area with park benches. Further weed removal between Burton Street and Atkinson Street is also proposed in the coming year which will have considerable benefits for creek health and public amenity.

Council has received \$270,000 grant funding from the NSW Club Grants Infrastructure Program in the current year, matched \$ for \$ by Council, for the extension of the shared path along Farmers Creek from Coalbrook Street to Saywell Park, including along Burton Street. The status of these works is as follows:

- Quotations for the construction of two bridges have been received with the contract ready to be awarded.
- Redesign of the Tank Street/Macaulay Street intersection is about to commence.
- Quotations will be sought in May/June for construction of the shared pathway.

It is anticipated that all works will be completed by late 2020.

If Council wishes to consider an alternative to the shared pathway along Burton Street, a marked on-road cycle lane within the Burton Street road reserve could be constructed instead. Burton Street is a no through road, with low traffic volumes and is wide enough to accommodate an on-road cycle lane. Kerb side parking would still be permissible as the marked cycleway would be located between the kerb side parked cars and centre of the Burton Street.

Policy Implications

Nil

Financial Implications

- Budget approved - \$540,000
- Cost centre - PJ 400152
- Expended to date - \$64,957
- Future potential impact - \$475,043 to be expended.

Legal and Risk Management Implications

Nil

Attachments

1. Farmer's Creek Footpath Concept - Burton Street [9.5.2.1 - 1 page]
2. Farmers Creek Overview Map [9.5.2.2 - 1 page]
3. Burton Street Residents letter [9.5.2.3 - 1 page]
4. Concerns - Farmers Creek Shared Pathway Works [9.5.2.4 - 2 pages]

Recommendation

THAT Council proceed with the construction of a 2.5 metre wide shared pedestrian cycle path on the eastern side of Burton Street Lithgow in accordance with adopted plans.

10. Council Committee Reports

10.1. PS - 20/04/2020 - Youth Council Minutes 18 February 2020

Report by	Director of People & Services
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Summary

The Minutes of Lithgow Youth Council held 18 February 2020 are presented for Council consideration.

Commentary

At the Lithgow Youth Council meeting held 18 February 2020 various matters were discussed including:

- A welcome to new Youth Council members, Alisha Cook, Soul Pemberton, Libby Balzke, Jack Sheather and Nina Sheather.
- Planning for Youth Council activities.
- Planning for the Youth Week event to be held on April 4.

Policy Implications

Nil

Financial Implications

- Budget allocated - \$3,774, 50% funded by Youth Week grant of \$1,887.
- Cost centre - PJ 600071
- Expended to date - Nil
- Future potential impact - \$3,000 to be expended.

Legal and Risk Management Implications

Nil

Attachments

1. Minutes 18.02.2020 [**10.1.1** - 5 pages]

Recommendation

THAT Council adopt the minutes of the Youth Council meeting held 18 February 2020.

10.2. IS - 20/04/2020 - TALC Committee Meeting Minutes - 5 March 2020

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the TALC Committee Meeting held on 5th March 2020.

Commentary

At the TALC Committee held on the 5th March 2020, there were numerous items discussed by the committee including:

- Item 5.1 - Hassan's Walls Road Plan of Management

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

- Item 5.2 - Disabled Parking Space – Blanchard Lane (Queen Elizabeth Park)
RECOMMENDATION
THAT Council repaint the disabled parking signage on the road surface with details linage of the space and move the signage to a more appropriate height using a common sense approach.
- Item 5.3 - Resident Concern – Hungry Jacks Development – Concrete Median Barrier – Caroline Avenue
RECOMMENDATION
THAT due to sight constraints and minimal effective holding capacity, the request for removal of the concrete median outside 20 Caroline Avenue is declined.

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. DRAFT Minutes - TALC Committee Meeting - 5 th March 2020 [**10.2.1** - 6 pages]

Recommendation

THAT

1. Council adopt the minutes of the TALC Committee Meeting held on 5 March 2020; and
2. Council repaint the disabled parking signage on the road surface with detailed linage of the space and move the signage to a more appropriate height using a common sense approach.
3. Due to sight constraints and minimal effective holding capacity, the request for removal of the concrete median outside 20 Caroline Avenue be declined.

10.3. FIN - 20/04/2020 - Finance Committee Meeting Minutes 9 March 2020

Report by Chief Financial & Information Officer

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 9 March 2020.

Commentary

At the meeting of the Finance Committee held on 9 March 2020, the following items were discussed:

- 2019/20 Capital Works Program - capital projects will be reviewed at the end of Quarter Three to determine if any projects need to be transferred to a future year.
- Establishment of a Mayoral Relief Fund - the Committee discussed the Australian Tax Office requirements and the function of a Mayoral Relief fund. The Committee endorsed the recommendations of the report to the 23 March 2020 Ordinary meeting.
- Lidsdale Business Rates Modelling - a report will be presented to a future Council meeting with modelling of the impacts of moving both the Lidsdale business and residential sub-categories to the rural business and residential sub-categories.
- Audit Action Lists – the Committee noted progress towards completing the internal audit and external audit actions.
- February 2020 monthly performance report to the Office of Local Government.

The Committee also discussed and reviewed in brief the Auditor General's Report to Parliament issued 9 March 2020.

The following business paper recommendation was also endorsed by the Committee

Council Investments Report February 2020

THAT

1. Investments of \$28,200,000 and cash of \$795,336 for the period ending 29 February 2020 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 Committee Meeting 9 March 2020 [10.3.1 - 5 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 9 March 2020 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Report for February 2020.

11. 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.

12. Closed Council

12.1. GM - 20/04/2020 - Commercial Rent Relief - Response to Covid-19 Situation.

Report by General Manager

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: -

(b) the personal hardship of any resident or ratepayer

Summary

To recommend to Council a strategy for various Commercial Tenants of Council properties to assist in maintaining small business during the Corona Virus public health crisis.

12.2. GM - Confidential - 20/04/2020 - Costs - New Era Defendo

Report by General Manager

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: -

(e) information that would, if disclosed, prejudice the maintenance of law

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

Summary

This report provides details of Council's costs in the litigation between Council and NewEra Defendo and an update on progress with the independent adviser on costs.

12.3. WWW - 20/04/2020 - Tender for the Upgrade of the Tweed Mills Sewage Pump Station

Report by Director of Water & Wastewater

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

(d) commercial information of a confidential nature that would, if disclosed

(i) prejudice the commercial position of the person who supplied it, or

- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,

Summary

This report summarises the tender process undertaken by Council, to select a contractor to refurbish the Tweed Mills Sewage Pumping Station (SPS) and allocation of funds for the completion of works.

12.4. WWW - 20/4/2020 - Clarence Colliery Pipeline Project - Pre-Feasibility Report

Report by Director of Water & Wastewater

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: -

- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,

Summary

Staff have been in discussion with Centennial Coal, which included a Water Ideation session to consider options for future management options in relation to water from the Clarence Colliery. The attached report analyses and compares 3 potential options for the transfer of ground water from Clarence Colliery to a suitable point of treatment, discharge and possible use a source of potable water.

Recommendation

That Items 12.1, 12.2, 12.3 and 12.4 on the agenda be discussed in closed Confidential Council in accordance with Section 10A(2) of the Local Government Act 1993.