



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 September 2020

at 7:00 pm

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1. Acknowledgement of Country

Acknowledgement of Country

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

Declaration of Webcasting

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

2. Present

3. Apologies

4. Declaration of Interest

5. Confirmation of Minutes

6. Commemorations and Announcements

7. Public Forum

Due to the Covid-19 pandemic situation, public attendance is not permitted.

In the interim, the public can still address Council by registering at

www.council.lithgow.com/addressing-council, by 12 noon, Monday 24 August 2020.

There is an option to address Council via live video conference or by lodging a written submission.

8. Mayoral Minutes

9. Notices of Motion

9.1. Notice of Motion - Lithgow Women's Shed

Report by Councillor Steve Ring

Commentary

The Lithgow Women's Shed is a community group that was established in 2018 with a primary aim of; "Delivering skills workshops to the community, focusing on practical skills for socially and geographically isolated women."

The Women's Shed movement is relatively recent and not as well known in the broader community as the Men's Sheds. Like the men's shed there is a focus on mental health issues but more importantly providing single women the necessary skills to perform basic tasks around the house such as changing washers on taps and the safe use of power tools. For some women these tasks may have previously been undertaken by a male partner and these new skills can save these women considerable funds over a twelve-month period.

The Lithgow Women's Shed had difficulty in finding suitable premises within Lithgow until the Lithgow Greyhound Club offered them the use of an old demountable building at the race track. The demountable is not in good condition and the group have been advised that the cost of upgrading the facility would be excessive.

I was invited to meet with the executive of the Women's Shed on the 3rd September to discuss the long-term future of the organisation. I was advised that there are potential grants available that would allow the group to build a purpose-built structure. However, given the long-term uncertainty of greyhound racing not only in Lithgow but in NSW the group is reluctant to invest in the current location.

I was requested to raise the issue of Council providing the group an opportunity to build on Council owned land (similar to the Touch Football Association at Saville Park, Portland) with Council to retain ownership of the new structure. One area of land that could be suitable for such a venture would be next to the Lithgow and District Community Nursery located in Coalbrook Street on the site of the former Hermitage Colliery

Attachments

Nil

Recommendation

THAT Council review its landholdings within Lithgow to determine if there is a suitable location that could be used for the construction of a purpose built Women's Shed.

9.2. Notice of Motion - Thompsons Creek Road Verge

Report by Councillor Maree Statham

Commentary

Due to the excessive growth from recent rain and the horrific fires encountered through out the Lithgow Local Government Area residents of Thompson's Creek Road are requesting to maintain and improve the verge adjacent to the Falnash Forrest on Thompson's Creek Road.

NSW Forestry are clearing twenty metres of the forestry on the internal fence line of Thompson's Creek Road for more efficient fire control after lobbying from the residents.

Residents would like to volunteer their time to assist in clearing and improving the excessive vegetation and request Lithgow City Council support this matter with Council Officers inducting the interested residents living on Thompson's Creek Road.

Attachments

Nil

Recommendation

THAT Lithgow City Council support the induction of interested residents of Thompsons Creek Road in their request to be inducted by Council Officers to assist in the cleaning of debris and mowing the verge / roadside adjacent to the Falnash Forrest.

This will demonstrate a productive working partnership with Lithgow City Council to eradicate excessive vegetation which will provide less fuel in the event of catastrophic fires and better road vision with local wildlife.

10. Staff Reports

10.1. General Manager's Reports

10.1.1. Nominations for and Election for the Position of Mayor 2020-2021

Prepared by Trinity Newton - Executive Assistant to the Office of the General Manager & Mayor

Department Executive

Authorised by General Manager

Summary

S290 of the NSW Local Government Act 1993 (the Act) sets out when an election of a Mayor by the Councillors is to be held

This report provides the procedure for the election of a Mayor for a 12 month period in the specific circumstances of the COVID-19 pandemic and the related delay of Local Government elections until September 2021.

Commentary

The Office of Local Government (OLG) released Circular 20-20 with regard to September 2020 mayoral elections. The circular stated:

Councils that elected mayors in September 2018 must have mayoral elections in September 2020 when the 2-year term of the current mayor expires. The mayor elected in September 2020 will hold their office until ordinary elections are held on 4 September 2021.

Section 290 of the Act states when an election of a Mayor by the Councillors is to be held, in ordinary circumstances.

290 *When is an election of a mayor by the councillors to be held?*

- (1) *The election of the mayor by the councillors is to be held:*
 - (a) *if it is the first election after an ordinary election of councillors-within 3 weeks after the ordinary election, or*
 - (b) *if it is not that first election or an election to fill a casual vacancy-during the month of September, or*
 - (c) *if it is the first election after the constitution of an area-within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
 - (d) *if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors-within 14 days after the appointment or election of the councillors.*
- (2) *If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*
- (3) *For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.*

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

The Mayoral Fee presently paid by Lithgow City Council is \$23,546 p.a., plus \$11,119 p.a. Councillor Fee (totalling \$34,665 p.a.). plus use of a motor vehicle is also provided.

Nominations

Nominations are now invited for the Office of Mayor for the 2020 to 2021 term (until 4 September 2021). The election of a Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Mayor.

Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

Nomination

A councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one councillor is nominated for the position of Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause "absolute majority" in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Lithgow City Council has traditionally held the vote by the 'Open Voting' method.

General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

Notes:

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Monday 28 September 2020 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) "Open Voting" means voting by a show of hands or similar means;
- (iv) "Ballot" has its normal meaning of secret ballot; and
- (v) "Ordinary Ballot" means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nomination forms for the position of Mayor are coloured **BLUE** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

Policy Implications

Nil.

Financial Implications

The Mayor is paid a Mayoral Fee and the Councillor Fee plus use of a motor vehicle. 2020/21 Mayoral and Councillor fees were set by resolution at the July 2020 meeting (Min. No. 20-174).

Legal and Risk Management Implications

The election of a Mayor, as well as the process for nominations and voting is in accordance with the NSW Local Government Act 1993.

Attachments

1. Mayor Election Form 2020 [ILGC] [10.1.1.1 - 1 page]

Recommendation

THAT Council proceed with the election of the Mayor and, in order to facilitate that, determine the method of voting.

10.1.2. Nominations for and Election for the Position of Deputy Mayor for 2020-2021

Prepared by Trinity Newton - Executive Assistant to the Office of the General Manager & Mayor

Department Executive

Authorised by General Manager

Summary

S231 of the NSW Local Government Act 1993 states that “Councillors may elect a person from among their number to be the Deputy Mayor”. This report sets out the procedure for the election of the Deputy Mayor, if so decided, for the coming one year period.

Commentary

Councillors **may** elect one from their number to be the Deputy Mayor. The person is to be elected for a one-year term as per Min. No. 16-237 resolved at the Ordinary meeting of Council 28 September 2016.

The Deputy Mayor’s role is to exercise any function and delegation of the Mayor:-

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

The procedure for the election of Deputy Mayor is:

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

Nominations

Nominations are now invited for the Office of Deputy Mayor for the 2020 to 2021 term (until the September 2021 election). The election of Deputy Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council’s Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Deputy Mayor of Lithgow City Council is elected by the Councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Deputy Mayor.

Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

Nomination

A councillor may be nominated without notice for election as Deputy Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one councillor is nominated for the position of Deputy Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidates then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause "absolute majority" in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Lithgow City Council has traditionally held the vote by the 'Open Voting' method.

General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

Notes:

- (i) Nomination forms for the position of Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Monday 27 September 2020 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) "Open Voting" means voting by a show of hands or similar means;
- (iv) "Ballot" has its normal meaning of secret ballot; and
- (v) "Ordinary Ballot" means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nominations forms for the position of Deputy Mayor are coloured **GREEN** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

Additional fees, if any, for holding the position of Deputy Mayor are to be **deducted** from payments to the Mayor. **No fees** are presently paid by Lithgow City Council for the holder of the position of Deputy Mayor.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 231 of the Local Government Act 1993 provides that the councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term.

Policy Implications

Nil.

Financial Implications

No additional fees are presently paid by Council for the holder of the position of Deputy Mayor.

Legal and Risk Management Implications

The election of a Deputy Mayor, as well as the process for nominations and voting is in accordance with the NSW Local Government Act 1993.

Attachments

1. Deputy Mayor Election Form 2020 [**10.1.2.1** - 1 page]

Recommendation

THAT Council proceed with the election of the Deputy Mayor and, in order to facilitate that, determine the method of voting.

10.1.3. Delegations to Deputy Mayor

Prepared by Trinity Newton - Executive Assistant to the Office of the General Manager & Mayor

Department Executive

Authorised by General Manager

Summary

This report is for Council to consider granting Delegations of Authority to the Deputy Mayor to assist the functioning of Council.

Commentary

Section 226 of the Local Government Act 1993 (the Act) outlines the role of the Mayor.

Section 231(3) of the Act provides:

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.

It is proposed to allocate additional delegations to the **Deputy Mayor** as follows:

1. Function of the Deputy Mayor

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.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

2. General Manager's Performance Review

In the absence of and with authorisation from the Mayor, chair a meeting of all Councillors convened to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

The additional functions are practical delegations which assist the smooth functioning of the Council. Such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

Policy Implications

As outlined in the report.

Financial Implications

Nil.

Legal and Risk Management Implications

Council is limited in the functions that can be delegated. This is provided for in Section 377 of the New South Wales Local Government Act 1993.

Attachments

Nil

Recommendation

THAT:

1. To supplement the functions outlined in Section 231(3) of the New South Wales Local Government Act 1993, Council delegate the following to the Deputy Mayor of Lithgow City Council:

- a. **Function of the Mayor**

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.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

- b. **General Manager's Performance Review**

In the absence of and with authorisation from the Mayor, chair a meeting of all Councillors convened to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

2. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

10.2. Economic Development and Environment Reports

10.2.1. DA114/19 Farm Stay Accommodation, 165 Caloola Halt Road, Megalong Valley

Prepared by Lachlan Sims, Acting Team Leader Development

Authorised by Director of Economic Development & Environment

Reference

Min No 20-143 Ordinary Meeting of Council held on 22 June 2020

Summary

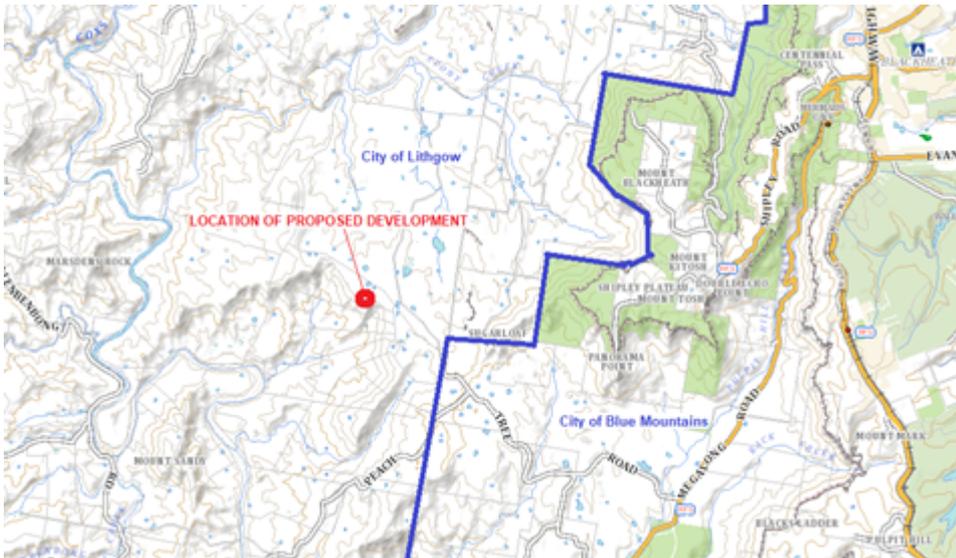
To assess and recommend determination of Development Application DA114/19 for farm stay accommodation at 165 Caloola Halt Road, Megalong Valley (Lot 104 DP 1205799).

