



AGENDA

Extra Ordinary Meeting of Council
To be held 6 April 2020 at 7pm
via Video Conference

Postponed Ordinary Meeting of Council
Monday 23 March 2020

ORDER OF BUSINESS

1. Acknowledgement of Country	4
2. Present	4
3. Apologies	4
4. Declaration of Interest	4
5. Confirmation of Minutes.....	4
6. Commemorations and Announcements	4
7. Notices of Motion.....	5
7.1. Notice of Motion - Cr Coleman - 23/03/2020 - Accessibility Ramp.....	5
7.2. Notice of Motion - Cr Coleman - 23/03/2020 - Back to Hartley	7
7.3. Notice of Motion - Cr Coleman - 23/03/2020 - Covid-19 - Lithgow City Council - Communication.....	8
8. Staff Reports	9
8.1. General Manager's Reports	9
8.1.1. GM - 23/03/2020 - National General Assembly Conference (NGA20) 14 - 17 June 2020	9
8.1.2. GM - 23/03/2020 - Delegation to Mayor and Deputy Mayor	10
8.1.3. GM - 23/03/2020 - Historical Reporting to Council - Wallerawang STP	11
8.2. Economic Development and Environment Reports	13
8.2.1. ECDEV - 23/03/2020 - Proposed Sale of 53 Commens Street, Wallerawang.....	13
8.2.2. ECDEV - 23/03/2020 - Gate Fees for Bushfire Generated Waste at Lithgow Solid Waste Facility.....	15
8.2.3. ECDEV - 23/03/2020 - Extinguishment of restrictive covenant - Drumkeen Lane, Portland	17
8.2.4. ECDEV - 23/03/2020 - Lithgow Halloween 2020	21
8.2.5. ECDEV - 23/03/2020 - Lithgow Regional Marketing Cooperative	23
8.2.6. ECDEV - 23/03/2020 - Application Fees - Bushfire Affected Properties.....	24
8.3. Infrastructure Services Reports.....	26
8.3.1. IS - 23/03/2020 - Request for Works - Woolnough Street, Vale of Clwydd	26
8.4. Finance and Assets Reports	28
8.4.1. FIN - 23/03/2020 - Additional Grant to Support Bushfire Recovery	28
8.4.2. FIN - 23/03/2020 - Establishment of Mayoral Relief Fund	31
8.5. People and Services Reports	33
8.5.1. PS - 23/03/2020 - Drought Communities Program - Round 2	33
9. Council Committee Reports.....	45
9.1. ECDEV - 23/03/2020 - Environmental Advisory Committee Meeting - 12 February 2020.....	45
9.2. PS - 23/03/2020 - Youth Council Minutes 18 February 2020	46
9.3. PS - 23/03/2020 - Community Development Committee Minutes 25 February 2020	47
9.4. IS - 23/03/2020 - Operations Committee Meeting Minutes - 4th March 2020	48
9.5. IS - 23/03/2020 - TALC Committee Meeting Minutes - 5th March 2020	49

9.6. FIN - 23/03/2020 - Finance Committee Meeting Minutes March 2020.....	50
10. Business of Great Urgency.....	51
11. Closed Council.....	52

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 will be 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

Confirmation of the minutes of:

- Ordinary Meeting of Council held 24 February 2020
- Confidential Extra Ordinary Meeting of Council held 9 March 2020
- Extra Ordinary Meeting of Council held 9 March 2020

6. Commemorations and Announcements

7. Notices of Motion

7.1. Notice of Motion - Cr Coleman - 23/03/2020 - Accessibility Ramp

Report by Councillor Cassandra Coleman

Commentary

I have had the opportunity to meet Mr. Kevin Collins at his business recently. Mr. Collins explained to me that a number of his clientele have mobility issues. A great number of them carry oxygen tanks and often have difficulties parking in that vicinity.

Given Lithgow's aging community which is reported as being 22% of the population which equates to nearly one in four our community, can Council investigate the possibility of an accessibility ramp in the front of the Lithgow Mobility Aids Shop at 23 Main Street, Lithgow.

Attachments

Nil

Recommendation

THAT Council refer for consideration the construction of an accessibility ramp in the front of the Lithgow Mobility Aids Shop to the TALC Committee.

Management Comment:

This matter has been brought to the attention of Lithgow City Council and its engineers on a number of occasions. This matter has also been discussed at Traffic Advisory Local Committees in order to determine an acceptable solution. While unfortunate, Council has maintained that it cannot directly action this request. This information, and the information below, has been conveyed directly to the resident on a number of occasions over the last 5 years (most recently through Andrew Gee MP on 29 October 2019 and Paul Toole MP on 06 January 2020).

In designing footpaths, Council must adhere to the guidelines and specifications contained within Australian Standard 1428.1 and Austroads Guide to Road Design in order to ensure consistent, safe and equitable access for all pedestrians. The difficulty in this instance is that the area immediately outside Lithgow Mobility Aids and Headspace has an old style of kerb which is double height.

Should Council create a ramp perpendicular to the kerb, the gradient would greatly exceed the required 1:10 (a maximum standard for disability access) and increase the risk of a wheelchair tipping over. Alternatively, should Council construct a ramp and associated handrails parallel to the kerb, there would be insufficient total footpath width to cater for standards of disability access. This is because a ramp 5 metres in length would need to share the existing footpath width of 3 metres. A 1.8 metre total width is required for both the ramp and pathway individually to allow sufficient free space for disabled pedestrians utilising the ramp and those simply passing by. There is insufficient space to accommodate this.

However, with an understanding of the site constraints at the front of the building, Lithgow City Council has installed two disabled parking spaces immediately to the rear of Headspace and Lithgow Mobility Aids as this is the most effective solution. This allows direct access to both the rear door of Lithgow Mobility Aids and the lane immediately adjacent to both Lithgow Mobility Aids and Headspace and thereby to the footpath in front of their buildings. Please note that the disabled access to Headspace currently occupies this pedestrian laneway also, with no issue. There is also disabled access directly off Main Street approximately 50 metres from the front door of the resident's premises.

Lastly, it should be noted that under Round 4 of the Building Better Regions grant funding program, Council has applied for funding to renew and substantially improve Main Street, Lithgow from Eskbank Street to Bridge Street. This scope applies directly to the area of concern raised by the resident. This project aims to improve the central business district of Lithgow, not just in terms of amenity, but also efficiency and access compliance. Both parking availability and disability access will be targeted by this program. The Administration hopes it is successful in this endeavour and it has been indicated to both the State and Federal member that their support to this effect is critical in order to attain the funds required to directly address the concerns of the resident.

In the immediate term, should the two disabled spaces that Council has installed be found insufficient, Council can certainly consider the install of additional spaces in this area.

7.2. Notice of Motion - Cr Coleman - 23/03/2020 - Back to Hartley

Report by Councillor Cassandra Coleman

Commentary

It has been brought to my attention that National Parks and Wildlife Services is considering not running the "Back to Hartley" event this year. They say it was costing them too much money in staff. "Back to Hartley" has been an annual event on the Lithgow regional community and tourism calendar since 2012, drawing crowds from all over the state. The event is attracting 4,000 visitors on the day, raising much-needed funds for local charities and raising awareness of the Hartley area as a key visitor experience for people traveling to the Lithgow Region. This is particularly important at this time, given the impacts of fires and the potential impact of the Coronavirus as well as the subsequent downturn in tourism activity and impact on our local economy.

Attachments

Nil

Recommendation

THAT

1. Lithgow City Council writes to National Parks and Wildlife Services to ask them to clarify their future commitment to the Back to Hartley event.
2. Lithgow City Council make contact with our local State Member, Mr Paul Toole to clarify whether there has been a reduction in funding to National Parks and Wildlife Services, which has resulted in them no longer being able to support community events like this.

7.3. Notice of Motion - Cr Coleman - 23/03/2020 - Covid-19 - Lithgow City Council - Communication

Report by Councillor Cassandra Coleman

Commentary

The World Health Organisation (WHO) announced today (12 March 2020) that Covid-19 has progressed to Global Pandemic stage.

Organisations are currently implementing business continuity and pandemic plans as their response to Covid-19 to ensure alternative work arrangements are implemented and the safety and wellbeing of their employees is made a priority.

Timely communication will help calm current levels of fear, anxiety and possible hysteria that is currently present in the community. These anxieties are currently manifesting in behavior such as panic buying.

In addition it is also important that we have contingency plans in place for staff to ensure the maintenance of key services.

Attachments

Nil

Recommendation

THAT Based on this, Lithgow City Council commence regular formal communications in relation to the pandemic and Council's continuity planning for the maintenance of services to the wider community.

8. Staff Reports

8.1. General Manager's Reports

8.1.1. GM - 23/03/2020 - National General Assembly Conference (NGA20) 14 - 17 June 2020

Report by General Manager

Due to the cancellation of the National General Assembly Conference 2020 as a result of the Covid 19 Health Crisis this item has been pulled from the agenda.

8.1.2. GM - 23/03/2020 - Delegation to Mayor and Deputy Mayor

Report by General Manager

Summary

This paper seeks Council approval to delegate the decision making responsibilities of Council during cases of emergency as advised by State or Federal Authorities to the Mayor and Deputy Mayor.

Commentary

During the recent Bush Fire Recovery Emergency, the Mayor and Deputy Mayor successfully steered the community and Council through the recovery phase, ensuring timely community consultation and the allocation of funding and defence resources, such that Lithgow's response to the Bushfire emergency has been cited as an example to follow by Federal politicians and agencies.

Council is now faced with a greater emergency with the unfolding COVID – 19 virus. Media reports indicate that infection projections by early May 2020 will be approximately 1.1 Million in Australia bringing with it health, social and economic impacts that will test all levels of Government.

The first priority of any government is to ensure the health and safety of its citizens, and to this end it is recommended that the most efficient and responsive decision making process for the prevailing circumstances be adopted as proved to be the case during the bushfire recovery process.

S226 of the Local Government Act 1993 (the Act) includes the following items 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; and
- (o) to exercise any other functions of the council that the council determines.

