



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 23 November 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

8. Mayoral Minutes

9. Notices of Motion

9.1. Notice of Motion - 23/11/2020 - Cr Maree Statham - Rebate on Water Charges for Bush Fire Effected Residents In Lithgow Local Government Area.

Report by Councillor Maree Statham

Commentary

Listening to the local families and individuals who has suffered from the December / January Bush fires it is concerning that Lithgow City Council to date has no policy regarding rebate on water charges for these residents.

Many residents on town water had excessive water accounts using experiential amounts of water to hose their homes, sheds and gardens to prevent spot fires from embers and raging fires which in some cases were just metres from their homes. In some cases residents lost their home and a life time of belongings they will never be replaced.

This is now almost twelve months ago, to this day many residents are still mentally and financially effected. Council has been very supportive during this time of need, however I believe strongly Council require a Policy to provide comfort to those who have suffered through this horrendous ordeal by a Policy stating:

“A Rebate of all town water accounts relating to a Fire should be rebated when the average house hold usage has exceeded due to fire.”

I would also request Council rebate any resident who can provide proof from their water accounts they used excessive water to prevent a catastrophe during the December / January fires.

Perhaps Council could rebate the residents with part of the funding provided for Bush Fire Recovery.

Attachments

Nil

Recommendation

THAT Council prepare a Policy to provide a water rebate to residents using excessive amounts of water during a Fire or to prevent a fire.

This money could hopefully be recovered by Council through Bush Fire Recovery Fire Recovery Funding.

In the event it was not a “Natural Disaster” as the December / January Fires and considered a threat to homes and properties the rebate still stand.

Management Response;

Council resolved at the Extra Ordinary Meeting of Council 13 January 2020 to;

3. Authorise a rebate for water usage charges on the during the bush fire crisis, rebated on application. Assistance will be sought from the Office of Emergency Management to cover the cost of rebates.

As per the resolution Council has been providing rebates on application. There is no formal application process we have simply asked that residents make a request via phone, email or letter

to Council. Rebates have been provided on request/application subject to meeting some minor criteria, being;

1. That there was an increase in the water usage during the period of bushfires. We have used the data from the smart meter to determine the exact amount used during the period, where no smart meter was installed or the data was not received we have used the average of the previous accounts.
2. That the property was in close proximity (400m) or under direct threat from fire.

To date Council has received 70 applications. 54 rebates have been granted for a total amount of \$5,539.08, with one pending determination. Council has declined 15 applications due to the usage patterns indicating that no additional water was used during the bushfire period, the location of property and one was identified as having a leak which resulted in a high water usage and a rebate was provided under Policy 8.1 – Excessive Water Usage Allowance for Breakages.

Council was not eligible for assistance from the Office of Emergency Management to cover the cost of rebates. Similarly, no other funding opportunity would cover the cost of providing a rebate.

9.2. Notice of Motion - 23/11/2020 - Cr Maree Statham - Portland Rural Fire Service

Report by Councillor Maree Statham

Commentary

Portland Rural Fire Service representatives invited me to attend an informal meeting on the current site of the Community built Fire Station, Lime Street Portland.

It is extremely clear this facility now needs to be repurposed and a larger Fire Station build in the near future. After inspecting the Fire Shed/ Station and the volunteers expressing their concerns with the location and lack of space I feel it necessary to encourage Council to assist in this new venture. A major concern is the situation of the current Fire Shed / Station, it is only metres from the Portland Skate Park which is used every day. Children of all ages use the Skate Park.

Portland has many existing subdivisions and new homes on larger blocks on the outskirts of the town with larger land holding surrounding Portland. This certainly reflects the necessity of a Fire Station adequately equipped and spacious enough to house the required equipment.

The devastating fires of recent times has eluded the members of this volunteer group of the need of necessities not luxuries, which is what is lacking at the current site.

The area of land suggested by the executive and members of the Portland Rural Fire Service for relocation is a vacant block of land, corner of Cullen Bullen Road and Roxbough Street Portland.

The vacant block of land is owned by Lithgow City Council. Section of this block of land has been used for a dumping ground for rubbish, it is also a fire hazard.

Portland Rural Fire Service have a strong volunteer group who are seeking to provide the Community and the Local Government Area with a suitable up graded larger facility.

Attachments

1. Email - Thompson's Creek Bridge [9.2.1 - 2 pages]

Recommendation

THAT Lithgow City Council support Portland Rural Fire Service's request;

1. The vacant block of land on the Corner of Cullen Bullen Road and Roxbough Street Portland be made available for the Portland Rural Fire Service to relocate from the current address to the above-mentioned address.
2. Council support the Portland Rural Fire Service in this endeavour for a new Fire Station with a letter to Local Member, Minister Paul Toole seeking support from the State Government.

Management Comment

Rural Fire Service allocate the money spent on RFS-related business to Council which Council then manages on their behalf. This means that all the money Council spend on RFS buildings, vehicles and general operations comes from the State Government and is tied to certain causes.

For this reason, the RFS must obtain approval for funding from their own management hierarchy to complete special projects, including the purchase of land or construction of new buildings. While the RFS have started the discussions as to the requirements for a new building for use by the Portland

branch, they have not yet got approval. This initial discussion is between the local RFS branch and their state headquarters. Council do not have direct influence over this process, as confirmed recently in my discussion with the Manager of the Chifley / Lithgow RFS district.

Noting this however, Council's Director Infrastructure Services has offered the Administration's full support to the local RFS management with respect to this matter. When they obtain the approval and means to identify a suitable site, staff will work alongside the RFS to facilitate and ease this process. At this point in time, the Council may wish to formalise its support in principle for the relocation of the Portland RFS by resolution. As suggested, such support can also be directed to the local State Member, Mr. Toole.

9.3. Notice of Motion - 23/11/2020 - Cr Cassandra Coleman - Local Procurement Policy for Tendering

Report by Councillor Cassandra Coleman

Commentary

The local community is keen to see local job growth and to improve job prospects for the next generation as the Lithgow region moves forward to economic diversification.

One of the questions often asked of me is Why doesn't Lithgow City Council have a local procurement policy for tendering?

In the current economic climate Lithgow Council could be helping local businesses stay afloat. Helping to employ local people helps local families but, more importantly, money is being spent in the local community of Lithgow.

Attachments

Nil

Recommendation

THAT the General Manager bring back a report to Council on the pros and cons of having a local procurement policy for tendering.

9.4. Notice of Motion - 23/11/2020 - Cr Wayne McAndrew - Lake Wallace

Report by Councillor Wayne McAndrew

Commentary

Tourism is one of a number of important aspects for the future of our local economy and Lake Wallace has become an integral part of this. In fact, visitation numbers to Lake Wallace in recent years have exceeded anyone's expectation. It has become "the jewel in the crown" as far as public camping and caravanning within our local government area is concerned. It is now time to seriously and urgently look at improving and expanding the area.

Attachments

Nil

Recommendation

1. That Lake Wallace precinct becomes a priority tourism project for Lithgow City Council.
2. That priority be given to grant funding applications applicable to the site.
3. That a Lease and Plan of Management need to be finalised with the new owners of the site as a matter of urgency and the lease and plan terms should include but not be limited to, more new and improved toilet and shower facilities, bbq areas, expansion of caravan and camping areas, extending the camping and caravan stay limit from 48 hours to 7 days and weed and tree removal from the foreshore, especially near the children's playground etc. Signage also needs to be improved regarding conditions of use within the precinct.
4. Council should also look at an appropriate fee structure to assist with the upkeep, running and maintenance of the site"

10. Staff Reports

10.1. Economic Development and Environment Reports

10.1.1. Building and Development

10.1.1.1. ECDEV - 23/11/2020 - DA143/20 Mixed use development, 115 Martini Parade, Lithgow

Prepared by	Lachlan Sims, Acting Team Leader Development
Authorised by	Director of Economic Development & Environment
Property Details	Lot 608 DP 9370, Lot 611 DP 9370, Lot 610 DP 9370, Lot 609 DP 9370 Martini Parade LITHGOW NSW 2790
Property Owner	Dasboo Pty Ltd & GPM Investments Pty Ltd
Applicant	Dasboo Pty Ltd & GPM Investments Pty Ltd

Reference

Min No 20-225 Ordinary Meeting of Council held on 28 September 2020

Summary

This report details the assessment of Development Application DA143/20 for a mixed-use development (6 level residential apartment building with ground floor commercial space and basement car park) at 115 Martini Parade, Lithgow (Lots 608-611 DP 9370). It leads to a recommendation that the development application be refused.

Commentary

This development application is submitted to Council for determination following the matter being "called in" by Councillor Deanna Goodsell in accordance with *Policy 7.7 Calling In of Development Applications by Councillors*. At Council's Ordinary Meeting held on 28 September 2020 it was resolved (Min No 20-225):

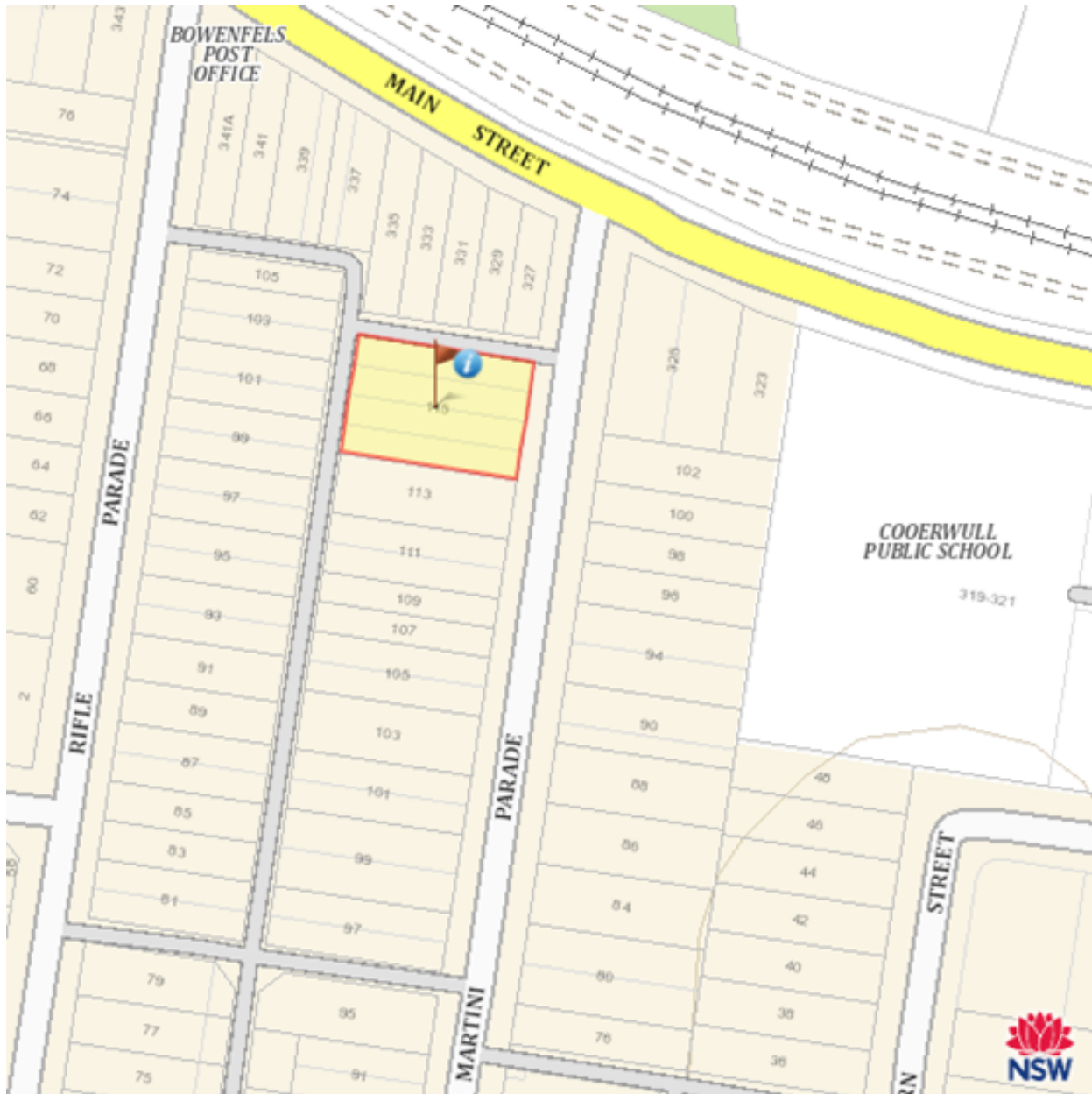
THAT

1. *The calling in of Development Application DA143/20 for 7 storey mixed use development, Martini Parade Lithgow be noted.*
2. *A site visit be organised with owners, residents, Councillors and relevant staff.*

Development application DA143/20 has been lodged by CK Design and Elcon Developments and seeks consent for the use of land at 115 Martini Parade, Lithgow (Lots 608-611 DP 9370) in the form of a mixed-use development containing commercial and residential land uses. The proposal involves the demolition of existing structures on the site and the construction of a 6-level building containing residential apartments on each level, commercial floor space on the ground level (off Martini Parade) and a basement level containing car parking (accessed off Martini Rifle Lane).

The land has an area of 1,396 square metres with a frontage to Martini Parade of approximately 30.5 metres. The land also has frontage to lanes on its northern and western side (identified by Council as Martini Rifle Lane). The western frontage to the lane is 30.5 metres and the northern frontage 45.7 metres. Existing on the land are buildings and infrastructure relating to various business and light industrial uses undertaken on the land in its recent history.

Surrounding the land are a mix of established urban land uses. The predominant surrounding use comprises low density residential land uses to the south, east and west mainly consisting of detached dwellings. North of the land are properties fronting Main Street which include residential and business uses. This is illustrated on the map and aerial photography extracts provided below.





The proposed development will provide a total floor area of 3,589 square metres comprising 325 square metres of commercial floor space on the ground level and 3,264 square metres of residential floor space spread across all six levels. The development includes 14 car parking spaces on the ground level accessed via a driveway off Martini Parade. The basement level provides 55 car parking spaces with driveway access off Martini Rifle Lane.

The development includes 38 separate residential apartments that comprise a mix of 6 x 1 bedroom, 15 x 2 bedroom apartments and 17 x 3 bedroom apartments. Included in this mix is 1 adaptable apartment and 1 accessible apartment that can provide residential accommodation for disabled persons or the mobility impaired.

The details of the proposal are illustrated in the plan extracts and images below. Full architectural drawings of the development are provided in Attachment 1.



Artistic rendering of proposal viewed from Martini Parade



Southern elevation



Artistic rendering of proposal viewed from Main Street

The development application has been assessed by Council staff in accordance with statutory requirements. A copy of the planning assessment report is provided in Attachment 2.

Although the proposal is permitted with consent on the land under the provisions of the *Lithgow Local Environmental Plan 2014*, the assessment has identified several deficiencies in the design and several key areas of unreasonable environmental impact. For these reasons, the proposal in its current form is not supported and is recommended for refusal. The reasons for refusal are addressed in detail in the attached planning assessment report (Attachment 2) and are summarised below.

Stormwater

Clause 7.3 requires Council to consider the proposed stormwater management of the development and to ensure it minimises the impacts of urban stormwater on land and on adjoining properties, native bushland and receiving waters. The information submitted with the application does not adequately address the quantity of stormwater discharged from the site as a result of the development. Insufficient provision has been made to retain and reuse stormwater runoff from the development and incorporate principles of Water Sensitive Urban Design. This is considered an essential element of the proposal and is necessary to prevent environmental impacts of volume and velocity of stormwater runoff into the public drainage system. This issue has also been raised in a number of the submissions received objecting to the proposal.

Traffic and Parking

The traffic generation, car parking provision and safe vehicular access and maneuverability have been inadequately addressed in the development application. Council's position on this aspect of the development is also supported by Transport for NSW (RMS) who were asked to comment on the proposal as a "traffic generating development" in accordance with the provisions of *State Environmental Planning Policy (Infrastructure) 2007*. Transport for NSW have identified a number of deficiencies in the design and information submitted in support of the proposal and have, as a result, advised they do not support the proposal in its current form. Parking, vehicular access and traffic safety have also been raised in the submissions received objecting to the proposal.

Design and Amenity Impacts

The development is subject to the provisions of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (2002)* which specifies design quality principles that

must be addressed in the design of the development. The design is also required to have regard for the objectives and guidance provided in the Apartment Design Guide. The assessment of the proposal against the above has identified many areas of non-compliance and unreasonable environmental impacts relating to:

- Context and neighbourhood character,
- Built form and scale,
- Amenity,
- Aesthetics,
- Overshadowing of adjoining properties,
- Transition between public and private open space,
- Provision of deep soil zones,
- Building separation and setbacks,
- Amenity of common circulation spaces,
- Landscape design and streetscape/amenity,
- Placement of awnings (character),
- Stormwater treatment, and
- Waste storage and disposal and impacts on streetscape.

These elements are addressed in further detail in Attachment 2.

Impacts on the Locality

The development is assessed as having potentially significant impacts on the amenity and character of the locality for several reasons. These include -

- a. The bulk and scale of the proposed built form and its impacts on the character of locality due to its incompatibility with the surrounding low-density built-form and a lack of transitional elements in the design.
- b. Visual impacts on the streetscape and surrounding locality due to the design not adequately integrating with existing and desired future streetscape and landscape character.
- c. Amenity impacts on the privacy of surrounding residential properties and private open space and the significant overshadowing of the adjoining property (113 Martini Parade).
- d. Insufficient assessment and non-compliant design of vehicular accesses, car parking spaces and traffic circulation outcomes.
- e. Stormwater impacts resulting from the concentration of discharge, downstream effects due to increased volumes, lack of adequate on-site detention and reuse and insufficient integration of water sensitive urban design.

Policy Implications

Policy 7.7 Calling In of Development Applications by Councillors

As noted above, the application was called in by Councillor Deanna Goodsell and is being reported to Council for determination in accordance with this policy and Minute No. 20-225 as resolved at Council's Ordinary Meeting held on 28 September 2020.

The development application was subject to public exhibition and notification of adjoining landowners in accordance with the Lithgow City Council Community Participation Plan. 22 submissions were received in response to the public exhibition, of which 20 raised objections to the proposal. These are addressed above and in the planning assessment report in Attachment 2.

In addition to the above, following the call-in of the development application by Council and its resolution (20-225) at its Ordinary Meeting on 28 September 2020, a public meeting was held on the site of the proposed development. This meeting was held on site at 3.30pm on 2 November 2020 and enabled those who had lodged submissions and concerned community members to raise questions and have their concerns answered. All surrounding residents were notified by mail and by letter box drop with details of the meeting. Councillors, staff, the applicant and surrounding residents attended the meeting.

Financial Implications

Development application fees have been paid in accordance with statutory requirements.