Commentary

This development application is resubmitted to for determination following a site meeting with councillors, staff, the applicant and residents held on 20 August 2020. The site meeting was undertaken in accordance with Council's resolution (Min No 20-143) at its Ordinary Meeting held on 22 June 2020.

The application (DA 114/19) seeks development consent for farm stay accommodation at 165 Caloola Halt Road, Megalong Valley. The proposal comprises five, small one-bedroom cabins (49 square metres each) on the land which is a relatively remote rural property in the Megalong Valley at the south-eastern edge of the Lithgow local government area (see location maps below). Details of the location of the cabins on the land and the proposed floor plans are provided in Attachment 1. The proposal and its location are described in greater detail in the planning assessment report provided in Attachment 2.





Ordinarily, a development application such as DA 114/19 could be assessed and determined under delegated authority. This application is being reported for determination by Council meeting for the following reasons:

- Strong objections to the proposal have been received by five adjoining landowners
- Unresolved issues regarding access to the land via a right of carriageway

The above items have been extensively addressed in the planning assessment report in Attachment 2 and are summarised below.

There have been five objections to the proposal received from adjoining landowners. The issues raised in the submissions of objection have been addressed in the planning report in Attachment 2 and include the following:

- The development will overlook adjoining properties;
- The proposal is not “farm stay accommodation”, there is no farm house on the land, the proposal is inconsistent with the LEP farm stay definition;
- The proposal includes five dwellings looking directly into main living areas;
- There is potential for permanent residents to occupy cabins;
- Concerns over the condition of access road, particularly in wet conditions;
- The access road not suitable for additional demand and will result in additional impacts from increased traffic;
- There is insufficient water supply for consumption and fire fighting;
- Concern over wastewater system and drainage into catchment, runoff on to adjoining sites and into dam;
- Concern that visitors will enter adjoining land and leave gates open etc., threats to bio security and farming operations;
- The land is an inappropriate location for farm stay accommodation;
- The proposal will result in reduced amenity of the surrounds as a result of heavier use and denser population;
- The access over the right of carriageway passes within 25m of dwelling and will result in an unreasonable additional impact;
- The development is excessive relative to the size of the land;
- There is no allowance for on-site management and will operate as an unregulated and unsupervised tourist facility;
- The proposal will involve unauthorised, inappropriate use of shared right of carriageway;
- The rights of other landowners and users of the right of carriageway have not been considered;

- Concern over potential use of separated part of land;
- Building construction materials are inadequate and represent a fire risk;
- Management of occupants and bushfire risk;
- Occupants will behave as tourists and may not have sufficient regard for amenity of surrounding residents;
- Visual prominence of cabins, out of keeping with prevailing built form, no screening;
- Noise generation, large groups socialising, group parties; and
- Access to river not possible, impacts of crossing private land.

It should also be noted that Blue Mountains City Council was given the opportunity to comment on the application and advised that where no works are proposed or required in the Wards Road road reserve (in Blue Mountains City Council area) then no objection was raised or further comment required. As no required works were identified, no further comment was required from Blue Mountains City Council.

The above items raised in objections are addressed in detail in the attached planning assessment report and can, for the most part, be adequately addressed in the development application documents or can be addressed via regulation through consent conditions. Due to the contentious nature of the application based on the submissions received from surrounding residents and landowners, this application is being reported to Council's Ordinary Meeting for consideration.

The other reason this application is being reported to Council for determination is in relation to the access arrangements to the site and the lack of public road access. The subject land obtains access from a public road (Wards Road, within the Blue Mountains local government area) via a 1.6km long "right of carriageway" over an existing single lane access track through Lot 103 DP 1205799. This access is formally recognised in an instrument created under section 88B of the *Conveyancing Act 1919* which identifies the "right of carriageway over track in use" over Lot 103 and benefiting Lot 104 (the land subject to this application). The access track has also been recognised by Council as Caloola Halt Road (a private road). The applicant for the farm stay accommodation does not own the land over which the right of carriageway passes (Lot 103).

Of relevance to this application is that Lot 103 is not part of the development application and the owner of Lot 103 has not consented to the application (and lawfully is not required to) and is one of the objectors to the proposal. The farm stay accommodation will intensify the use of the access track and it has been identified that the access track will require upgrading to ensure public safety, to manage bushfire risk and to minimise environmental impacts from additional traffic. These required upgrades to the access track will likely involve works beyond the existing "track in use" as identified in the section 88B instrument and will take place on private land not subject to the development application (Lot 103). To address these requirements, the recommended draft consent conditions include requirements that the applicant undertake the necessary works to upgrade the access track to Council's satisfaction. This will require the applicant to obtain the necessary approval from the owner of Lot 103 to undertake the works.

Councillors who attended the site meeting on 20 August 2020 were given the opportunity to inspect the site of the development and the access road and to hear and discuss issues raised with submitters and nearby residents, most of whom were in attendance at the site meeting. At this meeting, the applicant/landowner provided Council staff with a document prepared by a civil engineering consultant that details the extent of works required to upgrade the access to acceptable standards. This document is provided in Attachment 3.

Council staff have assessed the application and recommend conditional approval as detailed in the attached assessment report. The proposal generally satisfies the requirements of the *Lithgow Local Environmental Plan 2014* and it is considered that the various environmental and operational impacts of the proposal can be appropriately regulated and mitigated through conditions of consents. The

impacts of the proposal are addressed and outlined in the planning assessment report in Attachment 2.

Policy Implications

There are no specific Council policies applicable to this development application.

The development application was subject to public exhibition and notification of adjoining landowners in accordance with the Lithgow City Council Community Participation Plan. Five submissions objecting the proposal were received from adjoining landowners. These are addressed above and in the planning assessment report in Attachment 2.

Financial Implications

Development application fees only.

Legal and Risk Management Implications

In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These are addressed in the planning assessment report in Attachment 2.

Attachments

1. DA 114/19 - Plans [**10.2.1.1** - 12 pages]
2. DA 114/19 - Planning Assessment Report [**10.2.1.2** - 55 pages]
3. DA 114/19 - Road Upgrade Engineering Assessment [**10.2.1.3** - 10 pages]

Recommendation

THAT

1. Development Application DA 114/19 be APPROVED as subject to the proposed conditions of consent in the attached planning assessment report.
2. A Division be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

10.2.2. DA094/19 Concept Development Application for Multi Dwelling Housing, Torrens Title Subdivision, Strata Title Subdivision and Stage 1 Works - Tweed Road, Bowenfels

Prepared by Lachlan Sims, Acting Team Leader Development

Authorised by Director of Economic Development & Environment

Reference

Min No 20-168 Ordinary Meeting of Council held on 27 July 2020

Summary

To report on the assessment of Development Application DA094/19 for the concept development of multi dwelling housing on Lot 402 DP 1155154, Tweed Road, Bowenfels and recommend its determination by way of approval and to also to seek endorsement of the Draft Voluntary Planning Agreement for the proposal.

Commentary

DA094/19 seeks consent for the concept development of Lot 402 DP 1155154, Tweed Road, Bowenfels for the following:

- Concept development of the land in stages for multi dwelling housing (15 dwellings), the Strata title subdivision of the dwellings and the Torrens title subdivision of the land into two lots; and
- Stage 1 works of the above concept that is to include the subdivision of the land into two Torrens title lots, the construction of the first three dwellings and the Strata title subdivision of those dwellings.

Plans of the proposed concept design, subdivision and staging are provided in Attachments 1-4. The specifics of the proposal, including the environmental assessment and recommended consent conditions, are detailed in the planning assessment report provided in Attachment 5.

As part of the development proposal, the applicant has offered to enter a Voluntary Planning Agreement with Council for that will provide a contribution of \$5,000 per dwelling/lot (ultimate total of \$75,000) towards Council's delivery community facilities and open space infrastructure. A copy of the Draft Voluntary Planning Agreement is provided in Attachment 6.

The development is located on land accessed from Tweed Road (near its intersection with Caroline Avenue) via an 8m wide access handle. The land is currently vacant, and the development generally sits within an area of the site directly adjacent to existing residential development. Details of the land and its location are illustrated in the image below and further detailed in Attachment 5.



Policy Implications

Policy 7.5 Notification of Development Applications

This policy was in force at the time DA094/19 was received and the application was notified and publicly exhibited in accordance with the requirements of this policy.

Policy 7.7 Calling in of Development Applications by Councillors

While this application has not been called in, it is proposing a Voluntary Planning as well as having received a number of public submissions objecting to the proposal. For these reasons, the application is being reported to an Ordinary Meeting of Council for consideration and determination.

The application was first reported to Council's Ordinary Meeting on 27 July 2020 with the following resolution:

20 -168 RESOLVED

That:

- 1. The matter be deferred until a site inspection is carried out with Councillors, Staff, Applicant and affected landowners.*
- 2. The Administration amend the Development Application report to go to the next available meeting, ensure greater clarity concerning issues pertaining to access and contain full detailed plans of the three proposed dwellings.*

The site inspection was undertaken on Friday 15 August 2020 at the property with the applicant's representatives, Councillors, Council staff and nearby residents in attendance.

A number of issues were raised and discussed at the site inspection. While these issues have been addressed in detail within the attached planning assessment report, a summary is provided below:

- **Traffic** – concern has been raised relating to traffic movements and safety at the Tweed Road and Caroline Avenue intersection and due to the proximity of the driveway to the site at this location. This includes vehicles crossing to the incorrect side of the road when turning from Tweed Road into Caroline Avenue and potential for vehicles to leave the road and damage private property. Council's engineers have considered traffic volumes generated by the proposal and traffic movements at the intersection and are satisfied the current road configuration can adequately accommodate any increased demand. To improve safety at the intersection, marking of double centre lines in both Tweed Road and Caroline Avenue as well as a give way holding line and signage in Caroline Avenue is proposed. The success of this treatment will be reassessed in 6 months by Infrastructure Services and further action (such as a median/island barrier) may need to be installed if vehicles continue to cut the corner when turning from Tweed Road into Caroline Avenue.

The width of the access driveway to the development has also been raised. The access handle has a total width of 8 metres which is sufficient to accommodate a 1 metre wide pedestrian pathway and a traffic lane of sufficient width to accommodate passing vehicles which can be designed in accordance with Australian Standard 2890. Compliance with these requirements can be conditioned in any consent granted for the development.

- **Sewer Pump Station** – Council's water and wastewater engineers have assessed the proposal and are satisfied the existing sewerage infrastructure in the locality has sufficient capacity to accommodate the development. As detailed in the attached planning assessment report, the pump station at the end of Tweed Road has been identified for upgrade and maintenance works.
- **Restrictions on development/no development/density**
Some residents raised concern due to their belief that the subject land would not be developed or would not be subject to anything more than a single dwelling or dual occupancy. Most of the land is zoned for residential development as detailed in the attached planning assessment report. The proposal is consistent with the provisions of the *Lithgow Local Environmental Plan 2014* (LEP) and is development of a nature that can be reasonably expected under the LEP provisions. In addition, the residual part of the land towards the south is subject to an existing subdivision approval for larger residential lots. This is also detailed in the attached planning assessment report.
- **Re-notification**
Concerns were raised by some residents that notice of the site meeting was not provided to them. Typically, it is Council's policy to only notify those parties who have previously made submissions in response to the initial notification of the proposal. In the case of this application, all submitters were given notice of the site meeting and were invited to attend.
- **Right of carriageway**
Concerns have been raised in relation to the impacts of the proposal on the right and the ability of the development to take place over the existing right of carriageway that burdens the land (Lot 402) in favour of adjoining Lot 401. The right of carriageway is a legal entitlement benefitting Lot 401 that cannot be extinguished by the proposed development nor can the owner of Lot 402 take any action to prevent or restrict access over the right of carriageway without the consent of the owner of Lot 401. Access to Lot 401, including the provision of the right of carriageway, will be maintained as part of the development. If approval is granted, conditions of consent will require sufficient evidence to be provided to Council demonstrating that the right of carriageway is maintained.
- **Trees**
Concerns have been raised in relation to impacts on trees. As detailed in the attached assessment report, the development will impact some existing vegetation on the site.