S231 of the Act includes the following item in the role of the Deputy Mayor:

- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

Policy Implications

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

Financial Implications

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

Legal and Risk Management Implications

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

Attachments

Nil

Recommendation

THAT Council delegate its policy-making functions to the Mayor and Deputy Mayor during emergencies, to be reviewed at four weekly intervals or at the next available Council meeting.

8.1.3. GM - 23/03/2020 - Historical Reporting to Council - Wallerawang STP

Report by General Manager

Summary

The purpose of this report is to inform Council of a recent media report on the Caustic Soda Tank incident at the Wallerawang Sewage Treatment Plant (STP) and to provide details of related information provided to Council. The report recommends action to be taken subsequent to the media report.

Commentary

On 12th March 2020 a media report was televised on 9 News Central West concerning the incident involving the Wallerawang Sewerage Treatment Plant and the current examination of the matter by the EPA in partnership with Council.

Information provided to the media by the party interviewed indicated that the Council had only become aware of the matter on Monday 9th March 2020, which is not true.

The effect of the incorrect advice to the media was to misinform the public and the media responsible for the report.

Council was informed and updated on the progress of the Wallerawang STP investigation at the following Information sessions, Committee Meetings and Council Meeting dates as outlined below.

- **21 October 2019** Councillor Information session with a comprehensive report from the Director Water and Waste Water outlining the history of events leading up to the incident concerned.
- **6 November 2019** at Council's Operations Committee, at which time a further update on progress was given and minuted (refer item 5.2 of committee minutes reproduced below).

Item 5.2 Wallerawang STP

Discussions were had in relation to the recent chemical spill at the Wallerawang STP. The committee were advised that remediation works are occurring at the site.

ACTION

THAT the committee note the information provided in relation to the Water & Sewer Infrastructure Update.

MOVED: Councillor J Smith, SECONDED: Councillor S Ring

CARRIED: Unanimously,

- **25 November 2019** at Council's Ordinary meeting at which time Council resolved as follows-

11.2. IS - 25/11/2019 - Minutes - Operations Committee Meeting - 6th November 2019

19-354 RESOLVED

THAT Council

- Note the minutes of the Operations Committee Meeting held on the 6th November 2019; and*
- Modify the 2019/20 Operational Plan to reallocate \$40,000.00 from Hazelgrove Road (PJ100478) to purchase and install bin stands as in Main Street Lithgow with Wallerawang and Portland laser cut logos*

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED:

Divisions

FOR: Councillor D Goodsell, Councillor M Statham, Councillor R Thompson, Councillor C Coleman, Councillor D Goodwin, Councillor W McAndrew

AGAINST: Councillor S Lesslie

- **9 March 2020** at Council's Extraordinary meeting with Council resolving as follows-
20 -68 RESOLVED

THAT Council submit an application to enter into an Enforceable Undertaking and seek to commence negotiations with the NSW Environment Protection Authority without delay.

MOVED: Councillor R Thompson, SECONDED: Not Required

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: Councillor S Lesslie

Policy Implications

The Code of Conduct sets the minimum standards of conduct for council officials.

Financial Implications

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

Legal and Risk Management Implications

There is a real risk of reputational damage to Council due to misinformation being provided to the media.

Attachments

Nil

Recommendation

THAT Council

1. Council write to all media outlets under signature of the Mayor and Deputy Mayor advising of the deliberate attempt to mislead both Media and Public.
2. In this correspondence, the media be requested to verify with the Mayor, or in the Mayors absence, the Deputy Mayor as to the veracity and factual content of any media interview conducted by elected officials prior to publishing or airing such interviews.
3. That, in view of the incorrect assertions made by the party interviewed, that the Office of Local Government be advised of the circumstances leading up to and resulting in the Public and media being misled in this issue.

8.2. Economic Development and Environment Reports

8.2.1. ECDEV - 23/03/2020 - Proposed Sale of 53 Commens Street, Wallerawang

Report by Director of Economic Development & Environment

Reference

Min No 18-208: Ordinary Meeting of Council held 23 July 2018.

Summary

This report seeks to amend certain wording in the resolution of Council held 23 July 2018 that would not be feasible to comply with if sale proceeded by way of auction and recommends the sale process to be adopted in respect of Lot 2 in DP28230, being vacant land at 53 Commens Street, Wallerawang.

Commentary

At Council's Ordinary Meeting of 23 July 2018 a report was considered in relation to the potential sale of 53 Commens Street, Wallerawang.

Point 2 of resolution number 18-208 resolved as follows:

"2. Supports in principle the sale of Lot 2 DP28230 subject to the location and requirement for service easements being addressed. The sale method is to be a competitive market process undertaken by Council's appointed agent with the results being reported back to Council for final resolution."

Since the above resolution, an easement for transmission line has been identified and an easement for water supply has been created and registered on title. Council is now in a position to place the land on the market for sale.

Council's appointed agent has advised that the most competitive sale method is by way of auction, which is consistent with Council's policy. If a bidder is successful at auction, contracts will immediately be binding on Council and the purchaser. In this circumstance, there will be no opportunity to report back to Council for final resolution. Therefore, to remove the potential for any administrative non-compliance it is requested that point 2 of resolution number 18-208 be amended, and new resolutions be made in respect of the sale process to be undertaken. The suggested amendment and new resolutions are set out in the recommendations below.

Policy Implications

Policy 1.6 - Land Acquisition and Disposal (effective date 29 October 2018)

Financial Implications

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

Legal and Risk Management Implications

Local Government Act 1993

Attachments

Nil

Recommendation

THAT Council:

1. Amend point 2 of resolution number 18-208 by deleting the words “*with the results being reported back to Council for final resolution*”;
2. List the property for sale with LJ Hooker Lithgow, to be sold by way of auction;
3. Delegate authority to the General Manager to determine the reserve to be set prior to the auction date, having regard to the independent valuation obtained by Council prior to auction;
4. If the land is passed in at auction, list the land for sale by private treaty;
5. Instruct Le Fevre & Co to prepare a contract for sale of land and to facilitate the legal aspects of the sale;
6. Delegate authority to the General Manager to negotiate and finalise the transaction to completion following auction or private treaty sale.

8.2.2. ECDEV - 23/03/2020 - Gate Fees for Bushfire Generated Waste at Lithgow Solid Waste Facility

Report by Director of Economic Development & Environment

Summary

The purpose of this report is to advise Council on the situation on gate fees at Lithgow Solid Waste Facility.

Background

Lithgow Solid Waste Facility (SWF) is operated on behalf of Council under contract by Henry Plant and Equipment Hire. Under the contract, "The Contractor shall be entitled to retain the fees and charges collected by him" and fees and charges are indexed annually based on the Consumer Price Index (Sydney).

The current fees have developed to adapt to changing waste streams and Council has approved additional fees outside and above the contract terms to account for the increased cost of disposal. For example, 'Asbestos (or other supervised burial)' is not a category of waste under the contract but was introduced to cover the cost of additional disposal requirements based on how the material is delivered. Typically, bonded asbestos sheets are delivered in packages that are wrapped in plastic.

Recent bushfires are extraordinary events and the gate fee for asbestos is not set for bulk delivery of asbestos contaminated material, particularly asbestos contaminated soil.

Asbestos waste

The asbestos (or supervised burial) charge of \$179 per tonne is based on isolated loads and not bulk asbestos contaminated material. Whilst over and above the provisions of the Contract, Council previously agreed to charge asbestos waste at a higher rate than 'mixed waste' due to the additional disposal requirements combined with typical low tonnages being delivered at a time and preparation of an area for disposal. A significant portion of the bushfire asbestos waste will be 'asbestos contaminated soil' from the property and Council officers are of the view that the gate fees for such material is outside that contemplated in the fees and charges, particularly as preparation of a dedicated landfill area for bushfire waste is eligible for emergency bushfire funding. Council officers believe that the \$97 per tonne fee for mixed waste would be more applicable with the contractor eligible for payment of cell preparation through bushfire recovery funding. The contractor, on the other hand, believes it is entitled to charge \$179 per tonne fee for asbestos. Following negotiations, a compromise was proposed:

Bushfire Waste (No Asbestos Contamination) - \$97 per tonne (Current Mixed waste Charge)

Bushfire Waste (Asbestos Material Only) - \$179 per tonne (Current asbestos charge)

Bushfire waste (Soil Contaminated with Asbestos) - \$138 per tonne

No Charge for uncontaminated residential loads – eg Trailer loads (as per contract)

The contractor has now agreed to the compromise based on the understanding that it will only apply to asbestos contaminated soil from bush fire affected sites and the soil contaminated with asbestos classification only be applied to soil only from bush fire damaged asbestos containing properties after all other asbestos demolition waste has been removed.

Whilst the premium cost of \$179 per tonne may not impact on residents taking part in the co-ordinated clean-up as this charge will be paid by others it may impact on residents who cannot wait for the clean-

up if they are having the clean-up done by a contractor and this is where the Commercial versus Residential provision of the contract is relevant.

Commercial versus residential waste

The Contract has two broad waste categories: "Commercial & Industrial" and "Residential". Unfortunately, there is no succinct definition that assists in interpreting the contract provision. Council Officers believe that bushfire waste has not been generated from commercial or industrial operations and the resident is not making or intending to make a profit - therefore does not fall in the "commercial" category. The contractor on the other hand views large quantities of waste as 'commercial quantity' and defends its 'right' to charge accordingly. Once again in a bushfire clean-up sense this may not affect residents utilising the co-ordinated clean-up but it will affect those who wish to clean up immediately or whose bushfire waste is not included in the co-ordinated clean-up. In an effort to find an agreed solution for bushfire waste where the residential clean-up is being done by a contractor prior to the co-ordinated clean-up the contractor has been requested to consider waiving the charge on a case by case basis particularly in cases of hardship.

As a result of the contractor charging for bushfire waste there has been an increase in residents from bushfire affected areas avoiding the Lithgow SWF and using the rural landfills instead. The pressure on rural landfills will only increase as the clean-up continues if residents are charged for their waste.