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. Due to the deficiencies in the design of the proposal and the extent of unreasonable environmental impacts expected, the planning assessment report recommends the application be refused for the following reasons -

1. The development application has inadequately addressed the requirements of clause 7.3 of the *Lithgow Local Environmental Plan 2014* and Council is not satisfied that the proposed development –
 - a. is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
 - b. includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
 - c. avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.
2. The traffic generating characteristics of the development have been inadequately addressed and Transport for NSW (RMS) have not given support to the proposal in accordance with clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*.
3. The design of the development has not adequately addressed the design quality principles and the relevant objectives of the Apartment Design Guide as required under clause 28(2) of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (2002)*, specifically regarding –
 - a. Context and neighbourhood character,
 - b. Built form and scale,
 - c. Amenity,
 - d. Aesthetics,
 - e. Overshadowing of adjoining properties,
 - f. Transition between public and private open space,
 - g. Provision of deep soil zones,
 - h. Building separation and setbacks,
 - i. Amenity of common circulation spaces,
 - j. Landscape design and streetscape/amenity,
 - k. Placement of awnings (character),
 - l. Stormwater treatment, and
 - m. Waste storage and disposal and impacts on streetscape.
4. The expected negative impacts of the development on the surrounding locality including –
 - a. Bulk and scale and its impacts on the character of locality and its compatibility with the streetscape,
 - b. Visual impacts (on the streetscape and surrounding locality),
 - c. Amenity impacts (particularly privacy and the significant overshadowing of adjoining properties)

- d. Traffic and parking (insufficient assessment and non-compliant design of vehicular accesses and car parking spaces), and
 - e. Stormwater impacts resulting from the concentration of discharge, downstream effects due to increased volumes, lack of adequate on-site detention and reuse and insufficient integration of water sensitive urban design).
5. The proposal is an unsuitable use and development of the site in its current form.
 6. Approval of the development is not in the public interest.

Council also has the option to consider the determination of the application either by way of approval subject to conditions or to defer its decision on the matter and enable the applicant to make changes to the proposal and address the identified issues. Due to the extent of deficiencies and environmental impacts associated with the current design, this is not recommended. If Council is inclined to grant conditional consent to the proposal, several aspects of the proposal will still need to be addressed to enable the finalisation of the assessment and preparation of draft conditions. As such, draft 'without prejudice' consent conditions have not been prepared for this application.

Attachments

1. DA143/20 - Architectural Drawings [10.1.1.1.1 - 32 pages]
2. DA143/20 - Planning Assessment Report [10.1.1.1.2 - 34 pages]

Recommendation

THAT

1. Council determine development application DA 143/20 by way of refusal for the six (6) reasons outlined in this report:
 - The development application has inadequately addressed the requirements of clause 7.3 of the *Lithgow Local Environmental Plan 2014* and Council is not satisfied that the proposed development –
 - a. is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
 - b. includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
 - c. avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.
 - The traffic generating characteristics of the development have been inadequately addressed and Transport for NSW (RMS) have not given support to the proposal in accordance with clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*.
 - The design of the development has not adequately addressed the design quality principles and the relevant objectives of the Apartment Design Guide as required under clause 28(2) of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (2002)*, specifically regarding –
 - a. Context and neighbourhood character,
 - b. Built form and scale,
 - c. Amenity,
 - d. Aesthetics,
 - e. Overshadowing of adjoining properties,
 - f. Transition between public and private open space,
 - g. Provision of deep soil zones,

- h. Building separation and setbacks,
 - i. Amenity of common circulation spaces,
 - j. Landscape design and streetscape/amenity,
 - k. Placement of awnings (character),
 - l. Stormwater treatment, and
 - m. Waste storage and disposal and impacts on streetscape.
- The expected negative impacts of the development on the surrounding locality including –
 - a. Bulk and scale and its impacts on the character of locality and its compatibility with the streetscape,
 - b. Visual impacts (on the streetscape and surrounding locality),
 - c. Amenity impacts (particularly privacy and the significant overshadowing of adjoining properties)
 - d. Traffic and parking (insufficient assessment and non-compliant design of vehicular accesses and car parking spaces), and
 - e. Stormwater impacts resulting from the concentration of discharge, downstream effects due to increased volumes, lack of adequate on-site detention and reuse and insufficient integration of water sensitive urban design).
 - The proposal is an unsuitable use and development of the site in its current form.
 - Approval of the development is not in the public interest.
2. A Division be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

10.1.1.2. ECDEV - 23/11/2020 - HyTec Quarry Voluntary Planning Contribution 2019

Prepared by Lauren Stevens - Development Planner
Department Economic Development & Environment
Authorised by Director of Economic Development & Environment

Reference

- Min No 14-480 - Ordinary Meeting of Council held on 15 December 2014, Austen Quarry Stage 2 Extension Project (SSD 6084).
- Min No 15-325 - Ordinary Meeting of Council held on 14 December 2015, SSD-6084 - Hy-Tec Industries Pty Limited, Austen Quarry, Voluntary Planning Agreement.
- Min No 16-52 - Ordinary Meeting of Council held on 21 March 2016, State Significant Development - 6084 – Hy-Tec Industries Pty Limited, Austen Quarry Voluntary Planning Agreement.
- Min No 18-24 - Ordinary Meeting of Council held on 26 February 2018, Hy-Tec Quarry Planning Contribution 2016-2017.
- Min No 19-68 - Ordinary Meeting of Council held on 25 March 2019, Hy-Tec Planning Contribution 2017.
- Min No 19-332 – Ordinary Meeting of Council held on 25 November 2019, Hy-Tec Planning Contribution 2018.

Summary

To advise Council of the expressions of interest and to endorse payment for the Hy-Tec Quarry Voluntary Planning Agreement funds to go towards community projects. The aim of the Planning Agreement is to allow for the provision of community facilities for public use within the Local Government Area.

Commentary

On 15 July 2015, the Department of Planning and Environment granted Development Consent for an extension to the Austen/Hy-Tec Quarry (State Significant Development-6084) situated at 391 Jenolan Caves Road, Hartley. A Voluntary Planning Agreement associated with the development consent provides for a contribution of \$0.025 per tonne of quarry product to be paid to Council. The distribution of funds was determined by Council at its Ordinary Meeting of 21 March 2016. As part of the distribution of funds, 25% of the contribution is allocated to the Hartley Progress Association to go towards facilities and infrastructure in the Hartley area which may at its discretion be spent on maintenance, upkeep or improvements to the Hartley School, Hartley Annex Hall or surrounds. In January 2020, an amount of \$6,724.86 was paid to the Hartley Progress Association.

A meeting was held with the Hartley Progress Association, The Hartley Recreation Reserve Land Manager (on behalf of the Crown) and Council staff to clarify the distribution of funds and ensure consistency of any expenditure. The Old Hartley School and Hall is owned by the Crown with the buildings maintained and managed by the Hartley Recreation Reserve Land Manager.

The Hartley Progress Association is a community operated organisation who utilises the buildings for functions and events. In the past the Hartley Progress Association have purchased equipment such as chairs, PA System and cutlery for community groups to utilise within the school and hall.

It was agreed, subject to Council approval, that the Hartley Progress Association would continue to receive 25% annually of the Hytec Contribution to go towards facilities and infrastructure in the Hartley area which may at its discretion be spent on maintenance, upkeep or improvements to the Hartley School, Hartley Annex Hall or surrounds. However, any permanent structures for the

maintenance to the School and Hall would need to be agreed upon by the Hartley Recreation Reserve Land Manager.

The Hartley Recreation Reserve Land Manager will also have the opportunity to submit applications to go towards facilities and infrastructure for the Old Hartley School and Hall under this grant program.

The Hartley Progress Association have advised Council of the projects undertaken with the distribution of the annual funds for the 2018/2019 funding relating to the old Hartley School and Community Hall, these include:

- Acoustic panels being installed in the community hall and school. The installation significantly reduced echo and noise vibration, thereby improving overall acoustics.
- The internals of the school hall were sanded, primed and painted.
- The purchase of five (5) large framed prints from a locally based photographer to hang in the school hall. The hall had no decorations and the prints brought some life into the hall.
- LED lighting was installed in the hall replacing the incandescent globes.
- Large gas bottle (45kg) was installed to service the hall.
- The purchase of a 16 by 4 cutlery set for social use and events.
- The purchase of a Yamaha PA system for use in the school hall or externally.
- The purchase of an additional 12 plastic tables and 56 chairs for use in formal settings and at social events.

The Hartley Progress Association and The Hartley Recreation Reserve Trust have advised that together they will purchase a solar system for the Hartley Community Hall with the 25% 2020 contribution funding.

The remaining contribution balance of the Hytec Contribution is to be determined via an Expression of Interest process and distributed on an annual basis. Of this balance, 25% is allocated to general community projects in the Hartley area and the remainder to projects throughout the Lithgow Local Government Area. For the 2019 period the expression of interest was carried out by Austen/Hy-Tec Quarry with the below submissions received and comments provided following evaluation by Council staff and representatives of Hy-Tec:

Lithgow Tidy Towns seeks a contribution of \$5,500 for the installation of a monarch butterfly sculpture and 10 smaller butterfly sculptures to be located in the alcove adjacent to the Mountain Gum Tuition Centre in Main Street Lithgow. within Cook Street Plaza. This project is part of enhancing Lithgow's streetscapes and CBD. The sculptures would be undertaken by a local artist. They are made from steel and will be installed securely.

Council Officer's Comment: *Whilst in some respects it is preferable that funds do not go to Council assets, this is dependent on issues such as wider community benefit and whether Council would ever be in a position to prioritise such a unique embellishment. Such items may also fit well with the surrounding streetscape and buildings. It is to be noted that this application was carried over from the previous 2018 round due to the completion of the refurbishment of Cook Street Plaza. Council's Infrastructure Services Department are supportive of this application.*

Lithgow District Men's Shed seeks a contribution of \$887.80 for the replacement of two new toilet suites and two LED lights to be located within the old Lithgow Swimming Pool Change Rooms. The funding will allow the old toilets to be replaced with a more water efficient system. The LED lights will also allow more efficient lighting and energy assumption.

Council Officer's Comment: *In considering this application it is important to again consider the fact that the Swimming Pool Change Rooms are a council owned facility and whether the benefits will flow beyond one group. However, the submission has indicated that the facility is used by a wider variety of community members. For these reasons, the application is supported.*

Lithgow Information & Neighbourhood Centre (LINC) seeks a contribution of \$2,700 for outdoor equipment such as garden beds, potting mix and manure, shade sails, tools, table setting, benches/seating and a barbeque. This project will support and assist participants to develop new skills, interact with others, build friendships and participate in fun and stimulating activities. The project is located at 10 Albert Street, with the facility owned and managed by LINC.

Council Officer's Comment: *This project appears to satisfy a community purpose and is supported. However, it is noted that Council's records indicate that 14 Albert Street was approved in 2007 as per DA271/07 as a residential care facility. It has been advised that Number 10 Albert Street (adjoining property), has been utilised as offices for many years with the disability day activities just recently moved from the Padley Street facility. Council officers have had discussions with LINC in relation to the use of the premise and formalising it as a 'residential care facility' as defined under the State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004. It would be proposed that the grant funding would be distributed once the use of the property has been formally resolved.*

Hartley Vale Mount Blaxland Reserve Land Manager seeks a contribution of \$4,700 to replace picnic facilities and benches at the Hartley Vale Historic Cemetery, Fields Road, Hartley Vale. The picnic facilities were destroyed by the recent bushfires at the cemetery. The project aims to help to preserve the headstones and enhance the area for visitors. The proposed picnic facilities will be constructed of fireproof material, similar to the picnic facilities Lithgow Council installs in their parks.

Council Officer's Comment: *This project appears to satisfy a community purpose and is supported.*

Hartley Historic Site Advisory Committee seeks a contribution of \$7,540 for the installation of an AV System (including smart tv and remote) at the Farmer's Inn Visitor Centre and Gallery. The system is proposed to be fitted to the existing white screen on the wall in the main gallery. The TV would be able to be used to show images, videos, etc, to enhance the experience for visitors to the site.

Council Officer's Comment: *The project is not a permanent fixture to the building, with the facility operated by members of the community. Therefore, this project appears to satisfy a community purpose and is supported.*

Hartley Recreation Reserve Land Manager seeks a contribution of \$5,104 for the installation of a reverse cycle air conditioning system to replace the old damaged gas heaters at the Old Hartley Community Hall. The Reserve Trust identified that one of the gas heaters were damaged and unsafe.

Council Officer's Comment: *The facility is operated by members of the community. Therefore, this project appears to satisfy a community purpose and is supported.*

The following applications were also received, with a recommendation that the applications be carried over and reconsidered in the next round of applications. These applications involve:

Hartley Vale Mount Blaxland Reserve Land Manager seeks a contribution of \$7,557 for a shelter shed over the picnic facilities at the Hartley Vale Historic Cemetery, Fields Road, Hartley Vale. The project is part of a continuing enhancement project that the Land Managers have been carrying out to preserve the valuable headstones and enhance visitor experiences when visiting Heritage Cemetery. The shelter would provide shade for the area and the proposed new BBQ facilities.

Council Officer's Comment: *It is agreed that this project is beneficial to the community; however, given the wide variety of applications being received in this round, the proposed project will be reconsidered in the 2020 round. It is noted that this is a new project and was not constructed during the bushfires. This will also give the Reserve Trust a chance to reconstruct the picnic facilities and benches in the first instance.*

Hartley Recreation Reserve Land Manager seeks a contribution of \$6,900 for a new built in BBQ facilities and extend the small shelter shed at the Old Hartley School and Community Hall. The proposal would help to cater for various community functions and events.

Council Officer's Comment: *It is agreed that the project above is beneficial to the community; however, given the wide variety of applications being received in this round, the proposed project will be reconsidered in the 2020 round. Council has also consulted with the Hartley Recreation Reserve Land Manager who advised that they would prefer funding for a reverse cycle air conditioner for the Hartley Community Hall as their first preference in the 2019 funding period.*

Hartley Recreation Reserve Land Manager seeks a contribution of \$3,500 for general maintenance to the Old Hartley School and Community Hall Example of work includes; security sensor light, repair barge boards, gutter repairs, rotted timber repairs, fencing repairs, stabilise water tank beside school building, repainting picnic tables, replace the old gas heaters with reverse cycle, replace the surface on the tennis courts and much more.

Council Officer's Comment: *The Old Hartley School and Community Hall is owned by the Crown and managed by the Hartley Recreation Reserve Land Manager. Although the Hartley Recreation Reserve Land Manager are a community organisation, the funds for general maintenance of the buildings are the responsibility of the Crown. Future applications for the school and hall would need to be more specific to infrastructure and equipment related projects that would benefit the community.*

Hartley Historic Site Advisory Committee seeks a contribution of \$8,500 for "Hartley historic displays: Improved public display and interpretation of Hartley collection." The project is proposed to highlight the history of Hartley by expanding on existing displays for self-guided tours.

Council Officer's Comment: *It is agreed that the project above is beneficial to the community; however, given the wide variety of applications being received in this round, the proposed project will be reconsidered in the 2020 round. Council has also consulted with the Hartley Historic Site Advisory Committee who advised that they would prefer funding for the AV System for Hartley Inn as their first preference in the 2019 funding period.*

Rosemary Barber on behalf of the Glenroy Camping Grounds and Glenroy Cottages seeks a contribution of \$5,000 for the construction of a walking/cycling track between the historical village and Glenroy. The proposal includes a plastic mesh walkway on the old River Lett Bridge, located approximately half a kilometre from the village. The dirt track would be 1-1.5 metres wide and run along the riverside of Jenolan Caves Road, outside of the existing guard rails. A safety fence is also proposed on either side of the boardwalk over the bridge.

Council Officer's Comment: *Although, in theory, the proposal would benefit the community, Council requires additional plans showing the location of the track, linkages to the proposed Hartley Stopped Dyke Walking Track, maintenance and management, safety requirements, consent from Transport NSW (Jenolan Caves Road, Great Western Highway and the bridge), Natural Access Resource Regulators (earthworks in proximity to the river) and other property owners, traffic management control during construction, and details of potential clearing of flora and fauna/native vegetation.*

In 2017, Council tentatively granted the Hartley Progress Association an expenditure of \$9,150.00 to go towards the Hartley Stopped Dyke Walking Track, due to owners' consent from Roads and Maritime Services, National Parks and potential landowners and safety concerns along the Great Western Highway. To date, the funding for this project has not been able to be allocated due to insufficient information relating to the above concerns not being able to be addressed. Given the timeframe of not being able to receive the above information, the funding from the 2017 contribution period has been re-allocated back to the funding pool for allocation to a different project in the Lithgow Local Government Area.

Council Officers have had discussions with the above community organisations, in relation to the remaining expenditure and partial funding for projects. The majority of the organisations are non-for-profit organisations who rely on donations. Funding from other Government entities is also difficult and timely to receive.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A though funds are held in reserve from contributions by Hytec.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A
- Other - The key financial implication for Council is the receipt of a monetary contribution to go towards public facilities and infrastructure within the Lithgow Local Government area. The Hy-Tec Quarry operates at a capacity of 1.1 million tonnes per annum of quarried product transported from the site, this equates to \$36,049.44, being received by Council for the 2019 period including the remainder amount from the previous 2018 period being \$3,079.27 and \$9150.00 from the 2017 period.

The Hartley Progress Association allocation of \$6,724.86 plus the above additional recommended applications equates to \$33,156.66. The remaining \$2,892.78 is recommended to be carried over to the 2020 contributions.

Legal and Risk Management Implications

Nil.

Attachments

1. 8 - Hartely Recreation Reserve Land - BBQ [10.1.1.2.1 - 9 pages]
2. 2 - HHSAC - Av system [10.1.1.2.2 - 9 pages]
3. 3 - Lithgow District Men's Shed - Toilet and lights [10.1.1.2.3 - 7 pages]
4. 4 - LINC - Outdoor equipment [10.1.1.2.4 - 9 pages]
5. 6 - Hartley Recreation Reserve Land - Air Con [10.1.1.2.5 - 7 pages]
6. 7 - Hartley Recreation Land Reserve - Maintenance [10.1.1.2.6 - 6 pages]
7. 9 - Hartley Historic site - Improved public display [10.1.1.2.7 - 8 pages]
8. 10 - Hartley Vale Blaxland Reserve land - Picnic Facilities [10.1.1.2.8 - 10 pages]
9. 11 - Hartley Vale Mount Blaxland Reserve Land - Shelter for picnic [10.1.1.2.9 - 9 pages]
10. Lithgow Tidy Towns- Butterfly Sculptures [10.1.1.2.10 - 9 pages]

Recommendation

THAT Council:

1. Endorse the remaining \$26,431.80 of the Hy-Tec Quarry 2019 contribution to be allocated and distributed to the following projects/initiatives:
 - a) Lithgow Tidy Towns (Butterfly Sculptures),
 - b) Lithgow District Men's Shed (Toilet Suits and LED Lights),
 - c) Lithgow Information Neighbourhood Centre (LINC) (Outdoor Equipment),
 - d) Hartley Vale Mount Blaxland Reserve Land Manager (Picnic Facilities),
 - e) Hartley Historic Site Advisory Committee (AV System),
 - f) The Hartley Recreation Reserve Land Manage (Reverse Cycle Air Conditioner)
2. Advise the Hartley Historic Site Advisory Committee (Display Cabinet), Hartley Vale Mount Blaxland Reserve Land Manager (Shelter Shed), Rosemary Barber (walking/cycling track) and The Hartley Recreation Reserve Land Manager (old Hartley School and Community Hall Projects- General Maintenance and BBQ Facilities) that their applications were unsuccessful in this round, however, will be considered in the next round of the funding.
3. The Hartley Progress Association continue to receive 25% annually of the Hytec Contribution to go towards facilities and infrastructure in the Hartley area which may at its discretion be spent on maintenance, upkeep or improvements to the Hartley School, Hartley Annex Hall or surrounds.