However, if approval is granted, the development will require the rehabilitation and restoration of existing riparian vegetation along Farmers Creek and the submission of a vegetation management plan for these works.

Policy 7.10 Voluntary Planning Agreements

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in accordance with Section 7.4 of the *Environmental Planning & Assessment Act 1979* in relation to this proposal. The developer has agreed to make a contribution of \$5,000.00 per dwelling/strata lot (total of \$75,000 for the 15 dwellings) to go towards community facilities and public open space.

Financial Implications

Future potential impact - The endorsement of a Voluntary Planning Agreement will assist Council to provide facilities which will be of benefit towards a public purpose (see above). The development will also be subject to water and sewer headworks charges under Council's Development Servicing Plan for Water & Sewerage 2018. The payment of these will be required as part of the standard Subdivision Certificate process.

Legal and Risk Management Implications

In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These are addressed in the planning assessment report in Attachment 5.

The legislative basis for the Voluntary Planning Agreement is found in sections 7.4 - 7.10 of the *Environmental Planning and Assessment Act 1979* and clauses 25B – 25H of the *Environmental Planning and Assessment Regulation 2000*. The legislative provisions require that public notice of a proposed Voluntary Planning Agreement must be given for at least 28 days before it can be entered into.

Attachments

1. DA 094/19 - Concept General Site Layout Plan [10.2.2.1 - 1 page]
2. DA 094/19 - Concept Floor Plans [10.2.2.2 - 1 page]
3. DA 094/19 - Concept Staging Plan [10.2.2.3 - 1 page]
4. DA 094/19 - Stage 1 Torrens Title Subdivision Plan [10.2.2.4 - 1 page]
5. DA 094/19 - Planning Assessment Report [10.2.2.5 - 45 pages]
6. DA 094/19 - Draft Planning Agreement [10.2.2.6 - 10 pages]

Recommendation

THAT

1. Development Application DA094/19 be APPROVED subject to conditions on the consent as shown in the attached Planning Assessment Report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the *Local Government Act, 1993*.
3. Council endorse the Draft Voluntary Planning Agreement proposed for DA094/19 being for \$5,000 per dwelling/strata lot to go toward community facilities and infrastructure.
4. The Draft Voluntary Planning Agreement for DA094/19 be placed on public exhibition for a period of 28 days.

10.2.3. DA230/18 81 Lot Residential Subdivision and Draft Planning Agreement, 5 Ikara Street, Lithgow

Prepared by Lachlan Sims, Acting Team Leader Development

Authorised by Director of Economic Development & Environment

Summary

To assess and recommend determination of Development Application DA230/18 and to seek endorsement of the Draft Voluntary Planning Agreement for the subdivision of land off Ikara Street, Lithgow identified as Lot 817 DP 814174 into 81 residential lots.

Commentary

Development Application DA230/18 seeks consent for the subdivision of a large 13.58-hectare parcel of residential zoned land off Ikara Street (Lot 817 DP 814174) into 81 residential lots. A plan of the proposed subdivision, lot layout and road configuration are provided in Attachment 1. The specifics of the proposal, including the environmental assessment and recommended consent conditions, are detailed in the planning assessment report provided in Attachment 2.

The land subject to the proposal is illustrated in the image below and comprises an area of vacant land on the western edge of the Lithgow urban area between Landa Street and Farmers Creek. Most of the land has a moderate slope and is generally suited for residential development. New roads will be constructed to access the proposed subdivision and will connect to the existing open ends of both Ikara Street and Madle Street.

As part of the development proposal, the applicant has offered to enter a Voluntary Planning Agreement with Council for that will provide a contribution of \$6,600 per lot (total of \$534,600) towards Council's delivery community facilities and open space infrastructure.



Policy Implications

Policy 1.2 Acquisition and Disposal of Assets

The development will result in the acquisition and/or development of assets including new roads, water and sewer infrastructure, a new sewer pump station, stormwater treatment infrastructure and the dedication of open space. This aspect of the proposal has been assessed and is considered acceptable subject to consent conditions regulating the relevant approval process and construction of the assets to Council's specifications.

Policy 7.5 Notification of Development Applications

This policy has now been repealed and replaced by the Lithgow Community Participation Plan. At the time the application was submitted, the development proposal was placed on public exhibition for 28 days with surrounding landowners and notified in accordance with the policy. No submissions were received from the public during the public exhibition period.

Policy 7.10 Voluntary Planning Agreements

The applicant has offered to enter a Voluntary Planning Agreement (VPA) with Council as part of the development in accordance with section 7.4 of the *Environmental Planning & Assessment Act 1979*. The draft agreement submitted with the proposal will result in the payment of a contribution of \$6,600 per lot (total of \$534,600) to Council for community facilities and open space infrastructure. The amount offered per lot is consistent with other Voluntary Planning Agreements for residential subdivisions in recent years. This proposal is considered acceptable and the draft Voluntary Planning Agreement (see Attachment 3) is recommended for approval and placement on public exhibition.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - The endorsement of a Voluntary Planning Agreement will assist Council to provide facilities which will be of benefit towards a public purpose (see above). The development will also be subject to water and sewer headworks charges under Council's Development Servicing Plan for Water & Sewerage 2018. The payment of these will be required as part of the standard Subdivision Certificate process.

Legal and Risk Management Implications

In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These are addressed in the planning assessment report in Attachment 2.

The legislative basis for the Voluntary Planning Agreement is sections 7.4 - 7.10 of the *Environmental Planning and Assessment Act 1979* and clauses 25B – 25H of the *Environmental Planning and Assessment Regulation 2000*. The legislative provisions require that public notice of a proposed Voluntary Planning Agreement must be given for at least 28 days before it can be entered into.

Attachments

1. DA230/18 - Plan of Subdivision [**10.2.3.1** - 1 page]
2. DA230/18 Development Assessment Report [**10.2.3.2** - 59 pages]
3. DA230/18 - Draft Voluntary Planning Agreement [**10.2.3.3** - 10 pages]

Recommendation

THAT

1. Development Application DA230/18 be APPROVED subject to conditions on the consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
3. Council endorse the Draft Voluntary Planning Agreement proposed for DA230/18 being for \$6,600 per residential lot (total of \$534,600) to go towards community facilities and infrastructure.
4. The Draft Voluntary Planning Agreement for DA230/18 be placed on public exhibition for a period of 28 days.

10.2.4. Draft Planning Proposal - Spot Rezoning - Black Gold Motel and adjoining land, Main St Wallerawang

Prepared by Sherilyn Hanrahan - Strategic Land Use Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Summary

A Draft Planning Proposal has been received involving Lot 20 DP 1207089 and Lots 1 & 2 DP 213770, being 121-123 Main St Wallerawang and adjoining lands to the east. The draft proposal seeks the following changes to Lithgow Local Environmental Plan 2014:

- Amend the land zone of the site from part Primary Production RU1 and part SP2 Infrastructure (Electricity Generation) to Light Industrial IN2
- Add additional permitted use within Schedule 1 applying to Lot 20 DP 1207089 and Lot 1 DP 213770 (existing Black Gold Motel development) for the purpose of Hotel or Motel Accommodation.

The Draft Planning Proposal is owner initiated and has been accompanied by the appropriate fee under Council's adopted fees and charges 2020/2021. Documentation supporting a draft planning proposal has been prepared by Resolve Urban Planning on behalf of the landowners being R & L Cluff Custodian Pty Ltd and R & L Cluff Super Pty Ltd.

The planning proposal is a spot rezoning at a property scale. The proposed land use changes are not directly inconsistent with state, regional or local strategic planning directions and are of minor strategic significance.

This report recommends that Council support the preparation of a Planning Proposal under Section 3.33 of the Environmental Planning and Assessment Act 1979 (Act) and to refer such proposal to the Western Region office of Department of Planning, Industry and Environment under Section 3.34 of the Act along with required agency consultation at this stage of the process.

Commentary

Disclosure of political donations and gifts

Under Section 10.4(4) of the Environmental Planning and Assessment Act a person who makes a relevant planning application including a planning proposal to Council is required to disclose the following reportable gifts(if any) made by any person with a financial interest in the application within the period commencing two(2) years before the application is made and ending when the application is determined:

1. All reportable political donations made to any local councillor or that Council:
2. All gifts made to any local councillor or employee of that Council.

No disclosure has been made in relation to this proposal.

Local Environmental Plan making process

The plan making process normally involves the following key components:

- The preparation of a Planning Proposal. (A Planning Proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan.)
- The issuing of a Gateway determination. (A Gateway Determination is assessed by the Regional office of the Department of Environment and Planning in the first instance and it specifies whether a planning proposal is to proceed and if so, in what circumstances.

The Gateway is a checkpoint for planning proposals before resources are committed to carrying out investigative research, preparatory work and consultation with agencies and the community.)

- Community and other consultation on the planning proposal (as required; exhibition periods are either 14 days for low impact proposals or 28 days for all other proposals)
- Finalising the planning proposal
- Drafting of the LEP legal instrument
- Making the plan
- Notifying the LEP on the NSW Government Legislation Website.

A flow chart detailing the LEP plan making process is provided in Attachment 1.

This report is concerned with the first stage of this process.

Site Description

The subject site is located on Main Street Wallerawang and is described as Lot 20 DP 1207089 and Lots 1 & 2 DP 213770 as indicated by red outline in Figure 1 below. The subject site has an area of 5.89 ha and a total frontage of 550m to Main St.

The western portion of the subject site contains the Black Gold Motel, including its current extensions, whilst the eastern portion is vacant land vegetated with predominantly introduced pine species. The site has a gentle east/south east crossfall.

The eastern most portion of the site is affected by high voltage transmission lines and easements that will reduce the developable area of the site. These easements do however also act as a further built form buffer from the adjoining State listed heritage item to the east.

Figure 1 below shows the site (including the existing motel) in its immediate context being surrounded predominantly by industrial land use. The land immediately to the south of the site is vacant land owned by State Rail, whilst to the east it shares its boundary with St John the Evangelist Church.



Figure 1: Subject site locality context.

Draft Planning Proposal Intended Outcomes and Explanation of Provisions

The objective of the Draft Planning Proposal is to amend Lithgow Local Environmental Plan 2014 to facilitate:

- light industrial land use on the site; and
- the continuation of the existing motel development land use on part of the site without limitation from existing use rights

The Draft Planning Proposal seeks to:

- Amend the land use zone of the site from part Primary Production RU1 and Part SP2 Infrastructure (Electricity Generation) to Light Industrial IN2
- Insert a new clause into *Schedule 1 - Additional Permitted Uses* to apply to Lot 20 DP 1207089 and Lot 1 DP 213770 to permit development for the purposes of Hotel or Motel Accommodation.



Existing Land Zone Part RU1/Part SP2

Proposed Land Zone IN2 Light Industrial

Site Suitability

The subject site is an infill site isolated from the Wallerawang town centre by the alignment of the rail line. The surrounding land use is predominantly industrial in nature. The future character of the area will be defined by the re-development of the decommissioned Wallerawang Power Station to the east which is expected to be eco-industrial.

Past Land Use and Contamination

State Environmental Planning Policy 55 - Remediation of Land requires consideration of contamination issues when rezoning land. If a rezoning allows a change of land use that may increase the risk to health or the environment from contamination, then Council must be satisfied that the land is suitable for the all the proposed uses or can be remediated to make it suitable.

The western most portion of the site, Lot 20 DP 1207089, was originally developed as the Wallerawang Public School and Residence until its closure when the new Barton Ave school site was developed. This lot has been subsequently re-developed as the Black Gold Motel which now also includes a recent extension of 30 motel units on Lot 1 DP 213770.