Policy Implications

Nil

Financial Implications

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

Whilst Council sets the fees in its fees and charges, the contractor has a right to collect the fees. Council could try and set new fees for bushfire waste but would risk a contractual dispute. Therefore, seeking an agreed approach is preferred. It should be noted that under the current contract Council does not have an ability to waive gate fees.

Legal and Risk Management Implications

Contractual requirements. However, the contract is outdated and subject to interpretation.

Attachments

Nil

Recommendation

THAT

1. The following fee structure be adopted for bushfire waste at Lithgow Solid Waste Facility:
 - *Bushfire Waste (No Asbestos Contamination) - \$97 per tonne (Current Mixed waste Charge)*
 - *Bushfire Waste (Asbestos Material Only) - \$179 per tonne (Current asbestos charge)*
 - *Bushfire waste (Soil Contaminated with Asbestos) - \$138 per tonne*
 - *No Charge for uncontaminated residential loads – eg Trailer loads (as per contract)*
2. Such fees be placed on public exhibition for a period of 28 days.
3. Henry Plant and Equipment Hire be requested to treat loads of uncontaminated bushfire waste, other than subject to the co-ordinated clean-up co-ordinated by Public Works, as residential waste and not charge accordingly.

8.2.3. ECDEV - 23/03/2020 - Extinguishment of restrictive covenant - Drumkeen Lane, Portland

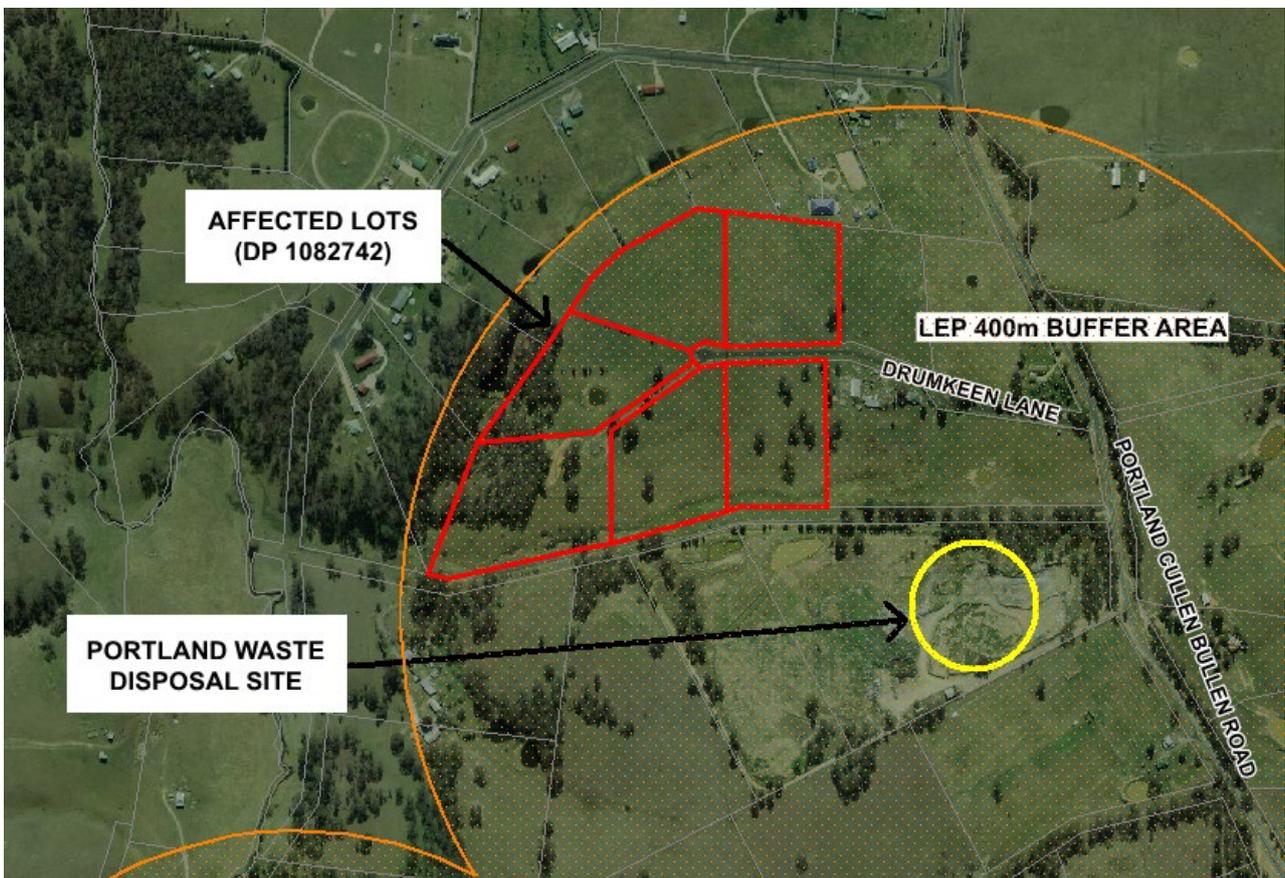
Report by Director of Economic Development & Environment

Summary

The purpose of this report is to obtain the Council's support for the extinguishment of a restriction it imposed on the land near the Portland solid waste facility.

Commentary

In November 2001, Council approved a development application (DA 271/01) for the subdivision of land in Drumkeen Lane, Portland that created six rural residential allotments of approximately 2 hectares each (see map below). Due to the proximity of the lots to Council's Portland waste disposal site and in accordance with Council's applicable development controls at the time of consent, the subdivision was approved subject to a restriction imposed by Council preventing the erection of dwellings on the lots until after the waste disposal site had closed.



The current restriction has been supported by a restriction on individual titles that has the effect of preventing the erection of dwelling houses but it is now inconsistent with the provisions of LEP clause 7.8 which came into effect in 2014. Council has received enquiries and a development application for the erection of a dwelling on Lot 5 in the subdivision and it is necessary to extinguish the restriction to enable development consent to be granted under the LEP provisions.

Since the time of the subdivision approval, Council's regulatory framework has changed, and the land is now subject to the provisions of clause 7.8 of the *Lithgow Local Environmental Plan 2014* (LEP).

These provisions apply a 400m buffer area around certain sensitive land uses and require development proposals in the buffer to address particular environmental constraints related to the sensitive use. In the case of the Portland waste disposal site, the clause enables development within the buffer subject to the proposal adequately addressing both the impacts of the development on the operation of the facility and the suitability of the site for the development based on its proximity to the sensitive use. These provisions are inconsistent with the restriction imposed on the lots by Council at the time of subdivision.

Council granted development consent to the subdivision of Lot 3 DP 1006981 into 6 lots in DA 271/01 on 9 November 2001. This consent was subject to a condition that required the following:

Council's Rural Residential Development Control Plan prohibits dwellings within 400m of a solid waste disposal site. To ensure no dwellings infringe this requirement, the subdivision certificate will not be released until the Portland facility is closed.

It is proposed that the Portland Garbage Depot will be closed in 2003, dependant upon commencement of the proposed centralised waste facility. However, no guarantees can be given and so any works carried out prior to the proposed closure are entirely at the applicants risk.

The above condition was imposed on the subdivision due to the lots all being located within the nominated 400 metre buffer around the waste disposal site. A copy of the instrument containing this restriction is attached. At the time of consent, it was also anticipated that the waste disposal site would be imminently closing, which justified the issue of consent despite the restriction. Due to circumstances unforeseen at the time, the waste disposal site has continued to operate beyond the timeframe anticipated at the time of subdivision consent and is expected to continue in the immediate term to meet Council's operational needs.

In addition to the above, since the commencement of the *Lithgow Local Environmental Plan 2014*, there are now special provisions for nominated sensitive land use sites (such as the Portland waste disposal site). These sites have buffer provisions applied in clause 7.8 of the LEP which seek to facilitate permissible development subject to the adequate consideration and assessment of the particular environmental constraints of the site. Clause 7.8 reads as follows:

7.8 Development within a designated buffer area

- (1) *The objective of this clause is to protect the operational environment of sewage treatment plants, waste disposal facilities and water treatment facilities, and to limit the impact of these facilities on proposed sensitive land uses.*
- (2) *This clause applies to land identified as "Facilities Buffer Zone" on the Facilities Buffer Zone Map.*
- (3) *Before granting development consent for development on land to which this clause applies, the consent authority must consider the following—*
 - (a) *the impact that any noise and other emissions associated with existing land uses would have on the development,*
 - (b) *any measures incorporated into the development that would limit the impact of noise, odour and other emissions associated with the existing land use,*
 - (c) *any opportunities to relocate the development outside the land to which this clause applies,*
 - (d) *whether the proposed development would adversely affect the operational environment of any existing development on the land to which this clause applies.*

The provisions of the above clause enable consent to be granted to permissible development in the identified buffer areas subject to the requirements of the clause being met. The application of these provisions is considered to adequately regulate the use of the land within the buffer and ensure any

development proposals have sufficient regard for the environmental constraints due to its proximity to the sensitive land use. The provisions also ensure any proposal has regard for its potential impact on the ongoing operation of the subject use.

The lots subject to the restriction are within zone R5 Large Lot Residential under the LEP provisions. A copy of the land use table for the R5 zone is attached. This outlines the zone objectives and identifies land uses that are permitted with consent. The land was subdivided for rural residential purposes and of relevance, dwelling houses are identified as a land use permitted with consent. The LEP provisions therefore seek to facilitate rural residential development on the land subject to the requirements of the buffer area provisions (clause 7.8) also being met.

The LEP buffer provisions have been applied across the Lithgow City local government area with similar buffers applied around such sites as the Lithgow waste disposal facility and Council's waste water treatment plants. In each of these nominated buffer areas, development consent can be granted for permissible land uses subject to the clause 7.8 requirements being met. Given the standard approach taken to facilitating development within nominated buffer areas subject to consideration of risks and impacts in the development assessment process, the ongoing maintenance of a restriction against the erection of dwellings on the lots in Drumkeen Lane is unreasonable.

In the consideration of this issue, discussions have been undertaken with Council's Waste and Recycling Coordinator who has considered the potential development and use of the land for residential purposes and the effect it may have on the ongoing operation of the waste disposal site. Having regard for the LEP provisions as well as the current EPA licence for the waste disposal site, no concerns are raised with regard to potential residential development within the buffer.