10.1.1.3. ECDEV - 23/11/2020 - DA231/20 - 16 Windarra Place Marrangaroo - Carport

Prepared by Emma Byers - Development Planner
Department Economic Development & Environment
Authorised by Director of Economic Development & Environment

Property Details Lot 19 DP1029863, 16 Windarra Place, Marrangaroo NSW 2790
Property Owner McAndrew: W.F & R.A.
Applicant McAndrew: W.F & R.A.

Summary

To report on the assessment of Development Application DA231/20 and recommend determination by way of approval.

Commentary

Development Application DA231/20 seeks consent for the erection of a 10m x 4.2m carport with a maximum height of 3.97m on a residential property at the above address. As this development involves land owned by Councillor Wayne McAndrew, the application is reported to 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 involving the construction of a new 42 square metre carport behind the existing 137.6 square metre shed located on the property, as shown in the site plan contained in Attachment 1. Details of the planning assessment and regulatory compliance of the proposal are detailed in the Planning Assessment Report in Attachment 1. This document also includes recommended consent conditions.

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

Policy Implications

Community Participation Plan

The development application is exempt from neighbour notification in accordance with this plan. As such, no submissions were sought or received for the proposed development.

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

This application takes place on land owned by a Councillor. Consequently, the application is reported to 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 for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These are addressed in the Planning assessment report in Attachment 1.

Attachments

1. DA231/20 - Planning Assessment Report [**10.1.1.3.1** - 10 pages]

Recommendation

THAT

1. Development Application DA231/20 be APPROVED subject to conditions of consent outlined 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.

10.1.2. Economic Development and Environment General Reports

10.1.2.1. ECDEV - 23/11/2020 - Amendment of the Lithgow Community Participation Plan 2019

Prepared by Christian Matthews - Graduate Strategic Planner
Department Strategic Planning
Authorised by Director of Economic Development & Environment

Reference

Min No. 19-339 Ordinary Meeting of Council held on 25 November 2019
 Min No. 20-235 Ordinary Meeting of Council held on 28 September 2020

Summary

The purpose of this report is to seek endorsement for the public exhibition of Draft Lithgow Community Participation Plan (CPP) 2020. The draft document includes only minor or consequential amendments as a result of recent legislative changes and some minor local amendments to improve community participation outcomes which have been flagged since the implementation of the CPP. Council during the September Ordinary Meeting of Council raised the matter of neighbour notifications not reaching a wide range of people affected by the proposed DAs. It was resolved that the CPP be reviewed and a report to be presented to Council regarding the review of the CPP.

Commentary

Council resolved at its Ordinary Meeting of Council held on 25 November 2019 to adopt the Lithgow CPP 2019. The CPP determines the requirements for community participation as required under the Environmental Planning & Assessment Act (EP&A Act) 1979 and Council’s local policy regarding development assessment and strategic planning. This includes community participation functions such as public exhibition, advertisement and notification of matters dealt with under the EP&A Act 1979.

A review has undertaken a review of the CPP as per part 2.24(3) of the EP&A Act which requires that CPP’s be reviewed periodically. This was also timely given recent issues raised at Council. The following Proposed Amendments to the Lithgow CPP 2019 have been proposed to update Council Policy and address amendments to Schedule 1 of the EP&A Act:

Section	Purpose
2.2.1 – Mandatory public exhibition for development assessment (page 11).	Added in a contingency clause which outlines that in the event of an inconsistency between the Lithgow CPP 2020 and Schedule 1 of the EP&A Act 1979, the EP&A Act 1979 will prevail.
2.2.1 - Table 3 (page 11).	Added in minimum mandatory exhibition times for the following: <ul style="list-style-type: none"> • Category 1 remediation work under SEPP 55. • Modification of development consent that is required to be publicly exhibited by the EP&A Regulations. • Development consent for nominated integrated development; and • Development consent for threatened species development These changes were added as part of an amendment to Schedule 1 of the EP&A Act 1979 on the 29 November 2019. Increased the minimum mandatory exhibition timeframe for applications for development consent (other than for a complying development certificate, for designated development, for nominated

	integrated development, for threatened species development or for State significant development) from 14 days to 21 days. Justification for this extension was to allow for additional time for submissions to reach Council for consideration should there be a delay in postage. However, the period for any residential development, where notification is required, remains at 14 days.																		
2.2.2 – Council Prescribed (page 11)	Increased the minimum exhibition timeframe from 14 to 21 days. Justification for this extension was to allow for additional time for submissions to reach Council for consideration should there be a delay in postage.																		
2.3.1.1 – Who will be notified about a development application – landowners/occupiers (page 13).	<p>Added occupiers in addition to the owners of the land/property that are deemed to be notified under section 2.3.1.1 of the CPP, will be notified. The inclusion of occupiers/residents will ensure all those potentially impacted by development are afforded the same opportunity to be notified and have their say. This is particularly important when there may be amenity impacts from new development.</p> <p>The following table has identified nearby LGA’s CPP requirements for notification for comparative reference:</p> <table border="1"> <thead> <tr> <th>LGA</th> <th>Notification of Adjoining Land</th> </tr> </thead> <tbody> <tr> <td>Bathurst</td> <td>Owners</td> </tr> <tr> <td>Blue Mountains</td> <td>Owners</td> </tr> <tr> <td>Hawkesbury</td> <td>Owners and Occupiers</td> </tr> <tr> <td>Oberon</td> <td>No adopted CPP</td> </tr> <tr> <td>Blayney</td> <td>Owners</td> </tr> <tr> <td>Mid-Western</td> <td>Owners</td> </tr> <tr> <td>Singleton</td> <td>Owners</td> </tr> <tr> <td>Wollondilly</td> <td>Owners and Occupiers</td> </tr> </tbody> </table>	LGA	Notification of Adjoining Land	Bathurst	Owners	Blue Mountains	Owners	Hawkesbury	Owners and Occupiers	Oberon	No adopted CPP	Blayney	Owners	Mid-Western	Owners	Singleton	Owners	Wollondilly	Owners and Occupiers
LGA	Notification of Adjoining Land																		
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Singleton	Owners																		
Wollondilly	Owners and Occupiers																		
2.3.2 – Information provided by Council for notification of development (page 14).	Added that the Council will display exhibition documents on Council’s website when physical exhibitions cannot be held in Councils customer service centre (e.g., Covid-19 shutdown).																		
2.3.7 – Applications for which notification will not be given (page 16).	Added swimming pools that are compliant with the State Environment Planning Policy (Exempt and Complying Codes) 2008.																		
2.5 – Consultation prior to determination (page 17).	A new section which requires that Council notify person(s) who were originally notified in the notification exhibition period when a matter is taken to a Council Meeting or other form of community consultation activity (i.e., Councillor site visits) post exhibition period.																		
3.5.1 – Mandatory public exhibition for strategic planning (page 20).	Added in a contingency clause which outlines that in the event of an inconsistency between the Lithgow CPP 20120 and Schedule 1 of the EP&A Act 1979, the EP&A Act 1979 will prevail.																		
3.5.1 - Table 5 (Page 20).	Clarified that the Gateway Authority (Minister or delegate) may vary the exhibition timeline depending on the determination of anywhere between no exhibition period to 28 days.																		
3.5.2 – Council Prescribed (page 20)	Increased the minimum exhibition timeframe from 14 to 21 days. Justification for this extension was to allow for additional time for submissions to reach Council for consideration should there be a delay in postage.																		

There are 2 attachments associated with this report. *Lithgow Community Participation Plan 2019 with noted changes* provides the current version of the plan with an explanation of proposed

changes. *Draft Lithgow Community Participation Plan 2020* represents the entire draft document for exhibition with all proposed changes included.

Policy Implications

Policies provided in the CPP are deemed mandatory as per the EP&A Act and must be enforced.

Financial Implications

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

Legal and Risk Management Implications

The objectives of this revision are to update the CPP to ensure compliance with the amendments made to schedule 1 of the EP&A Act 1979.

Attachments

1. Draft Lithgow Community Participation Plan 2020 [10.1.2.1.1 - 23 pages]
2. Lithgow Community Participation Plan 2019 with noted changes [10.1.2.1.2 - 25 pages]

Recommendation

THAT:

1. Council endorse the Draft Lithgow Community Participation Plan 2020 (with proposed amendments) to be placed on public exhibition for 28 days in accordance with Schedule 1 of the EP&A Act 1979 and the Lithgow Community Participation Plan 2019.
2. Following the exhibition period, a final version of the Draft Lithgow Community Participation Plan 2020 be returned to Council for further consideration.

10.1.2.2. ECDEV - 23/11/2020 - Draft Planning Proposal - Portland Foundations - Williwa St Portland

Prepared by Sherilyn Hanrahan - Strategic Land Use Planner
Department Economic Development & Environment
Authorised by Director of Economic Development & Environment

Reference

Min 18-159 Ordinary Meeting of Council held on 25 June 2018

Summary

A Draft Planning Proposal has been received for the Foundations site, Williwa St Portland (Former Portland Cement Works). This report recommends that Council support the Planning Proposal

Commentary

A Draft Planning Proposal has been received involving lands owned by GM Portland Developments Pty Ltd, known as the Foundations site, Williwa St Portland (Former Portland Cement Works). The Draft Planning Proposal involves the following lands:

Lot 1 DP 109592, Lot 1 DP 842890, Lot 5 DP 749907, Lot 6 DP749908, Lot 7 DP 749909, Lot 24 Section 46 DP 758855, Lots 53 & 104 DP 755769, and Lots 1&4 DP1227369.

This excludes the Crown lands and lands now owned by the Bathurst Local Aboriginal Land Council that adjoin and/or traverse the site that were part of the former cement works site.

At the time of making Lithgow Local Environmental Plan 2014 the site was undergoing final stages of rehabilitation and mine closure works, therefore the future land use requirements of the site were unknown. Consequently, a large part of the subject lands was identified as a 'deferred matter' in the Lithgow Local Environmental Plan 2014 meaning that the lands continued to be administered under the previous 1994 LEP.

The Draft Planning Proposal seeks to bring the "deferred matter" into the Lithgow Local Environmental Plan, modify the existing 2014 land zones and to apply appropriate planning controls to facilitate the re-development of the site.

The current proposal is owner initiated and has been accompanied by the appropriate fee under Council's fees and charges 2020/2021. Documentation supporting the draft proposal has been received from a team of consultants managed by Catalyst Project Consulting Pty Ltd. The Planning Proposal request has been prepared by Willow Tree Planning. This report addresses this document and any errors, omissions or anomalies found therein.

The intended urban design outcomes of the proposal are to facilitate:

- Approximately 174 residential lots of varying size ranging from more compact lots to large lot residential;
- Seniors Housing;
- Employment and entertainment land;
- Private recreation land to support parks, walkways, caravanning, camping/glamping and suitable tourist and visitor accommodation;
- A range of mixed uses to support commercial, retail, tourism and employment land uses;
- Future works to improve the environmental management and integrity of the eastern most quarry void; and

- Adaptive reuse of heritage cottages at the site and promotion and conservation of the remaining heritage on the site.

Council officers have been working closely with the proponents over the past two years to finalise a draft planning proposal that will provide appropriate land use directions for the site and allow a balanced degree of flexibility in its implementation within the local planning framework.

This report presents a preliminary assessment of the Planning Proposal request and 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 the Department of Planning, Industry and Environment under Section 3.34 of the Act seeking a Gateway Determination subject to conditions.

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 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 Planning Industry and Environment 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 – Public exhibition is required for a period of 28 days or as specified by Gateway.
- Finalising the planning proposal
- Drafting 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 the process.

Background

Site History

The site operated for the purpose of a limestone quarry and cement manufacture plant from the late 1800's to its closure in 1991. The site and its operations were the focal point of the Portland township dominating its landscape and providing much of its social and civic fabric. *The relationship between industry and local population is of State significance because of its rarity within NSW as a long-term, single industry, one-company town, and because the relationship is evident in the layout of the town*

and in many of its civic amenities....it is of State significance for begetting "the town that built NSW". (State Heritage Register).

Between 1991 and 2014 the site was progressively decommissioned and rehabilitated to enable a mine closure plan to be implemented, the freehold portions of the site to be divested and the crown land portions relinquished back to the Crown. The freehold portion of the site was transferred to GM Portland Developments Pty Ltd in 2014. Since the transfer of ownership in 2014, works required to complete the process of relinquishing the mining lease have been undertaken including demolition of certain buildings, heritage protection works, soil remediation, hazardous material removal, weed control work, safety signage, groundwater monitoring, dam surface water monitoring, slope stability audits and gabion wall stability audit.

Demolition works (cement store, loco shed and former bachelor's cottage) were completed in 2015. As the site has been used as a mine site, there are still some mine closure formalities which have to be completed.

Zoning History

The site and its surrounds were zoned Village 2(v) in the Lithgow Local Environmental Plan 1994. This zone was a flexible zone allowing for a wide range of land uses with the primary objective to "promote development which is compatible with an urban function within a rural area".

With the introduction of the standard local environmental plan, as informed by the Lithgow Land Use Strategy 2010-2030 adopted settlement hierarchy, the town of Portland was given an appropriate zoning framework using a suite of standard zones in Lithgow Local Environmental Plan 2014.

At the time of making Lithgow Local Environmental Plan 2014 the site was undergoing final stages of rehabilitation and mine closure works, therefore the future land use requirements of the site were unknown. Consequently, a large part of the subject lands were identified as a 'deferred matter' in the Lithgow Local Environmental Plan 2014 meaning that the lands continued to be administered under the previous 1994 LLEP 2(v) zone as shaded grey in Figure 1 below.

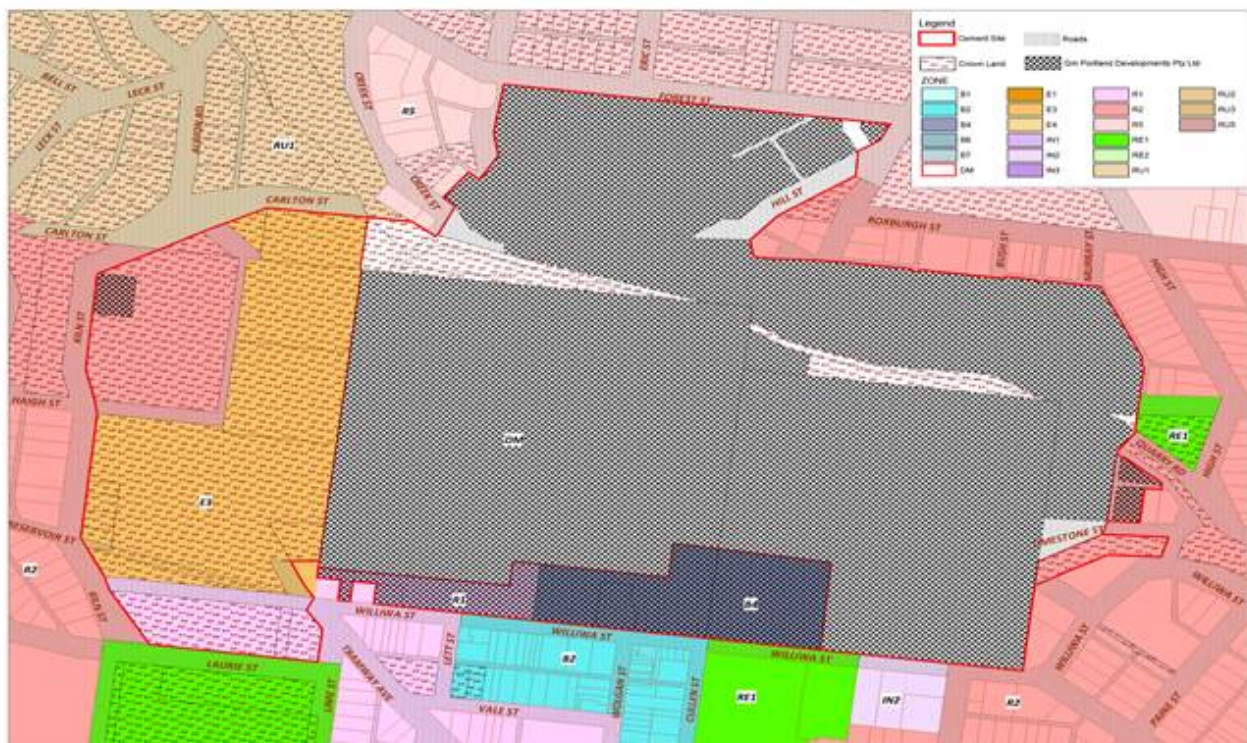


Figure 1 Site Zoning and Ownership (LLEP 2014 – LCC Property)

Site description

The former cement works site lies immediately to the north of the Portland Town Centre. Portland has an estimated resident population of 2, 514 persons (2019 ABS) and is located 20 minutes from Lithgow and two and half hours from Sydney.

The site is generally bounded by Forest St to the north, Carlton and Kiln Street to the west, High St and Williwa Street to the east and Williwa and Laurie Street to the south.

The area subject to this Planning Proposal request excluding the crown land and Bathurst Aboriginal Land Council (BALC) lands is outlined in red in Figure 2 below.



Figure 2 – The site – Aerial View (Six Maps, 2020)

The key features of the site and its surrounds are summarised in Figure 3 below. The site exhibits steep topography in a downwards direction from all boundaries, descending into four man-made quarry lakes. There are significant views available from north and north-west of the site into the lakes area and dense vegetation to the north of the site creating a natural site boundary. Limestone Creek traverses the site from north to south. Two unnamed creek tributaries traverse the site from south-southwest and from the north east.

Outside of the remaining main building clusters to the south, the site currently exists as mostly vacant and cleared areas. The four lakes originated as lime quarries. They have stepped back walls, are filled with water and are surrounded by rehabilitation plantings. The range in depth from 15-70m and have a combined surface area of 18.3ha.

A 66kv electricity transmission line bisects the south-eastern corner of the site. Internal circulation throughout the site is provided by unsealed vehicle access tracks with main access from Williwa Street.

