



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 May 2020

at 6:00 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. Mayoral Minutes

8. Staff Reports

8.1. General Manager's Reports

8.1.1. GM - 25/05/2020 - Mayor's Exercise of Policy-Making Functions April 2020

Report by General Manager

Summary

The purpose of this report is to inform Council of the exercise of the Mayor's policy making functions under S226 of the Local Government Act 1993 (the Act) in April 2020.

Commentary

S226 of the Local Government Act 1993 (the Act) includes the following item in the role of the Mayor:
(d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council

During the COVID-19 emergency, there has been occasion for the Administration to recommend that the Mayor exercise the policy-making functions of the Council between meetings of the Council.

In April 2020, a request was received from Club Lithgow to review the calculation in relation to their Sewer Usage Rate. The current calculation uses the water usage multiplied by a discharge factor (generally 0.95) to calculate the sewer discharge. The club advised that since the closure of the club due to COVID-19 restrictions, there has been no activity at the club that would require discharge to sewer.

Under the Mayor's authority, approval was sought to reduce the sewer discharge to nil until such time as clubs are permitted to reopen and that this apply to other similar facilities. The Mayor approved the recommendation using his authority under S226 of the Act.

Policy Implications

Nil.

Financial Implications

- Budget approved - sewer usage charges.
- Cost centre - sewer fund.
- Expended to date - N/A
- Future potential impact - minor reduction in income from sewer usage charges.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council note the use of the Mayor's authority under S226 of the Local Government Act in April 2020 to reduce the sewer usage charge to nil for Club Lithgow until such time as clubs are permitted to reopen.

8.2. Economic Development and Environment Reports

8.2.1. ECDEV - 25/05/2020 - DA182/19 Proposed 19 Lot Subdivision-Draft Planning Agreement, Pipers Flat Road, Pipers Fat

Report by Director of Economic Development & Environment

Summary

To assess and recommend determination of Development Application DA196/18 and to seek endorsement of the Draft Voluntary Planning Agreement for a proposed subdivision of 1 lot into 19 lots on land known as Lot 20 DP 1176825, 1043 Pipers Flat Road, Pipers Flat.

Commentary

Council is receipt of a development application for the subdivision of 1 into 19 lots on land known as Lot 20 DP 1176825, 1043 Pipers Flat Road, Pipers Flat.

The property contains an area of 56.04ha with all proposed lots to be equal or greater than 2 hectares. There are currently no dwellings on the property with it being used for agricultural purposes. A small farm shed exists on the property and is proposed to be demolished as part of the application.

The development is proposed to be undertaken in 2 stages, that being:

- Stage 1 – creation of Lots 1 to 5. Access to these lots are proposed to be accessed from John Mackey Drive,
- Stage 2 – creation of Lots 6 to 19 and construction of the new road. All access driveways to these lots will be from the new road.

Proposed Lot 6 is to contain area of 13.96 hectares. This Lot is also to contain Pipers Flat Creek through the middle of the allotment. The design of the subdivision has been created to minimise impacts to the Creek.

The property site on the southern side of a ridgeline with water draining to Pipers Flat Creek that runs in a northerly direction through the site. The property contains farm dams (that are proposed to be filled in), minimal vegetation and connects to Pipers Flat Road, Range Road and John Mackey Drive.

The applicant proposed an offer for a Voluntary Planning Agreement for the following:

- \$3,300 per allotment to go towards community facilities and public open space.

A Draft Planning Agreement has now been prepared for endorsement so the required public notification process may proceed.

The proposal was sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days. During the notification period 2 submissions were received with the following concerns raised:

1. Consideration should be given to the speed limit from the intersection of Range Road to the Portland Golf Course along Pipers Flat Road. It is recommended that the speed limit is reduced from 100km's/h to 70km's/h for safety reasons.
2. The plan of subdivision does not show the Crown Road that adjoins the property to the south. The Crown land is gazetted as a future road access and contains numerous trees that forms

a buffer between the properties. The Crown land also serves as a wildlife corridor with the trees being a roosting facility for birds.

Concerns are raised to the clearing of the Crown Land and requests that the property be fenced along the boundary.

Applicants Response:

1. Speed limits are governed by Transport for NSW. It is suggested that the commenter contact Transport for NSW with their concerns. The development does not show any frontage to Pipers Flat Road and as such is not affected by the speed limit on this road.
2. The Crown Road which adjoins the subject land is not part of the development application. Any concerns regarding the management of Crown Lands should be directed to Crown Lands NSW.

Council Officer's Response:

1. The application was referred to Transport for NSW who advised that the two intersections of Pipers Flat Road, Range Road and John Mackey Drive is at a satisfactory level for the proposed development.

The development proposes no direct accesses from Pipers Flat Road. The development is also within proximity to the Portland Village where the speed limit changes to 50km/hr. As majority of the lots (14 lots) receive access via a new proposed road off Range Road-approximately 200m from Pipers Flat Road, the development is unlikely to affect the speed limit on Pipers Flat Road.

2. The plans were amended through the assessment process to show the location of the Crown Land. The development would not impact the Crown Land or any clearing within the corridor. The development was referred to the Crown Lands Department as an adjoining landowner who reinitiated this response.

Policy Implications

Policy 1.2 Acquisition and Disposal of Assets

This Policy needs to be considered when Council is considering the acquisition and/or development of assets. This Development Application proposes to construct stormwater infrastructure and a new road. The drainage reserves and the new road network will be dedicated to Council as an asset as part of the Subdivision Certificate release process.

The developer will be required to construct the assets to Council's specifications prior to a maintenance period and subsequent dedication if the development is approved.

Policy 7.1 Filling and Levelling of Land

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

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

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

The development requires earthworks for the proposed road and drainage. The development therefore complies with Council's Policy.

Policy 7.2 Subdivision – Release Of Subdivision Plans

The proposed development, being for a subdivision, will require compliance with this policy as part of the Subdivision Certificate release.

Policy 7.5 Notification Of Development Applications (Now repealed but in place at the time of notification)

Council Policy 7.5 was applicable to all land within the Lithgow Local Government Area (LGA). The development is not classified as being exempt under Council's Notification Policy. Therefore, the following clause applies:

3.2 NOTIFICATION PERIOD

The minimum notification period is in accordance with this Policy is 14 days.

The notification period commences on the date shown on the notification letter.

Submissions will be received at any time within the notification period up to and including the last day as detailed in the notice given.

The proposal was notified to surrounding landowners and placed on display for a period of 14 days.

Policy 7.7 Calling In Of Development Applications By Councillors

This Application has not been called in; however, as the Planning Agreement is to be reported to Council and as the proposal includes the dedication of infrastructure (new road and stormwater), the full application is reported to Council for determination.

Policy 7.10 Voluntary Planning Agreements

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in accordance with Section 7.4 of the *Environmental Planning & Assessment Act 1979* in relation to this proposal. The plan has been created as per the Policy and will be advertised appropriately for compliance.

The developer has agreed to make a contribution of \$3,300.00 per lot (total of \$62,700.00; Stage 1= \$16,500.00 and Stage 2= \$46,200.00) for public facilities and essential infrastructure around the area.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - The endorsement of a Voluntary Planning Agreement will assist Council to provide facilities which will be of benefit towards a public purpose

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*.

The legislative basis for the Planning Agreement is incorporated in the *Environmental Planning and Assessment Act 1979* (EP&A Act) (Section 7.4 – 7.10) and the *Environmental Planning and Assessment Regulations 2000* (Clauses 25B – 25H). Section 7.5 of the EP&A Act provides that public notice must be given of a proposed Planning Agreement for at least 28 days before it can be entered into.

Attachments

1. ECDEV 25 May 2020, Attach 1 D A 182-19 Proposed 1 Lot Subdivision- Pipers Flat Road- Development Ass [8.2.1.1 - 50 pages]
2. ECDEV 25 May 2020, Attach 2, D A 182-19, Proposed 19 Lot Subdivision, Pipers Flat Road, Pipers Flat, [8.2.1.2 - 10 pages]

Recommendation

THAT

1. Development Application DA196/18 be APPROVED subject to conditions on the consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
3. Council endorse the Draft Voluntary Planning Agreement proposed for DA182/19 being for \$3,300 per residential lot to go toward community facilities and infrastructure.
4. The Draft Voluntary Planning Agreement for DA182/19 be placed on public exhibition for a period of 28 days.

8.2.2. ECDEV - 25/05/2020 Proposed Modification to Wallerawang Quarry Modification 3, Great Western Highway Wallerawang-Consolidated Conditions of Consent

Report by Director of Economic Development & Environment

Reference

- Min No 14-389: Ordinary Meeting of Council held on 29 September 2014 – Progress and Update Report of the Wallerawang Quarry (DA 344-11-2001).
- Min No 17-184: Ordinary Meeting of Council held on 26 June 2017 - Wallerawang Quarry Modification, DA344-11-2001-Modification 1 – Stockpiles and Washing Plant.
- Min No 18 – 335: Ordinary Meeting of Council held on 26 November 2018 – Walker Quarry Modification 2 (DA344-11-2001), 963 Great Western Highway Wallerawang.
- Min No 19-17: Ordinary Meeting of Council held on 25 February 2019 - Walker Quarry Modification 2 (DA344-11-2001), Notice of Determination, 963 Great Western Highway Wallerawang.
- Min No 19-220: Ordinary Meeting of Council held on 26 August 2019 – Proposed Modification to Wallerawang Quarry Modification 3, Great Western Highway, Wallerawang.

Summary

To advise Council of the modification of consent issued by the Department of Planning, Industry, and Environment (the Department) for the Wallerawang/Walker Quarry Pty Ltd Modification 3 (DA 344-11-2001), Lot 6 DP872230, 963 Great Western Highway Wallerawang.

Commentary

Council has received the notice of modification by the Department of Planning, Industry and Environment granting consent for the Wallerawang Quarry to undertake:

- An extension of the approved extraction area to increase the quartzite that can be recovered and incorporate additional resources such as hornfels, sandstone and cobble conglomerate from which a wider variety of products can be produced. The extension involves both an increase in surface area and depth.
- An increase in the areas of stockpiling on the Quarry Site to allow for the management of overburden materials generated by the increased extraction area and additional Quarry products.
- Alterations to water management, diversion, capture and storage on the Quarry Site to ensure clean water is diverted away from the disturbance footprint, accommodate the extended stockpile areas and improve water security.
- Extension to the current limit on Quarry operations from July 2020 to July 2050 (further 30 years).

The overall disturbance footprint of the Quarry would increase, however, there would be no change to annual production, transportation operations or hours of operation is proposed

As previously advised at Council's Ordinary Meeting held 26 August 2019, Council Officers made a submission on behalf of Council regarding the development; including a request that more consideration be undertaken relating to the visual impacts from the Great Western Highway to the Quarry site, specifically in relation to the timeline as to when the vegetation would be planted, the type of vegetation, the specific location of the vegetation and the growth of the vegetation. Council also requested more details relating to the bund wall to be provided to reduce visual impacts. It was noted that the development does not currently make developer contributions, particularly given the proposal seeks to extend the life of the quarry to 2050. Council's submission requested that the applicant make contributions by way of a Voluntary Planning Agreement or by some other means similar to Airly, Angus Place and Springvale Collieries.

In relation to Council's concerns to visual impacts, the applicant provided the following response:

“Revegetation and landscape planting has been initiated at the site following the commencement of mining at the Quarry in late 2014. An amenity bund wall to the north of the western stockpile area was constructed and has been vegetated with native grass, shrubs and tree species. Exposed batters and bunds have also been progressively topsoiled and seeded.”