Based on the above, and to ensure a consistent approach to land use planning and development assessment and enable the provisions of the LEP to be applied to the land, it is recommended that the previously imposed restriction on the use of the land be extinguished.

Policy Implications

The development of land within the nominated LEP buffers and the extinguishment of the restriction on lots in Drumkeen Lane do not have any direct policy implications

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date – N/A
- Future potential impact – no direct impacts – the Portland waste disposal site will continue to operate under relevant regulatory approvals to meet Council's operational needs. The extinguishment of the restriction will not necessarily affect the ongoing viable operation of the waste disposal site.

Legal and Risk Management Implications

Council previously imposed a restriction on the use of the subject lots to prevent the impacts of residential development on the operations of the Portland waste disposal site and ensure its ongoing use. Considerations of the impacts of development both on and from the waste storage site are now contained in the LEP with requirements that consent not be granted to development within the buffer of the waste site unless adequate consideration of impacts is considered. For this reason, the extinguishment of the restriction does not increase or exacerbate Council's legal or risk management with regard to facilitating development within the buffer to the waste facility.

Attachments

1. Section 88B Instrument - Restriction on Use of Land [8.2.3.1 - 3 pages]
2. LEP Zoning Table - R5 Large Lot Residential Zone [8.2.3.2 - 1 page]

Recommendation

THAT

1. Council authorise the extinguishment of the restriction on use imposed on Lots 3,4,5,6,7 and 8 in DP 1082742.
2. A Division be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

8.2.4. ECDEV - 23/03/2020 - Lithgow Halloween 2020

Report by Senior Economic Development and Destination Manager

Summary

To advise Council on Lithgow Halloween 2020 event planning and of necessary expenditure on deposits to secure attractions prior to adoption of the 2020/2021 budget.

Commentary

2020 will see an updated and evolved Lithgow Halloween Event. Event planning is focussed on growing Lithgow Halloween by increasing the event footprint and growing entertainment attractions and offsetting the cost by revenues associated with those attractions.

Research conducted across the last 2 years of Lithgow Halloween has identified growth opportunities for the October 2020 event. The growth and evolution of Lithgow Halloween is timely given 2020 falls on the actual date of Halloween.

The major evolutionary step changes proposed for the 2020 event are:

- Re-engineering and formalising the best dressed/costumes component to take centre stage (dress up/costumes are cornerstone of the event).
- Development of 3 rides/entertainment precincts – family and kids focus.
- A laser and lighting and dance-off grand finale to close off the event.
- Two tailored stages - Cook Street Plaza; best dressed, night film competition finalists' showings and a grand finale, and 2nd music/dance stage being at the bottom of an extended road-closure footprint (full-street).
- Each of the evolved components will be placed into a schedule that will be re-worked across the 7 hours event duration to generate notable must watch/see experiences – very specific stand-alone timings.

Component	Lithgow Halloween 2020 – Growth Initiatives
Best Dressed	<ul style="list-style-type: none"> • Formal pre-registration and judging panel. • 2 new categories added: Professional & family. • Themed stage in Plaza - rear projection for photos. • Photo check-in – live Instagram postings. • Everyone participation prizes. Gold, Silver & Bronze awards per category. • Stage includes best dressed, films showings, lighting/laser show (Grand Finale).
Event Rides	<ul style="list-style-type: none"> • 15 rides in 2020. • 3 precincts: Ages <5, 6-11, 12+15.
Street Parade	<ul style="list-style-type: none"> • Category participants added – with banners identifying. • Invite schools/groups to participate.
Grand Finale	<ul style="list-style-type: none"> • Amazing laser and light show in Plaza • Zombie Dance Off led by professional dance group to Thriller.
Film Competition	<ul style="list-style-type: none"> • 4-5 films showing on Cook Street Plaza Stage during night. • Film-making workshops school holidays being scoped. • New category <i>Greater Blue Mountains Locals</i>.
Performers	<ul style="list-style-type: none"> • Add street performers - zombies.
Music Stage	<ul style="list-style-type: none"> • Stage at bottom of Street - road closed 6am. • Dance groups up & coming bands from 4pm. • <i>LH goes Disco</i> with feature live band.
MCee	<ul style="list-style-type: none"> • Mobile MCee & on street and Cook Street Plaza Stage

In previous years a proven revenue stream provided from event rides indicates that extending the footprint and including additional rides in the extended area should at the least provide a cost neutral scenario. This of course will be weather dependent.

As planning for the event needs to occur before adoption of the budget there is an ongoing problem in that deposits to secure attractions are necessary prior to formal adoption of the budget. At the very least it is considered that the Council should be made aware of this situation. To date it has been necessary to issue orders for \$9,045.46 and likely an additional \$15,000 to secure various attractions. In total it is possible there will be approximately \$25,000 in prepaid expenses forecast in the 2019/2020 financial year.

Policy Implications

Nil

Financial Implications

- Budget approved - draft 2020/21 Operational Plan to be considered at the April Ordinary meeting for public exhibition. Council has also been advised it will be eligible for \$20,000 from Destination NSW via a funding stream from our regional DNSW Network; 'Destination Country and Outback'.
- Cost centre - TBA
- Expended to date –\$9,045.46 on deposits to secure attractions.
- Future potential impact – N/A

Legal and Risk Management Implications

The risk issues to be considered relate to weather and the current developing situation with COVID-19 coronavirus. The hope with the latter is that there is enough time for the situation to improve. However, if for any reason the event was cancelled, some deposits could be lost. In this regard, insurance cover is being investigated.

Attachments

Nil

Recommendation

THAT Council note both the existing expenditure and that up to \$25,000 may be committed for Halloween 2020 prior to adoption of the 2020/21 Operational Plan with any commitment to be for pre-paid deposits.

8.2.5. ECDEV - 23/03/2020 - Lithgow Regional Marketing Cooperative

Report by Director of Economic Development & Environment

Summary

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

Commentary

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

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

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

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

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. To R Lithgow Regional Marketing Cooperative November 2019 Final Draft [8.2.5.1 - 3 pages]

Recommendation

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

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

Report by Director of Economic Development & Environment

Reference

Ordinary Meeting of Council – 29 January 2020

Summary

To recommend to Council that a wider suite of fee waivers be implemented for those submitting applications to rebuild on bushfire affected properties.

Commentary

At Council's Extraordinary meeting of 13 January 2020 it was resolved, among other bushfire relief measures (Min. No. 20-3), the following:

4. Authorise the waiver of fees for development applications and associated charges for replacement dwellings if such costs are not covered by insurance or properties were not insured.

The first development applications have started to come through and some practical issues have been encountered. Firstly, Council's current position is only for replacement dwellings and doesn't cover the many outbuildings that have been lost. Secondly, whether individual insurance coverage extended to Council fees, particularly after the insurance companies have paid out the claim, is not straightforward. Thirdly, the issue of Construction Certificates, which are subject to competition from Private Certifiers, is a difficult question. Enquiries were made with the Australian Competition and Consumer Commission as to whether any decision by Councils to waive Construction Certificate fees could be anti-competitive and open to complaint. The Commission has advised that it cannot give advice on such matters and Council should seek its own legal advice. However, enquiries have been made with other Councils particularly Lismore, Richmond Valley, Kempsey and Nambucca. These Councils have resolved to waive Construction Certificate fees. The view has been taken that the work which will be generated requiring Construction Certificates would be additional work not otherwise available to Certifiers and it would be unreasonable for a private certifier to make a complaint against a Council claiming anti-competitive behaviour where the action is taken aimed at assisting those who have lost homes in a bushfire disaster.

It is also relevant to extend any fee waivers to any outbuildings that have been lost and to seek Council's approval to provide some refunds to those who have not been able to receive fee waivers as the Council's position has not extended that far to date.

Policy Implications

Nil

Financial Implications

- Budget approved - Nil.
- Cost centre - N/A
- Expended to date - Nil.
- Future potential impact – revenue will be forgone if fees are waived.

Legal and Risk Management Implications

Fees for Development Applications and Section 68 approvals are regulated.

Attachments

Nil

Recommendation

THAT

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

8.3. Infrastructure Services Reports

8.3.1. IS - 23/03/2020 - Request for Works - Woolnough Street, Vale of Clwydd

Report by Director of Infrastructure & Services

Reference

Min. No. 20-69 – Extra Ordinary Meeting of Council held 9 March 2020

Summary

This report outlines an appropriate funding option to facilitate the right of carriageway improvements along Woolnough Street, Vale of Clwydd.

Commentary

At the Extra Ordinary Meeting of Council held on 9th March 2020, Council resolved the following:

20 -69 RESOLVED

1. Note the report on damage from the recent rainfall event to the privately owned right-of-carriageway benefiting residences of Woolnough Street, Lithgow.
2. That taking into the consideration the principles of the bush fire recovery agency, provide material and support to the residents of Woolnough Street, in the Vale of Clywdd, Lithgow to provide for the culvert that is resilient to post bush fire flooding.
3. The funds be allocated from the million-dollar payment from the Federal Government which is for the purpose of recovery and renewal within the community.
4. Council engage with the owners above Woolnough Street to control storm water at its source.
5. The creek be cleaned up and flood mitigation be carried out near the bridge.

At this time, it is considered most appropriate to simply complete a project as an exact duplicate of the proposed concrete culvert scheduled for installation at the northern extremity of Woolnough Street to provide rear lane access to properties adjacent to 27 Redgate Street. The existing project for this area has already been designed for stormwater characteristics and flood events expected in the vicinity of Woolnough Street, thereby saving money overall in eliminating the need for a secondary study and design. Allowing Council to complete this project in its entirety will best ensure that the project is completed with due consideration to historical hydrological data and relevant Council / engineering standards, and minimal stress to the affected landowners.

As this is a long-standing issue raised prior to the recent bushfire event, Council has considered options to complete this project utilising existing Council capital funding. Council staff have already sought and received quotes for this pre-designed project which have been valued at \$43,560. Council has a total bridge renewal and improvement budget for 2019/20 of \$518,578. Including a second bridge constructed within the bounds of the private right of carriageway should fall within this fund.