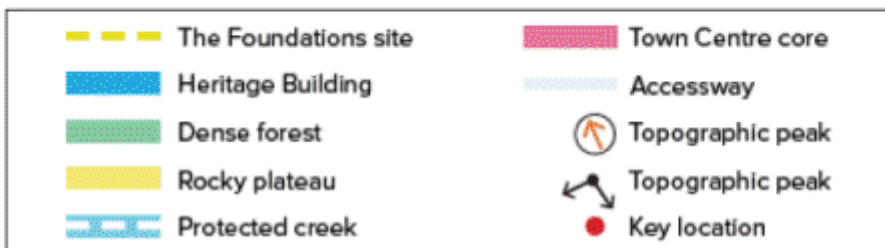


Figure 3 Key Features of the site and its surrounds (Roberts Day 2017)

Draft planning proposal intended outcomes

The Draft Planning Proposal request was accompanied by an urban design report prepared by Roberts Day. This report outlines a long-term design concept for the site to be known as Foundations based on four pillars of tourism, community, culture and recreation. The intended placed based design outcome is for the Foundations to become a tourism and community-based ecosystem celebrating the areas unique offerings, place attribute and people.

The intended urban design outcomes of the proposal are to facilitate the following as indicatively represented in Figures 4 and 5 below:

- Approximately 174 residential lots of varying size ranging from more compact lots to large lot residential;
- Seniors Housing;
- Employment and entertainment land;
- Private recreation land to support parks, walkways, caravanning, camping/glamping and suitable tourist and visitor accommodation;
- A range of mixed uses to support commercial, retail, tourism and employment land uses;
- Future works to improve the environmental management and integrity of the eastern most quarry void;
- Adaptive reuse of heritage cottages at the site and promotion and conservation of the remaining heritage on the site; and

- Avoid the need for multiple future planning proposals to enable redevelopment of the site over what may be decades in the making.

It should be noted that this concept plan has been modified slightly in the current planning proposal. In particular the employment areas shown to the north and east boundaries (purple) have been removed and are now proposed as recreational lands as indicated in Figure 6.



Figure 4 Concept Proposal – Precincts



Figure 5 Concept Proposal – Built Form

Explanation of provisions

The planning proposal request seeks to:

- Remove the “deferred matter” status of the site and bring the lands within Lithgow Local Environmental Plan 2014
- Rezone the site from 2(v) under Lithgow Local Environmental Plan 1994 to a combination of R1 General Residential, R2 Low Density Residential, B4 Mixed Use and RE 2 Private Recreation under Lithgow Local Environmental Plan 2014 as shown in Figure 6 below.
- Apply an additional permitted use to two areas of the B4 mixed use zone as shown hatched in Figure 6 below to permit dual occupancy (attached and detached); dwelling houses and multi-dwelling housing.
- Remove all minimum lot size provisions across the site.
- Insert a local provision into the LEP to require the preparation of a site-specific development control plan prior to development on the land addressing the matters outlined in the standard clause 6.3(3).

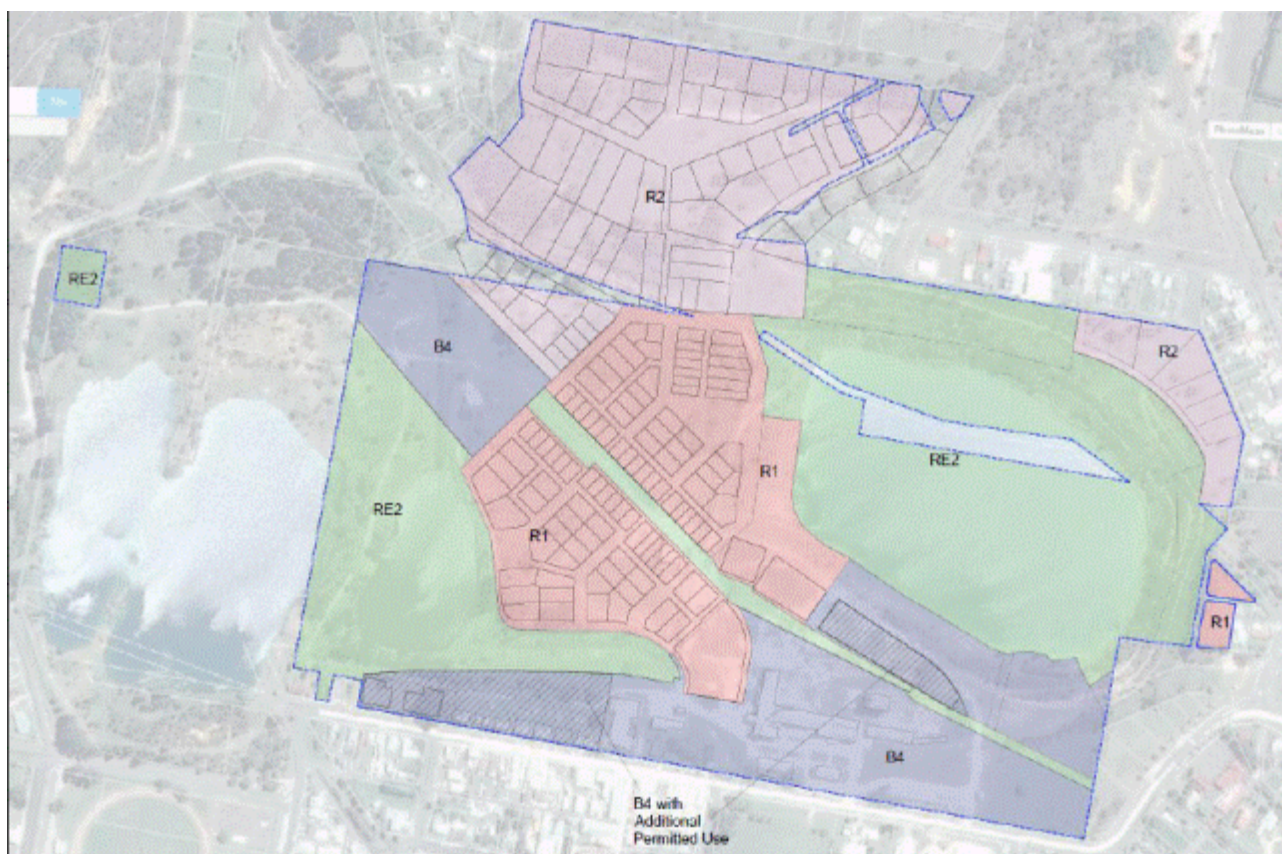


Figure 6 Proposed land zones and concept lot layout (Roberts Day 2020)

Urban design considerations and implementation tools

The site is an industrial legacy site, and it is within the public and community interest to have the site activated and redeveloped to provide the opportunity for improved environmental, social and economic outcomes for the community. In this regard the proposal directly responds to Council’s adopted Planning Priority 9 – Attract Investment and Grow Local Jobs.

Given the potential long-term lifespan of the development and the unique site characteristics of this site it is imperative that the land use planning response, as delivered through the local planning framework, provides a greater level of flexibility than more established areas within the town. This flexibility will facilitate development outcomes that are able to quickly adapt and respond to the changing needs and demands of the community over time and for the site to create its own character.

Council officers have been working closely with the proponents over the past two years to finalise a draft planning proposal that will provide appropriate land use directions for the site and allow a balanced degree of flexibility in its implementation within the local planning framework.

Land Use Zones

The change in land use zone from 2(v) to a suite of standard instrument zones will provide greater direction for future land use within the site.

The land use zones proposed across the site have been selected having regard to the best fit between the zone objectives, land use permissibility's and the desired future land use outcomes. The consultant has undertaken a detailed analysis of the land use zones available in Lithgow Local Environmental Plan 2014 as outlined in Appendix 9 and 10. It is important to note that the majority of the identified proposed land uses for the site are permitted with consent within the current 2(v) zoning.

The land use zones also have regard to the varying site suitability and capability across the site to sustain the proposed land uses.

The introduction of the more structured zoning framework over the site will significantly add to the supply of residential, business and recreational lands in Portland providing for far in excess of the lands required to provide a forward supply of at least five years under the current low demand levels. This has not been supported by any study or reports.

Such a supply level scenario under normal circumstances would be of concern, however it is considered it can be justified by the following factors:

- The ultimate development yield of this site may span over many years, maybe decades.
- The development of the land will be staged to respond to community demand and needs and will be managed under a site-specific development control plan.
- The development can be serviced by essential head infrastructure of water and sewer and will not create uneconomic demands on current services and facilities.
- The scale of development proposed should not require new State infrastructure.
- The B4 Mixed use zone objective "*to promote development that does not detract from the role of the town centre and core commercial precinct*" will act to govern the land use type and scale.
- The reactivation and re-development of the site would not be feasible without the potential for the intended outcomes to be realised over time.
- The proposal responds to the vision of the community for the site to once again be a focal point of the town.
- The social, environmental and economic benefits expected to be associated with the development justify this release of land.

Development Control Plan (DCP)

To achieve the intended outcomes of the Planning Proposal it seeks to insert a local provision into the Lithgow Local Environmental Plan to require the preparation of a site-specific development control plan prior to development of further built form or subdivision on the site addressing the matters outlined in the standard clause 6.3(3).

Council officers will liaise with our regional support officer in the Department of Planning, Industry and Environment to consider whether this requirement is a local provision or whether the site becomes an "*Urban Release Area*".

The DCP will guide the design of new development within the site, and to provide greater certainty regarding the future design outcomes for the site. The urban design concept has identified a number

of precincts across the site as indicated in Figure 4. These precincts will be further defined in the DCP in precinct plans that will include controls to ensure that orderly development is achieved. The precinct plans would act as mini masterplans, however, would not act as “concept development applications” or “consents” pursuant to Division 4.4 of the EP & A Act, 1979.

The DCP will at a minimum consider the following matters:

- A staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing;
- An overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists;
- An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain;
- A network of active and passive recreation areas;
- Stormwater and water quality management controls;
- Amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected;
- Detailed urban design controls for significant development sites;
- Measures to encourage higher density living around transport, open space and service nodes;
- Measures to accommodate and control appropriate neighbourhood commercial and retail uses; and
- Suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

The site-specific Development Control Plan would also include greater certainty around:

- Controls in relation to lots sizes and housing product types.
- Indicative dwelling/lot yields.
- Indicative land uses across the site. and
- Indicative commercial floor space.
- Building Heights.

It should be noted that DCPs do not have the same level of statutory weight as an LEP. However, particularly when required as part of an LEP, they are an important consideration in the development assessment and approval process. It is recommended that Council support this component of the Planning Proposal.

Minimum Lot Size (MLS)

The proponents have requested that no minimum lot size provisions be applied to the site through the Local Environmental Plan. MLS is a mechanism that controls the residential lot yield achievable at the site. This control assists in communicating the proposed character and density of development to be achieved as well as enabling infrastructure to be planned and aligned to development.

The urban design concept has indicated that there would be a diversity of housing choice provided at the site ranging from small compact lots to larger lifestyle lots as well as a seniors housing and housing forms within the commercial precincts. The indicated lot yield across the site can be accommodated within Council’s existing head water and sewer infrastructure.

The consultant has justified this request as follows:

“It is anticipated that development of the site will be delivered in stages which may span over an extended period. For this reason, flexibility in relation to lot yields and minimum lot sizes is critical to

allow these outcomes to be more appropriately and accurately realised following the planning proposal phase and as the development of the site progresses and evolves.

This approach will enable the proponent to carry out further urban design, social and community analysis to more accurately inform the planning controls around minimum lot size and product and more appropriately respond to the community and social demands at the time of development. Not providing such an opportunity to carry out such analysis would significantly jeopardise the site from being able to realise its potential and adapting to the needs of the community and market demands at the time.

Notwithstanding the above, it is important to note that whilst a minimum lot size or lot yield is not sought for the site under the planning proposal, the minimum lot sizes and final lot/dwelling yield shall be determined under a site- specific development control plan and subsequent precinct plans.” (WillowTree PP pg. 23-24)

Department of Planning LEP Practice Note PN11-001 states that “*if a council wishes to identify subdivision lot sizes in its LGA, these are to be shown on a Lot Size Map to the LEP*”. Lithgow Local Environmental Plan 2014 has included the minimum lot size clause and lot size map for all residential lands. Commercial and industrial lands do not have an applied minimum lot size on the lot size map.

Notwithstanding this direction, some Council’s, for example Wagga Wagga City Council have elected to identify MLS within adopted development control plans and not the LEP as is the request under this planning proposal. Discussions with the Wagga DPIE office confirmed that this approach can work well when the DCP controls are consistently applied and where any major variation of DCP controls requires an amendment of the DCP. This requires the amendment to be not only endorsed by the elected Council but also the community through appropriate community consultation, engagement and exhibition.

When considered within a development control plan several measures or controls can be used to best control development outcomes such as lot averaging, lot yield caps or lot/dwelling density bands for each precinct. This would allow much greater integration of the suite of controls used to manage built form and scale across the site.

It is recommended that Council support this request over the site.

Additional Permitted Use (APU)

The residential APU’s within the identified two sections of the B4 zone (Figure 6) are sought to allow a level of flexibility in the potential residential outcomes of these parts of the site. Specifically, this APU seeks the following additional permitted uses:

- **Dual occupancy:** means a dual occupancy (attached) or a dual occupancy (detached).
 - dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other but does not include a secondary dwelling.
 - dual occupancy (detached) means 2 detached dwellings on one lot of land but does not include a secondary dwelling.
- **Dwelling house:** means a building containing only one dwelling.
- **Multi dwelling housing:** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

This would be achieved by inclusion in Schedule 1 and the provision of an APU map to identify the spatial application of the listing.

The Department of Planning LEP Practice Note 11-001 states that “*listings in the LEP Schedule 1 should be minimised, with appropriate justification provided to the Department for any inclusions. Wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where council has demonstrated why this cannot be achieved*”.

The primary objective of the B4 zone is “to provide a range of compatible land uses”. The above land uses are not currently permissible in this zone due to the higher likelihood of land use conflict to occur between low density residential land uses and the range of other commercial and employment land uses. For these reasons Council would not ordinarily wish to modify the B4 zone land use table to achieve the intended outcome.

In relation to the Foundations site, the following factors will mitigate against this risk:

- The type, form, scale and density of any development to or in the vicinity of the Heritage listed cottages and within the Heritage Conservation Area (C 10) will be managed by the additional urban design responses required by heritage regulation including maintaining existing character and appropriate buffers and separation.
- A site-specific development control plan will be prepared that will consider appropriate urban design controls and measures to accommodate and control appropriate neighbourhood commercial, retail and residential uses within the B4 zone and appropriate integration or separation of those uses to control land use conflict.

It is recommended that Council support the use of the stated APU’s in this case.

Key site planning considerations

Heritage

The Planning Proposal request is accompanied by a Conservation Management Plan (CMP) prepared by Niche Environment and Heritage (Appendix 2). This CMP was developed to assist with the management of the subject site and its associated heritage items, inform and guide the proposed masterplan and assess its impacts on the heritage significance of the items.

Part of the southern portion of the site is included in the locally listed Portland Heritage Conservation Area (C10), shown in red hatching in Figure 7 below.

The following heritage items are present on the site as indicated in Figure 7:

- State Heritage Register Listing 01739 – Portland Cement Works Precinct. This includes the significant industrial and administration buildings on the site and the historical workers cottages.
- State Heritage Register Listing 01738 – Raffan’s Mill and Brick Bottle Kilns Precinct
- Lithgow Local Environmental Plan 2014 (Schedule 5) Listing I296 (includes both state item curtilages)

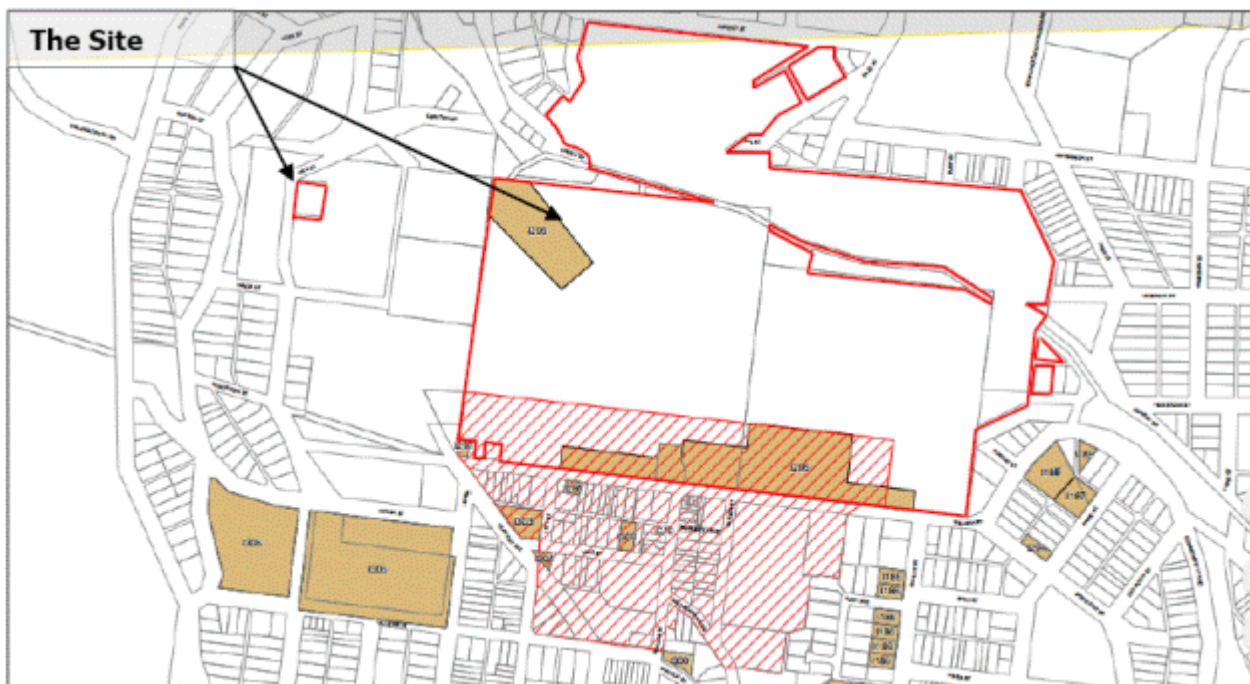


Figure 7 Heritage items and Heritage Conservation Areas at the site (LLEP2014)

The site is also adjacent to locally listed item I297 St Stephens Anglican Church and Hall with several other locally listed heritage items in the vicinity of the site as indicated in Figure 7.

The site also includes remnants of the private railway that moved product around the site from the kilns to the works crushers as well as a short private railway that linked the site to the NSWGR line to Mudgee to the east of the site. Although not covered by the heritage listing this is significant to the site and is included in the CMP.

Heritage protection works have already been undertaken on the site to protect the integrity of the powerhouse, blacksmith's shop, bath house, administration office building, Williwa Street cottages, workshop and Raffan's Mill.