“The visibility of quarry operations will be progressively reduced as the extraction area is developed, the pit floor is lowered and the vegetation becomes established on the site.”

Council Officer’s requested that the Department consider including the following conditions of consent:

1. The applicant is to submit to an annual Rehabilitation Plan detailing how the site has been progressively rehabilitated in that year, the type of vegetation, the specific location of the vegetation and the growth of the vegetation.
2. The controls, safeguards and management measures detailed in Section 4.8.3 of the Statement of Environmental Effects is to be applied to screen the development and improve visual amenity.
3. A Rehabilitation Bond is to be lodged for the rehabilitation works.

The Department incorporated points 1 and 2 above into the consolidated conditions but did not include No 3.

The proponent declined the suggestion to enter into a Voluntary Planning Agreement but will be required to make a standard contribution under Council’s section 94A contributions plan. This will equate to \$11,000 and is to be paid within six months of the date of approval of the modification.

Policy Implications

Section 7.11 of the Environmental Planning and Assessment Act; *Contribution towards provision or improvement of amenities or services* and Council’s Section 94A Development Contribution Plan 2015 applies to this development.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - a contribution under councils' section 94A contributions plan is to be paid.

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

1. ECDEV 25 May 2020- Wallerawang Quarry Modification 3- Consolidated Conditions of Consent [8.2.2.1 - 27 pages]

Recommendation

THAT the information in the report on the Wallerawang/Walker Quarry Pty Ltd Modification 3 (DA 344-11-2001), notice of determination be NOTED.

8.2.3. ECDEV - 25/05/2020 - Lidsdale Siding Coal Rail Loader Modification 3 - Removal of the Trigger Action Response Plan (TARP), Development Consent 08_0223

Report by Director of Economic Development & Environment

Reference

Min No 19-216: Ordinary Meeting of Council held on 26 August 2019 - ECDEV - Lidsdale Siding Coal Loader Modification 1-infrastructure Upgrades, Development Consent 08-0223.

Summary

To advise Council on a Major Project that has been submitted to the Department of Planning, Industry and Environment (the Department) for Lidsdale Siding Coal Rail Loader Modification 3 - Removal of the Trigger Action Response Plan (TARP), Development Consent 08_0223.

Commentary

Lidsdale Siding (the facility) is a rail loading facility which automates the transfer and dispatch of coal from Centennial Coal Pty Limited's (Centennial Coal's) Western Coal Services (WCS) Project to domestic and international markets via rail and for use at the Mount Piper Power Station in emergency situations.

This application seeks to modify and remove the requirement of the Trigger Action Response Plan (TARP) that is used for emergency situations when rail unloading activities at Mount Piper are required.

The modification to remove the TARP from the consent allows Mount Piper to receive coal at any time within the approved hours, this being outside of the emergency situations currently defined.

Acceptance and transfer of coal from the facility is critical to guarantee ongoing supply of suitable quality coal to the Power Station. The proposed modification will allow for this ongoing supply of supplementary coal to Mount Piper and remove risks associated with coal supplies being provided by a single mining operation (currently Springvale Mine, and in the future Angus Place Colliery). The continued supply of coal from the facility will also help support the efficient operation of the Power Station and continued supply of electricity to NSW.

Trains will continue to be unloaded utilising the approved temporary unloading infrastructure. There will also be no increase in the number of daily or annual train movements to/from the facility or increase to the currently approved coal handling rate at the facility, that being 6.3 million tonnes per annum (Mtpa)

Status

The Environmental Impact Statement was supplied to Council for advice and comment by 4 May 2020. Given the timeframe between Council meetings a submission was made on behalf of Council indicating no objection was raised to the proposal. However, a supplementary submission may be made to the Department if there are concerns raised By Council.

The Modification Report has not been publicly exhibited, but is available on the Department's website: <https://www.planningportal.nsw.gov.au/major-projects/project/30036>

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
 - Cost centre - N/A
 - Expended to date - N/A
-

- Future potential impact - N/A

Legal and Risk Management Implications

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

Attachments

Nil

Recommendation

THAT the information in the report on the Lidsdale Siding Coal Rail Loader Modification 3 - Removal of the Trigger Action Response Plan (TARP), Development Consent 08_0223, be noted.

8.2.4. ECDEV - 25/05/2020 - Road Renaming - Anarel Road Sodwalls

Report by Director of Economic Development & Environment

Reference

Min 19-133: Original Meeting dated 27 May 2019 Reconvened 11 June 2019
 Min 19-335: Original Meeting dated 25 November 2019

Summary

This report seeks the approval of Council to finalise the road naming proposal for the western side of Anarel Road, located off Honeysuckle Falls Road. It is proposed that the road be renamed Charltons Lane, Sodwalls.

Commentary

Council has previously considered the renaming of the western section of Anarel Road, Sodwalls to Charltons Road as per Min. No. 19-335. Consequently, the resolution required Council to notify landowners and authorities and advertise the proposed road name of 'Charltons Road' for a period of 28 days during 19 November 2019 and 20 January 2020.

As a result of the 'Charltons Road' notification process, three submissions were received as summarised below:

Submitter	Summary of submission
Private	Support the road naming due to confusion with a broken section of road east and western. Also agree with the name chosen.
Private	Request that the naming be 'Charltons Lane' as a reference to what it is being a narrow road, especially in country. This section of road has been referenced as such by locals for over 60 years and there is no other Charltons Lane in NSW.
NSW Geographical Names Board	The proposed name 'Charltons' is acceptable, however the type of 'Road' may not be the most appropriate choice as this should be used for open ended roads.

The following definitions are found in the NSW Geographical Names Board Addressing User Manual Clause 6.10 for road types:

Lane: *Narrow way between walls, buildings or a narrow country or city roadway*

Road: *Open way or public passage primarily for vehicles.*

As a result of the submissions received and given the above definitions, it is suggested that Council write to the NSW Geographical Names Board in support of 'Charltons Lane' instead of 'Road'. The road name can then be gazetted and notified accordingly with any necessary property address changes undertaken.

Policy Implications

The road name process is to follow requirements as per Council's Addressing, Road Naming and Locality Policy 10.10.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - advertising costs in local newspapers.

- Future potential impact - Council will incur costs associated with erection of new road name signage.

Legal and Risk Management Implications

To ensure that the addressing of properties and road naming within the Lithgow Government Area complies with the requirements of the NSW Addressing Policy No.2, 2015 and the *Roads Act 1993*.

Attachments

1. Final Map [8.2.4.1 - 1 page]

Recommendation

THAT Council write to NSW Geographical Names Board in support of renaming the western section of Anarel Road, Sodwalls to 'Charltons Lane'. If accepted by the NSW Geographical Names Board, Council proceed with the gazettal of the name, implementation of appropriate signage and associated notification to landowners, submitters and authorities.

8.2.5. ECDEV - 25/05/2020 - Road Naming- New Road DA269/17- Bowen Vista Subdivision

Report by Director of Economic Development & Environment

Summary

To advise Council of a road naming of a new road under DA269/17 in Bowen Vista Estate proposed to be named Heritage Close.

Commentary

Council has received a request from the developer of DA269/17 on the naming of the new road off Bowen Chase in Bowen Vista Estate, South Bowenfels. The road is approximately 170m in length from the intersection with Bowen Chase travelling east to northeast. The proposed road name is provided below:

Road Name	Reasoning/Meaning
Heritage Close	The area is known for the heritage buildings around Bowenfels such as Sweet Briar House, the Old Partridge House that was on the Cobb & Co track (were the name Bowen of early settlers originated), the old Bowenfels Cemetery, the Gun Emplacements and a number of other land marks. The Bowen Vista Subdivision has older names such as Stockade, Surveyors and Bowen, so this name would suit the subdivision and area.

The proposed road name meets the principles set out in the Geographical Names Board Addressing User Manual and is similar themed naming to the Bowen Vista Estate. Therefore, the road naming process for 'Heritage Close' can commence.

Policy Implications

Council's Policy 10.10 Addressing, Road Naming & Locality Naming is applicable for this road naming process and will be followed appropriately. Hence the request for a Council resolution to commence the road naming process.

Financial Implications

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact - Council will incur some minor advertising cost in accordance with Council's Policy, however the developer will be responsible for costs of any signage.

Legal and Risk Management Implications

Nil.

Attachments

1. Heritage Close Map [8.2.5.1 - 1 page]

Recommendation

THAT Council advertise the road name 'Heritage Close' for the new road off Bowen Chase South Bowenfels, in the local media; notify emergency authorities and residents in the area requesting submissions to be made for a period of twenty- eight (28) days after which:

- a. If no submissions against the proposal are submitted, Council proceed with the gazettal process of the name and notify all residents and emergency authorities accordingly.
- b. If submissions against the proposal are submitted, a report be furnished to a meeting of Council for determination.

8.2.6. ECDEV - 25/05/2020 - Portland Touch Football Association - Request for a Waive of Council's Development Fee's

Report by Director of Economic Development & Environment

Summary

To assess and recommend a fee waiver of a Development Application, Construction Certificate and Section 68 Application, for the Portland Touch Football Association for the construction of a new clubhouse and amenities building on land known as Lot 40 DP 842893, Saville Park, Williwa Street, Portland NSW 2847.

Commentary

The Portland Touch Football Association has received a grant of \$500,000 from the NSW Office of Sport for the construction of a new clubhouse and amenities building to be located at Saville Park, Portland.

The proposed development is to include:

- Change room and toilet facilities,
- Common room facilities for meetings, trainings, etc.
- Secure storage for Portland Touch Association's playing and maintenance equipment, reducing theft and damage,
- Covered and enclosed area to protect spectators from weather conditions.
- Opportunities for increased participation in sport by improving accessibility for all members including families and people with disabilities.
- Canteen facilities,
- Secure facility to house First Aid equipment.

Council's Fees and Charges 2019-2020 states"

Fee Waivers, Refunds and Reductions

Section 610E of the Local Government Act 1993 provides that "...a council may waive payment of, or reduce, an approved fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the Council has determined payment should be so waived or reduced."

The Council assesses applications for fee waivers/refunds/reductions on a case-by-case basis, taking into account the financial situation of the applicant. All requests for a refund, reduction or waiver of a fee or charge must be made in writing.

Some service fees are subject to reductions, refunds or waivers as per specific service terms and conditions. These may include:

- **Land use applications submitted by local non-profit organisations;**
- *Hiring of community halls – cancellations;*
- *Cemeteries – surrender of burial licence and ashes reservations;*
- *JM Robson Aquatic Centre – concessions on general fees for seniors, pensioners, veterans and students and discounts for families;*
- *Libraries – fine concessions; and*
- *Eskbank House Museum - concessions on general fees for seniors, pensioners, veterans and students and local residents.*

The Portland Touch Football Association is a local non-profit organisation who is seeking fee waiver for a land use application on a Council owned and managed community outdoor recreation facility,

Status

A Development Application, Construction Certificate and Section 68 Application is in the process of being lodged to Council for assessment.

Ownership and classification of land

Council is the registered proprietor of the land. The land is classified 'community' and categorized in Council's generic plan of management as sportsground/general community use. The construction of a clubhouse and amenities building is consistent with the core objectives for management of community land categorised as a sportsground under section 36F *Local Government Act 1993*, namely to:

1. encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
2. ensure that such activities are managed having regard to any adverse impact on nearby residences.

Ownership of building post construction

The general law provides that a building 'affixed' to land becomes part and parcel of that land. Therefore, as Council owns the land the building will automatically vest in Council once constructed and Council will ultimately be responsible for insurance and maintenance.