Both Lot 1 (prior to 2020) and 2 DP 213770 appear to have remained vacant, except for the transmission lines traversing the eastern portion of Lot 2 being used as vacant vegetated buffer lands for the former Wallerawang Power Station site.

A search of Council's property records, zoning maps and aerial photography has not revealed any evidence that the site has been associated with any activities listed in Table 1 of the Managing Land Contamination Planning Guidelines, being uses that can potentially cause contamination. The proposed land use change to IN2 Light Industrial will not result in more sensitive land use. From this initial evaluation, it not considered that the potential for the land to be contaminated causing a significant risk to health or environment warrants further investigation at this time.

Site Constraints and Hazards

The proposal is a small spot rezoning thereby limiting the potential for strategic outcomes to be achieved at the property scale in isolation.

The subject site is not significantly constrained by either man-made or natural hazards or constraints, however there are some potential areas of impact that will require further consideration as either part of this process or at the development assessment phase.

The subject site has not been identified within the environmentally sensitive areas mapping for biodiversity or sensitive lands and does not contain values identified on the biodiversity values map. It is however identified as having moderately high groundwater vulnerability. The site will be fully serviced with water, sewer and stormwater infrastructure thereby minimising degrading impacts on groundwater aquifers from future development.

The site is located within the Sydney Drinking Water Catchment and any future development must be able to demonstrate a neutral or beneficial effect on water quality in accordance with Sydney Drinking Water Catchment State Environmental Planning Policy. The subject site is not covered by the Strategic Land and Water Capability Assessment (SLAWCA) for category 6A light industrial land use representing a gap in the data set.

The SLAWCA identifies that slope is the most influential factor on water quality. This site has only a gentle east/southeast crossfall and therefore slope is not expected to increase the risk to water quality.

Vegetation is another important factor on water quality due to the removal of vegetation and creation of impervious surfaces. As the site is in the urban setting and will be serviced by appropriate stormwater control infrastructure, it is considered that this risk can be mitigated through appropriate design and engineered environmental controls.

Council is required to consult with Water NSW prior to the issuing of a Gateway Determination.

The site is moderately vegetated predominantly with introduced pine with some interspersed native vegetation and regrowth. The site is identified as partially bush fire prone and will therefore trigger consideration of Planning for Bushfire Protection legislation. Council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination, and prior to undertaking community consultation and consider any comments so made in proceeding with the Planning Proposal.

The eastern portion of the site is affected by a high voltage transmission line, towers and easements and is near the major electricity substation. Council will consult directly with the responsible authorities in relation to this infrastructure.

Traffic Management

The site has direct frontage to Main Street Wallerawang which is a local road with good sight distance along the site frontage. The new access and road intersection treatment will be a matter for the development assessment phase.

Essential Services/Infrastructure

Essential services of water, sewer, electricity, stormwater and telecommunications are all available in the vicinity of the site. Augmentation or reticulation or connection to these services will be addressed in the development assessment phase.

Heritage Conservation and Management

The subject site contains a local heritage listed item, I 225, being the former Wallerawang Public School. Its heritage significance being historic as a good representative example of a school building by architect William Kemp.

The former school site has been since redeveloped and adapted as the Black Gold Motel. The heritage item is appropriately protected and regulated through Schedule 5 and Clause 5.10 of the Lithgow Local Environmental Plan 2014.

The subject site is adjoined on the eastern most boundary by a State listed heritage item, I112 being St John the Evangelist Church. The state significance of this item is a rare example of a major church erected by private philanthropy and is possibly the only example of a “union” or public dual denomination church identified to date in the Central West region. It is a fine example of the architecture of Blacket and Sons. It contains several moveable items of heritage.

The curtilage of this heritage item is identified as its cadastral boundaries. Development on the subject site will need to consider any impact on this heritage item. The high voltage transmission lines towards the eastern boundary of the subject site will act as a physical buffer.

A search of the Aboriginal Heritage Information Management System did not reveal any Aboriginal archaeological sites within the subject area.

Social and Economic Impact

The Planning Proposal outcomes will have the following positive social and economic impacts on the surrounding area:

- Providing for the continued operation of the Black Gold Motel, that significantly contributes to the provision of tourist and short-term itinerant worker accommodation in the region, without restriction
- Reducing land use conflict by clustering of industrial development in an appropriate location away from residential land use
- Maximising utility and transport infrastructure through appropriate infill development
- Increasing employment opportunities through construction and operation of new and emerging industries
- Potential for increase in business activity in Wallerawang town centre servicing the day to day convenience needs of construction workers and employees, increasing economic spend.

Justification of planning proposal and relationship to strategic framework

Need for Planning Proposal

The planning proposal is not the result of a strategic study or report. It has arisen as an owner-initiated proposal to facilitate the future development of the vacant areas of the site. This opportunity has only recently become possible due to the closure and decommissioning of the Wallerawang Power Station and the land being released, by sale (being surplus to their needs) from Energy Australia to the proponent.

The planning proposal is the only means of achieving the objectives and intended outcomes due to the restrictive nature of the SP2 Infrastructure (Electricity Generation) zone.

Central West and Orana Regional Plan

The proposal is not inconsistent with the directions and actions of the Central West and Orana Regional Plan.

This planning proposal responds directly and is consistent with relevant **Direction 10 – Promote business and industrial activities in employment lands** in particular Actions 10.1- 10.3 as outlined in Table 1 below:

Action	Comment
10.1 Encourage the sustainable development of industrial and employment land to maximise infrastructure and connect to existing freight network.	The land use change to IN2 will enable development of the land in a sustainable manner that will enable land use conflicts with the existing motel development to be mitigated

	through appropriate design. It will also maximise existing infrastructure to the site and allow possible additional use of any new intermodal freight network that may arise from the re-development of the former power station site.
10.2 Use local environmental plans to promote the development of specialised industry clusters and the co-location of related industries	The predominant land use in the area is industrial in nature. The minor change of zoning of the vacant lands from SP2 to IN2 will enable co-location and potential specialisation of light or high-tech industries to support the more intense industries on surrounding lands. Clustering of like land uses will result in reduced land use conflict.
10.3 Encourage the consolidation of isolated, unused or underused pockets of industrial land to create long-term development opportunities	The planning proposal responds directly to this action. The land use change to IN2 will enable development of this isolated pocket of land that has been identified as surplus to electricity generation to create long-term industrial development opportunities.

Planning Directions

Preliminary assessment of the Planning Proposal indicates that it is generally consistent, or where there is inconsistency it is of minor significance, with the applicable and relevant Section 9.1 Planning Directions issued by the Minister of Planning in particular, the directions as outlined in Table 2 below:

Direction	Comment
Employment and Resources	
1.1 Business and Industrial Zones	<p>The planning proposal is consistent with, and will give effect to, the objectives of this direction as outlined below.</p> <ul style="list-style-type: none"> • The subject site is a suitable location for industrial land use being located on the periphery of the Wallerawang town centre, away from residential zones and within a cluster of industrial employment lands • The proposal will not negatively impact on other areas of business or industrial zoned land. The net addition of 5.89ha (3.5ha of which is vacant developable land) of light industrial infill land will not significantly impact on the larger greenfield sites identified in the Lithgow 2040 Local Strategic Planning Statement structure plans. • The additional permitted use of Hotel or Motel Accommodation will support the continued operation of the existing Black Gold Motel that will protect and encourage employment growth in that business. • The change in land use zone from part RU1 and part SP2 to IN2 will rationalise the zoning and land use of this site consistent with the existing and future character of the area and the endorsed directions and strategies within the Lithgow Land Use Strategy 2010-2030 and Lithgow 2040 Local Strategic Planning Statement. • The proposal is of minor strategic significance.
1.2 Rural Zone	The objective of this direction is to protect the agricultural value of rural land. Part of the subject site (Lot 20 DP 1207089) is currently zoned RU1 Primary Production. The site is fully developed and operates as the Black Gold Motel, being adapted from its historical use as the former Wallerawang Public School. It has no agricultural value.

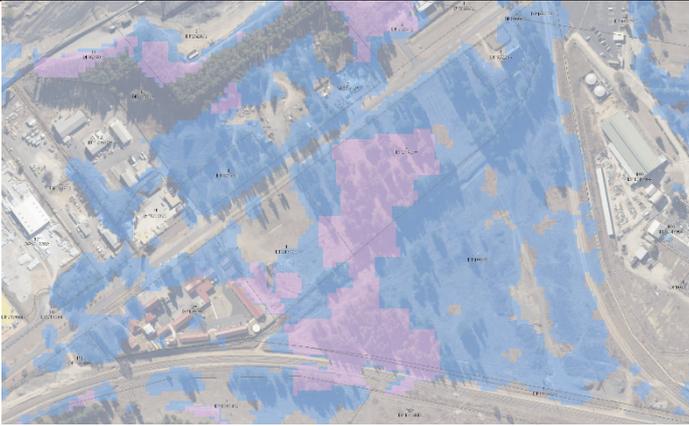
	<p>The RU1 zone was applied in 2014 to this site to be consistent with surrounding remnant sites isolated by the SP2 Infrastructure zoning to all Energy Australia lands and the zoning out of the former Wallerawang Village zone.</p> <p>The inconsistency with this direction is justified as of minor significance.</p>
1.5 Rural Lands	<p>The RU1 zoning of Lot 20 DP 1207089 is inappropriate. The land is fully developed as a Motel and having an area of 1.66ha on the fringe of the Wallerawang town centre. It holds no agricultural value.</p> <p>The planning proposal provides a more rational zoning for this site, the outcomes of which will be generally consistent with endorsed local strategic land use plans and the Lithgow 2040 Local Strategic Planning Statement.</p> <p>The inconsistency with this planning direction is justified as of minor strategic significance.</p>
Environment and Heritage	
2.3 Heritage Conservation	<p>Lot 20 DP 1207089 contains the local heritage item I225 being the former Wallerawang Public School. This site has been adaptively reused as Black Gold Motel which has conserved and maintained the heritage significance of this site.</p> <p>The subject site adjoins the St Johns the Evangelist Church that is listed on the State Heritage Register and as item I112 in Schedule 5 of Lithgow Local Environmental Plan 2014. The curtilage of this site is identified as its cadastral boundaries.</p> <p>The listing of these items in Schedule 5 and associated provisions of Clause 5.10 of the Lithgow Local Environmental Plan, provide adequate regulatory protection for the conservation of heritage on these sites. Any impact from development will be considered at the development assessment phase through appropriate development controls.</p> <p>The site is disturbed and only contains predominantly introduced vegetation. An Aboriginal Heritage Information Management System Search (AHIMS) confirms that the site, and its context, contains no identified items of Aboriginal heritage significance. The site does not comprise Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974.</p> <p>Council will consult with Heritage NSW in relation to the State Heritage Register site.</p>
Hazard and Risk	
4.4 Planning for Bushfire Protection	<p>The site is mapped as being partially bushfire prone on Council's bush fire prone land map under Section 146 of the Environmental Planning and Assessment Act 1979.</p> <p>Under this Planning Direction, Council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination, and prior to undertaking community consultation and consider any comments so made in proceeding with the Planning Proposal.</p>

	The Planning Proposal is a spot rezoning and consideration of Planning for Bushfire Protection may with the advice of RFS be addressed within the development assessment phase.
Regional Planning	
5.2 Sydney Drinking Water Catchment	<p>The site is located within the Sydney Drinking Water Catchment and any future development must be able to demonstrate a neutral or beneficial effect on water quality in accordance with Sydney Drinking Water Catchment State Environmental Planning Policy.</p> <p>Under this direction Council is required to consult with Water NSW and include a copy of the response in its planning proposal prior to the issuing of any Gateway Determination.</p>
5.10 Implementation of Regional Plans	The proposal has demonstrated it is consistent with the Central West and Orana Regional Plan in Table 1 .
Local Plan Making	
6.3 Site Specific Provisions	The proposal will introduce an additional permitted use on part of the subject site to allow for the motel operation to be permissible land use. The planning proposal will not however introduce any additional standards or controls in relation to that use.