Due to the continuous development of the site, there is a high potential for archaeological remains of earlier structures to have survived within the site as identified in the development constraints map of the urban design report. The future development concept for the site respects its heritage significance and interpretation as addressed in the place making urban design strategy.

The heritage of the site will be managed in accordance with the Niche Conservation Management Plan in consultation with Council and the Heritage Council of NSW.

Past land use and contamination

The site has been previously used for mining and cement processing purposes and therefore land contamination is relevant to future land use decision making. Previous environmental investigations conducted on site, and on the quarry have identified the presence of contamination.

A search of the EPA's public register of notices issued under the Contaminated Land Management Act 1997 indicates that there are no current and two former notices relating to the site. Blue Circle Southern Cement Ltd was issued and Investigation Order on 17 August 1995. A Revocation Notice was issued by the EPA on 6 October 1999.

The Planning Proposal is therefore accompanied by a Phase 1 Environmental Site Assessment prepared by URS (covering only 10.5ha of the site at the southern end) and, at Council's request, an additional Land Use Suitability Assessment prepared by Compliance Health & Environmental

Consulting (CHEC) being a certified contaminated land consultancy. (Appendices 4 and 6 respectively).

The CHEC report includes a review of all available contamination studies for the site, as well as soil sample investigations where data gaps were evident. The relevant data was then collated to determine the proposed land use suitability for the various land zonings under the planning proposal.

Appropriate site- specific threshold values were referenced to assess the risks to both human health and to the environment. The analytical data provided by the laboratory was collated and compared with the relevant threshold values.

The CHEC report concluded that with the additional sampling program and inspections undertaken it is possible to provide the required level of confidence to determine the suitability of the site for the proposed land uses.

Further discussions with the CHEC consultant confirmed that any further detailed investigation to accord with State Environmental Planning Policy 55 - Remediation of Land required would be best undertaken when the land uses are defined at either a precinct scale within the Development Control Plan or at the development application phase to enable the investigations to be more spatially specific relating to known future land uses.

The CHEC report concludes that the site CAN be made suitable for the proposed land use with the implementation of the required remedial work identified in the report. This provides the necessary level of confidence required to move forward with the rezoning of the land. This matter will be a head of consideration in the development of the Development Control Plan and individual precinct plans and appropriate mechanisms will be put in place to ensure that contamination is addressed at the appropriate stage of development.

Crown Lands

A significant portion of the former Portland Cement Works site were crown lands, particularly in the western quarries and surrounds and with some smaller parcels traversing the site generally in the transition between proposed residential zones to the north of the site. Some lots have more recently been divested to Bathurst Aboriginal Land Council as indicated in Figure 8 below. These lands are subject to a large Native Title Claim (NC 2013/001) as well as Aboriginal Land Claims.

As the proponents had exhausted the options available to have the crown lands transferred to them and following a meeting with Crown Lands in September 2019, it was determined that the Crown Lands should be removed from the planning proposal until these matters can be appropriately addressed.

For an appropriate planning outcome to be achieved across the entire area (including removal of the full “deferred matter” status of all lands) and so that the lands may be used in appropriate and compatible manner with the Foundations site, Council will continue to consult with Crown Lands and Bathurst Aboriginal Land Council in relation to land zoning of excluded lands within this process.

This consultation and acceptable resolution of this matter will be recommended to the Gateway to be conditioned to occur prior to public exhibition of the planning proposal within the gateway determination.

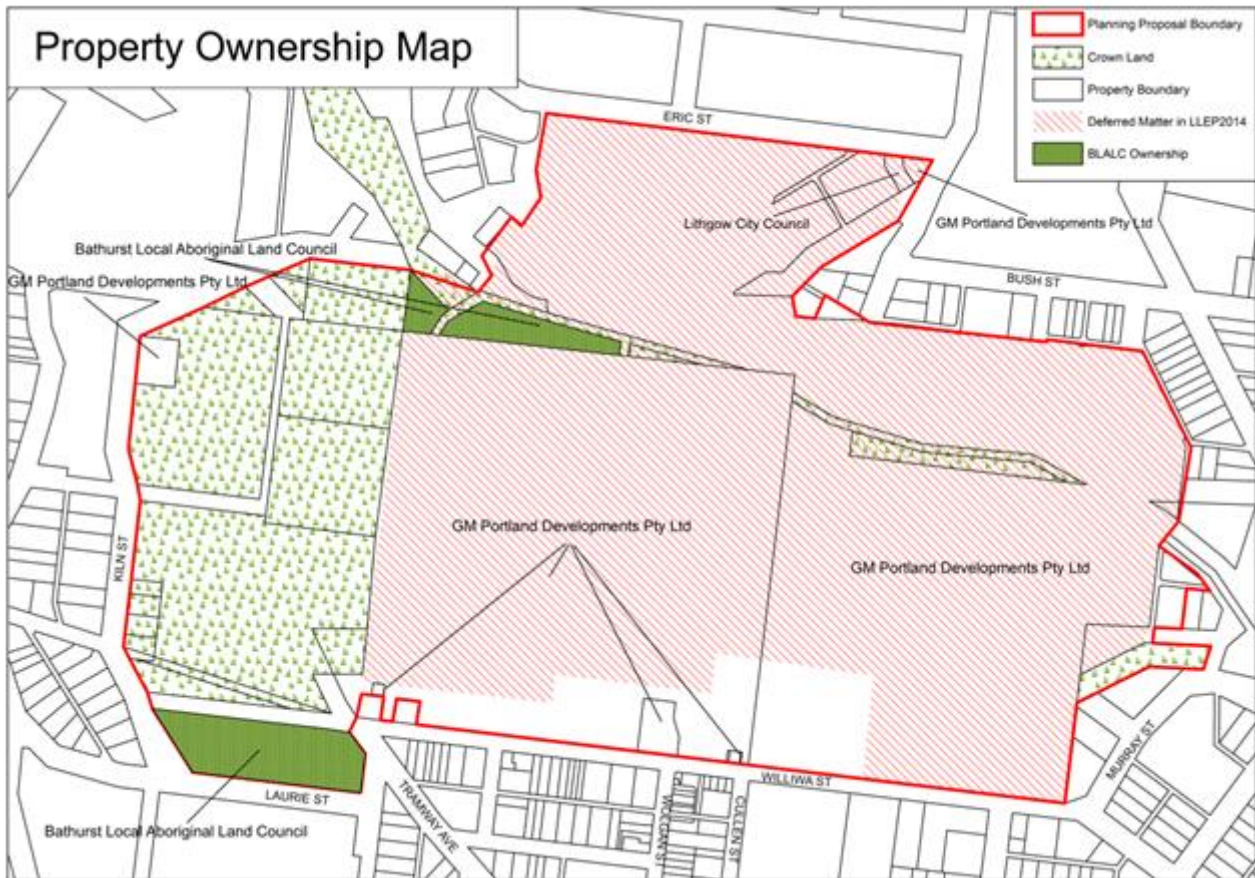


Figure 8 Foundations/Crown/BALC Ownership

Geotechnical

Several areas of the site were identified as having potential constraint to future development due to slope stability and significant past site reshaping and filling. At Council’s request, the planning proposal is accompanied by a preliminary geotechnical land use stability assessment prepared by GDK Keighran Geotechnics (Appendix 8). This investigation revealed:

Former Hot Water Dam Residential Area – The slope stability risk is “*VERY LOW*”; however, the presence of uncontrolled ash and limestone gravel fill materials provide a “*HIGH*” risk of differential settlements across any proposed building platform and will require significant bulk earthworks to create a stable “*VERY LOW*” risk building platform suitable for proposed General Residential Development.

This area will require removal of the existing fill material and replacement with suitable blended material before being placed and compacted on a Level 1 basis (AS 3798-2007) to provide 98% standard compaction to a suitable design level.

R2 Zone North – Overburden Stockpile - Considered to be the former overburden stockpile for the site. The current access roadway to the east exposes natural soil and rock materials on the surface which present as “*VERY LOW*” risk of instability. However, the western side is elevated by up to 10 metres. This area is considered to be a “*MEDIUM*” risk of instability which can be reduced to a “*LOW*” risk with significant bulk earthworks to remove existing overburden materials and then replaced with suitable material and reshaped.

The existing slopes are currently less than 1V:2H which is considered to be stable for the longer term, however, the presence of fill materials presents the “*MEDIUM*” (further investigation likely on most lots, restrictions on types of housing) risk of instability.

R2 – NE Corner

This area is located on shallow residual soils with limited, if any, fill materials overlying the bedrock at depth up to 0.5m. This presents a 'VERY LOW' risk of instability.

Two other areas of concern in relation to slope stability and geotechnical suitability for development at the north and east of the eastern most quarry have been changed from employment lands to recreational land use.

This report finds that the geotechnical risks to the proposed future development can be managed through appropriate bulk earthworks. The report did not address the stability of the quarry structures. This will be further considered as part of the design and planning of any environmental protection works undertaken.

Flooding/Stormwater

At Council's request the planning proposal has been accompanied by a preliminary flooding assessment prepared by Costin Roe Consulting (Appendix 7).

An overland flow path is present through the site. The flow path conveys stormwater from catchments to the south of the site, in a northerly direction through a series of open channels, culverts and storage dams.

In times of intense rain events, overland flooding has been known to occur in Saville Park and over Williwa Street. The rapidly increasing and decreasing flows and peak flows (and hence maximum flood depths) occur over short durations.

The report describes the flood and overland flow behaviour for the 1% Average Exceedance Probability (AEP) design storm event. The report concludes that there will be limited effect on and to existing flood behaviour resulting from the development of the site. The existing stone planter box and bund to the north of Saville Park and Williwa Street within the site will continue to manage overland flow into the site. The report concludes that the site can be rezoned and developed without undue flood impact or affectation.

Quarry/Lakes

The quarries and their surrounds are proposed to be zoned RE2 Private Recreation and would be ideally transferred to private ownership under the site's development corporation, or another, similar landowner.

Importantly this zoning will not require Council to either acquire or maintain these recreational lands that have potentially significant on-going maintenance and liability issues.

The eastern most man-made quarry is likely to require extensive filling and environmental protection works to improve its structural integrity. These works would require development consent and require consultation and compliance with Environment Protection Authority legislation. The intent of the filling to be undertaken must satisfy as "environmental protection works" to be permissible within the zone. This will prevent the site from being used as "waste management facility" for any other purpose.

Land use that promotes recreational access to these quarries will need to be monitored carefully.

The filling of the quarry may require associated ancillary infrastructure to receive and stockpile fill material to be present at the site for several years.

The Department of Primary Industries - Fisheries have overseen the stocking of fish at the site in the other quarries/lakes including Rainbow Trout and Murray Cod. Once these stocked fish reach a

suitable size and the relevant water quality parameters are confirmed, stocked fishing would be able to occur at the site.

This use is however restricted on Crown lands. This may have to be delayed in the western most quarry that is located on Crown land until the ownership of the lands are resolved.

Environmental Considerations

The Foundations site is a rehabilitated mining site, parts of which are still in a degraded state. The site is being progressively restored. The site contains area of derived grasslands as well as forested pockets dominated by Conifer Eucalypt/Myrtaceae species. The understorey is sparse in areas.

The recent stocking of fish in the quarries and sightings of turtles indicates that sufficient water quality parameters are being achieved that support aquatic fauna.

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

Small areas of the site are identified on the sensitive lands map as salt affected areas unsuitable for intensified development. These areas are recommended to be maintained and /or restored with groundcover and salt tolerant vegetation. The DCP can address these impacts within the relevant precinct plans and identify appropriate measures to address any development impacts.

No endangered ecological communities have been identified on the site.

The northern area of the site is identified as Bush Fire Prone Land Category 3 and buffer on Council's bush fire prone land map under Section 10.3 of the Environmental Planning and Assessment Act, 1979. This area will be subject to Planning for Bushfire Protection 2019 legislation. Although the area is not of high bush fire risk, Council will consult with RFS to consider if the proposal requires a Bush Fire Study.

The following areas of potential environmental impact will be considered within the DCP and future development applications for built form across the site:

- Geotechnical stability
- Groundwater and surface water impacts (to Limestone Creek, quarry lakes and existing groundwater exchanges at the site)
- Aquatic ecology
- Bush Fire
- Vegetation clearing and terrestrial ecology
- Legacy site contamination; and
- Acoustic and traffic impacts in the locality both during and after construction works.

The Planning Proposal is not likely to have significant impacts on the key ecological features of the site that cannot be met by existing assessment and regulatory frameworks.

Essential Infrastructure

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

Council's Water and Wastewater Director has confirmed that the necessary head infrastructure for water and sewer is available to meet the preliminary demand loads using the development yields

indicated within the Urban Design Report. Any further development at the site will require a new sewer pumping station to be provided by the developer. The site is included in Council’s Development Servicing Plans for Water and Sewerage that will require developer contributions.

It is not anticipated that the planning proposal will facilitate development at a level that would trigger State Infrastructure Contribution or unreasonable demand on current infrastructure.

Social and Economic Impact

The activation and re-development of the Foundations site has been an expressed vision of Council and in particular the Portland Community since the closure of the Portland Cement Works. The Urban Design Concept respects the history and unique characteristics of the site and intends to re-develop the site to once again become the social, cultural and economic hub of Portland.

This urban design concept to be implemented through this planning proposal is directly consistent with the following aims of the Lithgow Economic Development Strategy 2018-2022:

- Prioritise liveability/lifestyle infrastructure and local place-making.
- Foster a collaborative and vibrant community led by a diverse and inclusive culture.
- Develop tourism and marketing opportunities.

The proposal will facilitate positive economic and social impacts through the creation of jobs and the development of housing, social, recreational and tourism infrastructure and support services for the Lithgow LGA.

Relationship with Key Local, Regional and State Policy/Strategy

Central West and Orana Regional Plan

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

The planning proposal responds directly and is consistent with the following relevant directions as outlined in Table 1 below:

Table 1

CWORP Direction	Comment
Direction 10: Promote business and industrial activities in employment lands.	The proposed B4 Mixed Use land within the Foundations site will provide for a range of business, commercial and tourist support services. The site will build on its proximity to the Portland town centre and ensure, through the DCP, that the type and scale of future land uses do not detract from the core town centre.
Direction 12: Plan for greater land use compatibility.	The PP will require the preparation of a site-specific DCP that will address land use compatibility in the mixed- use environment and ensure appropriate separation of uses where required.
Direction 17: Conserve and adaptively re-use heritage assets.	This is one of the key drivers of the PP to encourage the adaptive re-use of the site’s heritage items and places. The Urban Design Concept has directly responded to retaining and preserving the heritage significance of the site. The DCP will support this concept by building in controls to respect, protect and interpret the heritage of

	the site within the heritage regulatory framework.
Direction 22: Manage growth and change in regional cities and strategic and local centres.	Portland is a town centre that supports the Strategic Centre of Lithgow. The vision of the Foundations site is a tourism and community-based ecosystem celebrating the areas unique offerings, place and attributes. It will support the higher order services and facilities located in Lithgow and the regional cities. The proposed residential component of the site has the potential to increase the population of Portland by 500 persons. This would not significantly change its role and function with the adopted settlement hierarchy.
Direction 23: Build the resilience of towns and villages.	The PP will directly build the economic and social resilience of the town by increasing its population and visitation levels. It will also increase job opportunities within the town and LGA both during construction phases and ongoing through establishing businesses.
Direction 25: Increase housing diversity and choice.	The PP will provide for a diversity of housing choice ranging from smaller compact lots to larger lifestyle lots as well as low rise medium density opportunities. It will also provide for seniors housing and aged care.
Direction 29: Deliver healthy built environments and better urban design.	The PP will deliver improved environmental outcomes on a legacy industrial site in the centre of town. The PP is supported by a well-considered urban design concept that will deliver well designed and integrated residential and commercial precincts. It will also provide new recreational lands that will promote healthy living.

S.9.1 Planning Directions

Preliminary assessment of the planning proposal indicates that it is generally consistent with the applicable and relevant Section 9.1 Planning Directions issued by the Minister for Planning (13 September 2020), in particular, the directions as outlined in Table 2 below.

Table 2

Planning Direction	Comment
Direction 1.1: Business and Industrial Zones	Consistent. The existing 2(v) zone permitted the same range of development proposed at the site under this PP. The site is ideally located on the edge of the Portland B2 Local Centre to support a range of employment growth opportunities. The PP will not reduce the potential floor space available for employment land uses. The PP will support the viability of Lithgow LGA as a Strategic Centre identified in the Central West and Orana Regional Plan by

	<p>increasing employment opportunities and increasing visitation to the area. This matter is further addressed in Table 6 of the Willowtree PP document. The re-development of the Foundations site was identified in the adopted and endorsed Lithgow Land Use Strategy 2010-2030 and the endorsed Lithgow 2040 Local Strategic Planning Statement as a key priority.</p>
<p>Direction 2.3: Heritage Conservation</p>	<p>Consistent The PP includes provisions to ensure the ongoing preservation of, and the future adaptive re-use and interpretation of, the site's significant heritage items. The heritage items and places are listed within Schedule 5 of Lithgow Local Environmental Plan 2014 and will continue to be regulated through Clause 5 (10) of the LEP. The items listed on the State Heritage Register will be additionally regulated by the Heritage Council of NSW. A Heritage Conservation Management Plan has been prepared for the site.</p>
<p>Direction 2.6: Remediation of Contaminated Land</p>	<p>Consistent The site has been previously used for mining and cement manufacturing purposes. Previous environmental investigations conducted on the site, and on the quarry as a whole have identified the presence of contamination. Appendix 4 and 6 of the PP contain a Phase 1 Environmental Site Assessment prepared by URS (covers 10.5ha to the south of the site) and a Land Use Suitability Assessment prepared by Compliance Health and Environmental Consulting (CHEC) being a certified contaminated land consultancy. This report states the site CAN be made suitable for the proposed land uses with the implementation of the required remedial work identified within that report. The PP will include controls to ensure that legacy contamination is further addressed once detailed development footprints and plans are available in accordance with SEPP 55 and its guidelines. The required DCP will address this matter in more detail.</p>
<p>Direction 3.1: Residential Zones</p>	<p>Consistent The PP would affect land both within an existing and proposed residential zone, given that a range of residential land uses are currently permitted at the site under the 2(v) Village and B4 Mixed Use zones. This PP would also introduce R2 Low Density Residential and R1 General Residential zoned</p>