Lease offer to Portland Touch Football Association

In recognition of the time and effort that Portland Touch Football Association has invested in obtaining the grant, which will benefit the community for many years, it is recommended Council offer the Portland Football Association a lease of the building for 10 years for a peppercorn rent following completion of the work.

Policy Implications

Policy 1.2 Acquisition and Disposal of Assets

This Policy needs to be considered when Council is considering the acquisition and/or development of assets. The future Development Application proposes to construct a new clubhouse and amenities building, which will be the responsibility of Council once a final Occupation Certificate is granted.

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

Development Applications on Council owned land requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given Council's management of this land the proposal will be reported to Council for determination once the applications are lodged and a full assessment has been undertaken.

Financial Implications

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact – Council will bear the cost of the future management and maintenance of the building once it has been constructed and a final Occupation Certificate received.

A lease agreement is proposed to be undertaken and detailed in a separate report after an application has been submitted.

Legal and Risk Management Implications

Otherwise outlined within the body of this report.

Attachments

Nil

Recommendation

THAT

1. Council approve the fee waiver of a Development Application, Construction Certificate and Section 68 Application for the Portland Touch Football Association proposed clubhouse and amenities building.
2. A full assessment report be reported to Council for final determination once a development application has been submitted.
3. Details of the lease agreement be reported to Council at the appropriate time.

8.2.7. ECDEV - 25/05/2020 - Lithgow Floodplain Risk Management Committee

Report by Director of Economic Development & Environment

Reference

Nil

Summary

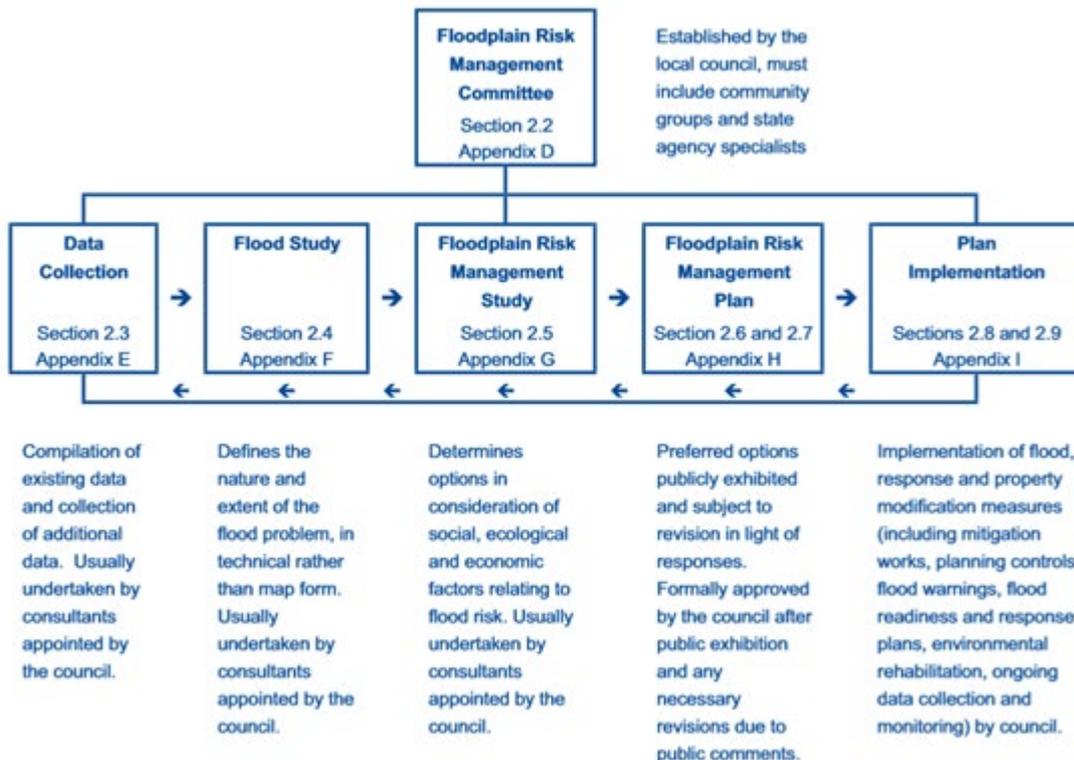
The purpose of this report is to seek Council approval to establish a Lithgow Floodplain Risk Management Committee to meet the requirements outlined in the Floodplain Grants Scheme funding agreement.

Commentary

In November 2019, Council was notified that it had been successful in being awarded a grant for a 2:1 funding ratio (maximum \$60,000) under the 2019-20 Floodplain Management Program to develop a Floodplain Risk Management Study and Plan. Council officially accepted the grant offer on the 12th December 2019.

Council is now required to establish a Floodplain Risk Management Committee under the Funding agreement. Draft Terms of Reference have been prepared to guide the Committee. Once the Lithgow Floodplain Risk Management Study and Plan has been completed, the Committee will be revised to oversee its implementation.

In NSW Councils have the primary responsibility for the management of development in flood-prone areas. This is a staged process as described in the diagram below. Council has already completed the Data Collection and Flood Study which were the first steps in identifying the flood behaviour of the Farmers Creek and Marrangaroo Creek catchment areas in 2017. The Lithgow Floodplain Risk Management Study and Plan is the next step to fulfilling the State Governments Flood Policy requirements by using the data in the Lithgow Flood Study Review to evaluate the management options and provide opportunities to reduce the potential damages of flooding events to both public and private assets.



The role of the Committee is an advisory role and it is responsible for assisting the Council in the development and implementation of the Lithgow Floodplain Risk Management Study and Plan. It is to ensure the discussion of technical, social, economic and ecological issues and ensure that the differing viewpoints on these issues are addressed within the study and plan. To ensure the primary objective of the committee is achieved, a diverse array of stakeholders should be equally represented on the committee. Appendix D of The NSW Floodplain Development Manual (2005) outlines the ideal membership as followed:

- Elected members of Council.
- Council staff from engineering, planning and environmental disciplines.
- Local community members and/or local environmental groups.
- Relevant industry bodies.
- Officers from DPIE; and
- Representatives from the SES.

The structuring and the function of the Committee has been outlined in the attached Draft Lithgow Floodplain Risk Management Committee Terms of Reference. Under the terms of reference, the community members would be appointed by the General Manager and agency members by the agency as appropriate.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. V 2 Draft Lithgow Floodplain Risk Management Committee Terms of Reference [8.2.7.1 - 5 pages]

Recommendation

THAT

1. Council establishes the Lithgow Floodplain Risk Management Committee as per the attached Terms of Reference.
2. Council calls for Expressions of Interest to fill two (2) community member positions for the Lithgow Floodplain Risk Management Committee.
3. Expressions of interest be publicly advertised for 14 days with community nominees to be appointed by the General Manager.
4. Council appoints two (2) Councillors to the committee being one delegate and an alternate should the main delegate be unable to attend.

8.3. Infrastructure Services Reports

8.3.1. IS - 25/05/2020 - Fee Waiver Request - Rugby League - Hire of Sporting Fields

Report by Director of Infrastructure & Services

Summary

Council is in receipt of two (2) requests for a reduction in sporting ground fees for three local rugby league teams:

- Lithgow Workies Wolves RLFC
- Lithgow Bear RLFC
- Portland Colts RLFC

The purpose of this report is to seek Council's determination of the clubs' requests for a reduction of fees for the 2020 Rugby League Season.

Commentary

It should be noted that the Lithgow Workies Wolves and the Lithgow Bears both share the Tony Luchetti Sportsground as their home ground for training and home games whereas the Portland Colt use the Kremer Park, Portland for their training and home games.

With the impact of COVID-19 restrictions, most sporting games / competitions were suspended due to the government restrictions put in place to stop the spread of the virus. All 3 teams have adhered to these restrictions by suspending competition and training in early April when the restrictions commenced.

With the NSW Government recently announcing the easing of lockdown restrictions, the Group10 and Mid-West Rugby League plan to commence their 2020 Season from 1 July 2020. In light of the competition restarting, the teams have put forward a request for Council consideration to reduce / waive the fee for the hire of the abovementioned facilities. The teams have raised concerns such as:

- Loss of sponsorship from community businesses who are unable to assist due to financial impacts from the recent bushfires and the COVID19 pandemic;
- Short season meaning less home games; and
- With some restrictions still in place, the teams will not be able to raise funds from gate entry / raffles at local sponsors businesses

Under Council's current 2019/2020 fees and charges, below is what each team would be charged for their full season.

Lithgow Workies Wolves – Tony Luchetti Sportsground	Lithgow Bears – Tony Luchetti Sportsground	Portland Colts – Kremer Park
Bond: \$449.50	Bond: \$449.50	Bond: \$326.00
Ground Rental: \$2678.00	Ground Rental: \$1249.00	Ground Rental: \$1273.50
Training: \$1960.50	Training: \$1249.00	Training \$1273.50
Lighting per Hour: \$ 64.00	Lighting (per hour): \$64.00	(Includes Lighting)
Total: \$5,088.00 (Excludes Lighting)	Total: \$2,947.50 (Excludes Lighting)	Total: \$2,873.50 (Includes Lighting)

Administration have put together 2 options for Council's consideration for the fee reduction to assist the local teams to continue the 2020 Season.

OPTION 1 – 50% Reduction of Ground Rental and Training Fees

This option retains 100% fee for bond and lighting to retain asset security and cover direct costs.

Lithgow Workies Wolves – Tony Luchetti Sportsground	Lithgow Bears – Tony Luchetti Sportsground	Portland Colts – Kremer Park
Bond: \$449.50	Bond: \$449.50	Bond: \$326.00
Ground Rental: \$1,339.00	Ground Rental: \$624.50	Ground Rental: \$636.75
Training: \$980.25	Training: \$624.50	Training \$636.75
Lighting per Hour: \$ 64.00	Lighting (per hour): \$64.00	(Includes Lighting)
Total: \$2,768.75 (Excludes Lighting)	Total: \$1,698.50 (Excludes Lighting)	Total: \$1,599.50 (Includes Lighting)

OPTION 2 – Bond, Ground Rental, Lighting and Training Fees reduced to 50%

This option reduces all fees to 50%.

Lithgow Workies Wolves – Tony Luchetti Sportsground	Lithgow Bears – Tony Luchetti Sportsground	Portland Colts – Kremer Park
Bond: \$224.75	Bond: \$224.75	Bond: \$163.00
Ground Rental: \$1,339.00	Ground Rental: \$624.50	Ground Rental: \$636.75
Training: \$980.25	Training: \$624.50	Training \$636.75
Lighting per Hour: \$ 32.00	Lighting (per hour): \$32.00	(Includes Lighting)
Total: \$2,544.00 (Excludes Lighting)	Total: \$1,473.75 (Excludes Lighting)	Total: \$1,436.50 (Includes Lighting)

Policy Implications

Nil

Financial Implications

- Budget approved - as per 2019/2020 fees and charges.
- Cost centre - sporting ground fee income.
- Expended to date - N/A
- Future potential impact - 50% loss of budgeted income for the full rugby league season.

Legal and Risk Management Implications

Nil.

Attachments

1. Request - Fee Discount Waiver - COVID 19 - Shortened 2020 Season Lithgow Workies Wolves Rugby Lea [8.3.1.1 - 2 pages]
2. Request - Waive Reduce Fees - Rugby League Clubs on Community Fields - Mid West Rugby League Football [8.3.1.2 - 2 pages]

Recommendation

THAT Council endorse Option 1 – 50% Reduction of Ground Rental Fees / Training Fees for the 2020 Rugby League Season for Lithgow Workies Wolves, Lithgow Bears and Portland Colts.