Council's bridge renewal and improvement fund has the following expenditure and commitment:

Total Budget	\$518,578
<i>Spent to Date</i>	
Timber bridge repairs	-\$169,175
<i>Committed to Date</i>	
Hartley Vale Road Bridge	-\$217,723
Redgate Street Property Access Culvert	-\$43,560
Total Remaining	\$88,120

<i>Unresolved Projects</i>	
Woolnough Street Right of Carriageway	-\$43,560
Grand Total Remaining	\$44,560

Henceforth, subject to Council agreement, it is proposed to utilise existing Council's capital project funding to facilitate the culvert installation required to secure the access of Woolnough Street, Vale of Clwydd. The creek clearing will remain work that is completed utilising bushfire resilience funding.

Noting the above, for Council to complete this work utilising its own sources of funding, Section 356 of the Local Government Act must be considered. S356 (2) of the Local Government Act 1993 states:

“a proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days’ public notice of the council’s proposal to pass the necessary resolution has been given.”

As the proposed works in Woolnough Street will benefit two specific ratepayers, Council is required to publicly exhibit the proposal for 28 days before a resolution is considered for the proposed work.

Policy Implications

Nil

Financial Implications

- Budget approved - \$518,578
- Cost centre - PJ100011
- Expended to date - \$169,175
- Future potential impact - \$43,560

Legal and Risk Management Implications

Reduced risk of failure to a private right of carriageway within the Vale of Clwydd..

Attachments

Nil

Recommendation

THAT Council:

1. Endorse the public exhibition of the proposal to undertake flood mitigations works in Woolnough Street, Vale of Clwydd
2. Following the exhibition period, return the works proposal to Council for approval as a variation to the 2019/20 Operational Plan, with details of any submissions received during the exhibition period.
3. Note that \$43,560 required for the Woolnough Street flood mitigation works can be funded from unallocated funding in the 2019/20 bridge improvements and capital works program.

8.4. Finance and Assets Reports

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

Report by Chief Financial & Information Officer

Summary

The purpose of this report is to seek endorsement of priority projects and activities to be funded from an additional grant payment of \$416,667 from the National Bushfire Recovery Agency.

Commentary

In February 2020, the National Bushfire Recovery Coordinator advised that the Commonwealth Government had decided to provide Lithgow City Council with an additional payment of \$416,667 to support recovery from the December 2019 bushfires.

No formal guidelines have been issued in relation to the two payments totalling \$1,416,667 which were made under Category C of the National Disaster Recovery Funding Arrangements. The funds can be spent on projects and activities that the Council deems essential for the recovery and renewal of their communities. A condition of the grant is that Council needs to provide a Program of Works within 3 months to the Office of Local Government (OLG).

The Mayor approved the following funding allocation for the initial \$1M bushfire recovery grant payment as shown in the table below. Budget amounts may be adjusted within the approved projects and activities depending upon funding needs.

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 following funding allocation is recommended for the additional grant payment of \$416,667:

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

In accordance with current slope risk management plans, periodic inspections are required of the Wolgan Gap. As a result of the recent bushfire event, the decision was made to immediately re-assess

the stability and integrity of both the Wolgan Gap rockface and the slopes and embankments adjacent to Macauley Street and Sandford Avenue. These assessments aim to assess the risk and likelihood of rockfall, of which the potential risk may be catastrophic. This report does not assess the likelihood of debris and erosion, which is likely to be resolved over time through natural regrowth and stabilisation.

The proposed figure of \$316,667 is to provide Council with the ability to directly action any high-risk priority works identified as a result of the risk assessment and inspections. With knowledge of any requirements that fall outside Council's current risk tolerances for the area, the organisation is obliged to act, in the name of public safety. This figure will provide Council with the ability to respond quickly, if required. If there are no high-priority risks identified, the allocation of this figure can be reconsidered.

Tourism projects will be determined by the administration once the impacts of COVID-19 on local tourism can be fully assessed.

With regard to bushfire recovery community initiatives, Council may wish to consider the following specific projects put forward by local organisations:

- Sri Om Care (Sri Om Foundation Ltd) - community based projects in the Clarence / Dargan area (no dollar value specified as yet).
- Lithgow Workies Wolves Rugby League Club - \$2,500 to cover entry fees to their NAIDOC Inaugural Indigenous Round home game in July 2020.
- Tarana Volunteer Bushfire Brigade – a program for residents with a water source on their property to be fitted with a Storz fitting. Storz fittings allow fire trucks to tap into water sources. The Director, Water and Wastewater advises that there would be difficulty in implementing a Storz fitting program as the fittings cannot be retrofitted to existing water sources.
- Tarana Volunteer Bushfire Brigade - \$30,000 for the installation of five 25,000 to 30,000 litre water tanks for local brigades to access during fires. There would be ongoing costs to maintain any water tanks and issues with responsibility for ensuring that tanks are filled.

At the 9 March 2020 Extraordinary Meeting, Council resolved to undertake works on private land for flood mitigation and to improve a culvert in Woolnough Street, Vale of Clywdd. Council must consider the public notice requirements of S356 of the NSW Local Government Act with regard to the provision of financial assistance to persons for private gain. 2019/20 capital budget savings may be available to fund the works rather than utilising bushfire recovery grant funding.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$1,416,667
- Cost centre - various
- Expended to date - \$1M fully committed.
- Future potential impact – Nil.

Legal and Risk Management Implications

Grant funding allocations must be expended in accordance with any guidelines.

Attachments

Nil

Recommendation

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

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

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

Report by {position}

Reference

Min. No. 20-3 Extraordinary Meeting of Council 13 January 2020.

Summary

The purpose of this report is to update Council on the progress of an application to the Australian Taxation Office (ATO) to establish a Mayoral Relief Fund with deductible gift recipient status. The report also proposes fund rules to support the application.

Commentary

At the Extraordinary meeting of Council held on 13 January 2020 Council resolved:

20-3 RESOLVED

8. That the General Manger enact the following current council resolution 15-330 adopted at the 14th December 2015 Council Meeting:

“Establish a relief fund to attract public donations for the support of the community during declared natural disasters only and as each event occurs, seek Deductible Gift Recipient Status for the fund from the Australian Taxation Office.”

Council has applied to establish a “*public fund for persons in necessitous circumstances*”. The fund would be set up as a perpetual Mayoral Relief Fund to enable the Council to be more responsive and to be able to offer direct support to community members when State declared natural disasters occur.

Endorsement of the Fund’s Deductible Gift Recipient status will allow the Council to receive tax deductible donations to help community members facing financial hardship as a result of any future State declared natural disasters and be more proactive in helping affected residents.

Proposed Fund Rules

The proposed fund rules state that the fund will:

- Accept donations from members of the public, with the sole aim of providing funding to assist residents who are in financial necessity, as a result of a State declared natural disaster.
- Provide a “one stop shop” where members of the general public can donate money to assist local residents affected by State declared natural disasters.
- Allocate 100% of funds received directly to those residents adversely affected by a State Declared Natural Disaster.
- Operate for a period of up to two years for any single natural disaster or sequence of disasters.

The governance structure of the Lithgow Mayoral Relief Fund Advisory Committee will include two highly prominent local citizens and the General Manager. Following a State Declared Natural Disaster, the General Manager and Mayor will convene a Committee to determine if the fund is activated,

Next Steps

To progress the Deductible Gift Recipient fund application, the ATO requires:

- A copy of the fund rules document, executed by the Mayor and General Manager.
- A copy of the meeting minute approving the rules
- A copy of the Mayoral Relief Fund financial assistance application form.

Policy Implications

Nil.

Financial Implications

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

Legal Implications

Nil.

Attachments

1. Necessitous Circumstances Fund - Public Fund Rules draft version March 2020 [8.4.2.1 - 3 pages]

Recommendation

THAT Council:

1. Note the progress of the application to the Australian Taxation Office to establish a Mayoral Relief Fund with deductible gift recipient status.
2. Approve the public fund rules included as an attachment to this report.

8.5. People and Services Reports

8.5.1. PS - 23/03/2020 - Drought Communities Program - Round 2

Report by Director of People & Services

Reference

Minute 19-122: Ordinary Meeting of Council 27 May 2019.

Minute 19-202: Ordinary Meeting of Council 22 July 2019.

Minute 19-351: Ordinary Meeting of Council 25 November 2019.

Summary

In November 2019, Council was notified of its eligibility to submit an application for a further \$1 million under Round 2 of the Drought Communities Program by the Department of Industry, Innovation & Science. Council is required to submit its application to the Department by 30 March 2020 and all approved projects must be completed by 31 December 2020.

As Council is aware, the focus of the program is to provide local employment; keep money flowing through local shops and suppliers; and to support drought-relief through economic stimulus within communities experiencing drought hardship. In response, the Administration, sought community input into the projects that could best benefit the communities within the Lithgow LGA.

Community Submissions for the Drought Communities Program Round 2 were received from 2 December 2019 to 24 December, 2019, however, due to the Christmas closure and staff leave periods, submissions were accepted up until 17 January 2020. **A total of 24 submissions were received from the community.**

Following the closure of submissions, Council Officers have carefully investigated and assessed each submission against the funding criteria and the Frequently Asked Questions provided by the funding body noting that projects should:

- provide work for people whose employment has been impacted by drought
- stimulate local community spending
- use local resources, businesses and suppliers
- provide a long-lasting benefit to communities and the agricultural industries they depend on.

Eligible activities must directly relate to the project and can include:

- repairs, maintenance, upgrading or building new community facilities;
- repairs, maintenance, upgrades, construction and fit-out of community spaces;
- employing local contractors to undertake repairs and maintenance;
- holding events; and
- undertaking other drought relief activities (including water carting for human consumption).

As part of this process, the Administration has also consulted with NSW Farmers – Hartley Branch and Local Land Services.

Copies of the submissions are attached to enable Councillors to make an informed decision as to the projects to be included in the program application. Below is a summary of the submissions and Officers

Commentary along with a priority listing of projects which have been identified as achievable within the completion timeframe and which fit within the criteria.