	<p>land to the site. Ministerial Direction 3.1 therefore applies to this PP.</p> <p>Specifically, this PP would create suitable planning controls under the LLEP2014 to enable future built form development for:</p> <ul style="list-style-type: none"> • Seventy-one R2 Low Density Residential lots. • One-hundred and three R1 General Residential lots; and • Employment and entertainment land. <p>In response to the matters for consideration under this Section 9.1 Ministerial Direction, this PP would:</p> <ul style="list-style-type: none"> • Encourage the provision of housing at the site. • Enable a broad range and diversity of residential building types to be made available for the local housing market. • Support the transition of the site from its current state into a modern, usable site that can achieve sufficient economic return to justify providing services such as formalised roads and utilities and delivering built form development. • Support the delivery of housing directly adjacent to the centre of Portland, which is recognised as a town. • Encourage the provision of dwellings at the site which are of good design, through the future Foundations Development Control Plan at the site. • The Foundations can be adequately serviced by existing service utilities infrastructure, or by new/augmented infrastructure. • Heritage values at The Foundations can be maintained as utility servicing infrastructure is upgraded at the site; and • This PP would slightly increase the density of residential dwellings permitted at the site, rather than reducing this density.
<p>Direction 3.2 Caravan Parks and Manufactured Home Estates</p>	<p>Consistent</p> <p>The PP does not seek to permit caravan parks or MHE's in any zones not currently permitted under Lithgow LEP 2014.</p>
<p>Direction 3.3: Home Occupations</p>	<p>Consistent</p> <p>The PP does not seek to alter the current land use tables of LLEP2014 in this regard.</p>
<p>Direction 3.4: Integrating Land Use and Transport</p>	<p>Consistent</p> <p>The site is accessible via Main Roads to both Castlereagh Highway, which links the region's destinations together from Mudgee to Lithgow and the Great Western Highway along an</p>

	<p>accessible drive or potential cycle highway, where the distances between each destination does not exceed 30 minutes. The site is also located at an ideal stopping point along the Sydney-Bathurst route.</p> <p>The Foundations would include legible pedestrian links to the nearby Portland town centre and physical connections to the quarry lakes onsite to create recreational and communal amenity. It would also create active linkages to the site's State-listed heritage items and celebrate Portland's industrial heritage. By allowing tourism opportunities to develop near to where people live, The Foundations has the potential to reduce commuter times for those tourism industry workers living onsite or within the greater Lithgow region.</p>
<p>Direction 4.4: Planning for Bushfire Protection</p>	<p>Consistent</p> <p>The site is partially identified as bush fire prone land Category 3 and buffer on Council's bush fire prone land map under Section 10.3 of the Environmental Planning and Assessment Act, 1979. This area will be subject to Planning for Bushfire Protection 2019 legislation. Although the area is not of high bush fire risk, Council will consult with RFS to consider if the proposal requires a Bush Fire Study following receipt of the Gateway Determination in accordance with 4.4(4).</p>
<p>Direction 5.10: Implementation of Regional Plans</p>	<p>Consistent</p> <p>The PP is consistent with Central West Orana Regional Plan in particular the directions outlined in Table 1.</p>
<p>Direction 6.1: Approval and Referral Requirements</p>	<p>Consistent</p> <p>The PP does not contain provisions for concurrence, consultation or referral of DA's to a minister or public authority.</p> <p>The PP does not identify any development as designated development.</p>
<p>Direction 6.3: Site specific Provisions</p>	<p>Inconsistent - Justified as minor local significance</p> <p>The PP will introduce additional permitted uses on part of the B4 zone to enable dwelling houses, dual occupancies and multi-dwelling housing.</p> <p>The PP will insert a local provision into the LLEP2014 to require the preparation and adoption of a detailed site-specific development control plan prior to any further built form development or subdivision of the site.</p> <p>This flexibility is necessary to enable the site to be developed in stages over a number years and to respond quickly to changes in</p>

	community needs and demands and the investment market.
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State Environmental Planning Policies (SEPPs)

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

Table 3

Name of SEPP	Comment
State Environmental Planning Policy No.55 – Remediation of Land	<p>The site has been previously used for mining and cement manufacturing purposes. Previous environmental investigations conducted on the site, and on the quarry have identified the presence of contamination.</p> <p>Appendix 4 and 6 of the PP contain a Phase 1 Environmental Site Assessment prepared by URS (covers 10.5ha to the south of the site) and a Land Use Suitability Assessment prepared by Compliance Health and Environmental Consulting (CHEC) being a certified contaminated land consultancy.</p> <p>This report states the site CAN be made suitable for the proposed land uses with the implementation of the required remedial work identified within that report.</p> <p>The PP will include controls to ensure that legacy contamination is further addressed once detailed development footprints and plans are available in accordance with SEPP 55 and its guidelines.</p> <p>Willowtree also notes that, as per Clause 6(2) of SEPP 55, only a Preliminary Site Investigation is required to be prepared at the rezoning stage. Clause 7(3) of SEPP 55 goes on to require that, at DA stage, a Detailed Site Investigation may thereafter be required before consent is granted for a DA. However, there is no equivalent requirement at the PP stage to provide such Detailed Site Investigation for the purposes of SEPP 55. The information provided at this stage is therefore considered to be sufficient.</p>
State Environmental Planning Policy No.64 – Advertising and Signage	Any signage associated with future commercial premises on the site would be assessed and approved in accordance with SEPP 64.
State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development	Future development for residential accommodation will be designed in accordance with the requirements of SEPP 65 and the Apartment Design Guide.
State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)	Any future development for residential use for the purposes of affordable housing will be designed in accordance with the principles outlined in schedule 2 of SEPP 70.
State Environmental Planning Policy (Affordable Rental Housing) 2009	The PP at this point in time doesn't propose the reduction or increase of affordable housing at

	<p>this stage. Future implementation of the planning proposal through the LEP won't hinder the application of this SEPP.</p>
<p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p>	<p>Clause 3 of BASIX SEPP clarifies that the EP&A Regulations require an agreed list of sustainability commitments to be carried out at a new residential development prior to the construction certificate being issued. These matters would require consideration in future DA's prepared to support residential development at the site.</p>
<p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</p>	<p>The relevant approvals pathway for future development will be determined considering the relevant LEP and Exempt and Complying Development Codes.</p>
<p>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</p>	<p>This SEPP sets out site related requirements, design requirements, design principles and development standards to be complied with when developing land for seniors' living. These matters would be dealt with as part of future DAs for seniors' living at the site, including application for relevant site compatibility certificates.</p>
<p>State Environmental Planning Policy (Koala Habitat Protection) 2019</p>	<p>Pursuant to clause 9 of the Koala SEPP, this PP is considered to be applicable as:</p> <ol style="list-style-type: none"> 1. This PP is seeking to rezone greater than 1 hectare of land which is held in both the applicant's ownership, not including land held by other parties. 2. Schedule 1 of the Koala SEPP identifies Lithgow as having potential Koala habitat pursuant to clause 5 'Land to which Policy Applies'. Schedule 1 further categorises Lithgow within the Central & Southern Tablelands Koala Management Area which identifies 39 unique Koala Use Tree Species used for Koala habitat. 3. Planning Proposals require the approval of Council. <p>Further considerations of the Koala SEPP are to be undertaken at the Development Application stage. This will require Council to determine whether future developments are to be considered Tier 1 development (low to no impact on Koalas or Koala habitat) or Tier 2 development (potential impact on Koalas or Koala habitat) based on the criteria set out in clause 9.</p> <p>The likelihood of impact on Koala Habitat at this site is low.</p>
<p>State Environmental Planning Policy (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</p>

	<p>of the State including land within the R1, R2, B4 and RE2 zones.</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>
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Lithgow Community Strategic Plan (CSP) 2030

The planning proposal has been assessed against the relevant broad directions and goals of the Lithgow Community Strategic Plan 2030 as outlined in Table 4 below:

Table 4

Community Priority	Comment
SE1.2: Facilitate and provide infrastructure and land to support residential, rural and economic growth.	<p>The Planning Proposal will facilitate a range of residential allotments for population growth, a significant increase of employment generating lands and appropriate soft and hard infrastructure to facilitate development within the development area.</p> <p>It is envisaged that this planning proposal will take up the majority of development demand potential for the Portland area for the foreseeable future in regard to both projected population increases and capacity of the Portland STP.</p>
SE2.1: Promote, develop and utilise the creative talents of the Lithgow LGA.	<p>The proposal has heavily marketed itself on the cultural and artistic background of Portland. It is proposed that future development will encourage further expansion in the arts sector with the addition of artist' studios. Clause 5(10) of the LLEP2014 coupled with the B4 zoning allows for greater flexibility of the existing heritage items within the site to be used for creative purposes.</p>
SE2.2: A strong tourism industry that maximises benefits from visitors to the Lithgow LGA.	<p>The Foundations site has been heavily marketed as a potential major destination for events and tourism, focusing on the potential of cultural heritage tourism and visitor accommodation.</p> <p>The proposal closely aligns with the <i>Lithgow Destination Management Plan – A Tourism Strategy for Lithgow 2013</i> by appropriate zoning adaptable heritage items for potential commercial uses and the provision of recreational areas.</p>
SE2.3: The cultural diversity and rich heritage of the Lithgow LGA is celebrated.	<p>The proposal seeks to restore and repurpose remnant structures from the former Portland Cement Works. These works will assist in</p>

	increasing the awareness of the history of Portland and bring vibrancy into the centre of Portland through the activation of land uses in conjunction with events and exhibitions.
BE1.2: We provide cultural and recreational infrastructure that meets the needs of the community.	The proposal includes the creation and upgrading of recreational assets within the site including walking trails and park lands connected by pedestrian, cycling and road networks for the purposes of both active and passive recreation. The proposal has also taken into consideration the Lithgow City Cultural Plan 2008-2013. The recommendations of the plan were considered in the PP and are permissible under the proposed zoning arrangement.
GL1.1: Our community is involved in the planning and decision-making processes of Council.	The proponents have engaged and consulted with the community since the early planning phases of the development concept and PP. The PP will be placed on exhibition for 28 days OR any period recommended through the gateway determination as prescribed in the Lithgow Community Participation Plan. During the exhibition period, Council will accept submissions from the community and will consider all submissions.

Lithgow 2040 Local Strategic Planning Statement (LSPS) as informed by Lithgow Land Use Strategy 2010-2030

The planning proposal is generally consistent with the wider strategic land use directions of both the Lithgow 2040 LSPS and Lithgow LUS 2010-2030. Table 5 below outlines consistency with the key relevant LSPS priorities.

Table 5

LSPS Planning Priority	Comment
Planning Priority 2: Plan for a Diversity of Housing.	The PP is aligned with the LSPS as it proposes a mix of housing types including 71 low density residential lots, 103 general residential lots and the possibility of medium to high-density residential accommodation in the B4 zones. The LSPS identified that central areas of our town centres would experience demand for an increase in residential accommodation and density, particularly for senior housing developments.
Planning Priority 4: Recognise, Preserve, Promote and Activate our Heritage	The Portland Foundations site is a significant heritage asset to the Lithgow region as ‘the town that built Sydney’, containing both significant state and locally listed heritage items. Of particular interest on site is the remnants of the Portland Cement Works, Raffan’s Mill and Brick Bottle Kilns and the worker’s cottages along Williwa Street.

	<p>The proposal seeks to protect these important cultural items by adaptively reusing the existing built form and creating an interpretive heritage trail to identify heritage items, opening them up to the public for tourism and event opportunities.</p>
<p>Planning Priority 5: Align Development with Essential Infrastructure</p>	<p>Development within our established towns helps to concentrate infrastructure provision in an orderly and appropriate manner in addition to reducing the associated costs of maintaining new infrastructure. As the planning proposal is located within the edge of servicing for water and wastewater in the <i>Lithgow Development Servicing Plan for Water Supply and Sewerage 2018</i>, it will draw upon the existing infrastructure located within Portland which is largely consistent with the objectives of planning priority 5.</p> <p>It is noted that the proposal may take up the majority of the remaining allocation of wastewater capabilities of the Portland STP in its current form upon full build out.</p>
<p>Planning Priority 6: Provide the Community with Access to Attractive, Healthy and Green Public Spaces and Places.</p>	<p>The PP aims to rezone large tracts of land at the site to RE2 Private Recreation, including the man-made quarry lake located at the eastern end of the site for future environmental protection works in addition to the south-western part of the site to support parks, walkways, caravanning, camping/glamping and suitable tourist and visitor accommodation.</p>
<p>Planning Priority 9: Attract Investment and Grow Local Jobs.</p>	<p>The planning proposal will facilitate an approximate 16 hectares of B4 Mixed Use zoning to cater for a range of potential future land uses including light industrial and commercial uses. This B4 zoning is a continuation of the existing B4 zone along the main commercial hub of Portland along Williwa Street which encompasses the southern south-east of the site with a small B4 zone over the bottle kilns.</p> <p>Redevelopment of the Foundations site has the potential to rejuvenate commercial interest within Portland's commercial cluster and lead to employment generating opportunities.</p>

Consultation

The proponent has extensively consulted with the Portland community since 2015. The community were invited to add their input into parts of the site to be redeveloped and expressed any concerns and questions. The early phase of community consultation served to reveal the grand vision for the site, including the launch of the project branding and vision. More recently, the consultation session hosted on 11th August 2017 revealed the long-term plan for Portland Cement Works based on the masterplan and program prepared by RobertsDay.

The Gateway Determination will confirm the community consultation requirements for the proposal. The proposal will be publicly exhibited for a period no less than 28 days.

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:
 - Heritage Council of NSW
 - Rural Fire Service
 - Bathurst Aboriginal Land Council
 - DPIE Crown Lands
 - DPIE Fisheries
 - DPIE Biodiversity and Conservation Division
 - Water NSW
 - Transgrid
 - Endeavour Energy
 - Environment Protection Authority

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 Submission of Draft Planning Proposal to DPIE	December 2020
*Stage 2 Gateway Determination	
*Stage 2A Consultation with Rural Fire Service	Jan- Mar 2021
*Stage 3 Public Exhibition Government Agency Consultation	April -/July 2021
Stage 4 Review/consideration of submissions	August 2021
Stage 5 Council Report	September 2021
*Stage 6 Plan Making and Legal Drafting	October/November 2021
*Stage 7 Notification of LEP	November/December 2021

* Denotes process involves external parties

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.

Conclusion

It is considered that the Planning Proposal request has provided sufficient strategic and site- specific merit to be supported by Council and referred for a Gateway Determination.

The activation and re-development of a legacy industrial site located within the centre of a town has necessarily led to a request for flexibility to be provided in the local planning framework requiring alternative mechanisms to ensure the intended outcomes are achieved.

It is considered that the planning proposal is a reasonable compromise to standardised practices that should be supported. Council officers will continue to work closely with the proponents, their

consultants and the western region office of Department of Planning, Industry and Environment to further refine the proposal and move it through the plan making process.

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 \$25,000 charged to the proponent.

Legal and Risk Management Implications

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

Attachments

1. LEP Process Flowchart [10.1.2.2.1 - 1 page]
2. Foundations PP Nov 2020 [10.1.2.2.2 - 757 pages]

Recommendation

THAT

1. Council supports the preparation of a Planning Proposal over Lot 1 DP 109592, Lot 1 DP 842890, Lot 5 DP 749907, Lot 6 DP749908, Lot 7 DP 749909, Lot 24 Section 46 DP 758855, Lots 53 & 104 DP 755769, and Lots 1&4 DP1227369, known as the Foundations Site, Williwa Street Portland which seeks to:
 - Remove the “deferred matter” status of the site and bring the lands within Lithgow Local Environmental Plan 2014;
 - Rezone the site from 2(v) under Lithgow Local Environmental Plan 1994 to a combination of R1 General Residential, R2 Low Density Residential, B4 Mixed Use and RE 2 Private Recreation under Lithgow Local Environmental Plan 2014 as shown in Figure 6 of this report;
 - Apply an additional permitted use to two areas of the B4 mixed use zone as shown hatched in Figure 6 of this report to permit dual occupancy (attached and detached); dwelling houses and multi-dwelling housing;
 - Remove all minimum lot size provisions across the site; and
 - Insert a local provision into LLEP2014 to require the preparation of a site-specific development control plan prior to development on the land addressing the matters outlined in the standard clause 6.3.(3).
2. The Planning Proposal documentation, once prepared, be forwarded to the Western Region office of Department of Planning, Industry and Investment for a Gateway Determination,
3. Council recommends Gateway to place a condition on its determination requiring Council to consult with Crown Lands and Bathurst Aboriginal Land Council to resolve land zoning over lands adjoining and traversing the Foundations site prior to public exhibition.
4. Council consults with relevant government agencies as required.
5. A **DIVISION** be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993.

10.1.2.3. ECDEV - 23/11/2020 - Proposed Boundary Adjustment between Lithgow City Council and Blue Mountains City Council

Prepared by Andrew Muir - Director Economic Development and Environment

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Reference

Minute No 18-101 Ordinary Meeting of 23 April 2018

Summary

The purpose of this report is to recommend to Council that it not proceed with the notion of a boundary alteration with Blue Mountains City Council.

Commentary

At the Ordinary Meeting of 23rd of April 2018, Council considered a report from the Finance Committee outlining a request from a property owner seeking a minor boundary adjustment to transfer an area of 3396m² of rural land, being Lot 1 DP 1223992, Lot 2 DP 1223992, part Lot 5 DP 2941 and part Lot 6 DP 2941, from Blue Mountains City Council to Lithgow City Council.

The 3396m² property in Blue Mountains City Council, situated between Mount Victoria and Mount York, was created following the purchase of 2180m² of Crown land described as Lot 1 and 2 of Deposited Plan 1223992, from the Department of Industry - Lands, for inclusion with the owner's existing property located in Lithgow City Council, due to the land being bisected by the existing Council boundary.

At the meeting of 23rd of April 2018 Council endorsed the recommendations of the Finance Committee to approve the boundary adjustment transferring Lot 1 DP 1223992, Lot 2 DP 1223992, part of Lot 5 DP 2941 and part of Lot 6 DP 2941 totalling 3396m² to Lithgow City Council from Blue Mountains City Council.

Any alteration to local government boundaries requires the agreement of the respective councils. Subsequent discussions have occurred between both Planning and Rating offices of the individual councils. During these discussions it became apparent that it would be preferable to consider any potential local government boundary issues on a more strategic basis. In the area on Mount York Road, where land is proposed for transfer to Lithgow local government area this instance, there are also other lands that should be considered. Indeed, given the access from a Blue Mountains City Council road, it may even be preferable for the transfer of lands to Blue Mountains City Council.

Correspondence has been received from Blue Mountains City Council (attached). This correspondence indicates that the appropriate course of action would be to complete a broader planning review of affected parcels in this area, on planning merit. This would allow for a comprehensive and collaborative planning approach between the respective councils and could be programmed at a point in the future when resources may be available for this work. At this time Blue Mountains City Council cannot support the proposal to progress the boundary adjustment at Mount York Road, Mount Victoria.

The position put forward by Blue Mountains City Council is sensible. Any potential adjustment of the local government area boundary should occur on a more strategic basis considering issues around community of interest, town planning and rating. At this stage no resources are available to commit to such a project, but this could be revisited at an appropriate time in the future.

Policy Implications

Nil

Financial Implications

- Budget approved - nil
- Cost centre - N/A
- Expended to date - nil
- Future potential impact – nil if Council resolves not to proceed.

Legal and Risk Management Implications

Nil envisaged if Council resolves not to proceed.