8.4. Water and Wastewater Reports

8.4.1. WWW - 25/05/2020 - Water Report

Report by Director of Water & Wastewater

Reference

Min No 20-50 Ordinary Meeting of Council 24 February 2020

Summary

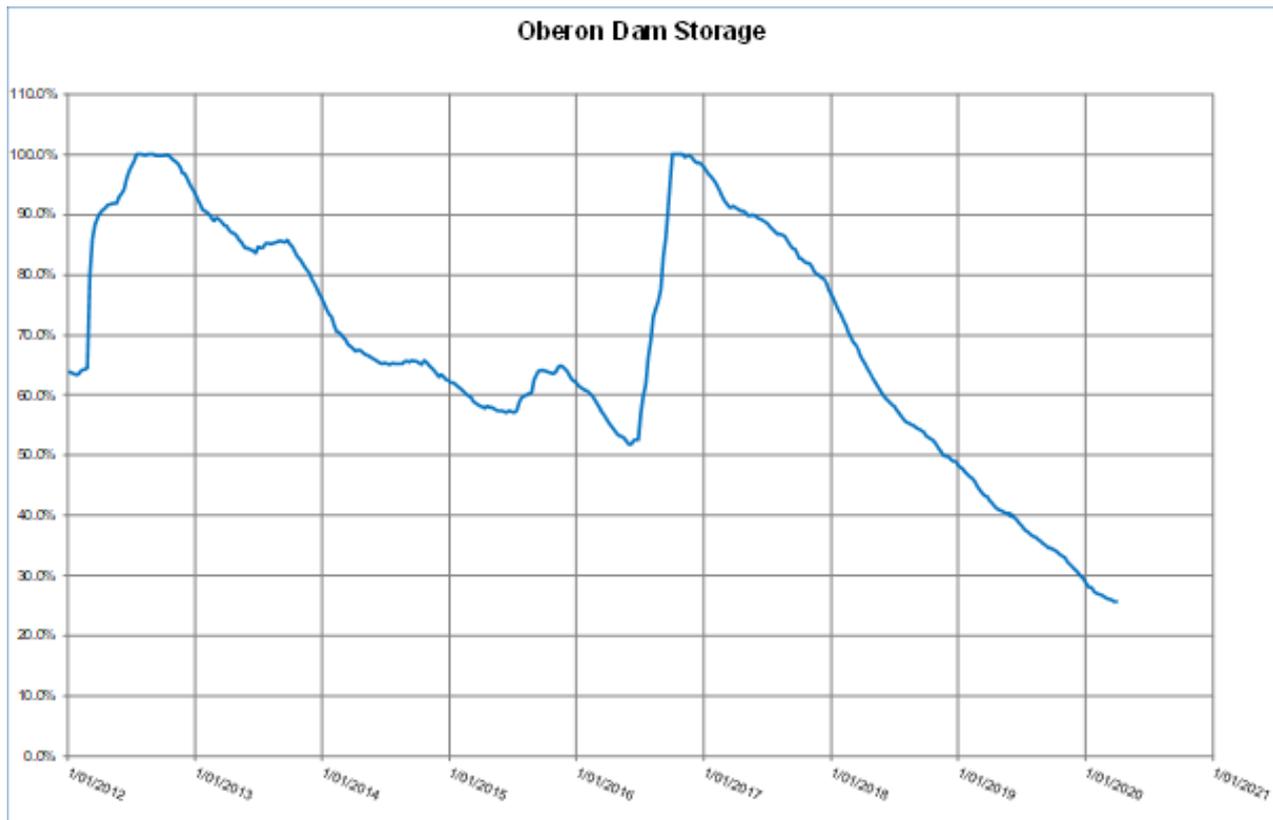
This report provides an update on various water management matters.

Commentary

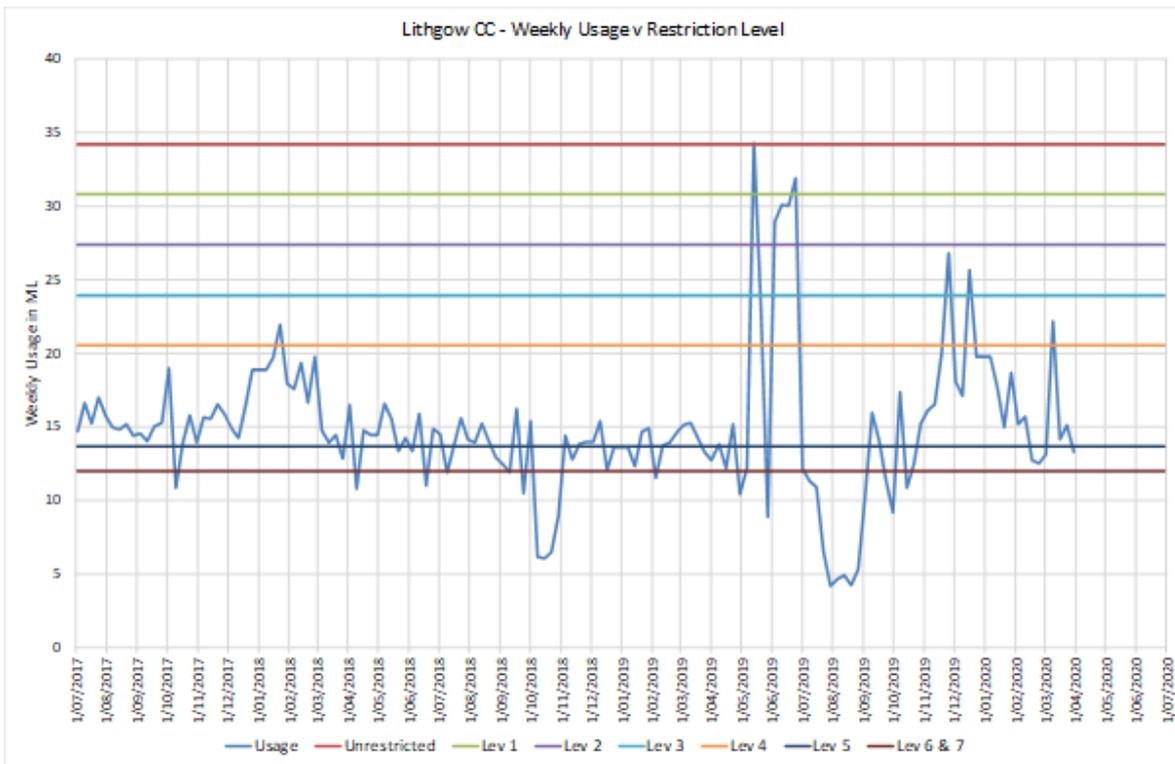
Current Dam Levels for both Farmers Creek No. 2 Dam and Oberon Dam

Farmers Creek No. 2 Dam capacity on Monday 11th May 2020 was 98.7%. Clarence Transfer System operated until the 9th February 2020 and is currently shut down due to the level within Farmers Creek Dam.

Oberon Dam capacity on Monday 11th May 2020 was 24.9%. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 18.4%. Level 5 Restrictions come into effect when adjusted storage reaches 15%.



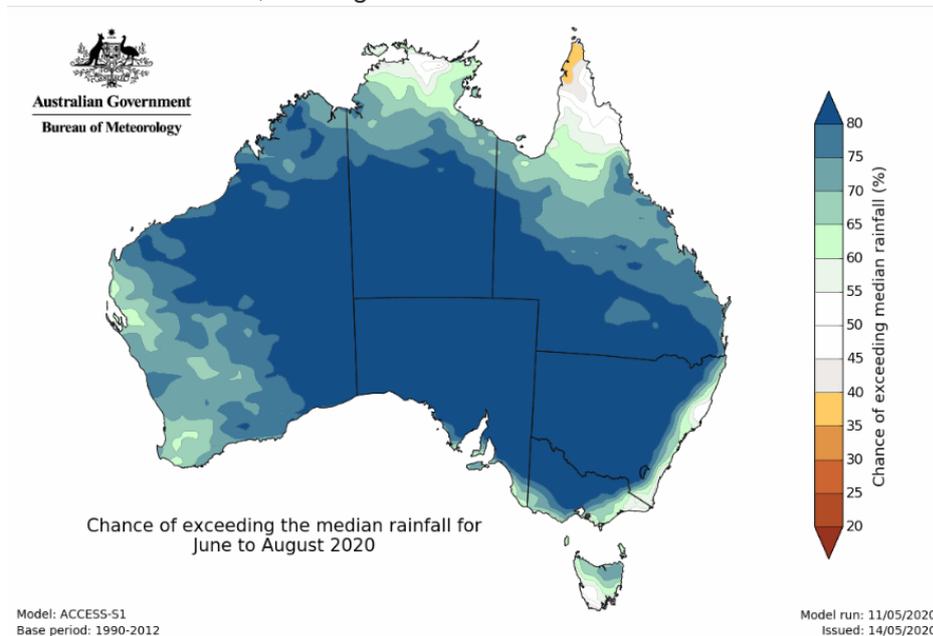
Level 4 restrictions on the FRWS are now in effect. Level 4 restriction trigger is 20% of adjusted storage. As can be seen in the below Usage v Restriction Level the current demands of the Council are on average lower than the current restriction level where Council exceeds the weekly usage allocation Council's banked water is reduced. Banked water is not subject to restrictions. 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 winter months of June to August are likely to be wetter than average for virtually all of Australia (mostly 65–80% chance in WA, much of the tropical north and areas east of the Great Dividing Range, with chances greater than 80% generally elsewhere). However, the likelihood of a wetter or drier winter is roughly equal across the far north of Australia and southern Tasmania.
- Similarly, July to September is also likely to be wetter than average for most of Australia (mostly 65–80% chance, with higher chances for the eastern two-thirds of Australia).



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	134.910	159.358	110.443#
February	42.20	45.0	56.00*
March	93.445	0	77.839
April	131.565	0	67.174
May			
June			
TOTAL	1024.368	572.317	663.322

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

#January volume includes the last week of December 2019

System Configuration

OPWTP was shut down on the 9th February 2020 due to water quality concerns that were anticipated to occur in Farmers Creek Dam as a result of heavy rainfall in the catchment post bushfire. This response was in accordance with the Council's Drinking Water Management System. From the 9th February 2020 till Monday 19th March 2020 the Fish River Water Supply System (FRWS) supplied the full LGA. System configuration currently operates as normal with FRWS supplying the villages from Marragaroo through to Glen Davis and OPWTP supplying Lithgow and South Bowenfels.

Clarence Water Transfer Scheme

Clarence Transfer System operated from 24th December 2019 and was shut down on 9 February 2020 due to the level of dam.

Oakey Park Water Quality Summary

There were no exceedances of the health guideline values of Australian Drinking Water Guideline (ADWG). There was one result for pH that was outside the guidelines values, with a guideline value <6.5, the result returned a pH of 6.3. This is not a health concern, but pH results lower than 6.5 can start to cause corrosion issues within plumbing pipes and fittings.

During the period there were several reports of dirty water in the area of Inch Street. On one occasion the cause of the dirty water was linked to work being undertaken on the water main in Inch Street. It was not immediately apparent what the cause of the dirty water was. On further investigation Council staff identified Contractors filling a water tanker without approval. The increased velocity and rapid shut down of the hydrant standpipe caused suspended material to be released and flushed through the system which resulted in a number of dirty water complaints. Staff have had discussions with the Principal Contractor and this activity has ceased

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 26th February 2020, 25 March and April and taken to Sydney Water for testing. There were no exceedances recorded at any of Council's Treatment Plants for February, March and April 2020

Fish River Water Scheme Water Quality Summary

There was one exceedance of ADWG values for Chlorine. The result obtained from Glen Davis returned a result of 5.6mg/L, the guideline values being 5.0mg/L. An investigation into the cause was conducted by WaterNSW. The system was flushed to draw water through the system to reduce available chlorine in the network until results were below the Guideline values.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council note the information provided in the May 2020 water report.