State Environmental Planning Policies

The proposal has been assessed against the applicable and relevant State Environmental Planning Policies (SEPP's) that apply to the land and in particular the land use change to be facilitated through this proposal. The key policies are outlined in Table 3 below:

Policy	Comment
SEPP 55 Remediation of Land	<p>A search of Council's property records, zoning maps and aerial photography has not revealed any evidence that the site has been associated with any activities listed in Table 1 of the Managing Land Contamination Planning Guidelines, being uses that can potentially cause contamination. The proposed land use change to IN2 Light Industrial will not result in more sensitive land use. From this initial evaluation, it not considered that the potential for the land to be contaminated causing a significant risk to health or environment warrants further investigation at this time.</p>
SEPP Koala Habitat Protection 2019	<p>Lithgow Local Government Area does not have a Koala Plan of Management.</p> <p>Therefore, the provisions of this SEPP will apply to the development assessment phase of this proposal.</p> <p>The site is above 1ha in area part of the subject site is identified as containing potential koala habitat on the Koala Development Application Map (see pink area on the map extract below). Therefore, the requirement of Clause 9 of the SEPP will be triggered.</p>

	 <p>Extract – NSW Spatial Viewer – Koala Development Application Map</p> <p>The proposal may require a report prepared by a suitably qualified and experienced person in accordance with the Koala Habitat Protection Guideline.</p> <p>Council will consult with the Biodiversity and Conservation Division of DPIE in relation to this SEPP as part of the consultation processes of this planning proposal.</p>
<p>SEPP Sydney Drinking Water Catchment</p>	<p>The future development of the site will need to ensure any stormwater leaving the site achieves the neutral or beneficial effect qualities required by Water NSW.</p> <p>This will be addressed at the development assessment phase.</p>
<p>SEPP Vegetation in Non-Rural Areas 2017</p>	<p>This SEPP requires the approval of the Native Vegetation Panel for clearing of native vegetation that exceeds the biodiversity offsets scheme (BOS) threshold in any non-rural area of the State including land within the IN2 Light Industrial Zone.</p> <p>The subject site will require clearing to achieve the objectives of this proposal within the development assessment phase. If the BOS threshold is exceeded, approval of the Native Vegetation Panel is required and a biodiversity development assessment report will be required to identify the biodiversity values on the land.</p>

Lithgow 2040 Local Strategic Planning Statement and Lithgow Land Use Strategy 2010-2030

The Planning Proposal is a small spot rezoning that is generally consistent with the wider strategic land use directions of the both the Lithgow 2040 Local Strategic Planning Statement and Lithgow Land Use Strategy 2010-2030.

The IN2 proposed zone will provide a rationalisation of zones within the area brought about by the disposal of excess SP2 Infrastructure lands owned by Energy Australia.

<i>Planning Priority</i>	<i>Assessment/Comment</i>
<p>Establish a framework for sustainable growth</p>	<p>The proposal will provide opportunity for innovative industries that would utilise the available public infrastructure. This can occur without needing to expand into rural areas or impact on existing residential communities.</p>

<p>Recognise, Preserve, Promote and Activate our Heritage</p>	<p>The Planning Proposal will not significantly impact on the preservation and conservation of heritage associated with the two listed items.</p> <p>This proposal facilitates the ongoing operation of the Black Gold Motel which has successfully respected and integrated into the heritage fabric of the former Wallerawang Public School Site ensuring its continued maintenance and conservation.</p>
<p>Align development with Essential Infrastructure</p>	<p>The planning proposal will afford opportunity to maximise the utilisation of existing infrastructure provided to the site. This includes road infrastructure encompassing both Main Street and the intersection with the Castlereagh Highway.</p> <p>The development may also be able to integrate with any new intermodal facility that may be established in the re-development of the Wallerawang Power Station site as an Eco-Industrial hub.</p>
<p>Increasing the Visitor Economy</p>	<p>The additional permissible uses clause for the existing Motel will provide continued security for this use, without relying on existing use rights.</p> <p>The current extension of the motel will assist in increasing the supply of available short-term accommodation for tourists and itinerant workers.</p>
<p>Attracting investment and growing local jobs - Industrial</p>	<p>The planning proposal will facilitate an employment generating land use that will increase local employment opportunities.</p> <p>The proposal involving less than 4 hectares of developable land area will not detrimentally impact on the viability/feasibility of future development of the larger greenfield sites identified in the adopted LUS and LSPS structure plans.</p> <p>The future development of the site primarily for light industrial land use in area of existing infrastructure will fill a gap in the industrial land market for relatively shovel ready industrial land sites that will cater for both start up and more intensive development.</p>

Community and Government Authority Consultation

The Gateway Determination will confirm the community consultation requirements for the proposal. Unless determined as a " low impact" proposal the proposal will be publicly exhibited for a period no less than 28 days. Should public exhibition fall over a public holiday period the exhibition period would be extended accordingly. In accordance with the Lithgow Community Participation Plan the days between 20th December and 10th January will not be included in the public exhibition period.

The Draft Planning Proposal will be publicly notified by:

- A notice in the Village Voice in each week of the exhibition
- Written notification to adjoining and potentially affected landowners
- Notification on Council's website
- Display at Council's customer service centre and libraries (subject to Covid 19 protocols and public health orders at the time)

Council will also notify relevant government agencies concurrently with the public exhibition period unless directed otherwise through the Gateway Determination. Key agencies will include:

- Water NSW
- Heritage NSW
- RFS

- Bathurst Aboriginal Land Council
- DPIE Biodiversity and Conservation Division
- Transgrid

Indicative timeline to complete plan making process

Provided no delays are experienced, for example through public consultation and government agency responses, an indicative timeline to complete the plan making process is outlined below:

Key Stages of Consultation and Approval	Estimated Timeframe
Stage 1 Consultation with Water NSW Stage 1A Submission of Draft Planning Proposal to DPIE	October 2020
Stage 2 Gateway Determination Stage 2A Consultation with Rural Fire Service	November/December 2020
Stage 3 Public Exhibition and Government Agency Consultation	January 2021
Stage 4 Review/consideration of submissions	January/February 2021
Stage 5 Council Report	February 2021
Stage 6 Plan Making and Legal Drafting (Council delegated functions)	March 2021
Stage 7 Notification of LEP	March 2021

Use of delegated powers to make the local environmental plan

Following a Gateway Determination some plan making powers (S.336(2)-(4) statutory steps of the process) may be delegated back to Council to finalise should Council request it or where the matters are determined to be of local significance as determined by the Gateway. This would increase Council’s involvement and decision making in the process and streamline the administrative processing and making of the plan.

As this Planning Proposal is a spot rezoning of local significance and is not materially inconsistent with the endorsed local strategic planning strategy, it is recommended that Council indicate that it will be seeking to use its delegated plan making powers to finalise the plan following Gateway Determination.

Recording of Voting on Planning Matters

Under Section 375A of the Local Government Act, 1993 a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee. A planning proposal is a planning decision for the purposes of this provision.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – The staff costs of administering the Planning Proposal will be met by the applicable fee of \$15,000 (to be paid in two stages) charged to the proponent.

Legal and Risk Management Implications

The Planning Proposal is required to be undertaken in accordance with Part 3 of the Environmental Planning and Assessment Act.

Attachments

1. LEP Process Flowchart [10.2.4.1 - 1 page]

Recommendation

THAT

1. Council supports the preparation of a Planning Proposal for Lot 20 DP 1207089, Lot 1 and Lot 2 DP 213770, Main Street Wallerawang to amend Lithgow Local Environmental Plan 2014 as follows:
 - a. Amend the land use zone of the site from part Primary Production RU1 and Part SP2 Infrastructure (Electricity Generation) to Light Industrial IN2
 - b. Insert a new clause into *Schedule 1 - Additional Permitted Uses* to apply to Lot 20 DP 1207089 and Lot 1 DP 213770 to permit development for the purposes of Hotel or Motel Accommodation.
2. The Planning Proposal documentation once prepared be forwarded to the Western Region office of the Department of Planning, Industry and Environment for a Gateway Determination.
3. Council consults with relevant government agencies as required. Council is to consult with Water NSW prior to the issuing of a Gateway Determination and Rural Fire Service prior to undertaking community consultation.
4. Council advise NSW Department of Planning, Industry and Environment that it proposes to seek approval to use the delegated functions under S.3.36 (2)-(4) to make the plan following compliance with a Gateway Determination.
5. A **DIVISION** be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993.

10.2.5. DA107/20 - Demolition and Reconstruction of Shed, Lithgow Golf Club

Prepared by Lachlan Sims - Development Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Summary

To report on the assessment of Development Application DA107/20 and recommend determination by way of approval.

Commentary

Development Application DA107/20 seeks consent for the demolition and reconstruction of a shed at the Lithgow Golf Course. The replacement shed will include a meal room for golf course staff. Because this development involves Council owned land, the application is reported to this Ordinary Meeting of Council for determination in accordance with Policy No. 7.6 Development Applications by Councillors and Staff or on Council Owned Land.

The proposed development is a relatively minor proposal and involves the demolition of an existing shed on the Lithgow Golf Course and its replacement with a new shed structure. The existing shed used for equipment and materials storage associated with the golf course operations. The new shed will improve the facilities for this storage and will also incorporate a meal room and toilet for golf course maintenance staff.

The location and configuration of the proposal is illustrated in the plans provided in Attachments 1 and 2. Details of the planning assessment and regulatory compliance of the proposal are detailed in the Planning Assessment Report in Attachment 3. This document also includes recommended consent conditions.

The proposed development has been assessed and is generally consistent with the regulatory provisions applicable. The development application is recommended for determination by way of approval subject to conditions.

Policy Implications

Community Participation Plan

The development application was notified to adjoining landowners in accordance with this policy and as detailed in the attached Planning Assessment Report (Attachment 3). No submissions in response were received.

Policy No. 7.6 Development Applications by Councillors and Staff or on Council Owned Land

This application takes place on land occupied by the Lithgow Golf Course and owned by Council. Because of this, the application is being reported to this Ordinary Meeting of Council for determination in accordance with the requirements of this policy.

Financial Implications

Nil related to the development application.

Legal and Risk Management Implications

In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These are addressed in the planning assessment report in Attachment 3.

Attachments

1. DA107/20 - Site Plan [**10.2.5.1** - 1 page]
2. DA107/20 - Floor Plan [**10.2.5.2** - 1 page]
3. DA107/20 - Planning Assessment Report [**10.2.5.3** - 15 pages]

Recommendation

THAT

1. Development Application DA107/20 be APPROVED subject to conditions on the consent as shown in the attached Planning Assessment Report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

10.2.6. 335/05DA- Dedication of Subdivision Roads - South Bowenfels

Prepared by Jessica Ramsden – Development Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Summary

To advise Council on the dedication of two unconstructed roads within 335/05DA Sweetbriar, Great Western Highway Bowenfels.

Commentary

Council originally approved a 160 lot subdivision known as Sweetbriar under 335/05DA on 16 February 2007 which included the dedication of public land and 10 roads as part of the design. This original subdivision was proposed to be undertaken through 5 stages. The roads names have been gazetted for this subdivision which were reported to Council in 2008.

This subdivision has been modified through MOD025/19 on 14 May 2020 to include an additional Stage A, separate to the original proposed Stages 1 to 5. Stage A allows for an englobo subdivision of 4 separate allotments including dedication of Shanny Close and extension of Col Drewe Drive (Three Tree Drive) (see plan attached). As this stage is an englobo subdivision only, with construction in future stages, the roads will be constructed in conjunction with those future stages. Securing the dedication of these two sections of public road linking to adjoining lands is a highly desirable outcome at this stage of the development. There is no obligation on Council to construct the roads as the construction will still be the responsibility of the developer through future Stages 1 to 5.