Commentary

Facility Improvements - Park/Playgrounds

1. Clarence Pirie Park, Capertee

A submission was received from the Capertee Progress Association for:

- the installation of a picnic table and bench seats with an awning,
- an additional awning for an uncovered picnic table at the park
- A shade sail to cover the slippery dip.

2. Wallerawang and Portland Skateparks

A submission was received from the Wallerawang/Lidsdale Progress Association which was supported by an internal submission for the installation of:

- Twin Exeloo toilet to replace the existing toilet facility at Kremer Park near the Skatepark and Children's Playground.
- Shade Structures to be installed at Wallerawang and Portland Skateparks and over Tweedie Park.
- Exeloo to be installed at Tweedie Park, Wallerawang (Skatepark)

Facility Improvements - Community Recreational

A submission was received from the Tarana Valley Community Group (TVCG) to undertake improvements at:

1. Tarana Recreation Reserve

- Create an entrance bay off Tarana Road with a sealed apron and driveway, post & rail fencing and central gateway & signage.
- Install 2 composting toilets
- Connect to town water supply
- Build a picnic table, shelter and BBQ
- Install a 60,000l water storage tank

Officers Comment

The administration has spoken with the TVCG in relation to the Reserve Management. The TVCG is of the opinion that, the Reserve was dedicated in 1927 from freehold land and therefore it is not subject to Native Title. However, Council's Land Use & Property Officer has investigated this matter and notes:

"Tarana Recreation Reserve is Lot 7001 in DP1025711, owned by State of NSW (i.e., the Crown) and Council is not the Crown Land Manager. The Crown may have appointed a reserve trustee (however, information available is unclear and inconsistent, so it's difficult to tell). Any reserve trustee would be a Category 2 non-council Crown Land Manager, and approval from the Crown would be required for any works. With regard to native title, it is unclear as to whether this parcel is part of the native title claim by Warrabinga-Wiradjuri #7, but the default position is to assume that native title rights and interests exist, unless the Federal Court has determined otherwise. Approval from Crown Lands would be required for any work proposed, and Crown Lands will be responsible for considering any native title matters".

2. Tarana Farmers Market Site

- Enhance the streetscape along Sodwalls & Diamond Swamp Roads and landscape the southern apex of this site with:
 - Terracing, retaining banks, fixed seating and picnic table
 - Planting 3 large advanced deciduous trees

- Native plantings, landscaping, mulching and traffic exclusion protection along Diamond Swamp and Sodwalls Roads.
- Signage and Community Noticeboard.
- Footpath along the northern side of Mutton Falls Road linking the RFS Site to the Tarana Pub and Café.
- 80,000l rainwater tank at the fire shed.

Officers comment

It was agreed that this was a worthwhile project however, the proposed budget by the TVCG may not be adequate. It was further noted that this site is the location of the Tarana Rural Fire Services and that landscaping of the site may prove difficult for emergency vehicle access and egress.

Council has already identified funding in the 2019/20 budget for a Picnic Table and Noticeboard in Tarana and this will be undertaken prior to 30 June. It is estimated that a footpath along the northern side of Mutton Falls Road linking the RFS Site to the Tarana Pub and Café would cost approximately \$15,000 and that installation of a 110,000l rainwater tank would cost approximately \$10,000.

3. Yvonne Martyn Motorsport Park

Purchase and install a 14,500-litre plastic water tank and transfer pump to harvest rainwater from the roofs of the buildings at our Yvonne Martyn Motorsport Park on the Boulder Road at Portland.

The harvested water would then be pumped up to a 1,000-litre header tank which supplies the toilet cisterns and hand washing basin taps. Excess water would be pumped into our water truck and firefighting trailer.

Officers Comment

It was noted that this is a worthy project in keeping with the spirit of water conservation during drought. As the project is only \$2,289, it was felt that this project, if not included, could be considered for funding under Round 1 of Council's Financial Assistance program.

4. Lidsdale Tennis Courts

A submission was received from the Wallerawang/Lidsdale Progress Association for repairs and painting to the Clubhouse at the Lidsdale Tennis Courts.

Officers Comment

This project is supported in principle however, the Clubhouse will need to be inspected for asbestos and lead based paint.

5. Lowther War Memorial

A submission was received from land managers of the Lowther War Memorial Reserve requesting the removal of existing damaged fencing and the erection of a new boundary fence using hinge joint fencing and steel strainer posts.

Officers comment

The Lowther War Memorial is located on Crown Reserve. Council's Land Use & Property Officer has investigated this proposal notes that:

"the project is feasible provided the new fence stays within the footprint of the existing fence, therefore it would not be too difficult from a native title compliance perspective. However, the appointed reserve managers will need to liaise with Crown Lands in respect of the proposed project".

6. Sporting Fields Irrigation

This project aims to continue the program commenced in Round 1 of the Drought Communities Program of installing irrigation systems in Sporting Fields. This program improves the quality of Council's playing

fields and provides efficiencies as the system is installed insitu and is fully automated. The system is programmed to water relevant facilities at night reducing the amount of water used and lost to evaporation. As it is fully automated, it can be remotely controlled by a mobile app and during times of heavy rainfall the amount of water applied can be adjusted accordingly.

It is proposed that irrigation would be installed at the following locations:

- Marjorie Jackson Oval
- Watsford Oval
- Conran Oval
- Tony Luchetti Field 2

7. Capertee Recreation Reserve

A submission was received from the Capertee Progress Association in relation to the establishment of a walking/bike track (approximately 2km) with fitness equipment, covered seating and landscaping on a portion of the Capertee Recreation Reserve. New Land Managers have been appointed by Crown Lands to a portion of the reserve located within the village behind the Capertee Royal Hotel.

Officers Comment

Council's Land Use & Property Officer has investigated this proposal notes that:

"The proposed works seem extensive and permanent and would definitely require a more stringent assessment in terms of native title compliance. The appointed managers will need to liaise with Crown Lands in respect of the proposed project".

8. Lake Wallace Recreation Area

Submissions were received from the Wallerawang/Lidsdale Progress Association and the Lake Wallace Community Boating Centre Inc. For upgrades to the following facilities at Lake Wallace:

- Power extended to the Baseball Shed
- Power extended to the Community Boating Centre
- Aeration System at Lake Wallace for fishing

Officers Comment

The Land in question is owned by Energy Australia. This project does not meet the requirements for eligible expenditure under the Drought Communities Programme Extension - grant opportunity guidelines - December 2019. Section 5.4 - Ineligible Expenditure (p8) cites the following example of ineligible expenditure which is relevant to this submission:

- *the development of private or commercial ventures, including licensed areas of registered clubs.*

Facility Improvements - Footpaths

A submission was received from the Wallerawang/Lidsdale Progress Association for construction of three footpaths:

- Wallerawang Police Station to the pedestrian refuge in Barton Avenue/Tweedie Street to make access to the pedestrian refuge easier.
- Along James Parade as both sides of the road are difficult to traverse.
- From Wallerawang Public School to Forest Ridge Drive.

Officers comment

The footpath between the Wallerawang Police Station and pedestrian refuge in Barton Avenue/Tweedie St is supported in principle as it meets a gap in the existing network.

The footpath along James Parade is supported in principle and would be subject to an inspection to determine feasibility and location of the footpath. Such a construction would directly connect many residents to the existing Wallerawang footpath network, encouraging active transport in the area.

The construction of a footpath between Wallerawang Public School and Forest Ridge Drive has previously been considered by Council and it is noted that this would require completion of a feasibility study and widening of the bridge. At this time, the cost is expected to be prohibitive as a result of the causeway which exists for part of this length of Barton Avenue. Constructing a footpath here would require widening of the road profile by 2.5 metres as it is currently only 10m wide. Over 100m of armco railing will need to be relocated and over 180 lineal metres of bulk earthworks will be required to provide required space and retain existing roadside drainage.

Facility Improvements – Cemeteries

A community submission has been received from Wallerawang Lidsdale Progress Association for a new fence to be constructed at Pipers Flat Cemetery.

Tourism Signage

A submission has been received from the Portland Business Association for the installation of Wayfinding Signage for tourist walks and precinct hi-lights. The signage would allow the signposting of several tourist walks in Portland, identifying landmarks, toilets and parking within the CBD area.

Officers comment

In Round 1 of the Drought Communities Program, Council completed the design and manufacture tourism signage to key destinations in and around the LGA to promote local tourism and tourist attractions to be installed prior to 30 June. This project would provide another layer to the tourism offer in the Lithgow LGA.

Facility Improvements – Community Buildings

1. Union Theatre – Front of House Works

The purpose of the project is to deliver upgraded front of house spaces to increase venue revenue and local spending by offering multiple spaces for hire, including a refreshed event hall, large meeting room, and gallery space. The minor works involve painting all public spaces (excluding toilets), resurfacing the hall floors, replacing damaged sections of the pressed metal ceiling, repair/replacement of the proscenium, furnishings and minor repair works not usually considered maintenance (repair to floorboards, exterior cleaning).

Transforming the venue, which to date has primarily only serviced stage-based events, into a multi-purpose cultural venue will dramatically increase the opportunities for local creatives/business to promote their practices, reach audiences, and offer the community increased opportunity to participate in cultural activity. As well as engaging local contractors to undertake the works, the increased activity within the venue will also deliver opportunities for event-based employment.

2. Works Carried Forward from Round 1

Due to time constraints the following works were carried forward from Round 1. This was due to the discovery of asbestos and the difficulty with engaging specialist contractors in a short timeframe to undertake the asbestos removal.

- Wallerawang Memorial Hall – asbestos removal, internal ceilings, walls and floor repairs
- Vale of Clwydd Hall – asbestos removal, re-clad outside of building, reline internal walls and ceilings.
- Hermitage Hall – asbestos removal, re-clad outside of building, reline internal walls and ceilings.

These projects were all identified from community submissions received as part of the consultation process for Drought Communities Programme Round 1.

3. Lithgow Womens Shed – Clubhouse

A submission was received from Lithgow Women's Shed.

OPTION 1: Funding to replace the water damaged building at the Lithgow Greyhound Track.