8.5. Finance and Assets Reports

8.5.1. FIN - 25/05/2020 - Bushfire Recovery Grants - Tree Removal Costs

Report by Chief Financial & Information Officer

Reference

Min. No. 20-54 Ordinary Meeting of Council 24 February 2020
 Min. No. 20-79 Approved by the Mayor under delegated authority

Summary

Since Council endorsed a Programs of Works for the \$1M National Disaster Relief Arrangements (NDRA) bushfire recovery grant and the extra \$416,667 grant payment, tree removal costs have now been finalised. The final costs of tree removal from private property are substantially more than the amounts included in the \$1M Program of Works. It is proposed to transfer unspent budgeted funds from other projects to cover the costs of tree removal.

The budget transfers will still leave an unfunded amount of \$69,679 for tree removal. The Mayor has written to the local Federal member and the Coordinator of the National Bushfire Recovery Agency to request an additional grant payment for the remaining costs of tree removal on private property.

Commentary

The endorsed Program of Works for the \$1M bushfire recovery grant (Min. No. 20-54) is shown in the table below:

Category C NDRA Program of Works

Project	Budget
Bushfire Recovery Events	\$ 20,000
Bushfire Recovery Coordinator	\$ 40,000
Bushfire Recovery Community Support	\$ 65,000
Make safe - on-site sewer systems	\$ 10,000
Removal of burnt out vehicles	\$ 10,000
Clean-up Petra Ave Playgroup Facility, Clarence	\$ 16,210
Tree Removal - Private Property	\$ 688,790
Stormwater clean-up	\$ 100,000
Wolgan Gap Bridges	\$ 50,000
Total Expenses	\$ 1,000,000

The proposed Program of Works for the \$1M bushfire recovery grant is shown in the table below with most unallocated funds transferred to the tree removal project.

Category C NDRA Program of Works

Project	Budget	Actuals Ledger	Project Commitments	Variance
Bushfire Recovery Events	\$10,000	\$ 5,607	\$ -	\$ 4,393
Bushfire Recovery Coordinator	\$8,366	\$ 2,537	\$ -	\$ 5,829
Bushfire Recovery Community Support	\$65,000	\$ 35,273	\$ 26,442	\$ 3,285
Make safe - on-site sewer systems	\$0	\$ -	\$ -	\$ -
Removal of burnt out vehicles	\$0	\$ -	\$ -	\$ -
Clean-up Petra Ave Playgroup Facility, Clarence	\$16,210	\$ -	\$ -	\$ 16,210
Tree Removal - Private Property	\$900,249	\$ 855,945	\$ 44,304	\$ -
Stormwater clean-up	\$175	\$ 175	\$ -	\$ -
Total Expenses	\$ 1,000,000	899,537	70,746	29,717

The proposed Program of Works for the \$416,667 additional bushfire recovery grant is shown in the table below:

Project	Budget
Tree Removal - Private Property	\$366,667
Tourism projects	\$25,000
Bushfire Recovery Community Initiatives	\$25,000
Total Expenses	\$ 416,667

For the \$416,667 additional bushfire recovery grant, it is proposed to remove the slope stabilisation budget of \$316,667 and reduce the tourism and community initiatives allocations to partly cover the costs of tree removal works. It is feasible to remove the slope stabilisation budget as much of the Wolgan Gap works have now been completed.

The final cost of tree removal works is \$1,336,595. The unallocated bushfire recovery grant funds can cover \$1,216,916 in total leaving a funding shortfall of \$69,679. The Director Infrastructure Services has immediately ceased all ongoing tree removal works. This has left the Zig Zag Railway with 150 dangerous trees still to be cleared which is halting their post fire construction works and hence would delay their reopening date.

The Mayor has written to the local Federal member and the Coordinator of the National Bushfire Recovery Agency to request an additional grant payment for the unfunded costs of completed tree removal works and for \$150K to remove the remaining dangerous trees at Zig Zag Railway.

The tourism projects, bushfire recovery community initiatives and bushfire recovery events programs will be reviewed once the COVID-19 restrictions are eased. Consideration can then be given to projects which can be completed by the 31 December 2020 deadline.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$1,416,667
- Cost centre - various
- Expended / committed to date - \$1,536,346
- Future potential impact - the unfunded amount of \$69,679 will need to be covered from Council's funds if an additional grant is not forthcoming.

Legal and Risk Management Implications

Grant funding allocations must be spent in accordance with guidelines.

Attachments

Nil

Recommendation

THAT Council:

1. Endorse the amended funding allocations listed in the table below for the \$1,416,667 bushfire recovery grant:

Category C NDRA Program of Works

Project	Budget	Actuals Ledger	Project Commitments	Variance
Bushfire Recovery Events	\$10,000	\$ 5,607	\$ -	\$ 4,393
Bushfire Recovery Coordinator	\$8,366	\$ 2,537	\$ -	\$ 5,829
Bushfire Recovery Community Support	\$65,000	\$ 35,273	\$ 26,442	\$ 3,285
Make safe - on-site sewer systems	\$0	\$ -	\$ -	\$ -
Removal of burnt out vehicles	\$0	\$ -	\$ -	\$ -
Clean-up Petra Ave Playgroup Facility, Clarence	\$16,210	\$ -	\$ -	\$ 16,210
Tree Removal - Private Property	\$900,249	\$ 855,945	\$ 44,304	\$ -
Stormwater clean-up	\$175	\$ 175	\$ -	\$ -
Total Expenses	\$ 1,000,000	899,537	70,746	29,717

Project	Budget
Tree Removal - Private Property	\$366,667
Tourism projects	\$25,000
Bushfire Recovery Community Initiatives	\$25,000
Total Expenses	\$ 416,667

2. Note that the Mayor has written to the local Federal MP, Andrew Gee, and the Coordinator of the National Bushfire Recovery Agency, Andrew Colvin, to request an additional grant payment for the unfunded costs of tree removal on private property and for \$150K to remove the remaining dangerous trees at Zig Zag Railway.

8.5.2. FIN - 25/05/2020 - Bushfire Community Resilience & Economic Recovery Fund - Variation

Report by Chief Financial & Information Officer

Reference

Min. No. 20-70 Extra Ordinary Meeting of Council 9 March 2020.

Summary

A list of projects and activities for Phase One funding from the Bushfire Community Resilience and Economic Recovery Fund (BCRERF) was endorsed by Council at the Extra Ordinary Meeting of Council held on 9 March 2020 (Min. No. 20-70).

COVID-19 has disrupted plans for a number of BCRERF events and projects. The purpose of this report is to seek Council's endorsement of replacement projects and activities to include in a Project Variation Request to the NSW Grants Management Office.

Commentary

Phase One BCRERF funding is meant to be quick and flexible in order to meet the immediate recovery needs of local communities. Councils are asked to undertake activities in two categories:

- Economic Recovery – events or initiatives to support local business and industry recovery; and
- Community Resilience – events or initiatives to support community recovery and wellbeing.

Projects need to contribute to one or more of the following Disaster Recovery Outcomes:

- The needs of vulnerable groups are addressed in disaster recovery;
- The community is aware of the disaster recovery processes;
- The community can express its changing disaster recovery needs;
- Community members are aware of the risks of future disasters;
- The community has improved capacity and capability to respond to future disasters;
- Business and not-for-profits have in place adequate mitigation practices for risks and threats; and
- Government, private sector and civil society and organisations are engaged in plans for mitigation and management of the recovery.

Where possible, the extension or leveraging of existing initiatives and events will be supported.

COVID-19 has impacted the following approved BCRERF projects and activities:

- Lithgow Show Society – up to \$30,000 for free 2020 gate entry for Lithgow LGA residents – the 2020 Lithgow Show was cancelled;
- Ironfest - \$75,000 for discounted gate entry for Lithgow LGA residents – request revised to \$15,000 only for payment of final invoices for the postponed 2020 event; and
- Nigel Truslove – Portland community member - \$20,000 contribution to the When The Smoke Clears - change to a \$2,000 allocation request for the event to cover funds expended on merchandise for the postponed event.

Ironfest has provided a breakdown of costs incurred for the postponed 2020 festival which had been paid from ticket and stall prepayment income, to support their request for a reduced funding allocation. Ironfest has investigated all possible sources of funding under government stimulus programs and grants without success.

Ironfest has stated that the Committee is willing to honour the original commitment of half-price ticket entry for Lithgow Local Government Area postcode residents at the next Ironfest event.

It is proposed that a project variation be submitted for the following \$250K Phase One BCRERF projects and activities:

- Ironfest - \$15,000 for payment of final 2020 invoices on the condition that half-price gate entry be provided for Lithgow LGA residents at the next Ironfest Event;
- Lithgow Business Chamber - \$20,000 for Year 1 funding of the Shop Local gift card program – project has proceeded, no change required;
- Nigel Truslove – Portland community member - \$2,000 to cover funds expended on merchandise for the postponed event;
- Bushfire Expo - \$50,000 budget for a Bushfire Expo – extension of time required, activity currently planned late 2020;
- Clarence / Dargan and Wolgan Valley community resilience events and activities - \$15,000 budget (events and activities to be determined with community input), extension of time required;
- Tourism marketing into Western Sydney – increase budget to \$50,000, extension of time required;
- Light up/decorate Lithgow for Christmas - \$20,000, to add to \$10K in the draft 2020/21 budget, could be extended to villages;
- 110,000l rainwater tank – \$10,000 -Tarana Fire Shed (not included in endorsed Drought Communities Extension Program);
- 14,500l water tank – \$2,289 - Yvonne Martyn Motorsport Park (not included in endorsed Drought Communities Extension Program); and
- Removal of trees assessed as high risk and dangerous to life and property within private property - \$65,711.

Should any of the above projects and activities be deemed ineligible or not be approved for funding, an additional project is weed eradication and removal along Farmers Creek. Vegetation removal will mitigate bushfire risk and reduce the risk of other future disaster events, especially in the areas proximate to Macauley Street. Lithgow

Policy Implications

Nil.

Financial Implications

- Budget approved - \$250,000 income and original expenditure budgets included in the 2019/20 Quarter Three budget review.
- Cost centres - TBA
- Expended to date - Nil.
- Future potential impact - N/A

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council endorse the following projects and activities for a variation to the Phase One funding from the Bushfire Community Resilience and Economic Recovery Fund:

- Ironfest - \$15,000 for payment of final 2020 invoices on the condition that half price gate entry be provided for Lithgow LGA residents at the next Ironfest Event;
- Lithgow Business Chamber - \$20,000 for Year 1 funding of the Shop Local gift card program – project has proceeded, no change required;

- Nigel Truslove – Portland community member - \$2,000 to cover funds expended on merchandise for the postponed event;
- Bushfire Expo - \$50,000 budget for a Bushfire Expo – extension of time required, activity currently planned late 2020;
- Clarence / Dargan and Wolgan Valley community resilience events and activities - \$15,000 budget, extension of time required;
- Tourism marketing into Western Sydney – increase budget to \$50,000, extension of time required;
- Light up/decorate Lithgow for Christmas - \$20,000, to add to \$10K in the draft 2020/21 budget;
- 110,000l rainwater tank – \$10,000 -Tarana Fire Shed;
- 14,500l water tank – \$2,289 - Yvonne Martyn Motorsport Park; and
- Removal of trees assessed as high risk and dangerous to life and property within private property - \$65,711.