Attachments

1. PROPOSED BOUNDARY ALTERATION LOCATION AND SUBJECT LANDS [**10.1.2.3.1** - 1 page]
2. Letter from BMCC Boundary Adjustment Mount York Road [**10.1.2.3.2** - 2 pages]

Recommendation

THAT Council not proceed with a boundary adjustment transferring Lot 1 DP 1223992, Lot 2 DP 1223992, part of Lot 5 DP 2941 and part of Lot 6 DP 2941 totalling 3396m² to Lithgow City Council from Blue Mountains City Council.

10.1.2.4. ECDEV - 23/11/2020 - Proposed Road Naming - Angels Way, Capertee

Prepared by Samantha Brown - Administration Assistant
Department Economic Development & Environment
Authorised by Director of Economic Development & Environment

Reference

Min No 19-337 Ordinary Meeting of Council held on 25 November 2019.

Summary

To advise Council of an update on a road naming proposal for a private road at Capertee, previously proposed to be named Angels Way.

Commentary

Council received a submission/request on the naming of a private road at Capertee. The Applicant requested that Council name this road 'Angels Way' which is a reference to the Applicant's daughter, Angel, who tragically lost her life in a Capertee house fire on 14 April 2018. Although no supporting documentation was provided, for example from emergency services, the Applicant stated that on this tragic day, due to no name of the road, the fire vehicles and other emergency service vehicles had an extremely difficult time trying to locate the residence.

The *NSW Addressing User Manual 2016* created by the NSW Geographical Names Board to complement the *NSW Addressing Policy No. 2, 2015* states the following in relation to the naming of roads:

- a. *That all road naming be undertaken in accordance with the AUM and the Online Road Naming System.*
- b. *Proposals for road naming of private roads or crown roads can be submitted to Council for consideration. The private road to be named is to meet one of the requirements below for Council to consider the naming*
 - a. *Be over 1km from a public road to the place of address; or*
 - b. *Have three or more places of address accessing from this road; or*
 - c. *If not named, would cause issues with emergency services navigation to a place of address. In this instance a case is required to be put forward and Council reserves the right to consult emergency services on this road.*

In relation to b. above the following justification was provided by the Applicant:

- i. The road has direct access off Castlereagh Highway and is only approximately 400m in length, and does not meet the criteria.
- ii. Access is provided to two (2) private properties from this road, as well as numerous crown properties which could be leased or utilised. These properties are currently 4411A & 4411B Castlereagh Highway, Capertee.
- iii. It is suggested that emergency service agencies, including the fire services, were unable to find the property to attend to the house fire due to the road not being named (which resulted in the tragic death of the Applicant's daughter). Additionally, as other parts of this area are unmanaged Crown Land, having the road named would allow for easier navigation in case of a bushfire in those areas. The area is reported to be used for motorcycle riding, camping and four wheel driving.

Whilst no evidence has been provided, for example from emergency service agencies, the naming of a private road to assist emergency services is supported, and the matter was referred to the Ordinary Meeting of Council held on 25 November 2019 and the following was resolved:

19-337 RESOLVED

THAT in accordance with Council’s Addressing Policy, Council advertise the road name Angels Way in the local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

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

The call for expressions of interest (through advertising in the local newspaper and written notification to residents and authorities) requested submissions on the proposed naming proposal for a private road at Capertee to be named Angels Way.

The notification process has now been completed and as a result three submissions were received from the public & Geographical Names Board in relation to the proposed road name, with comments outlined as below:

Objection/Comment	Council Comments
Rhetorical – separation of the church and state. Not in the purview of any form of government in Australia to promote religion. “Angels” could be seen as promoting religion and could be offensive and deemed inappropriate.	Noted, although the origin of the name is unrelated to religion. That being said, it is not possible to include an apostrophe in the name to relate to a person as this is not allowed under the NSW Addressing Policy. Therefore, whilst ‘Angels’ could be used it would not have the intended effect of commemorating an individual. It would have a plural context or could be seen to have a religious meaning.
The road type of “Way” may not be the most appropriate choice as this should be used for open ended roadways affording passage from one place to another.	Noted, road type should be amended.

Aside from the two objections received, an alternative suggestion to the naming of this private road has also been received. Details of this alternative submission is outlined below.

Proposed Name	Reasoning	
Theobalds Lane	<p>To name this road in memory of a family that has lived and contributed to the community and paid council rates since the commencement of rates notices.</p> <p>The correspondent’s Great Grandmother, Ollie Theobald, took up two 1/4-acre miners rights which are now LOT98 and LOT99, with one being for the house and one for a horse. When Excelsior mine</p>	Noted. The information supplied provides a good insight to the history of the area which is relevant. The name should be considered as an alternative given the origin history of the name for the area.

	<p>closed there were houses for sale, and one was purchased and transported to the location where it stood until 2018. A previous mud brick house was the family home and was located about 500 metres from where Bertie Fuller later lived. The mud brick house was dilapidating and hence the reason for buying the house from the mine. The correspondent's Great Grandmother told the correspondent's Grandmother Edna Fuller to take the new house and move into for safety. These homes have been in the family since the end of the Second World War.</p> <p>The correspondent's Uncle Bert Fuller (son of Ollie Theobald) was born on July 2nd, 1937 and lived all his life in Capertee and in his working life gave most of his earnings to his mother to look after the household. Bert Fuller worked on the railroads looking after and grading the fire trails in the Capertee area. Bert met and later married the correspondent's Auntie Rose, who worked for many years at the Capertee Hotel. During their married life Bert and Rose often camped in a caravan on the fire trails of Capertee to ease the burden of travel in the late 1960's and throughout the 1970's and 1980's. Bert Fuller was very active in the community playing cricket for Capertee and lawn bowls for Portland and Lithgow later in life. Bert Fuller was also a Volunteer fire fighter for the Capertee Bush Fire Brigade.</p>	
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Consequently, it would be proposed to advertise the road name "Theobalds Lane" calling for submissions on the proposed name. Whilst there is great sympathy for the rationale of the original proposal as a tribute in tragic circumstances, the name "Theobalds Lane" is more fitting due to the historical connection. In this case, the name "Theobalds" (with no apostrophe) could be considered as it relates to more than one individual as there has been more than one Theobald associated with the area.

Policy Implications

To ensure that the addressing of properties and road naming within the Lithgow Local Government Area complies with the requirements of Council Policy 10.10 "Addressing, Road Naming and Locality Naming" and the *New South Wales Addressing Policy No.2, 2015*.

Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Road naming signage costs only.

Legal and Risk Management Implications

To ensure that the addressing of properties and road naming within the Lithgow Local Government Area complies with the requirements of the *Roads Act 1993*.

Attachments

Nil

Recommendation

THAT in accordance with Council's Addressing Policy, Council advertise the road name "Theobalds Lane" for a private road in Capertee in the local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

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

10.1.2.5. ECDEV - 23/11/2020 - Commemoration of the late Rae Swift - Road Naming

Prepared by Andrew Muir - Director Economic Development and Environment
Department Economic Development & Environment
Authorised by Director of Economic Development & Environment

Reference

23/09/19 - Notice of Motion – Naming of Street or Laneway
Min No. 19-338 - Ordinary Meeting of Council - 25 November 2019

Summary

To provide Council with an update on efforts to name a section of roadway in honour of the late Rae Swift.

Commentary

At the Ordinary Meeting held on 25 November 2019, Council resolved to name a section of laneway located between Rifle Parade and Enfield Avenue, Lithgow, as Rae Swift Lane. However, during the process the Geographical Names Board rejected the proposed name as placing a christian name and surname in a Road name is outside the Road naming guidelines. It was pointed out that there are numerous examples in the Lithgow local government area where this has occurred and an appeal was lodged to the original decision. However, the rejection was upheld with the following advice received:

“The road name does not meet the principles of the NSW AUM: 6.7.5 Acceptable Road Names – the use of given or first names in conjunction with a surname is not acceptable for road naming. Council have not demonstrated that the principles in the AUM have been incorrectly interpreted.”

Advice was sought from GNB as to the process if Council wished to object further and it was advised that representations could be made to the relevant minister. The above scenario was discussed with a representative of the family of the late Rae Swift looking at what options might be available. During these discussions one option that did arise was the possible naming of the section of road between the Jim Robson Aquatics Centre and the adjacent car parking area. See plan below.



It was suggested that perhaps this could be called Rae’s Way or Rae’s Avenue, however the use of apostrophes in Road names also falls outside the GNB requirements. As a compromise, a proposal

could be put forward naming this section of road either Rae Way or Rae Avenue. The family has expressed the preference to seek approval to name this section of road Rae Avenue.

Policy Implications

Council Policy 10.10 “*Addressing, Road Naming and Locality Naming*” applies.

Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – minimal road naming signage costs only.

Legal and Risk Management Implications

To ensure that the addressing of properties and road naming within the Lithgow Local Government Area complies with the requirements of the *Roads Act 1993*.

Attachments

Nil

Recommendation

THAT in accordance with Council’s Addressing Policy, Council advertise the road name “Rae Avenue” for the section of road between the Jim Robson Aquatic Centre and the adjacent carpark in the local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a. If no submissions against the proposal are submitted, Council proceed with the gazettal process of the name and notify all residents and emergency authorities accordingly.
- b. If submissions against the proposal are submitted, a report is furnished to the next available Council meeting for resolution.
- c. Notwithstanding c. above, should any issues be raised by the Geographical Names Board, then an alternative may be further advertised, if an acceptable compromise is supported by the Swift family. The results of any advertising shall be reported back to Council for final resolution.

10.1.2.6. ECDEV - 23/11/2020 - Dedication of Land to the Council, South Bowenfels

Prepared by	Paul Cashel - Development Manager
Department	Economic Development & Environment
Authorised by	Director of Economic Development & Environment
<hr/>	
Property Details	Lot 101 DP 1243677 – 41 Kirkley Street South Bowenfels
Property Owner	Trinity Heights Pty Ltd
Applicant	CEH Survey
<hr/>	

Summary

To request Council’s consideration and determination of the dedication of an unconstructed road and a public reserve adjoining 335/05DA Sweetbriar, Great Western Highway Bowenfels.

Commentary

Council 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 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 3 separate allotments.

The owners of Sweetbriar have purchased an additional parcel of land known as Lot 101 DP 1243677 – 41 Kirkley Street. (see Attachment 1) It is understood that the main intention of this purchase was in order to obtain direct access to the rear portion of Sweetbriar (being Lot 1 DP 1082148). The owner has development consent to subdivide Sweetbriar into 160 lots however wants to amend that consent and obtain alternative and easier access to the rear portion of the land which avoids the need for a future watercourse crossing.

Council is in receipt of a Subdivision Certificate to subdivide Lot 101 by the dedication of an extension of road reserve (Heritage Close) up to the southern boundary of Sweetbriar and the dedication of public reserve - see Attachment 2. Such a subdivision is exempt from development consent under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under Clause 2.75(f) however a Subdivision Certificate from the Council is still required prior to subdivision; and the following policy – Asset Acquisition applies in this instance.

As this stage is a dedication subdivision only, with construction in future stages, the physical road will be constructed in conjunction with those future stages. Securing the dedication of these two sections of public land linking to adjoining lands is a 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 the development of future Stages.

The dedication of ‘public reserve’ in the one subdivision Certificate process was requested by senior planning staff. The public land will link the Kirkley Street road extension to Heritage Close Reserve which would otherwise be denied over private property. This is considered to be a very good strategic planning outcome for the existing and future residents of this precinct. There is no onus

upon the Council to embellish this land at this stage, rather it is a strategic acquisition mainly to link existing areas of open space to Kirkley Street residents and for future generations and the improved activation of public lands and additionally to encourage local walking and exercise within new housing estates.

Policy Implications

Under Council Policy 1.2 Asset Acquisition, the dedication of the road extension and public reserve is reported to Council as the two land parcels 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 the Council. Comments are made in *italics* below.

- Community demand - *there is a long-term community need considering the subdivision approvals already in place, rather than established demand at this stage.*
- Strategic worth to the community - *The dedication of these lands as public road and reserve is of strategic value to the Council and thus the community, the reserve in particular.*
- 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 maintenance services. Similarly, it is envisaged that the developer or Sweetbriar will enter into a Voluntary Planning Agreement that will provide some credit for this land dedication and a requirement that the reserve be improved and embellished with a bicycle path and landscaping. There would be ongoing maintenance obligations falling to Council.*

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. Similarly, ongoing maintenance of public reserves is a council responsibility. New allotments that will be created will be rateable which provides Council with the revenue stream to carry out maintenance services. It is envisaged that the developer or Sweetbriar will enter into a Voluntary Planning Agreement.

Legal and Risk Management Implications

Nil.

Attachments

1. Layout Plan [10.1.2.6.1 - 1 page]
2. Plan of Subdivision [10.1.2.6.2 - 1 page]

Recommendation

THAT Council endorse the dedication of land for the purposes of one unconstructed road reserve and one public reserve being an extension of Heritage Close and Heritage Close Reserve as shown on the attached plan.

10.1.2.7. ECDEV - 23/11/2020 - 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

Reference

Minute 20-226 Ordinary Meeting of Council held on 28 September 2020.

Summary

This report seeks Council's endorsement of the Licence Agreement with Lithgow Musical Society Inc.

Commentary

At the Ordinary Meeting of Council held on 28 September 2020, Council resolved to:

1. Grant preliminary approval to the proposed Licence Agreement to Lithgow Musical Society Inc.
2. Provide public notice of the proposed Licence Agreement and place the Licence Agreement 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.

Public notice and exhibition

The proposed Licence Agreement was placed on public exhibition from Monday 12 October 2020 until 4pm on Tuesday 10 November 2020, allowing for submissions in accordance with section 47 of the *Local Government Act 1993*. The community was notified of the public exhibition via notices affixed to the premises, advertisements in the local newspaper, notice on Council's website and letters were sent directly to adjoining owners/occupiers of the premises.

No submissions have been received in relation to the proposed Licence Agreement.

Policy Implications

Local Government Act 1993
Leasing and Licensing Policy 10.20
Compliance Policy 9.16

Financial Implications

- Budget approved - \$3,000 per annum licence fee is within the expected income budget.
- Cost centre – Community halls income.
- Expended to date - N/A
- Future potential impact - The licence fee covers the 2021 calendar year.

Legal and Risk Management Implications

Community land is governed by the Local Government Act 1993

Attachments

1. 20.10.06 - draft licence agreement LMSI [10.1.2.7.1 - 17 pages]
 2. Annexure A - gallery space and office space (excluded areas) [10.1.2.7.2 - 1 page]
-

Recommendation

THAT Council:

1. Endorse the Licence Agreement with Lithgow Musical Society Inc.
2. Authorise the General Manager to execute the Licence Agreement and attend to all matters necessary to facilitate the Licence Agreement with Lithgow Musical Society Inc.

10.1.2.8. ECDEV - 23/11/2020 - Lithgow Regional Marketing Cooperative

Prepared by Andrew Powrie – Senior Economic Development and Destination Manager
Department Economic Development
Authorised by Director of Economic Development & Environment

Reference

Min No 20-93 Ordinary Meeting of 20 April 2020

Summary

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

Commentary

This matter was reported to Council's ordinary meeting in April 2020 and the Council resolved to defer the matter for six months given the impact of Covid19.

Council's Economic Development Committee gave 'in principle' support and endorsed the establishment of the Lithgow Regional Marketing Cooperative at its September 2019 meeting. In December 2019 Lithgow Tourism's membership businesses were approached asking for expressions of interest to form the inaugural LRMC. Via that EOI process seven tourism members applied, and all have secured a place on the Committee given their support for the establishment of the LRMC:

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

The draft LRMC ToR are included as an attachment for Council's review and endorsement. The principal responsibilities of the LRMC are proposed to be:

1. Foster networking, collaboration and partnerships, between Council and the tourism industry to enable growth opportunities for the region.
2. Work with Lithgow Tourism to support and guide the implementation of destination marketing initiatives that will have practical and beneficial impacts on local tourism businesses.
3. Garner local tourism industry support, approval and involvement for destination marketing and industry capacity-building initiatives in the region.
4. Establish broader alliances (regional and state) that help to support local destination management decision making that leads to beneficial collaborative outcomes.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$20,000 for 2020/2021 financial year.
- Cost centre - PJ600105.
- Expended to date - Nil.

- Future potential impact - It is anticipated there will be a case to increase funds allocated to destination marketing to allow the LRMC to develop and implement a stronger suite of future destination marketing initiatives. This will require Council's consideration at the appropriate time.

Legal and Risk Management Implications

Nil.

Attachments

1. ToR Lithgow Regional Marketing Cooperative November 2019 Final Draft [**10.1.2.8.1** - 3 pages]

Recommendation

THAT Council endorse the inaugural membership of the Lithgow Regional Marketing Co-operative as outlined in the report and the LRMC Terms of Reference.

10.2. Finance and Assets Reports

10.2.1. FIN - 23/11/2020 - 2020/21 Quarter One Budget Review

Prepared by Ross Gurney - Chief Financial and Information Officer

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Summary

This report provides the Quarterly Performance Report on the 2020-2021 Operational Plan for the period of 1 July 2020 to 30 September 2020 with a recommendation that variations to income, expenditure and capital budget estimates are voted and that the revised financial result of (\$941K) consolidated operating deficit (before capital grants be noted).

The Chief Financial and Information Officer (CFIO), as Responsible Accounting Officer, has reviewed the report and advises that Council's projected financial position at 30 June 2021 will be **unsatisfactory** compared with the original budget.

The report also provides information on emerging cashflow issues due to cash receipts being lower than usual, as well as proposed actions to address the issues over the coming twelve months.

Commentary

Executive Summary

The CFIO has stated in the Quarterly Performance Report that Council's projected financial position at 30 June 2021 will be unsatisfactory, having regard to the original budget position. Council's projected position at 30 June 2021 has changed from \$958K surplus operating result (before capital) to a deficit of (\$941K) operating result (before capital). Effectively, Council's projected operating result has changed by a negative amount of **\$1.9M**. The main reasons for the change are as follows:

- Necessary operational expenditure carryovers of \$572K have added to Council's original expenditure budget. Carryovers are expenses that are not offset by any additional income in the current year.
- \$353K budget variation to decrease interest and investment income, mainly due to record low interest rates and lower reserve balances.
- \$1.8M increase in operating expenditure, including \$800K increase in depreciation (which became apparent after the budget had been adopted), which is partly offset by savings in employee costs and additional grant income.

Recommended remedial action to deal with the unsatisfactory position includes:

- Deferred recruitment action and consideration of opportunities to alternatively deliver services when vacancies are created without diminishing quality ie., restructuring, productivity options.
- An operating efficiencies and cost savings program will continue for the remainder of the 2020/21 year with a target of identifying \$100K in operational savings across the organisation.

