



## AGENDA

Extra Ordinary Meeting of Council  
Re adjourned from 20 April 2020  
to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 April 2020

at 6:00 pm

# ORDER OF BUSINESS

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## 1. Acknowledgement of Country

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### Acknowledgement of Country

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

### Declaration of Webcasting

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

## 2. Present

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## 3. Apologies

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## 4. Declaration of Interest

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## 5. Commemorations and Announcements

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## 6. Mayoral Minutes

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### 6.1. Mayoral Minute - Confidential - 27/04/2020 - Staff Issues

Report by Mayor – Councillor Ray Thompson

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#### Reason for Confidentiality

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

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

This report will be table at the meeting.

#### PROCEDURAL MOTION

That the Mayoral Minutes and All Confidential reports be brought forward and discussed at this point in the meeting in Closed Confidential Council in accordance with Section 10A(2) of the Local Government Act 1993.

## **7. Staff Reports**

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### **7.1. People and Services Reports**

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#### **7.1.1. PS - 20/04/2020 - Farmers Creek Share Path Along Burton street**

**Report by** Director of People & Services

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#### **Reference**

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

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

#### **Summary**

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

THAT:

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

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

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

#### **Commentary**

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

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

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

#### **Burton Street Proposal**

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

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

### **Burton Street Resident Concerns**

The concerns expressed by Burton Street residents about the proposed shared pathway on the eastern side of Burton Street relate to potential safety concerns for cyclists and pedestrians from cars reversing from driveways/garages and loss of amenity from bringing cycle and pedestrian traffic into what is currently a quiet cul-de-sac.

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

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

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

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

### **Alternative Alignment Away from Farmers Creek.**

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

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

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

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

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

### **Conclusion**

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

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

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

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

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

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

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

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

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

### **Policy Implications**

Nil

### **Financial Implications**

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

### **Legal and Risk Management Implications**

Nil

### **Attachments**

1. Farmer's Creek Footpath Concept - Burton Street [7.1.1.1 - 1 page]
2. Farmers Creek Overview Map [7.1.1.2 - 1 page]
3. Burton Street Residents letter [7.1.1.3 - 1 page]
4. Concerns - Farmers Creek Shared Pathway Works [7.1.1.4 - 2 pages]

### **Recommendation**

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

## 7.1.2. PS - 20/04/2020 - Drought Communities Program - Round 2

Report by Director of People & Services

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### 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, re-line internal walls and ceilings.
- Hermitage Hall – asbestos removal, re-clad outside of building, re-line 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.*



<b>Priority 1 Projects</b>		Estimate
1.	Wallerawang and Portland Skateparks <ul style="list-style-type: none"> <li>• Installation of 2 Exeloos</li> <li>• Installation of shade structures over park and playground facilities.</li> </ul>	\$476,00
2.	Footpaths – Wallerawang <ul style="list-style-type: none"> <li>• Wallerawang Police Station to pedestrian refuge in Barton Avenue/Tweedie Street.</li> <li>• James Parade</li> </ul>	\$15,000 \$100,000
3.	Union Theatre – Front of House Works	\$99,054
4.	Community Halls Upgrade <ul style="list-style-type: none"> <li>• Wallerawang Memorial Hall</li> <li>• Vale of Clwydd Hall</li> <li>• Hermitage Hall</li> </ul>	\$187,500
5.	Sporting Fields Irrigation Systems Installation <ul style="list-style-type: none"> <li>• Marjorie Jackson Oval</li> <li>• Watsford Oval</li> <li>• Conran Oval</li> <li>• Tony Luchetti Field 2</li> </ul>	\$135,000
<b>Total</b>		<b>\$1,012,554</b>

<b>Additional Projects</b>		Estimate
1.	Playground Improvements <ul style="list-style-type: none"> <li>• Clarence Pirie Park, Capertee</li> </ul>	\$40,000
2.	Tarana Farmers Market Site <ul style="list-style-type: none"> <li>• Footpath along the northern side of Mutton Falls Road linking the site to the Tarana Pub and Café.</li> <li>• 110,000l Rainwater Tank</li> </ul>	\$25,000
3.	Yvonne Martyn Motorsport Park <ul style="list-style-type: none"> <li>• Installation of a 14,500l rainwater tank and transfer pump.</li> </ul>	\$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 [7.1.2.1 - 4 pages]
2. NSW Government - Crown Land Manager resource [7.1.2.2 - 11 pages]
3. Community Submissions Drought Communities Program \_ Extension 2 [7.1.2.3 - 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:

<b>Priority 1 Projects</b>		Estimate
1.	Wallerawang and Portland Skateparks <ul style="list-style-type: none"> <li>• Installation of 2 twin Exeloos</li> <li>• Installation of shade structures over park and playground facilities.</li> </ul>	\$476,00
2.	Footpaths – Wallerawang <ul style="list-style-type: none"> <li>• Wallerawang Police Station to pedestrian refuge in Barton Avenue/Tweedie Street.</li> <li>• James Parade</li> </ul>	\$15,000 \$100,000
3.	Union Theatre – Front of House Works	\$99,054
4.	Community Halls Upgrade <ul style="list-style-type: none"> <li>• Wallerawang Memorial Hall</li> <li>• Vale of Clwydd Hall</li> <li>• Hermitage Hall</li> </ul>	\$187,500
5.	Sporting Fields Irrigation Systems Installation <ul style="list-style-type: none"> <li>• Marjorie Jackson Oval</li> <li>• Watsford Oval</li> <li>• Conran Oval</li> <li>• Tony Luchetti Field 2</li> </ul>	\$135,000
<b>Total</b>		<b>\$1,012,554</b>

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

<b>Additional Projects</b>		Estimate
1.	Yvonne Martyn Motorsport Park <ul style="list-style-type: none"> <li>• Installation of a 14,500l rainwater tank and transfer pump.</li> </ul>	\$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.

## 8. Council Committee Reports

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

**Report by** Director of Infrastructure & Services

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#### Summary

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

#### Commentary

At the TALC Committee held on the 5<sup>th</sup> 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 [8.1.1 - 6 pages]

#### Recommendation

THAT

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

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

**Report by** Chief Financial & Information Officer

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### 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 [8.2.1 - 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.

## **9. Business of Great Urgency**

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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.

## **10. Closed Council**

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### **Recommendation**

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

### **10.1. MAYORAL MINUTE – CONFIDENTIAL - 27/04/2020 – STAFFING MATTERS**

**Report by** Mayor – Councillor Ray Thompson

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#### **Reason for Confidentiality**

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

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

#### **Summary**

For Council to discuss the applicants for the position of the General Manager.

### **10.2. GM - 27/04/2020 - Commercial Rent Relief - Response to Covid-19 Situation.**

**Report by** General Manager

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#### **Reason for Confidentiality**

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

- (b) the personal hardship of any resident or ratepayer

#### **Summary**

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

**10.3. GM - Confidential - 27/04/2020 - Costs - New Era Defendo**

**Report by** General Manager

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**Reason for Confidentiality**

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

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

**Summary**

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

**10.4. WWW - 27/04/2020 - Tender for the Upgrade of the Tweed Mills Sewage Pump Station**

**Report by** Director of Water & Wastewater

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**Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,

**Summary**

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

**10.5. WWW - 27/4/2020 - Clarence Colliery Pipeline Project - Pre-Feasibility Report**

**Report by** Director of Water & Wastewater

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**Reason for Confidentiality**

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

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

**Summary**

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

**Recommendation**

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