Should any of the above projects and activities be deemed ineligible for funding, an alternative project is weed eradication and removal along Farmers Creek.

8.6. People and Services Reports

8.6.1. PS - 25/05/2020 - Delivery Program 2017/21 and Operational Plan 2020/21

Report by Director of People & Services

Reference

Min. No. 19-104 Ordinary Meeting of Council 29 April 2019

Summary

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

The Delivery Program 2017/18-2020/21 was adopted at the Ordinary Meeting of Council held on 26 June 2017 by Council for its four-year term of office (now extended to September 2021). The Draft Operational Plan 2020/21 details the operational (recurrent or annual) activities, capital works and new initiatives to be undertaken in the 2020/21 financial year. The Operational Plan implements the Delivery Program 2017-2021 actions for the 2020/21 year.

Commentary

The Local Government Act 1993 requires the Council to review its Delivery Program each year, when preparing the Operational Plan. Any significant changes to the Delivery Program and the Draft Operational Plan must be publicly exhibited for a minimum of 28 days, and public submissions considered before the final plans are adopted in June 2020. This report responds to these legislative requirements.

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



The Council's responsibilities in supporting achievement of the Lithgow Community Strategic Plan are translated into action through its four-year Delivery Program and annual Operational Plans. The

Operational Plan 2020/21, which is the focus of this report, details the planned activities and spending for the third year of the Delivery Program 2017/18-2020/21.

Following presentation to Councillors, the draft Operational Plan 2020/21 has been finalised and details Council's activities and Revenue Policy for 2020/21. It incorporates the strategies of the Community Strategic Plan 2030 for the year ahead, including those activities which are operational (recurrent or annual) activities or capital works and new initiatives to be undertaken.

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

Fees and Charges

For 2020/21, the Council has implemented a new platform for Fees and Charges and undertaken a comprehensive review of its fees and charges, utilising an improved methodology which includes:

- 2.6% rate peg was applied to all non-regulatory / non legislated fees and charges;
- Simplifying of fee structures where possible;
- Fees and Charges being reviewed to identify:
 - conscious pricing principles,
 - new market opportunities and marketing of facilities,
 - cost to provide the service vs income generated;
- A comprehensive review of GST was completed to ensure that tax is correctly applied; and
- Regulatory / legislated fees and charges are applied on advice from relevant authorities.

A critical review of fees and charges was undertaken for a number of key areas including Eskbank House, development approvals, all Council hall hire, Union Theatre (see below), waste, cemeteries, JM Robson Aquatic Centre, Council parks and sporting fields, and Water & Wastewater.

Attachment 13.6.1.1 contains the complete list of discontinued 2020/21 fees and charges, these fees and charges are redundant.

Attachment 13.6.1.2 contains the complete list of new fees and charges. Please note that fees and charges in the following categories are contained in the Revenue Policy in accordance with S501 of the Local Government Act 1993 and have been included in the fees and charges for the first time and hence are classified as a new charge in fees and charges. This action facilitates ease of reference of fees and charges for ratepayers and staff:

- Water | Annual Charges
- Water | Consumption Charge
- Wastewater | Annual Charges
- Waste | Garbage and Recycling Bins – Delivery and Pick-up

Union Theatre

At the Ordinary Meeting of Council held on 29 April 2019, it was resolved:

19-104 RESOLVED

THAT

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

Fees and charges for the Union Theatre have been set according to conscious pricing principles and comparison with similar facilities in nearby localities. The table below summarises the proposed 2020/21 fees and charges for the Union Theatre compared with the fees and charges adopted for 2018/19. New charges have been added consistent with the improved functionality of the theatre and plans to broaden its use.

Fee / Charge	Unit	2020/21	2018/19	Notes
Refundable Bond	per booking	\$ 250.00	\$ 269.00	Consistent hall bonds from 2019/20
Theatre/Hall – Commercial Day Rate	per day	\$ 690.00	\$ 438.50	
Theatre/Hall – Charity / Community / NFP / Resident Day Rate	per day	\$ 345.00	\$ 193.00	
Theatre/Hall – Commercial Weekly Rate	per week	\$ 2,600.00	-	Previously daily fees only
Theatre/Hall – Charity / Community / NFP / Resident Weekly Rate	per week	\$ 1,300.00	-	Previously daily fees only
Theatre/Hall – Commercial Day Rate – Rehearsal/bump in	per day	\$ 270.00	\$ 193.00	
Theatre/Hall – Charity / Community / NFP / Resident Day Rate – Rehearsal/Bump in	per day	\$ 135.00	\$ 193.00	
Theatre/Hall – Commercial Hourly Rate outside main hire	per hour	\$ 89.00	-	New fee / charge
Theatre/Hall – Charity / Community / NFP / Resident Hourly Rate outside main hire	per hour	\$ 44.50	-	New fee / charge
Theatre/Hall – Wedding/Ball	per booking	\$ 990.00	-	New fee / charge
Meeting Room – Commercial Per Hour	per hour	\$ 70.00	-	New fee / charge
Meeting Room – Charity / Community / NFP / Resident Per Hour	per hour	\$ 35.00	-	New fee / charge
Meeting Room – Commercial Day rate	per day	\$ 270.00	-	New fee / charge
Meeting Room – Charity / Community / NFP / Resident Day rate	per day	\$ 135.00	-	New fee / charge
Gallery – Commercial Per Hour	per hour	\$ 30.00	-	New fee / charge
Gallery – Charity / Community / NFP / Resident Per Hour	per hour	\$ 15.00	-	New fee / charge
Gallery – Commercial Day rate	per day	\$ 90.00	-	New fee / charge
Gallery – Charity / Community / NFP / Resident Day rate	per day	\$ 45.00	-	New fee / charge
Gallery – Commercial Day rate Exhibition	per day	\$ 50.00	-	New fee / charge
Gallery – Charity / Community / NFP / Resident Day rate Exhibition	per day	\$ 25.00	-	New fee / charge
Equipment Hire – Piano tuning	per booking	\$ 180.00	-	New fee / charge
Staffing costs – Technician per hour	per hour	\$ 45.00	-	New fee / charge
Staffing costs – Front of House Supervisor per hour	per hour	\$ 45.00	-	New fee / charge
Staffing Costs – Cleaning per hour	per hour	\$ 35.00	-	New fee / charge

A lease has been prepared for the continuing use of the refurbished Union Theatre by Lithgow Musical Society (LMS). LMS is a long standing amateur musical society that generally performs two musical productions each year. The previous lease that was in place for a number of years generally provided for exclusive use of the Theatre for two production periods per year, each of about 1 month. This will continue under the new lease.

Operating Performance Ratio

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

Council's adopted Long Term Financial Plan (LTFF) 2019-2029 included a balanced operating result (before capital) General Fund budget projection for the 2020/21 year. The COVID-19 environment has impacted Council's revenue streams, including commercial rents and fees & charges income. In addition, achieving a balanced operating result (before capital) General Fund budget would require service reductions at a time of high need in the Lithgow LGA community.

At the same time as economic conditions deteriorating, some costs have increased above CPI, including insurances and workers compensation. Employment costs have increased to fund high priority additional positions. Investment income is projected to decrease due to low interest rates.

In a difficult operating environment, the draft 2020/21 budget is presented to Council with a General Fund operating deficit (before capital) of only (\$75K). The consolidated operating result (before capital) is a surplus of \$216K. The draft 2020/21 budget operating performance ratio is **-1.6%** after removing profits on sale of assets. To achieve a minimal operating deficit (before capital), budget constraints have been applied and offsets identified for above CPI cost increases (without significant impact on service levels).

The table below compares the draft 2020/21 budget operating result budget (before capital) with the forecast result from the LTFF 2019-2029.

Fund	Draft 2020/21 Budget Operating Result Before Capital	LTFP Scenario 3 Operating Result Before Capital
General Fund	(75)	436
Water Fund	78	1,430
Sewer Fund	213	123
Consolidated Result	216	1,989

Council's LTFP is currently being reviewed and updated in accordance with the Integrated Planning and Reporting requirements. The updated LTFP will reset Council's path towards ensuring long-term financial sustainability.

The Council took a zero-based budgeting approach in developing the draft 2020/21 budget. The approach involved a systematic review of the actual cost of funding service programs. Historical costs were utilised as a reference guide. In addition, internal overhead allocations and internal plant costs were thoroughly reviewed to ensure that they accurately reflected direct and indirect costs.

Actions taken to deliver a draft 2020/21 budget with a minimal operating result (before capital) include:

- \$1.342M of business cases were put forward by budget managers, this was reduced to \$605K of high priority projects in the draft budget;
- The materials and contracts budget was held at 2019/20 levels; and
- Service levels have been maintained and the draft operating budget includes a \$144K Special Rate Variation program for Transport, Stormwater and Building maintenance works.

The draft 2020/21 operating budget includes:

- No increase in commercial rent income (a budget variation would be required if Council resolved to reduce or waive commercial rents during the COVID-19 emergency);
- \$100K extra for insurance costs in the second year of the arrangement with StateWide Mutual to subsidise Council's premium costs from accrued equity (\$600K saving over 3 years);
- Workers compensation premium increase of \$200K;
- Investment income budget reduced to \$600K (was \$742.5K for the 2019/20 revised budget);
- Allowance for higher employment costs with 2020/21 being the first full year for 6 additional positions and 3 new 2020/21 Water and Wastewater positions; and
- An extra \$411K for depreciation, including new assets.

The table below summarises Council's 2020/21 draft consolidated operating result:

Operating Result	2020/21 Budget \$'000
Income from Continuing Operations	51,190
Less: Expenditure from Continuing Operations	46,501
Operating Result – Surplus / (Deficit)	4,689
Less: Capital Grants & Contributions and Profits on Sale	5,442
Operating Result before Capital and Profits on Sale (a)	(753)
Income before Capital Income (b)	45,748
Operating Performance Ratio (a/b) (Operating Result divided by Operating Revenue)	-1.6% (benchmark 0%)

Grant Funding and Corporate Sponsorship

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

In 2020/21, key projects to be funded by capital grants and contributions include:

- Replace Lake Pillans boardwalk - \$360K funded from insurance contribution;
- Farmers Creek shared pathway - \$200K grant with matching Council contribution;
- Pump track Endeavour Park - \$522K expected grant;
- Roads to Recovery - \$1.1M grant;
- Glen Davis land fill closure and construction of a transfer station - \$105K grant;
- Cullen Bullen Sewer Scheme – balance of \$2M grant; and
- Drought Communities Programme - \$510K of capital projects.

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

Council's Revenue Policy

The tables and information included below is extracted from Council's Revenue Policy which is included in the Draft Operational Plan 2020/21 (pages95-112)

Draft Capital Works Program 2020/21

The draft Capital Works Program 2020/21 is summarised in the table below. Council proposes to complete works to the value of \$18.758M in 2020/21. The draft Capital Works Program includes \$677K of SRV funded projects. 2019/20 projects which have either not been commenced or have not been completed may be added to the final Capital Works Program to be considered by Council at the July 2020 meeting.