Policy Implications

Under Council policy 1.2 Asset Acquisition the dedication of these roads is reported to Council as the roads will become Council assets. Whilst there are obvious points of difference between a future public road and traditional land asset, the policy requires the following to be considered in the report to Council. Comments are in *italics*.

- Community demand - *there will be more of a long-term community need rather than established demand at this stage.*
- Strategic worth to the community - *The dedication of these lands as public roads is of high strategic value to Council and thus the community. Council is aware that Roads and Maritime Services is particularly keen on internal subdivision road linkages to ensure pressure is not placed on existing access points to the highway.*
- Asset return - *there will be no return in the sense of a traditional land acquisition.*
- A comparison of long-term ownership costs - *as a roads authority, Council will inevitably take on long-term maintenance costs following the construction of the roads by a developer. When new subdivisions occur in the area, new allotments will be created that will be rateable which provides council with the revenue stream to carry out such services.*

Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – whilst future construction of the roads will be borne by a developer, Council will take on the normal obligations of ongoing maintenance and renewal after construction.

Legal and Risk Management Implications

Nil.

Attachments

1. 335-05 DA Original Subdivision Stages 1 to 5 [**10.2.6.1** - 1 page]
2. 335-05 DA Stage A- 4 lots [**10.2.6.2** - 1 page]

Recommendation

THAT Council endorse the dedication of two unconstructed roads under Stage A of 335/05DA being an extension of Col Drewe Drive (Three Tree Drive) and Shanny Close as shown on the attached plan.

10.2.7. 'Call In' of DA143/20- 7 storey mixed use development, 115 Martini Parade Lithgow

Prepared by Jessica Ramsden – Development Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Summary

To inform Council of the 'call in' of Development Application DA143/20 pursuant to Council's Policy 7.7.

Commentary

Council is in receipt of a Development Application (DA143/20) for a proposed demolition and construction of a 7 storey mixed use development on Lot 608 DP 9370 & Lots 609-611 DP 9370 at 115 Martini Parade, Lithgow.

The proposal comprises the demolition of an existing fibro building and ancillary structures and construction of a 7 storey residential building with 39 units, 2 ground floor commercial retail spaces and 69 basement undercover car spaces. Floors of the building include: basement (carparking), Ground level (mixed residential & commercial) and levels 1 to 5 residential.

The application has been notified to surrounding landowners and placed on public exhibition from 2 September to 2 October 2020.

Policy Implications

Policy 7.7 Calling In Of Development Applications By Councillors

This application has been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors" Item 3 that states:

3. Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:

- *Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been "called in"; and*
- *Reported to an Ordinary Meeting of Council for determination.*

The application has been called in by Councillor Deanna Goodsell and the advice to this Council meeting is pursuant to Council policy.

Financial Implications

No specific implications at this point of the process.

Legal and Risk Management Implications

No specific implications at this point of the process.

Attachments

Nil

Recommendation

THAT the calling in of Development Application DA143/20 for 7 storey mixed use development, Martini Parade Lithgow be noted.

10.2.8. Proposed Licence Agreement with Lithgow Musical Society Inc.

Prepared by Sandra Politi - Land Use & Property Officer

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Summary

This report requests Council's preliminary approval to grant a licence to Lithgow Musical Society Inc. (ABN 51 886 958 392) ("the Musical Society") for use of the building commonly known as Lithgow Union Theatre.

Commentary

Background

Lithgow Union Theatre has been the heart of art and culture in the Lithgow community since the early 20th century. The Union Theatre was closed in February 2019 for renovations. The completion of building upgrade works and upgrades to lighting and sound systems in 2019/20 have made a major contribution to the Union Theatre being fit for purpose for hosting a range of performances and exhibitions.

The Union Theatre offers opportunities for local performance and other creative practitioners to develop and promote their work, to increase capacity for community participation in cultural activity, and to attract quality productions to the region.

Anticipated benefits of a vibrant and well used Union Theatre include a strengthened local cultural sector, increased recreational and education benefits for the community, enhanced cultural offerings to drive tourism growth, and the infrastructure to promote Lithgow's unique cultural identity.

The proposed licence agreement to the Musical Society represents a shared goal of Lithgow City Council and the Musical Society to achieve these benefits in conjunction with other cultural and performing organisations.

Land classified community – use of land to be authorised in a plan of management and in accordance with a licence agreement

The Union Theatre is classified as 'community land'. Community land is governed by the Local Government Act 1993 ("the Act"). The key sections of the Act relating to use of 'community land' in the context of this particular transaction are:

1. exclusive occupation or exclusive use of 'community land' is prohibited, except in accordance with a lease or licence (section 47D);
2. a lease or licence of 'community land' can only be granted in accordance with an express authorisation in a plan of management (section 46(1)(b));
3. public notice and exhibition requirements apply to a proposed lease or licence (section 47(1) and 47A(2)).

The Musical Society desires to have exclusive use of the Union Theatre on designated days, and therefore a licence agreement must be in place (in accordance with point 1 above).

The Union Theatre is listed in Council's 2013 Generic Plan of Management and is categorised as general community use. This category authorises Council to grant a licence for community purposes. Consequently, point 2 above is satisfied.

Key terms of proposed licence agreement

The key terms of the proposed licence agreement are:

Term (clause 2) – One Year, commencing 1 January 2021

Option term (clause 9) – One year, commencing 1 January 2022

Designated days (clause 3) – The Musical Society has a licence to use the property on Monday and Thursday each week (non-exclusive use) and for 6 weeks around May each year, and 6 weeks around November each year (exclusive use).

Permitted use (clause 1.1) – The Musical Society may use the property on the designated days for meetings, rehearsals, performances and minor scene fabrication work directly associated with the Licensee’s musical productions to be performed on the property

Licence fee (clause 6) - \$3,000 per annum

Insurance (clause 13.1) – The Musical Society must maintain public liability insurance for \$20,000,000, noting Lithgow City Council as an interested party on the policy, and any other insurances it is required to hold by law for the operation of its business

Indemnity (clause 13.2) - The Musical Society indemnifies Council against all claims arising from the Musical Society’s use of the property, but the indemnity does not extend to any claim arising from or contributed to by any negligent act or omission of Council

Ownership of Assets (clause 20) - All improvements and chattels on and in the property, other than the property of the Musical Society, vests in the Council and the Musical Society warrant that it will not make any claim against Council in this regard.

Capacity of Council (clause 21) - The Musical Society acknowledges that Council is a consent authority with statutory rights and obligations, but Council enters into the Licence Agreement in its capacity as licensor/property owner. The Licence Agreement does not, and is not to be construed as, conferring on the Musical Society any other right, licence, approval or consent required to be obtained from a consent authority

It is recommended that Council provide preliminary approval to enter into a licence agreement with the Musical Society, in line with this report and the attached draft licence agreement.

Policy Implications

Policy 9.16 - Compliance Policy

Policy 10.20 - Leasing and Licensing Policy

Financial Implications

- Budget approved - community halls income budget. The \$3,000 per annum licence fee is within the expected income budget.
- Income to date – Nil in 2020/21.
- Future potential impact – the licence agreement covers the 2021 calendar year with a further one year option.

Legal and Risk Management Implications

Licences on community land are governed by the Local Government Act 1993.

Attachments

1. 20.07.16 - draft licence agree with Lithgow Musical Society Inc [**10.2.8.1** - 17 pages]
2. Annexure A - gallery space and office space (excluded areas) [**10.2.8.2** - 1 page]

Recommendation

THAT

1. Council grant preliminary approval to the proposed licence agreement to Lithgow Musical Society Inc.
2. Council provide public notice of the proposed licence agreement and place the licence on public exhibition for at least 28 days.
3. The matter be returned to Council for endorsement of the licence agreement to Lithgow Musical Society Inc. with details of any submissions made during the exhibition period and any consequent recommendations or amendments.

10.2.9. Nomination of member to Lithgow Local Heritage Advisory Committee

Prepared by Sherilyn Hanrahan - Strategic Land Use Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Reference

Min 17-154: Ordinary Meeting of Council 29 May 2017

Min 17-241: Ordinary Meeting of Council 14 August 2017

Summary

This report seeks a Council resolution to accept the nomination of a replacement member representing the Lithgow Branch of the National Trust following the resignation of Dr Helen Clements from the Lithgow Local Heritage Advisory Committee (Committee).

Commentary

On 12 May 2020, Council received formal notification from the Lithgow branch of the National Trust that Dr Helen Clements has moved from the area and therefore has resigned from her position as member on both the National Trust local branch and the Committee.

The Lithgow branch of the National Trust met on 19 February 2020 where Kathryn Newton (Secretary) was nominated and accepted to replace Dr Clements as the Lithgow National Trust representative on the Committee.

Kathryn Newton is a retired teacher and a long serving member of the National Trust, currently holding the position of Secretary of the local Lithgow branch. Ms Newton has sufficient broad knowledge/skills in heritage conservation to become a valuable working member of the Committee.

Under the Committee's Terms of Reference each member is to be appointed by Council. Membership will remain for the term of the current Council which due to the Local Government response to managing the Covid risk will now extend to September 2021.

The Committee has not successfully met since August 2019 due to being unable to provide the necessary quorum. The appointment of this new member should assist this issue in the future.

Policy Implications

Nil

Financial Implications

Nil.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT:

1. Council appoints Kathryn Newton as the Lithgow branch of National Trust representative to the Lithgow Local Heritage Advisory Committee.
2. Council and the Committee extend its appreciation to the outgoing member Dr Helen Clements for her time and work on the Committee.

10.3. Finance and Assets Reports

10.3.1. 2020-2030 Long Term Financial Plan

Prepared by Ross Gurney

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Reference

Min. No. 19-03 Extra Ordinary Meeting of Council 29 January 2019.

Min. No. 20-177 Ordinary Meeting of Council 27 July 2020.

Summary

Council's operating environment is constantly changing, for example, the recent bushfires and COVID-19 pandemic have significantly impacted Council's operations and its ability to complete planned projects in expected timeframes. Council needs to take a long-term view and plan its future operations to ensure resilience in an environment where income, expenditure and cashflow may fluctuate from year-to-year. Over a 10 year period, Council may experience different phases of its operations, e.g. building specific services, delivering key infrastructure projects or consolidating its operations.

Commentary

2020-2030 Long Term Financial Plan

A Long Term Financial Plan (LTFP) forecasts Council's revenue and expenditure, balance sheet and cash flow for the coming 10 year period, based on a set of assumptions. The following three scenarios have been modelled:

- Scenario 1 Base Case - represents the "status quo" where Council continues to deliver existing services without applying a range of improvement strategies. The scenario also does not allow extra asset renewal expenditure to ensure the asset ratio benchmarks are achieved. In this scenario, Council cannot be considered to be financially sustainable.
- Scenario 2 Improvement Plan - This scenario takes the Base Case and adjusts the financial projections based on a number of ongoing improvement opportunities that have been identified. The proposed improvement opportunities were agreed in consultation with Morrison and Low in 2017 and involve a number of service reviews which would result in operating efficiency gains throughout Council.
- Scenario 3 Sustainable Council. - This scenario takes the revised financial projections in Scenario 2 but deploys asset renewal expenditure in a sustainable manner over the 10 years of the plan so that the asset benchmarks are met during the term of the LTFP for the general fund. The scenario also includes additional strategies to enable financial sustainability benchmarks to be met over the term of the 10 year plan.

Scenario 3 Sustainable Council. Is the focus of this report as it would enable Council's to achieve long-term financial sustainability.

The LTFP includes the financial ratios, set by the Office of Local Government (OLG), on which Council's projected performance and sustainability can be assessed. The purpose of the LTFP is to help guide Council's long term decision making regarding the prioritisation of projects and services. The document indicates the resources required to deliver the outcomes sought by Council.