- Remove existing demountable building.
- Replace with demountable modular building or shed.
- Cement slab to enable installation of heavy equipment for example drill press & lathe.
- Building to include kitchen/meeting area, disabled toilet/shower, and disabled access (ramp & wide doors)
- Veranda/undercover area
- Install security system
- Hi-cube container to store timber.
- Upgrade car park area

OPTION 2: Funding to install demountable or shed on council supplied property.

OPTION 3: Funding to occupy suitable building supplied by council.

Officers comment

The Lithgow Women's Shed currently has a Memorandum of Understanding with the Lithgow Greyhound Association to use a demountable building on their site. The current building is water damaged and they have been advised that it would not be suitable for renovating, therefore they are seeking to replace the building. It should also be noted that prior to commencement of any building works a Development Application would be required to be submitted.

Council's Land Use and Property Officer has investigated this matter and advises

"Searches indicate that the greyhound track which is surrounded by Union, Inch, Donald and Bennett Streets (Lot 1 in DP327930) is not Crown land, but is private land owned by Lithgow Greyhound Racing Club Limited. Therefore, there is no impediment from a Crown land/native title perspective. But if Council does approve funding to the Women's Shed, we should ensure that the Women's Shed has a legitimate right to occupy the private land and, also ensure that ownership of the demountable building is clear."

Furthermore, Option 1 does not meet the requirements for eligible expenditure under the Drought Communities Programme Extension - grant opportunity guidelines - December 2019. Section 5.4 - Ineligible Expenditure (p8) cites the following examples which are relevant to this submission:

- *the development of private or commercial ventures, including licensed areas of registered clubs.*

However, with respect to Options 2 & 3, subject to further investigation and due diligence, land at the Hermitage, adjoining the Lithgow Community Nursery, could potentially be suitable for development as a community space for facilities such as the Lithgow Women's Shed. However, this would require further liaison with the Lithgow Women's Shed, investigation into the feasibility of such a project, design and costing.

4. Lithgow Information & Neighbourhood Centre – Community Facility

As Council would be aware, LINC is seeking to increase the service delivery and support it currently offers the community. However, LINC has outgrown the building at 1 Padley Street Lithgow. *"The building at 1 Padley street is becoming unsafe and too small for our growing services"*.

Linc is therefore seeking the following:

- Council land in the town of Lithgow to develop a purpose-built Centre.
- Funds to cover the Development application, draftsman/designer and builder and cost to build.

Officers Comment

This project does not meet the requirements for eligible expenditure under the Drought Communities Programme Extension - grant opportunity guidelines - December 2019. Section 5.4 - Ineligible Expenditure (p8) cites the following examples which are relevant to this submission:

- *undertaking studies or investigations*

However, as with Options 2 & 3 of the Lithgow Women's Shed proposal, subject to further investigation and due diligence, land at the Hermitage, adjoining the Lithgow Community Nursery, could potentially be suitable for development as a community space for facilities such as the Lithgow Information and Neighbourhood Centre. However, this would require further liaison with LINC, investigation into the feasibility of such a project, design and costing.

Waste Management

A submission has been received from NSW Farmers – Hartley Branch (which was supported by the Local Land Services – LLS) for the construction of boundary fencing around rural tips to prevent feral animals from entering. Discussions with LLS noted that fencing the rural tips would reduce the ability of feral pigs to enter the premises and reduce the spread of disease.

Officers Comment

It was noted that Lithgow Solid Waste Facility and Capertee Garbage Depot would benefit from fencing to exclude feral animals, however this would need to be investigated and costed.

Weed Management

Two submissions were received in relation to roadside weed management; one from Upper Macquarie County Council and the second from a member of the community.

Upper Macquarie County Council wish to develop a Memorandum of Understanding with Council for Roadside Weed Management (Biosecurity) - the work proposed is for additional weed treatment activity on Council land for the benefit of the Lithgow Community – particularly farmers. It will also assist Council better meet its weed biosecurity duty and to some extent get ahead of the problem before the post *drought* weed resurgence that is inevitable in some areas.

The community submission was received from a resident of the Hartley Valley who expressed concern with regard to African Lovegrass and other weeds on roadsides).

Officers Comment

Council currently has a Memorandum of Understanding with Upper Macquarie County Council. The Council Administration consulted with the Local Land Services in relation to weed management and it was noted as follows:

- A roadside weed management program needs to be developed in conjunction with an education program for adjoining landholders. Spraying weeds along the roadside is not beneficial if the adjoining property remains infested.*

Community Wellbeing

1. Breakfast Club

A submission has been received from Headspace Lithgow to develop a Breakfast Club at Lithgow and Portland High Schools for two terms at a cost of \$2,900.

Officers comment

It was noted that this program was extremely worthy, it may not fit within the funding guidelines. It was however, considered appropriate to contact Headspace and recommend that they apply under Council's Financial Assistance Program.

2. Mental Health Officer

Submissions were received suggesting that there was a need to employ a mental Health Officer to assist drought affected farmers and residents who are isolated.

Officers Comment

Council has been working closely with the Sonia Cox, RAMHP Coordinator from [Rural Adversity Mental Health Program](#).

“The Rural Adversity Mental Health Program (RAMHP) is a major project of the Centre for Rural and Remote Mental Health (CRRMH). RAMHP has 19 Coordinators based

across regional, rural and remote NSW who inform, educate and connect individuals, communities and workplaces with appropriate services and programs. The Program links people to local mental health services and resources, educates workplaces and communities about mental health and wellbeing and responds in times of natural disasters and severe adversity”.

3. General Support

Some submissions were received in relation to provision of general support to individual members of the community who are vulnerable; isolated, homeless or recently impacted by the bushfires. It should be noted that these matters are outside the scope of the Drought Communities Program – Extension.

Marketing

A submission was received from Central West Media Ltd/Village Voice to undertake a marketing campaign supporting local business. The proposal is for a full page of local business advertising in the paper each week:

Officers comment

The submission requests that Council consider an allocation of \$33,000 for businesses to advertise in the Village Voice over a 52-week period. It is considered appropriate that, should Council wish to fund a business marketing program through local print media that, an amount be identified by Council and that advertising rates also be sought from the Lithgow Mercury, with businesses given the option to advertise with either paper.

Community Events

A number of submissions were received from community organisations and members of the community across the whole local government area regarding conducting Community events as follows:

- Community Submission - Regenerative farming conference to be conducted by Local Land Services similar to Greening Bathurst which was conducted last year.
- NSW Farmers – Hartley Branch - Conducting workshops and programs with Local Land Services including Dam Construction, Water Security and how-to-set-up.
- Capertee Valley Landcare (CVL) – Hydrological Landscape Part 2 - a project to improve the resilience of both the community and its landscape – proposed amount for this activity. \$50,000.
Note: *Following discussions with a representative of CVL, this program is ready to roll-out to the community of the Capertee Valley and forms part of their ongoing educational program. The cost of the course is \$2400 per person and can educate a maximum of 20 people per Course. Should Council resolve to include this event in the Drought Communities Program – Extension, the CVL would be ready to run, the program and finalise the event by December 2020.*
- Capertee Valley Landcare – A Sustainable 2-day farm festival/field days event in the Capertee Valley - proposed amount for this activity - \$250,000
- Trybal Productions – Lithgow TV – Large Screen TV placed in Lithgow Valley Plaza, Cook Street Plaza and Lithgow Visitors Centre to promote tourist and community information.
- Trybal Productions – Immersive – Emergent Theatre Production - development of one or multiple theatrical and music pieces over the coming year to showcase the talents and the depth of experience and creative expression of the people of Lithgow.
- Central West Total Entertainment and Events
 - Option 1 - COUNTRY MUSIC Festival - at the Blast Furnace
 - Option 2 - BLAST FROM THE PAST Music Festival - Aussie Major Artists
 - Option 3 - TRIBUTE BANDS - A Day on the Green - FLASHBACK/REWIND

Officers Comment

The administration met with Local Land Services to discuss the proposed events and it was considered appropriate, should Council wish to host an event as part of the Drought Communities Program - Extension, that a central location be chosen with the Local Government Area, such as the Portland

Foundations Site to host a Farm Field Day type event which would feature educational programs, sustainable farming practices, local products, farm gate tourism. However, this type of project would need to be fully developed and it may not be feasible to coordinate an event of this scale by the funding deadline of December 2020.

Local Land Services also referred Council to the Soil Conservation Society who run educational Programs on dam construction, location and erosion work. To run two workshops (Hartley and Capertee) including; presenters, catering and marketing \$6,000.

Of the events submitted by the community, only those submitted by Capertee Valley Landcare have been costed. It should be noted that Council has a responsibility to acquit the Grant by December 2020. As such, all projects must be completed and feedback, images provided on the success or otherwise of the activities.

Water Security

1. Water security

A number of matters were raised by the NSW Farmers – Hartley Branch in relation to water security as follows:

- Additional engineering of the Fish River Water Supply to act as an emergency reserve, increase Lithgow's capacity to act in an emergency and provide much needed value to the community during drought or fire events.
- Reducing evaporation and seepage from open channels – pipeline construction and/or channel covers.
- Investigate emergency water planning such as the use of temporarily idle water in the Aquatic centre for firefighting efforts.
- Investigate with Water NSW drainage schemes/divide maps for local catchment areas.

Officers Comment

The Fish River Water Supply can already supply the whole reticulated network in the LGA. The full reticulated network can also be supplied from Farmers Creek when required. Council does not have open channels used for water supply proposes and there are no irrigators within the Farmer Creek or FRWS supply.

2. Standpipes

- Council publish information on standpipes that can be used by landholders and review access rights including in relation to applications for keys or a sign in-sign out register.
- Review standpipe locations and investigate the possibility of re-establishing any disused standpipes in outlying areas.
- Provide access to local standpipes for farmers for stock and household water and assistance with transport.

Officers Comment

Council's drought assistance measure includes a 50% reduction on metered standpipe water usage charges for Farmers. There is no restricted access to the standpipes which have now been installed at Wallerawang, Cullen Bullen, Rydal, Portland and Glen Davis and payment is via a credit card payment system only (other than Glen Davis which will be coin operated). Water carting for human consumption is included as eligible expenditure in the grant guidelines if it is to allow a group of community members to replenish their water tanks (not individuals).