Key projects included in the draft 2020/21 Capital Works Program include:

- \$390K - Lithgow Library Parapet and Awning Replacement
- \$360K - Replace Lake Pillans Boardwalks
- \$400K - Farmers Creek Shared Pathway
- \$572K - Pump Track Endeavour Park
- \$308K - Footpath Construction
- \$4.875M - Roads Program
- \$382K - Cullen Bullen Landfill Closure & Rehabilitation
- \$3M - Lithgow Resource Recovery (from 2019/20 Capital Works Program)
- \$750K - Water Mains Renewal \$750K
- \$2.5M - Cullen Bullen Sewerage Scheme

In addition, \$350K will be transferred to a reserve for the future year Main St stormwater project.

Capital Works Program 2020/21	
Bridges	156,635
Buildings	1,137,251
Cemeteries	104,628
Cultural Heritage	16,000
Drainage	383,463
Footpaths	308,147
Information Technology	262,800
Plant Replacement	800,000
Recreation	1,886,262
Roads	4,875,047
Tourism	40,000
Village Improvements	30,000
Waste	3,697,850
Wastewater	4,210,000
Water	850,000
Total Capital Program	18,758,083

Ordinary Rates

The draft Operational Plan 2020/21 includes the rate peg of 2.6%. Land valuations as at 1 July 2019 will be applied for the 2020/21 annual rate levy

Residential			
Category/Sub-Category	Base Amount (\$)	Ad Valorem Amount (c in the \$)	Yield
Residential	229	0.24725561	1,940,255
Residential/Lidsdale	326	0.38360256	101,567
Residential/Lithgow	326	0.50861448	4,772,012
Residential/Portland	269	0.38936272	498,266
Residential/Wallerawang	284	0.37406256	525,224
Farmland			
Farmland/Intense Use	425	0.19539278	190,156
Farmland	425	0.19539278	1,758,386
Business			
Business	311	0.29431941	165,754
Business/Lidsdale	311	1.64315756	8,195
Business/Lithgow	459	1.8255507	1,620,155
Business/Portland	459	0.95116883	43,771
Business/Wallerawang	459	0.95116883	96,485
Business/PowerStations-Lithgow	10,000	1.41618481	96,474
Mining			
Mining	11,237	1.49721797	2,241,670
Total Estimated Yield			14,058,370

Parking Special Rate

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

At the November 2018 meeting, Council resolved:

18 – 349 RESOLVED

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

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

For 2020/21, the estimated yield of the Parking Special Rate is \$256,368. The program of works and activities which will be funded from the parking special rate is included below.

Parking Special Rate – Program of Works	
Project	Budget (\$)
CBD Street Sweeping	104,665
Main Street Stormwater (transfer to reserve to enable funding of the project in a future year)	151,703

Section 7.11 and 7.12 Levy Contributions

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

The proposed S7.11 and S7.12 Works Program is summarised in the Operational Plan 2020/21 page 122. The summary identifies the S7.11 and S7.12 Levy Contribution portion only for each project.

Sewerage Charges

Council has reviewed the sewerage access and usage charges for 2020/21 and has decided to maintain current residential access rates. **There is no increase in residential sewerage charges for the 2020/21 year.**

As part of the review Council has removed the Business category and adopted a Non-Residential category with access and usage charges. Access charges are based on the size of metered water connection with usage being calculated based water consumption and a Sewer Discharge Factor (SDF). The SDF is the ratio of water consumption to the total water consumption. A typical value is 0.95 for non-residential and may need to be calculated for business categories that have no Guideline value.

Business sewerage usage charges have increased by 2.6%. Sewerage trade waste charges are now included in the Revenue Policy.

Sewerage Charges Rateable Properties		
Annual Sewerage Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
Residential	936.00	6,951,672
Non-Residential 20mm	510.00	226,950
Non-Residential 25mm	510.00	17,850
Non-Residential 32mm	560.00	9,520
Non-Residential 40mm	610.00	9,760
Non-Residential 50mm	680.00	38,080
Non-Residential 80mm	730.00	0
Non-Residential 100mm	800.00	10,400
Total Estimated Yield		7,264,232
Sewerage Usage Charges		
Type	Charge (\$)	
Business (most commonly 95% of water usage)		2.20

Sewerage Charges Non-Rateable Properties		
Annual Sewerage Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
Non-Rateable 20mm	510.00	46,920
Non-Rateable 25mm	510.00	7,140
Non-Rateable 32mm	560.00	1,120
Non-Rateable 40mm	610.00	6,710
Non-Rateable 50mm	680.00	14,280
Non-Rateable 80mm	730.00	
Non-Rateable 100mm	800.00	4,000
Total Estimated Yield		95,146
Sewerage Usage Charges		
Type	Charge (\$)	
Non-Residential (most commonly 95% of water usage)		2.20

Sewerage Trade Waste Charges		
Trade Waste Charge		
Type	Charge (\$)	Estimated Yield (\$)
Annual Charge – category 1	154.00	Low risk - Includes commercial premises not preparing hot food
Annual Charge – category 2	229.00	Medium risk - Includes commercial premises preparing hot food
Annual Charge – category 3	420.00	High risk – less complex pre-treatment
Usage Charge – category 1	1.80/kl	No appropriate pre-treatment
Usage Charge – Category 2	1.80/kl	With approved treatment facility
Usage Charge – category 2	21.50/kl	Without approved treatment facility
Total Estimated Yield		124,000

Stormwater Charges

It is proposed that stormwater charges continue to be levied on all residential and business properties within identified urban areas (except those which are vacant land).

There is **no proposed increase** to the residential stormwater levy for 2020/2021.

Stormwater Charges		
Type	Charge (\$)	Estimated Yield (\$)
Residential	25.00	157,000
Strata Unit (Residential)	12.50	1,850
Business	25.00 per 350sq metres (\$1,500 Cap)	88,425
Total Estimated Yield		247,275

Waste Charges

There is no increase in waste charges for the 2020/21 year.

Waste Charges		
Type of Service	Charge (\$) (GST ex)	Estimated Yield (\$) (GST ex)
Residential	459.81	3,929,766
Business	459.81	289,910
Non-Rateable	459.81	59,775
Unoccupied Urban	204.11	98,993
Rural	141.54	338,564
Additional General waste	229.81	230
Additional Recycle	80.00	80
Total Estimated Yield		4,717,318

Water Charges

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

Council has reviewed the water availability and usage charges for 2020/21 and has amended how the Access Charges are to be calculated, these changes are in accordance with the NSW Government Best Practice Management of Water Supply and Sewerage Guidelines. The Access Charge has been changed from a fixed Residential and Non-Residential (formerly Business) to a charge that is determined relative to the customer's capacity requirements, eg. proportional to size of the customer's water supply service connection. This is considered a much fairer pricing structure whereby large connection/consumers are not being subsidised by smaller and/or single residential properties. The change will see a positive impact on small non-residential properties with a reduction from \$800/a to \$195/a. There will be a negative impact to customers with meter sizes that exceed 50mm. To lessen the impact, it is proposed that the charges be incrementally increased over 3 years to a level that is in accordance with Best Practice Management of Water Supply and Sewerage Guidelines.

Council resolved the Ordinary Meeting of Council on the 24 July 2019 to increase the residential water usage tiers as per the below resolution.

19-168 RESOLVED

THAT Council:

1. Vote an extra \$470,000 to be allocated to the 2018/19 Smart Meters project budget due to the faster than expected progress of the project. The draft 2019/20 smart water meters budget would be reduced by the same amount.
2. Increase the residential water usage tier 1 from 0-250kl to 0-400kl for the period 1 July 2019 to 30 June 2020 in the 2019/20 Operational Plan.

3. Note that no change will be made to the water fund budgets included in the draft 2019/20 Operational Plan. Water fund income will be closely monitored as the smart meters are installed and as readings commence.

Due to billing issues related to the changeover to the smart meters it is recommended to extend the period in relation to Item 2 of the above to extend the period from 1 July 2020 to 30 June 2021 in the 2020/21 Operational Plan.

In accordance with Min. No. 19-168, residential water usage tiers have returned to 0-250 kl from 1 July 2020.

Water usage charges will increase by 2.6%.

Water Charges all Users		
Annual Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
20mm Connection	195.00	1,664,910
25mm Connection	195.00	15,405
32mm Connection	470.00	5,640
40mm Connection	800.00	24,800
50mm Connection	1,080.00	34,560
80mm Connection	1,600.00	-
100mm Connection	2,000.00	8,000
Total Estimated Yield		1,753,315
Water Usage Charges - Residential		
Kilolitres Used	Charge (\$)	
0 – 250 Residential	3.31 / kl	
250+ Residential	4.98 / kl	
Water Usage Charges - Business		
Kilolitres Used	Charge (\$)	
0 – 500 Business	3.31 / kl	
500+ Business	4.98 / kl	

Proposed Borrowings

There are \$2M of borrowings planned for the Cullen Bullen Sewerage Scheme in 2020/21.

Community Engagement

The Combined Delivery Program 2017-2021 and Draft Operational Plan 2020/21 is provided for Council’s consideration to place on public exhibition for a minimum period of 28 days. The closing date for public submissions will be Tuesday 23 June 2020. This will allow the document to be put to the Council for final adoption at the July 2020 meeting.

Should Council endorse the Combined Delivery Program 2017/18 – 2020/21 and Draft Operational Plan 2020/21, information on the contents of the Draft Operational Plan will be uploaded to YouTube,

linked to Councils website www.haveyoursay.lithgow.com and promoted through media and social media channels.

Policy Implications

Nil arising from this report.

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

1. Draft 2020 21 Operational Plan [8.6.1.1 - 16 pages]
2. Discontinued 2020-21 Fees and Charges [8.6.1.2 - 1 page]
3. New 2020-21 Fees and Charges [8.6.1.3 - 2 pages]
4. Fees And Charges Report (1) [8.6.1.4 - 94 pages]

Recommendation

THAT

1. The combined Delivery Program 2017/2021 and Draft Operational Plan 2020/21 be placed on public exhibition for 28 days. This will include the following documents:
 - a. The combined Delivery Program 2017– 2021 and Draft Operational Plan 2020-2021
 - b. Draft Fees and Charges 2020/221.
2. The closing date for submissions be Tuesday 23 June 2020.
3. Council note the the outcome of the review of Union Theatre fees and charges and the proposed changes to the fee structure for the Union Theatre.

8.6.2. PS - 25/05/2020 - Policy 4.7 Lithgow Library Learning Centre Child Protection Policy

Report by Director of People & Services

Reference

Min 14-62: Ordinary Meeting of Council 10 February 2014

Summary

This report recommends adoption of Policy 4.7 - Lithgow Library and Learning Centre Child Protection policy following a 28 day public exhibition period.

Commentary

Policy 4.7 Lithgow Library and Learning Centre Child Protection Policy provides users of the facility and its sub branches with the conditions of use regarding access to resources and supervision within the library facilities.

Policy Implications

Policy 4.7 Lithgow Library and Learning Centre Child Protection Policy will be updated in Council's policy register.

Financial Implications

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

Legal and Risk Management Implications

NIL

Attachments

1. Policy 4.7 Lithgow Library Learning Centre Child Protection Policy [8.6.2.1 - 4 pages]

Recommendation

THAT Policy 4.7 Lithgow Library and Learning Centre Child Protection Policy as attached to the business paper be adopted and implemented following the 28 day public exhibition period.

8.6.3. PS - 25/05/2020 - Drought Affected Communities Extension Program

Report by Director of People & Services

Reference

Min 20-108: Extra Ordinary Meeting of Council held 27 April 2020, adjourned from 20 April 2020

Summary

This report informs Council of action taken by Council officers to implement Council resolution 20-108 of the Extra Ordinary Meeting of Council held 27 April 2020, adjourned from 20 April 2020 and further seeks Council authorisation to amend the allocation to Wallerawang skatepark.