The Integrated Planning and Reporting Manual for Local Government in NSW requires the Long Term Financial Plan to be updated at least annually. Following the 2021 Council election, it is anticipated that a community engagement program will be undertaken and a draft Community Strategic Plan prepared. At that time, the Resourcing Strategy (including the LTFP) would be

comprehensively reviewed and updated and a draft Community Strategic Plan and resourcing options presented to the community for further comment. Work would then commence on the Delivery Program.

Financial Sustainability and OLG Performance Measures The Office of Local Government (OLG) includes a number of financial performance measures in the Code of Accounting Practice. Council reports its performance against these measures in the annual financial statements. These indicators assist to assess the financial sustainability of Councils. The LTFP has been reviewed against the OLG indicators and Fiti for the Future measures as part of assessing the long term financial health of the organisation and its capacity to fund the proposed delivery program.

The OLG acknowledged the impact of the COVID-19 pandemic in recent correspondence to all Councils:

As COVID-19 continues to impact communities throughout NSW, the OLG understands that many councils are facing difficulties in balancing their budgets and achieving their financial targets.

These are unprecedented times for councils and OLG will work to ensure that the audit process acknowledges the challenges councils face and that financial performance will inevitably be affected.

OLG understands that councils are facing additional expenses, significant reductions in revenue, and challenges in ensuring the ongoing delivery of important community services.

Financial management strategies will need to be flexible and adaptable and OLG will take a pragmatic approach to council performance this year. No council should be considering reducing services or staffing just to demonstrate compliance with financial benchmarks.

The OLG's key financial performance indicators, including Fit for the Future measures, are:

- Operating performance ratio - measures Council's achievement of containing operating expenditure within operating revenue. Benchmark >0%.
- Own source operating revenue ratio - measures Council's degree of reliance on external funding sources such as operating grants and contributions. Benchmark >60%.
- Unrestricted current ratio - assesses the adequacy of working capital and its ability to satisfy Council's obligations in the short term. Benchmark >1.5x.
- Debt service ratio - measures the availability of operating cash to service debt including interest, principal and lease payments. Benchmark >2x.
- Rates and annual charges outstanding percentage - assesses the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts. Benchmark <10%.
- Cash expense cover ratio - indicates the number of months Council can continue paying for its immediate expenses without additional cash inflow. Benchmark > 3 months.
- Asset maintenance ratio - compares actual vs. required annual asset maintenance. Benchmark > 100%.
- Infrastructure backlog ratio - measures how effectively Council is managing its infrastructure. Increasing backlogs can affect a council's ability to provide services and remain sustainable. Benchmark = <2%.
- Real operating expenditure per capita - indicates how well Council is utilising economies of scale and managing service levels to achieve efficiencies. Benchmark – decreasing trend.

Council's projected performance against all of the OLG's key performance indicators (Scenario 3 Sustainable Council case) is on page 20 of the LTFP which is included as an attachment to this report. The operating performance ratio is projected to be below the 0% benchmark in the 2021/22

and 2022/23 years. The infrastructure backlog ratio is forecast to achieve the benchmark of <2% in the final two years of the LTFP.

Sustainable Council Case

The Sustainable Council case includes additional strategies to enable Council to meet all of the OLG's operating and infrastructure asset performance measures over the 10 year term of the LTFP and thus be "Fit for the Future" or financially sustainable within the OLG's definition of the term.

The Sustainable Council Case forms the basis of a financially sustainable annual budgeting cycle. In addition, the case deploys asset renewal expenditure in a sustainable manner over the 10 years of the plan so that the asset benchmarks are met or trending toward meeting the ratios during the term of the LTFP for the General Fund.

The previous (2019-2029) LTFP Sustainable Council case included an assumption that Council's application for a 9% Special Rate Variation (SRV) (plus rate peg) would be approved in full. The planned SRV would have enabled Council to meet all of the OLG's financial sustainability ratios. The SRV was only partially approved at 9% including rate peg. As the approved SRV partly replaced an expiring SRV, the effective increase in rates above the rate peg was only 1.53%. As a result, Council would not meet the operating performance ratio nor the asset infrastructure performance benchmarks without additional revenue generating and/or cost constraining strategies. In preparing the 2020-2030 LTFP Sustainable Council case, Council needed to address the impact of lower rates income than was planned in the previous LTFP.

The Sustainable Council scenario includes the following strategies to enable Council to achieve financial sustainability over the term of the plan:

- Management of employment costs: expenditure has been rising above CPI growth in recent years, following an organisational restructure and the addition of key roles for service delivery. To contain employment costs, the need to retain a position in the organisational
- structure will be considered when vacancies arise. Together with deferred recruitment action and productivity improvements, a saving of \$100,000 p.a. has been included in this scenario from the 2021/22 year.
- Internal plant hire rates will be increased by at least 10% from July 2021 to rebuild the plant replacement reserve.
- Consideration of an additional permanent 5% SRV from 1 July 2023. Alternatives to a 5% SRV will continue to be explored over the next twelve months.

In its 2019 SRV determination, IPART stated:

*"Our decision will still enable the Council to undertake additional operating and capital expenditure to maintain service levels at acceptable standards, fund the maintenance and **renewal of infrastructure assets, address the infrastructure backlog and improve its financial sustainability. If it chooses, the Council may apply for an SV in the future.**"*

With the cost of funding asset maintenance and renewal rising faster than revenue, Council has considered options for increasing revenue, which have been included in Scenarios 2 and 3. Council is still left with a shortfall in funding required for necessary asset renewal and maintenance. A 5% SRV commencing in 2023 would provide capacity for Council to meet all of the OLG operating and asset performance indicators over the 10-year term of the LTFP.

Loan Borrowings Policy

At the 27 July 2020 meeting, Council resolved to investigate loan funding for capital projects being deferred due to the current cashflow issue (Min. No. 20-177).

To date, Council has been diligent in its borrowing with all loan funds being directed to key infrastructure projects including the Portland Sewerage Treatment Plant and JM Robson Aquatic Centre (NSW Government subsidised interest loan) projects. Distillation of Council's financial

position within the LTFP supports that this premise should be continued. To reinforce this, it is proposed that the 2020-2030 LTFP include the following statement as Council's Loan Borrowing Policy:

Council recognises that borrowings for capital works are an important funding source for Local Government and that the full cost of new infrastructure should not be borne entirely by present-day ratepayers, but be contributed to by future ratepayers who will also benefit. This principle is known as inter-generational equity.

Council will restrict all borrowings to fund the delivery of capital projects that are considered by Council to be of the highest priority and which are unable to be funded from general revenue. Under no circumstances should Council borrow funds for recurrent expenditure or asset renewal.

The proceeds of any loan borrowings may only be utilised to fund the following:

- *Land acquisitions;*
- *Asset acquisitions for strategic property holding;*
- *New infrastructure asset construction, e.g. new water & wastewater infrastructure; or*
- *A specific and significant one time asset renewal, i.e. replacement or refurbishment of significant asset components.*

Council must ensure that the total amount of loan borrowings is sustainable in terms of Council's ability to meet future repayments and budgetary obligations. Council should ensure that it continues to consistently meet the OLG's benchmark of > 2.00x for the debt service cover ratio.

The Loan Borrowings Policy would be endorsed by Council as part of the 2020-2030 LTFP.

Restricted Funds – Internal Reserves (Scenario 3)

Internally restricted reserves are funds held for uses restricted by a resolution of Council. This includes the plant replacement reserve, election reserve, employee leave entitlements reserve and the land bank.

The 2020-2030 LTFP projects that the balance of internal reserves will be stable over the term of the LTFP, in a range between \$9M and 11.5M. A strategy will be developed for utilisation of the land bank which has a balance (at 30 June 2020) of \$3.6M. The strategy will be included in the next LTFP update.

Restricted Funds – External Reserves (Scenario 3)

Externally restricted reserves are funds that are subject to external legislative or contractual obligations and cannot be used for any other purpose. This includes unexpended grants and loans, the domestic waste management reserve and the water & sewer funds.

The 2020-2030 LTFP projects that the balance of external reserves will grow over the term of the LTFP, from \$15M to \$35M. The water fund currently has a low balance (under \$1M) and will be built to fund future infrastructure renewal. The sewer fund will also grow to fund asset renewal and new infrastructure needs.

Planned Loan Borrowings

Council will need to use borrowings to fund major projects over the next 10 years. The planned borrowings will effectively fully utilise Council's borrowing capacity over the period of the LTFP (around \$25M within the terms of the proposed Loan Borrowings Policy). Council will also pursue grant funding opportunities for major projects.

The planned borrowings included in Scenario 3 are:

Year	Amount	Purpose
20/21	\$1,400,000	Inventory Store Rebuild
21/22	\$2,000,000	Cullen Bullen Sewerage Scheme
26/27	\$2,000,000	Strategic Property Development
28/29	\$10,000,000	Oakey Park WTP Major Upgrade/Renewal
29/30	\$10,000,000	Oakey Park WTP Major Upgrade/Renewal

For the Oakey Park Water Treatment Plant major upgrade / renewal project, the Director Water & Wastewater, will determine the required works and detailed funding options in the coming 12 months.

Policy Implications

The 2020-2030 LTFP includes a policy statement on loan borrowings.

Financial Implications

Long term financial implications as detailed in this report.

Legal and Risk Management Implications

The 2020-2030 LTFP addresses and mitigates risks to Council's long-term financial sustainability.

Attachments

1. Long Term Financial Plan 2020-2030 [**10.3.1.1** - 26 pages]

Recommendation

THAT Council:

1. Endorse the 2020-2030 Long Term Financial Plan (LTFP) to be placed on public exhibition for 28 days. The LTFP will then be returned to Council for consideration of any submissions and for formal adoption as part of Council's Resourcing Strategy.
2. Note the proposed Loan Borrowings Policy statement included in the LTFP.

10.4. People and Services Reports

10.4.1. Streets as Shared Spaces Project

Prepared by Summar Hipworth – Cultural Development Officer

Department People & Services

Authorised by Director of People & Services

Summary

This report requests Council to note the submission of NSW Governments 'Streets as Shared Spaces' grant application in accordance with Policy 8.9 External Grant Funding and add the project to the 2020/21 budget and Operational Plan. The grant will deliver staged improvement works to Pioneer Park and the adjoining intersection in line with the CBD Revitalisation Plan.

Commentary

Grant overview

The 'Streets as Shared Spaces' funding program provides one-off funding to support Councils to deliver quick response strategic pilot projects that test ideas for streets as safe, shared public spaces. The program particularly encouraged projects that will deliver new or improved pedestrian and active transport links that facilitate social distancing during the COVID-19 pandemic.

These semi-permanent works at the Pioneer Park intersection will provide an opportunity to demonstrate the value of proposed streetscape upgrades whilst obtaining meaningful community feedback and input into designs for long term change.

Deliverables

The project will deliver semi-permanent improvements to the Pioneer Park intersection of Main and Bridge Street Lithgow, to facilitate a staged approach to implementing the vision for Pioneer Square scoped in the CBD Revitalisation Action Plan. The project will involve kerb buildouts which will narrow the carriageway at Main and Bridge Streets in order to slow traffic and improve safety. The kerb buildouts will also enable the widening of the pedestrian walkway across the Bridge St Bridge.

Interventions in the adjoining Pioneer Park will transform the site from utility to a space for community reconnection, by removing walls and damaged brick path surfaces and levelling the ground to create an open green space. The grant enables Council to deliver additional improvements to the park following the installation of a new toilet block and bus shelter. Temporary furniture, plantings and cultural activations will be utilised to demonstrate the value of a flexible social and outdoor space for performances and events. The grant has also enabled an application to be submitted to Endeavour Energy to deliver a Main Street Banner Program involving 28 raise-and-display units to be installed along the length of Main Street from Lithgow Street to Pioneer Park, creating an important activity spine that celebrates and promotes our community.

The grant was made available in response to changing community needs due to COVID-19. The opportunity therefore had a short lead time and required the approval of the General Manager and Mayor in accordance with Policy 8.9 External Grant Funding Policy. Further project details will be presented to Councillors at the October Information Session.