3. Water Subsidies/Cartage

A number of submissions were received in respect to cartage of water, provision of water for human consumption and stock, to purchase a water tank and fill with water.

Officers Comment

Water carting for **human consumption** is included as eligible expenditure in the grant guidelines if it is to allow a group of community members to replenish their water tanks (not individuals). Provision of water for stock is not permitted. In addition to this the Drought Communities Program – Extension FAQ in response to subsidising payment of council and water rates states:

“No. Providing rate relief is not eligible under the programme. The intent of the programme is to provide funding for projects expected to: lead to the employment of locals, contribute to the economic activity of communities/regions, or lead to the retention of business, services and facilities”.

4. Water Vouchers

A community submission was received requesting that funding be provided to support those with no water in their domestic ability (washing clothes) through vouchers for local laundry or making amenities available for rural ratepayers to access.

Officers comment

The Drought Communities Program – Extension FAQ in response to subsidising payment of council and water rates states:

“The intent of the Drought Communities Program - Extension is to support local community infrastructure and other drought relief projects. Support of this type (vouchers/gift cards) for communities impacted by drought is being delivered through the Drought Community Support Initiative Program”.

5. Water Supply Capertee and Capertee Valley Landcare

The following submissions were received from the Capertee Progress Association and Capertee Valley Landcare Association with respect to the supply of water to the Village and the Valley communities:

- The installation of a pipeline to Capertee potentially from Springvale to supply water for the town and the Capertee Rural Fire Service.
- Council to lobby NSW Water to install additional water hydrants and spurs with hydrants in the Fish River Pipeline to allow access for residents on Crown Station Road, Glen Alice Road and the Junction of Genowlan and Huntingdale Roads. These outlets are needed for firefighting purposes, watering of livestock and, if need be, community members who pay exorbitant money to have their water trucked in from outside, the valley.

5. Water Saving Devices

Two submissions were received requesting Council develop a program for the provision of water saving devices to community halls, commercial businesses and residents to upgrade their old amenities with new efficient fixtures and amenities.

Officers Comment

A program like this was run during the last drought by SaveWater NSW and it was found that based on a cost-benefit analysis that this was one of the least effective measures to conserve water.

Priority 1 Projects		Estimate
1.	Wallerawang and Portland Skateparks <ul style="list-style-type: none"> • Installation of 2 Exelooos • Installation of shade structures over park and playground facilities. 	\$476,00
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 	\$187,500

	<ul style="list-style-type: none"> • Vale of Clwydd Hall • Hermitage Hall 	
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

Additional Projects		
		Estimate
1.	Playground Improvements <ul style="list-style-type: none"> • Clarence Pirie Park, Capertee 	\$40,000
2.	Tarana Farmers Market Site <ul style="list-style-type: none"> • Footpath along the northern side of Mutton Falls Road linking the site to the Tarana Pub and Café. • 110,000l Rainwater Tank 	\$25,000
3.	Yvonne Martyn Motorsport Park <ul style="list-style-type: none"> • Installation of a 14,500l rainwater tank and transfer pump. 	\$2,289
4.	Pipers Flat Cemetery – Boundary Fence	\$40,000
5.	Wayfinding signage for tourist walks and precinct hi-lights in Portland	\$15,000
6.	Lidsdale Tennis Courts Club House repairs and painting	\$15,000
7.	Lowther War Memorial boundary fencing	\$8,000
5.	Lithgow Solid Waste Facility & Capertee Garbage Depot boundary fencing	\$100,000
6.	Central West Media Ltd/Village Voice – Business Advertising	\$33,000
7.	Soil Conservation Society – Dam Construction and Erosion Control Workshops – Capertee and Hartley	\$6,000
8.	Capertee Valley Landcare - Hydrological Landscape Part 2	\$50,000
9.	Capertee Valley Landcare - A Sustainable 2-day farm festival/field days	\$250,000

Policy Implications

Nil.

Financial Implications

- Budget approved - Nil pending approval of the program application,
- Cost centre - various TBA.
- Expended to date - Nil.
- Future potential impact - capital projects require ongoing maintenance of assets and potentially future asset renewal costs.

Legal and Risk Management Implications

Nil.

Attachments

1. Drought Community Programme - FA Qs [8.5.1.1 - 4 pages]
2. NSW Government - Crown Land Manager resource [8.5.1.2 - 11 pages]
3. Community Submissions Drought Communities Program _ Extension 2 [8.5.1.3 - 49 pages]

Recommendation

THAT

1. Council note the submissions received and respond accordingly.
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 2 twin Exeloos • Installation of shade structures over park and playground facilities. 	\$476,00
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 Clwydd 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

3. The following programs be considered for funding under Council's 2020/21 Financial Assistance Program:

Additional Projects		Estimate
1.	Yvonne Martyn Motorsport Park <ul style="list-style-type: none"> • Installation of a 14,500l rainwater tank and transfer pump. 	\$2,289
2.	Lowther War Memorial boundary fencing	\$8,000
3.	Headspace Lithgow – Breakfast Club – Portland & Lithgow High Schools	\$2,900

4. Council investigate whether land at Hermitage Flat adjoining the Lithgow Community Nursery would be suitable for future development as a community space for the Lithgow Women's Shed Group and Lithgow Information & Neighbourhood Centre.

9. Council Committee Reports

9.1. ECDEV - 23/03/2020 - Environmental Advisory Committee Meeting - 12 February 2020

Report by : Director of Economic Development & Environment

Summary

This report details the Minutes of the Environmental Advisory Committee Meeting held on 12 February 2020

Commentary

At the Environmental Advisory Committee meeting held on 12 February 2020 there were 11 items on the agenda which are outlined in the attached minutes.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Attachments

1. Environmental Advisory Committee - Minutes - 12 February 2020 [9.1.1 - 6 pages]

Recommendation

THAT Council note the:

1. Minutes of the Environmental Advisory Committee held on 12 February 2020.
2. Election of Councillor Steve Ring as Chair and Mr Col Hunter as Deputy Chair of the Environmental Advisory Committee.

9.2. PS - 23/03/2020 - Youth Council Minutes 18 February 2020

Report by	Director of People & Services
-----------	-------------------------------

Summary

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

Commentary

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

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

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Minutes 18.02.2020 [9.2.1 - 5 pages]

Recommendation

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

9.3. PS - 23/03/2020 - Community Development Committee Minutes 25 February 2020

Report by Director of People & Services

Reference

Min No 19-353 Ordinary Meeting of Council held 25 November 2019.

Summary

The Minutes of the 25 February 2020 Community Development Committee meeting are provided for Council's consideration.

Commentary

At the Community Development Committee meeting held 25 February 2020, various matters were discussed including:

- Great Western Highway signage to the Adventure Playground;
- Projects being undertaken by the Lithgow Dementia Alliance; and
- A review of actions undertaken to implement the Disability Inclusion Action Plan.

Policy Implications

Nil.

Financial Implications

Nil.

Legal and Risk Management Implications

Nil.

Attachments

1. CDC Minutes 25 February 2020 [9.3.1 - 4 pages]

Recommendation

THAT Council adopt the minutes of the Community Development Committee meeting held 25 February 2020.

9.4. IS - 23/03/2020 - Operations Committee Meeting Minutes - 4th March 2020

Report by Director of Infrastructure & Services

Summary

This report details the minutes of the Operations Committee Meeting held on 4th March 2020.

Commentary

At the Operations Committee held on the 4th March 2020, there were numerous items discussed by the Committee including:

Item 5.1 Standing Item – Cullen Bullen Sewerage Scheme Update

Item 5.2 Standing Item – Water & Sewer Infrastructure Update

Item 5.3 Standing Item – Capital Works Report

Item 5.5 Glen Alice Road – Community Submission

Item 5.6 Late Report – Stormwater – Vale of Clwydd -(report was presented and resolved at the Extra Ordinary Meeting of Council held on the 9th March 2020).

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

- Item 5.4 - Report Glen Alice Road, Bogee – Road Condition
RECOMMENDATION
THAT for the purpose of improving motorist safety and reducing ongoing maintenance costs, Council approve the immediate removal of seal along dilapidated sections of Glen Alice Road in preparation of an approval for reseal as part of the 2020/21 Operational Plan.

Policy Implications

Nil

Financial Implications

- Budget approved – Nil
- Cost centre - Nil
- Expended to date - Nil
- Future potential impact -\$1,413,600.00 including GST

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Operations Committee Meeting - 4 th March 2020 [9.4.1 - 7 pages]

Recommendation

THAT

1. Council note the minutes of the Operations Committee meeting held on the 4th March 2020; and
2. For the purpose of improving motorist safety and reducing ongoing maintenance costs, Council approve the immediate removal of seal along dilapidated sections of Glen Alice Road in preparation of an approval for reseal as part of the 2020/21 Operational Plan.

9.5. IS - 23/03/2020 - TALC Committee Meeting Minutes - 5th March 2020

Report by Director of Infrastructure & Services

Summary

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

Commentary

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

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

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

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

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - TALC Committee Meeting - 5 th March 2020 [9.5.1 - 6 pages]

Recommendation

THAT

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

9.6. FIN - 23/03/2020 - Finance Committee Meeting Minutes March 2020

Report by Chief Financial & Information Officer

Summary

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

Commentary

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

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

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

The following business paper recommendation was also endorsed by the Committee

Council Investments Report February 2020

THAT

1. Investments of \$28,200,000 and cash of \$795,336 for the period ending 29 February 2020 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. Minutes Finance Committee Meeting 9 March 2020 [9.6.1 - 5 pages]

Recommendation

THAT Council:

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

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. GM - Confidential - 23/03/2020 - Costs - New Era Defendo

Report by General Manager

Reason for Confidentiality

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

- (e) information that would, if disclosed, prejudice the maintenance of law
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Reference

Min 20 – 38 – Ordinary Council Meeting of 24 February 2020.

Summary

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

Recommendation

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