Commentary

At the Extra Ordinary Meeting of Council held 27 April 2020, adjourned from 20 April 2020, Council resolved (Min 20-108) THAT

2. Council submit an application under the Drought Communities Program for the following projects:

Priority 1 Projects		
		Estimate
1.	Wallerawang and Portland Skateparks <ul style="list-style-type: none"> • Installation of two twin Exeloo toilets • Installation of shade structures over park and playground facilities. 	\$476,000
2.	Footpaths – Wallerawang <ul style="list-style-type: none"> • Wallerawang Police Station to pedestrian refuge in Barton Avenue/Tweedie Street. • James Parade 	\$15,000 \$100,000
3.	Union Theatre – Front of House Works	\$99,054
4.	Community Halls Upgrade <ul style="list-style-type: none"> • Wallerawang Memorial Hall • Vale of Clywdd Hall • 'Hermitage Hall 	\$187,500
5.	Sporting Fields Irrigation Systems Installation <ul style="list-style-type: none"> • Marjorie Jackson Oval • Watsford Oval • Conran Oval • Tony Luchetti Field 2 	\$135,000
Total		\$1,012,554

Council's Drought Communities Extension Program grant application was submitted on 8 May 2020 in accordance with resolution 20-108 other than in relation to the allocation for

Wallerawang and Portland Skateparks. The \$476,000 cost estimate for the skateparks was based on a single Exeloo toilet unit at Wallerawang skatepark and a twin Exeloo toilet unit at Portland skatepark, together with shade structures at both skateparks. This was the intention of the report, however, an error in the Council report recommendation resulted in Council resolving that a twin toilet unit be installed at each skatepark.

Council's grant application was submitted in accordance with the cost estimates and not the Council resolution.

The rationale for installing a single toilet unit at the Wallerawang skatepark is that it is expected to have less use than the Portland toilet, and furthermore that Council recently installed a twin Exeloo toilet in Daintree Lane, next to Wallerawang Library.

The new twin Portland toilet will replace the existing larger and no longer fit for purpose toilet block adjoining the children's playground and near the skatepark on Lime Street Portland. This toilet unit is expected to have greater use than Wallerawang, especially during sporting and other community events on Kremer Park oval.

The cost difference is substantial with the twin unit costing \$69,360 ex GST more than the single unit. The total cost of two twin toilet units, including site costs and demolition cost of existing Portland toilet are in the order of \$500,000 - \$520,000, not including the cost of shade structures.

Policy Implications

Nil

Financial Implications

- Budget approved - \$1,012,554 in 2020/21
- Cost centre – various.
- Expended to date – nil
- Future potential impact - \$1,012,554 in 2020/21 funded by \$1,000,000 grant funding and \$12,544 Council funds

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council

1. Note that Council's Drought Communities Extension Program grant application was submitted on 8 May 2020.
2. Endorse the installation of one single Exeloo toilet unit at Wallerawang skatepark and one twin Exeloo toilet unit at Portland skatepark together with shade structures as part of the Drought Communities Extension Program.

9. Council Committee Reports

9.1. FIN - 25/05/2020 - Audit Committee Minutes - March / April 2020

Report by Chief Financial & Information Officer

Reference

Min No. 20-28 Ordinary Meeting of Council 29 January 2020.

Summary

This report summarises the minutes of the Central Tablelands Alliance Audit Risk & Improvement Committee (CTA ARIC) joint meeting held on 17 March 2020 and the Lithgow Council meeting held on 7 April.

The report also recommends the appointment of Phillip Ross as the third independent member of the CTA ARIC. The report further recommends that Council endorse the revised CTA ARIC Charter.

Commentary

In accordance with the adopted revised Charter of the CTA ARIC, the Committee first held a joint meeting with Oberon Council on 17 March 2020. A quorum was not available for a Lithgow Council meeting on that date. The postponed Lithgow Council Committee meeting was held on 7 April 2020.

At the joint Councils CTA ARIC meeting held on 17 March 2020, the following items were presented and discussed:

- Proposed amendments to the CTA ARIC Charter – the Committee recommended the endorsement of an amended Charter by the Councils. Changes were made to the Charter to clarify the Committee’s responsibilities and to improve consistency throughout the Charter.
- Risk management and internal audit framework discussion paper – the Committee noted that Lithgow Council had lodged a submission on the internal audit framework discussion paper.
- Recruitment of a third independent member – the Committee noted an update on the progress of the recruitment process.
- Appointment of second Councillors voting members – the Committee noted the appointment of Cr Steve Ring (Lithgow) and Cr Mark Kellam (Oberon) to the Committee.
- Auditor-General's report on local government 2019 – the Committee noted the contents of the 2019 report on local government.

At the postponed Lithgow Council CTA ARIC meeting held on 7 April 2020, the following items were presented and discussed:

- Compliance - review of Legal and Compliance risks - the CFIO reported that there are no outstanding compliance matters. The 2019/20 Quarter Two budget review was adopted at the February 2020 Ordinary Meeting of Council.
- Risk Management – risk register / Council Risk Committee update – in future, the CFIO will report on any reassessed risks and any new risks added to the Risk Register,
- Fraud control – update on strategies and controls - the CFIO reported on Council’s fraud strategies and controls.
- Financial Management - the committee accepted and noted the 2019/20 Quarter 2 Budget review and the Investment Policy review.
- Governance – the CFIO reported that no policies are overdue for review and that conflicts of interest are being recorded.
- Implementation of strategies / performance measurement data – the Committee noted and accepted the 6 monthly progress report.
- Service Reviews – Update - the information on progress of the service reviews was noted.

- Internal & External Audit - the Committee received and noted progress towards completing the Audit Action lists.

Appointment of a Third Independent Member

In accordance with the CTA ARIC Charter, a selection panel was formed to recruit a third independent member of the Committee. The selection panel comprised Cr Ray Thompson (Lithgow Council voting member), Cr Mark Kellam (Oberon Council voting member) and Yas Wickramasekera (external representative).

The selection panel recommends the appointment of Dr Philip Ross as the third independent member. Dr Ross has extensive experience as an independent member and Chair of local government ARIC's.

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 - Minutes 17 March 2020 - Joint Meeting [9.1.1 - 4 pages]
2. LCC ARIC Meeting Minutes - 17 March 2020 postponed to 7 April 2020 [9.1.2 - 4 pages]
3. CTA Audit Risk and Improvement Committee Charter - Draft Feb 2020 [9.1.3 - 12 pages]

Recommendation

THAT Council:

1. Endorse the CTA Audit Risk & Improvement Committee March / April meeting minutes.
2. Endorse the draft amended CTA ARIC Charter included as an attachment to the report.
3. Appoint Dr Philip Ross as an independent member of the CTA Audit Risk & Improvement Committee.

9.2. PS - 25/05/2020 - Youth Advisory Council Committee Meeting 20 April 2020

Report by Ali Kim

Summary

Youth Council met April 20.

Discussed the impact of Covid-19 on Youth Week events.

All Youth week events have been postponed and shifted to online virtual events and competitions.

Commentary

A series of virtual events and competitions including: A writer's workshop, art competition, story writing competition and Battle of the Bands have been launched and will run until end of June.

Policy Implications

None

Financial Implications

- Budget approved - 3839.80
- Cost centre - Grant: 1887
CC PJ 600071: 1887
- Expended to date – N/A
- Future potential impact – N/A

Legal and Risk Management Implications

Nil

Attachments

1. Budget for Youth week virtual events [9.2.1 - 1 page]
2. Minutes 20.04.2020 [9.2.2 - 4 pages]

Recommendation

THAT Council note the changes to Youth week events program as a result of Covid-19.

9.3. FIN - 25/05/2020 - Finance Committee Meeting Minutes 11 May 2020

Report by Chief Financial & Information Officer

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 11 May 2020.

Commentary

At the meeting of the Finance Committee held on 11 May 2020, the following items were discussed:

- Draft 2020/21 Budget & Capital Works Program - the draft 2020/21 capital works program and operating business cases were discussed. The Committee noted the information presented on the draft 2020/21 budget and the Delivery Program 2017/21 and Operational Plan 2020/21 report which will go to the 18 May Information Session and then be considered by Council at the 25 May meeting.
- Local Government Economic Stimulus Package – the components of the stimulus package were discussed. The expected loss of revenue due to COVID-19 for 2019/20 is a net \$138K reduction in budgeted income.
- Lidsdale rating sub-categories - The Committee discussed the combined effects of the Lidsdale rating sub-category and the power generation rating sub-category. This item will be deferred until the June Council meeting.
- Confidential report – submission to rating structure review - the CFIO outlined the possible options and discussed the options with the Committee.
- Bushfire Recovery Grants - Tree Removal Costs - the Committee discussed the funds budgeted for tourism projects. The Committee recommended the deferral of spending on tourism projects until advice is received on the outcome of the request for an additional grant payment.
- Audit Action Lists – the Committee noted progress towards completing the internal audit and external audit actions.
- April 2020 monthly performance report to the Office of Local Government.
- Endorsement of Perpetual Mayoral Relief Fund - the Committee noted the Australian Taxation Office's endorsement of Council's perpetual Mayoral Relief Fund as a deductible gift recipient fund. The fund may be activated at the time of a future State declared natural disaster.

The CFIO tabled a late report regarding the Bushfire Community Resilience and Economic Recovery Fund which will be presented to the May Council meeting.

The following business paper recommendation was also endorsed by the Committee

Council Investments Report April 2020

THAT

1. Investments of \$25,710,000 and cash of \$134,730 for the period ending 30 April 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 11 May 2020 [9.3.1 - 8 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 11 May 2020 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Report for April 2020.

10. 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.

11. Closed Council

11.1. CONFIDENTIAL - ECDEV - 25/05/2020 - Rent Relief for Impacted Tenants (COVID-19)

Report by Director of Economic Development & Environment

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

Reference

Min. No. 20-102 Extra Ordinary meeting of Council of 27 April 2020 adjourned from 20 April 2020.

Summary

The purpose of this report is to inform Council of the enactment of the *Retail and Other Commercial Leases (COVID-19) Regulation 2020* (NSW), which commenced on 24 April 2020. The new regulation has an impact on Council's resolution of 24 April 2020 and it is recommended that a procedure is put in place consistent with the new regulation.

11.2. CONFIDENTIAL - FIN - 25/05/20 - Submission - Rating Structure Review

Report by Chief Financial & Information Officer

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,

Reference

Min. No. 20-53 Ordinary Meeting of Council 24 February 2020.

Summary

The purpose of this report to present to Council a late submission on the proposed change of rating category for Power Stations.

11.3. CONFIDENTIAL - ECDEV - 25/05/2020 - Waste Services Contract Recycling Processor

Report by Director of Economic Development & Environment

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,

Reference

Minute 13-201 (Waste Services Tender): Ordinary Meeting 17 June 2013
Minute 20-63 (Waste Services Contract - Variation of Kerbside Recyclables Processing Agreement): Ordinary Meeting 24 February 2020

Summary

The purpose of this report is to seek Council's endorsement in relation to the contract for processor of kerbside recyclables.

11.4. CONFIDENTIAL - ECDEV - 25/05/2020 - 45 Petra Avenue, Clarence

Report by Director of Economic Development & Environment

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

Reference

Resolution 19-295: Ordinary meeting of Council held 23 September 2019
Resolution 20-15: Ordinary meeting of Council held 29 January 2020

Summary

The purpose of this report is to present Council with the results of the call for expressions of interest in relation to the land owned by Council at 45 Petra Avenue, Clarence being Lot 2 in DP719201 (the **Property**) and to suggest next steps.

Recommendation

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