Policy Implications

This report ensures compliance with Policy 8.9 External Grant Funding Policy.

Financial Implications

- Budget approved -
 - Project total \$152,000

- Grant allocation \$120,000
- Council contribution \$32,000. Contributions derived from Operations, Tourism, Economic Development operating budgets and a Community and Culture project budget.
- Expended to date - Nil
- Future potential impact - ongoing costs of approx. \$17K p.a. for the Main Street Banner Program (to update banners) will be included in future operating cost budgets.

Legal and Risk Management Implications

The design and methodology for the reconfiguration of the intersection will be presented to the next TALC meeting.

Attachments

Nil

Recommendation

THAT Council:

1. Note the 'Streets as Shared Spaces' grant application and funding approval.
2. Add the project to the 2020/21 budget and Operational Plan as a Quarter One budget variation.

11. Council Committee Reports

11.1. Crime Prevention Committee Meeting 15 June 2020

Prepared by Matthew Johnson – Community and Culture Manager

Department Community and Culture

Authorised by Director of People & Services

Reference

Min 20-32 of the Ordinary Meeting of Council held 29 January 2020

Summary

The Minutes of the 15 June 2020 Crime Prevention Committee meeting are presented for Council's consideration.

Commentary

At the 15 June 2020 Crime Prevention Committee meeting various matters were discussed including:

Item 4 Bureau of Crime Statistics Report dated March 2020

This report provides Lithgow specific crime data and trends for the 2 years to March 2020.

Item 5 Police Report

A report was provided by the Police representative on local crime and policing activities.

Policy Implications

Nil.

Financial Implications

Nil.

Legal and Risk Management Implications

Nil.

Attachments

1. Crime Prevention Minutes 15 June 2020 [11.1.1 - 5 pages]

Recommendation

THAT Council note the minutes of the 15 June 2020 Crime Prevention Committee meeting.

11.2. Women's Advisory Committee Meeting 4th August 2020

Prepared by Ali Kim – Community Development Officer

Department Community and Culture

Authorised by Director of People & Services

Reference

Min 20-208 Ordinary Meeting of Council held 24 August 2020

Summary

The minutes of the Women's Advisory Committee meeting held 4 August 2020 are presented for Council's consideration.

Commentary

At the Women's Advisory Committee meeting held 4 August 2020, the committee discussed various topics including:

- The success of the recent Volunteer Week program.
- The Safe Haven project which is currently on hold due to Covid restrictions.
- A new project to celebrate the women of our region working in male dominated industries and work as part of International Women's Day 2021.

Policy Implications

Nil

Financial Implications

Nil.

Legal and Risk Management Implications

Nil

Attachments

1. WAC minutes 4.08.20 [**11.2.1** - 4 pages]

Recommendation

THAT Council note the minutes of the Women's Advisory Committee meeting held on 4 August 2020.

11.3. Youth Advisory Committee meeting 17 August 2020

Prepared by Ali Kim – Community Development Officer

Department Community and Culture

Authorised by Director of People & Services

Reference

Min 20-207 Ordinary Meeting of Council held 24 August 2020

Summary

The minutes of the Youth Advisory Committee (Youth Council) meeting held 17 August 2020 (via Zoom) are presented for Council's consideration.

Commentary

Youth Council met on 17 August 2020 via Zoom and discussed various items including the success of Youth Week online 2020, ideas for future recruitment of new Youth Council members, the success of other Youth Councils such as Cowra Youth Council and what we can learn from them.

Youth Council also discussed the upcoming Heywire project by the ABC and determined to invite young people to share their stories.

Policy Implications

Nil

Financial Implications

Nil.

Legal and Risk Management Implications

Nil

Attachments

1. Minutes 17.08.20 [11.3.1 - 4 pages]

Recommendation

THAT Council note the minutes of the Youth Advisory Committee (Youth Council) meeting held 17 August 2020.

11.4. Operations Committee Meeting Minutes - 2nd September 2020

Prepared by Kaitlin Cibulka - Executive Assistant Infrastructure Services

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Summary

This report provides details of the Minutes of the Operations Committee Meeting held on 2 September 2020.

Commentary

At the Operations Committee held on 2 September 2020, there were numerous items discussed by the Committee including:

1. Standing Item – Cullen Bullen Sewerage Scheme Update
2. Standing Item – Water and Sewer Infrastructure Update
3. Review of Environmental Factors – Lake Wallace Reeds

Policy Implications

Nil

Financial Implications

Other than use of currently approved 2020/21 budgets, nil immediate financial implications arising from matters discussed at meeting.

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Operations Committee Meeting - 2nd September 2020 [11.4.1 - 7 pages]

Recommendation

THAT Council note the minutes of the Operations Committee Meeting held on 2 September 2020.

11.5. Community Development Committee Meeting 8 September 2020

Prepared by Matthew Johnson – Community & Culture Manager

Department People & Services

Authorised by Director of People & Services

Reference

Min 20-206 Ordinary Meeting of Council held 24 August 2020
Min 20-179 Ordinary Meeting of Council held 27 July 2020
Min 20-98 Ordinary Meeting of Council held 20 April 2020
Min 20-75 Ordinary Meeting of Council held 6 April 2020 (deferred from 23 March 2020)
Min 20-57 Ordinary Meeting of Council held 24 February 2020
Min 19-353 Ordinary Meeting of Council held 25 November 2019

Summary

The minutes of the 8 September 2020 Community Development Committee are presented for Council's consideration.

Commentary

At the Community Development Committee meeting held 8 September 2020, various matters were discussed including:

Item 4 Financial Assistance

The committee recommends that Council allocate \$6,000 Non-Recurrent Financial Assistance to Lithgow Information and Neighbourhood Centre (LINC) to assist with offsetting the rent they pay to Council for premises in Padley Street Lithgow. LINC is the primary provider of services for the Lithgow community including services for frail aged people, people with a disability and people facing social and economic disadvantage. LINC currently pays approximately \$36,000 pa to Council for its premises and for many years Council has provided financial assistance to LINC to partially offset the rent.

Council approved \$7,500 rental assistance to LINC in 2019/20.

Council has approved \$107,677 financial assistance in the current year of which \$100,696 has been allocated, leaving a balance of \$6,981. Based on experience from previous years, some of the remaining balance is likely to be needed to fund additional financial assistance approvals by Council in the current financial year. The Committee therefore recommends that \$6,000 Non-Recurrent Financial Assistance be approved by Council.

Item 5 Community Recovery Project

An update was provided to the Committee by Council's recently appointed Community Recovery Officer, Rachel Nicoll, on work undertaken to date with the community and other stakeholders in relation to the December 2019 bushfire.

Item 6 Update on current projects

Council is asked to note that the Committee asks that representations to be made to Local Member and Minister for Regional Transport and Roads Paul Toole, that signage is needed on the Great Western Highway to alert drivers to the Adventure Playground.

Policy Implications

Nil

Financial Implications

Financial Assistance

- Budget approved - \$107,677
- Cost centre - PJ 600158
- Expended to date - \$100,696
- Future potential impact - \$6,000 in the 2020/21 year.

Legal and Risk Management Implications

NIL

Attachments

1. CDC Minutes 8 September 2020 [**11.5.1** - 5 pages]

Recommendation

THAT Council:

1. Note the minutes of the 8 September 2020 Community Development Committee meeting.
2. Provide \$6,000 Non-Recurrent Financial Assistance to Lithgow Information and Neighbourhood Centre to assist with offsetting their rental payment to Council.
3. Note that representations will be made to Local Member and Minister for Regional Transport and Roads Paul Toole, requesting that signage be installed on the Great Western Highway to alert drivers to the Adventure Playground.

11.6. Finance Committee Meeting 14 September 2020

Prepared by Ross Gurney – Chief Financial and Information Officer

Department Finance and Assets

Authorised by Chief Financial and Information Officer

Reference

Min No 20-211 Ordinary Meeting of Council held on 24 August 2020

Summary

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

Commentary

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

- **2019/20 Interim Audit Management Letter** – The Committee discussed the Interim Audit Management Letter – the Audit Office found 7 matters requiring attention (6 moderate risk, 1 low risk). 3 actions have been completed immediately and the remaining 4 actions have been allocated to officers and scheduled for completion.
- **Confidential – Design and Construction of New Inventory Store** – The Committee discussed the confidential report to be presented to the September Council meeting in relation to the design and construction of a New Inventory Store. The Committee endorsed the recommendations to be presented to the 28 September 2020 Council meeting.
- **2020-2030 Long Term Financial Plan** – the update of the Long Term Financial Plan (LTFP) is an annual requirement. The 2020-2030 LTFP includes a Sustainable Council case with strategies to enable Council to meet all of the OLG’s operating and infrastructure asset performance measures over the 10 year term of the LTFP and thus be “Fit for the Future” or financially sustainable within the OLG’s definition of the term.
- **Audit Action Lists** – the Committee noted progress towards completing the internal audit and external audit actions.
- **August Performance reporting to the OLG** – the Committee noted the August 2020 performance report to the OLG.

The following business paper recommendation was endorsed by the Committee:

Council Investments report August 2020

THAT:

1. Investments of \$24,870,000 and cash of \$393,944 for the period ending 31 August 2020 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Policy Implications

NIL

Financial Implications

As detailed in the Finance Committee meeting minutes

Legal and Risk Management Implications

NIL

Attachments

1. Minutes - Finance Committee - 14 September 2020 [**11.6.1** - 8 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 14 September 2020 and note the items not requiring a resolution of Council
2. Endorse the recommendations proposed in the Council Investments Report for August 2020.

12. 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.

13. Closed Council

17.1. Proposed sale of surplus land in Wallerawang

Prepared by	Sandra Politi - Land Use & Property Officer
Department	Economic Development and Environment
Authorised by	Director of Economic Development & Environment

Reason for Confidentiality

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

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

Summary

This report requests Council's approval to sell various parcels of surplus land located in Wallerawang.

17.2. Lithgow Solid Waste Facility Plant Tender

Prepared by	Lewis Bezzina – Transport Manager
Department	Infrastructure Services
Authorised by	Jonathon Edgecombe

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

This report summarises the tender process for the supply of landfill plant at Lithgow Solid Waste Facility and recommends Council enter a contract in accordance with the recommended Tender for "The Purchase / Hire / Hire to Purchase and Maintenance of Landfill Plant at Lithgow Solid Waste Facility".

17.3. Low Pressure Sewerage System Supply Tender

Prepared by	Matthew Trapp – Acting Senior Engineer Strategy and Projects
Department	Water and Wastewater
Authorised by	Director of Water & Wastewater

Reason for Confidentiality

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

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

Summary

This report is to provide the Council with the results of a tender evaluation for Low Pressure Sewerage Supply systems.

17.4. Design and Construction of New Inventory Store

Prepared by	Sean Quick - Works Coordinator Buildings
Department	Infrastructure Services
Authorised by	Chief Financial & Information Officer

Reason for Confidentiality

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

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

Summary

This report summarises issues concerning Council's Inventory Store and the Expression of Interest (EOI) process undertaken to identify contractors suitable to tender for the design and construction of a new Store facility.

17.5. Approval to Engage Vendors due to Remoteness of Locality of Works

Prepared by	Lewis Bezzina – Transport Manager
Department	Infrastructure Services
Authorised by	Jonathon Edgecombe

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

The sealing of Glen Davis Road and Dark Corner Road are projects included within Council's Road Repair and Improvement Capital Works Program 2020/21. The expected value of the procurement of road base material exceeds the tender threshold of \$250,000 for each project. However, due to remoteness of locality and unavailability of competitive or reliable tenders, the cost to procure and transport suitable road base material from other locations would exclude other vendors. Hence, this report recommends Council utilise Section 55 (3) (I) of the Local Government Act 1993 to engage independent contractors to procure appropriate road base material.

Recommendation

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