Summary of the July to September Quarterly Budget Review Report

Details of the July to September Quarterly Budget Review Report are provided in the attachment to the Business Paper. Below is a summary table:

2020/2021 Quarterly Budget Comparison			
Budget	Income	Expenditure	Result
	\$'000	\$'000	\$'000
Original Budget	51,292	46,471	4,821
September Review	53,862	48,636	5,226
December Review			
March Review			

2020/2021 Quarterly Budget Comparison - By Fund			
Budget	Income	Expenditure	Result
	\$'000	\$'000	\$'000
General	36,870	33,646	3,224
Water	7,323	7,287	36
Wastewater	9,668	7,703	1,965

Reasons for Changes in Revenue and Expenditure Projections

Projected revenue to 30 June 2021 has increased by \$2.6M during Quarter One, mainly due to the following reasons:

- Increase in capital grants and contributions of \$2.5M included Fixing Local Roads program, Streets as Shared Spaces (Pioneer Square) grant and showground stimulus grants.
- Reduction of investment interest revenue by \$300k due to historically low interest rates and reduced cash reserves balance.
- Increase in operating grants by \$400K due to additional grants for the Emergency Services Levy contribution and the Financial Assistance Grant.
- Increase in other revenues by \$159K due to receipt of an insurance claim payment for fire damage.

Projected operating expenditure to 30 June 2021 has increased by \$2.17M during Quarter One, mainly due to the following reasons:

- The material and contracts expense budget increased by \$731K, mainly due to Farmers Creek weed eradication (funded by Water & Wastewater), condition assessment of Main Street water mains, funding for bushfire recovery events and officer position, consulting for town planning, expenses relating to asbestos clean-up and information systems consulting.
- Depreciation expense increased \$800k as result of revaluation increments for roads of \$47.7M at the 30 June 2020. The roads valuation increased due to a combination a factors, which included roads previously identified as unsealed being newly identified as sealed, and a marginal increase in unit rates across all road assets.
- Other expenses increased by \$275K due to additional expenditure approved from bushfire recovery grants, Information Technology expenditure to improve & integrate systems and additional expenditure incurred as a result of COVID-19 Social distancing requirements for staff in vehicles.

Projected End of Year Result

The net effect of the increase in projected revenue and the smaller increase in projected expenditure is an increase in the expected consolidated operating result from a surplus of \$4.821M to a surplus of \$5.226M at 30 June 2021 (**including capital grants**).

The operating result **before capital grants** is a key Office of Local Government performance measure with a benchmark of a balanced operating result (i.e. nil surplus / deficit). Capital grants are excluded from the performance measure as they do not contribute towards funding Council's operations. Council's revised consolidated operating result (before capital grants) at 30 June 2021 is projected to be a (\$941K) deficit, which would not meet the OLG benchmark.

At the end of Quarter One 2020/21, it is projected that both the Water Fund and the Sewer Fund will have surplus operating results (before capital grants) at 30 June 2021. The General fund is projected to have a deficit (before capital grants) of (\$1.078M).

Capital Expenditure Budget

The 2020/21 capital expenditure budget is projected to be \$26.353M (excluding loan repayments) at the end of Quarter One, an increase of \$5.111M, from \$21.242M (excluding loan repayments) at 30 June 2020. The increase is mainly due to:

- \$4.286M 2019/20 carryovers / revotes were rolled into 2020/21 in August 2020.
- \$1.114M expenditure increase related to new grants received in 2020/21.
- \$311K decrease due to deferral of capital projects to 2021/22 offset some of the additional expenditure.

Cash and Investments - Cashflow Situation

Council's cashflow strategy in recent years has been to hold minimal unrestricted cash, thus maximising investment returns. Most cash held in restricted reserves has been invested in term deposits. The strategy to maximise returns can result in temporary unrestricted cash deficits when cash outflows are greater than cash inflows.

As shown in the table below, at 30 September 2020, Council had a temporary unrestricted cash deficit of (\$3,237K). Regular cashflow updates have been provided to Council and the Finance Committee. In normal circumstances, the temporary shortfall would have been addressed by expected cash receipts, particularly from rates and water charges.

Cash and Investments Statement				
	30 June 2020 Position	30 September 2020 Position	31 December 2020 Position	31 March 2021 Position
Externally Restricted				
Developer Contributions	1,985	2,108		
Special Purpose Grants	3,675	2,120		
RMS Grants	-	-		
Water Supplies	(1,848)	(820)		
Sewerage Services	8,482	9,489		
Domestic Waste	4,752	5,450		
Unexpended Loans	2,530	2,530		
Total Externally Restricted	19,574	20,878		
Internally Restricted				
Land & Buildings	5,130	4,860		
Plant & Equipment	429	278		
Bonds, Deposits & Retentions	558	693		
Works in Progress	1,798	1,798		
Carry Over Works	1,291	1,174		
ELE	754	754		
Election	110	110		
Internal Loan	(2,673)	(3,237)		
Total Internally Restricted	7,397	6,429		
Unrestricted	-	-		
Total Cash and Investments	26,971	27,307		

In the COVID-19 environment and since 30 June 2020, Council has continued to issue rates notices so there has been minimal impact on income and minimal increases in outstanding rates debts, Cashflow continued to be impacted by the previously reported delays in issuing water accounts following the installation of smart meters. Ratepayers with overdue accounts are being encouraged to set up payment arrangements to pay in regular instalments by direct debit.

The Quarter One budget review projects a shortfall in internally restricted funds of \$3.237M at 30 September 2020, an increase of \$564K from 30 June 2020. In consultation with Council's external auditors, the cash shortfall at the end of the financial year may be managed as a short-term internal borrowing which will be repaid as cash inflows return to a normal level.

It is anticipated that Council's cash receipts will continue to be impacted into the 2021 calendar year. It is expected that it may take at least a year for Council's volume of outstanding debts to return to a normal level. The Office of Local Government has set a maximum overdue interest rate for 2020/21 of 0% to 31 December 2020. In addition, until 31 March 2021, Councils cannot commence proceedings for the recovery of rates or charges against a person without first considering specific matters that relate to that person's individual circumstances.

The cashflow situation is being actively monitored and further interventions may be required in the current financial year. A cashflow update is included as a standing agenda item on the Finance Committee meeting agenda.

Policy Implications

Nil.

Financial Implications

As detailed in this report.

Legal and Risk Management Implications

The Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out the requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

Attachments

1. July - September 2020 Quarterly Report - Final Version with cover [**10.2.1.1** - 18 pages]

Recommendation

THAT Council:

1. Note the contents of the report and the revised consolidated operating result before capital grants of (\$941K) for the 2020/21 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 July 2020 to 30 September 2020.
2. Adopt the income, expenditure and capital budget variations to the 2020/21 Council budget as outlined in the attached report.
3. Note the information provided on Council's cashflow situation at 30 September 2020.

10.2.2. FIN - 23/11/2020 - Cashflow Issue - Deferral of Capital Expenditure

Prepared by Ross Gurney - Chief Financial and Information Officer

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Reference

Min. No. 20-250 Ordinary Meeting of Council held on 26 October 2020.

Summary

At the 26 October 2020 Ordinary meeting of Council it was resolved:

THAT Council:

1. Endorse the following changes to reserves:
 - o removal of the gas works remediation reserve of \$860,052;
 - o reduction in the Employee Leave Entitlements reserve to \$753,606 and;
 - o addition of an internal borrowings reserve of \$2,510,330 to fund the remaining deficit in internal reserves at 30 June 2020, expected to repaid over 3 years.
2. Endorse the deferral of \$837,172 of 2020/21 capital works projects (to be considered for the 2021/22 year) and to transfer the budget savings to rebuild internally restricted reserves.
3. Note the information provided in the report on the ongoing cashflow issue.

Council's cashflow challenges are ongoing with cash outflows for the year to date being greater than cash inflows (which are behind usual trends). Analysis of rates and water balances owing indicates that **\$2.45M** more is owing for the year to 31 October 2020 compared with same period last year. This report proposes further actions to address and mitigate the impact of lower than usual cash inflows.

Commentary

Cashflow Issue – Further Remedial Actions

Due to the ongoing cashflow issue, it is proposed to defer the remaining 2020/21 capital projects nominated by the Director, Infrastructure Services, which may be deferred with minimal implications. The projects would have been funded from Council revenue and external contractors would have been engaged to complete the works. The projects which can be deferred have not commenced, are not funded from grants and were not scheduled to be completed by internal staff labour.

The projects are:

- Urban Sealed Roads Renewal - Purchase Street Lane - \$93,870.
- Urban Sealed Roads Renewal – Second Street - \$181,500.
- Lake Lyell – Playground \$24,000.
- Lithgow Library Parapet and Awning Replacement - \$363,140 (remaining budget).
- Replace Ceiling Tiles - Council Administration Building - \$132,000

The total value of capital projects and purchases which can be deferred is **\$794,510**.

Local residents would be informed of the deferral of road renewal projects.

In addition, **\$180K** plant replacement purchases will also be deferred. These items will be included, where practical, in the draft 2022/22 capital program.

Should Council's cashflow situation improve in coming months, a further report will be provided to Council to recommend projects to reinstate to the 2020/21 capital works program. Grant opportunities will also be sought to assist with restoring deferred projects to the capital works program.

Together with \$837,172 of capital projects endorsed by Council for deferral at the 26 October meeting, the total value of 2020/21 capital projects and purchases to be deferred would be **\$1.8M**. **It is expected that no further capital works deferrals will be required unless the cashflow situation significantly deteriorates.**

Ongoing Cashflow Issue

Council continues to experience lower than usual cash inflows as a result of COVID-19 and the delayed issuing of water accounts which had payment terms extended to September - November 2020.

Analysis of rates and water balances owing indicates that **\$2.45M** more is owing for the year to 31 October 2020 compared with same period last year. A more precise analysis of rates and water balances owing can be made at 30 November 2020 when current rates and water notices fall due.

The cashflow situation is being actively monitored and further interventions may be required in the current financial year. A cashflow update is included as a standing agenda item on the Finance Committee meeting agenda.

Policy Implications

Nil.

Financial Implications

As detailed in this report.

Legal and Risk Management Implications

The purpose of this report is to propose actions which will address risks arising from lower than usual cash inflows.

Attachments

Nil

Recommendation

THAT Council:

1. Endorse the deferral of a further \$794,510 of 2020/21 capital works projects and \$180K of plant replacement purchases pending any improvement in cash inflows or grant funding opportunities.
2. Note the information provided in the report on the ongoing cashflow issue.

10.2.3. FIN - 23/11/2020 - 2020-2030 Long Term Financial Plan

Prepared by Ross Gurney - Chief Financial and Information Officer

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Reference

Min. No. 20-228 Ordinary Meeting of Council 28 September 2020.

Summary

At the 28 September 2020 Ordinary Meeting, it was resolved

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.

The 2020-2030 LTFP was placed on public exhibition for 28 days and one submission was received.

The purpose of this report is to recommend adoption of the 2020-2030 LTFP and for Council to consider the submission received.

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 scenario which would be implemented as it guides Council toward achieving long-term financial sustainability.

Community Member Submission

The 2020-2030 LTFP was placed on public exhibition from 30 September 2020 to 27 October. The table below provides details of one submission received and officer's comments on matters raised in the submission. The submission is provided for Council's consideration.

Community Member Submission	Officer's Comment
<p>1. The sustainable economy route is really the only option based on the experience of the past 4 years. Ratepayer income is insufficient and relying on other grant income masks the true position. There does need to be a step change in revenue and while I do not necessarily agree with a 5% annual SRV request, it is possibly one of few options giving some long term financial surety.</p> <p>2. I'm all for Council to be cash-positive it needs to be and firmly believe this should be the no 1 priority of Council in terms of long term financial security</p> <p>3. Council has considerable funds tied up in assets, some perhaps should be liquated. The report does not traverse this issue and is perhaps a failing not to do so in the context of gaining ratepayer feedback. Council does not need to hold assets which are not core to its business and I'm sure there are examples of this. A strategic cost-benefit / risk-opportunity of Council's asset base would identify this (if it hasn't been done already) there would be opportunity in this.</p> <p>4. Council's asset management is another area where savings could be made. There are various means to extract asset value and this does not always mean the need to 'own the asset'. Asset maintenance techniques are several and again extending the life of assets can be monitored through various means. There are some very good corporate players which are leaders in asset management and financial return. I worked for a major firm owned by private equity and the way the business was run it was all about cash and extracting maximum value from assets (we didn't own much). More should be down by Council in this regard.</p> <p>5. While the SRV route is there for Council to access, it is to me a last resort. I appreciate that Council rates are pegged and as a result, seeking rate variations is the obvious alternate. But the issue for Council to really look into its asset base and extract the value it needs to succeed if this involves selling or not owning, then so be it, as long as it does not hamper long term cash viability but sustains a better service offering.</p> <p>6. I understand Council is called upon to take on tasks because of its community impact or financially contribute to various things. And in some cases we are seeing Council taking on tasks which previously were State</p>	<p>1. Comments noted.</p> <p>2. Comments noted.</p> <p>3. Both Scenario 2 – Improvement Plan and Scenario 3 Sustainable Council include a strategy to Identify and in the property portfolio that can be sold. Action will be taken to review the property portfolio in the current financial year. There is also a strategy to rationalise the halls during the term of the LTFP. Expected sales of vacant land have also been included in the first 2 years of the LTFP.</p> <p>4. Comments noted. Council is currently implementing a new Asset Management System and will then commence work on updating Asset Management Plans.</p> <p>5. Comments noted. Alternatives to a 5% SRV will continue to be explored over the next twelve months. As mentioned, Council's property portfolio will be reviewed. Council also needs to ensure that it minimises the number of new assets added to the asset register and focusses on renewal of existing assets.</p> <p>6. Comments noted. Both Scenario 2 – Improvement Plan and Scenario 3 Sustainable Council include a strategy to complete reviews of all Council's services and service delivery.</p>

<p>responsibilities. The pressure put on Council to 'fund' things which are not central to genuine community wellbeing (services improvement to ratepayers) should be avoided at all cost. I appreciate this can be difficult, but it all gets down to working out what Council must do rather than what it wants to do. It hasn't got the resources to please everyone but it must achieve financial viability.</p> <p>Lithgow City cannot continue based on a static or falling population. Money needs to flow into the City and this in itself will assist in new revenue raising. Need for housing, etc can be provided through the private market and it is the private sector which needs to come in and deliver.</p>	
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Policy Implications

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

Financial Implications

The LTFP helps to guide Council's long term decision making regarding the prioritisation of projects and services. The document indicates the funding required to deliver the outcomes sought by Council.

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 [**10.2.3.1** - 26 pages]

Recommendation

THAT Council:

1. Note the receipt of a submission on the LTFP from a community member and officer's comments on the submission.
2. Adopt the 2020-2030 Long Term Financial Plan as part of Council's Resourcing Strategy.

10.3. People and Services Reports

10.3.1. PS - 23/11/2020 - Naming Proposal Oakey Park Oval

Prepared by Matthew Johnson – Community & Culture Manager
Department People & Services
Authorised by Director of People & Services

Reference

Min 20 –179 Ordinary Meeting of Council held 27 July 2020

Summary

This report advises Council of community responses that are mostly against an exhibited proposal that Oakey Park Oval on Bells Road Lithgow be re-named the Beryl Davis Memorial Oval in honour of well-known hockey coach, the late Mrs Beryl Davis. This report recommends that commemorative signage recognising Beryl Davis be installed at Oakey Park Oval.

Commentary

Council resolved at the Ordinary Meeting of Council held on 27 July 2020 (Min. No. 20-179) to place on public exhibition for 28 days a proposal that Oakey Park Oval on Bells Road Lithgow be re-named the Beryl Davis Memorial Oval in honour of well-known hockey coach Mrs Beryl Davis who recently passed away.

Known to Oakey Park residents as Aunty Bub, Mrs Davis sadly passed away on 27 April 2020. Aunty Bub was involved in both Lithgow Hockey and Zig Zag School Hockey for many years. She played an integral role in helping Mr. Ernie Johnson, former Principal of Zig Zag School, to have the oval established in Oakey Park, including lighting and cricket nets, so the children of the school and the community could have use of the oval to play and train for their sports, particularly hockey.

The proposal was exhibited from 14 August until 11 September 2020. Seven (7) submissions were received from members of the public during the exhibition period with one (1) submission in favour of the proposal and six (6) submissions against. Reasons given against the proposal are:

- The Oakey Park Oval name has a long and strong association with the Oakey Park area and many local people identify with it.
- Oakey Park Oval is used as a cricket field and has no current association with hockey.

Respondents did support some form of recognition of Beryl Davis through a plaque or similar signage either in Oakey Park or at the hockey fields. Council staff approached Lithgow Hockey Club to seek their views on installing a plaque or signage at the Lithgow Hockey Fields. Lithgow Hockey Club Board has responded to say that, unfortunately they are unable to support the placing of a plaque in the Lithgow hockey fields as they don't have any plaques for its members and volunteers.

Accordingly, it is recommended that commemorative signage recognising Beryl Davis be installed at Oakey Park Oval.

Policy Implications

Nil

Financial Implications

- Budget approved - \$16,000

- Cost centre - 600214 – Heritage and Interpretative signage .
- Expended to date – nil.
- Future potential impact – minor only.

Legal and Risk Management Implications

Nil

Attachments

1. Submission 1 [10.3.1.1 - 1 page]
2. Submission 2 [10.3.1.2 - 1 page]
3. Submission 3 [10.3.1.3 - 1 page]
4. Submission 4 [10.3.1.4 - 1 page]
5. Submission 5 [10.3.1.5 - 1 page]
6. Submission 6 [10.3.1.6 - 1 page]
7. Submission 7 [10.3.1.7 - 1 page]
8. Correspondence from Lithgow Hockey Association [10.3.1.8 - 1 page]

Recommendation

THAT Council:

1. Not proceed with the proposal to rename Oakey Park Oval to the Beryl Davis Memorial Oval.
2. Endorse the installation of commemorative signage recognising Beryl Davis at the Oakey Park Oval.

10.3.2. PS - 23/11/2020 - Community Recovery Officer - Quarterly Report

Prepared by {author-name} - {position}
Department {department}
Authorised by Director of People & Services

Summary

Community Recovery Officer’s – Report (1st Quarter) 17 August 2020 – 30 September 2020
 Activities in current reporting period.

Commentary

Progress on deliverables

Deliverable 1: Establish a Community Resilience Network			
% completed:	25%	Status:	Not yet started / In progress / Overdue / Completed
<p>Status of Activities, Timeliness and Cost As of 30 September, over 25% of activities had been completed or involved activities of recurrent nature: Delivery of awareness raising on the CRO role, educate recovery support organisations and individuals who will be required to participate in the Community Resilience Network was estimated at 76% complete. For two activities, progress was estimated at 50%-60% of completion. These included the development of a map of community services that provide recovery support to people affected by bushfires in the LGA and the need for reference groups involving community organisations, communities of interest, or communities of place within the LGA. Constraints/Risks: Assumed familiarity with a Community Resilience Network was too high. Limited feedback received from recovery support organisations. Commentary it being too soon and complicated due to recovery issues from leading community members.</p>			

Deliverable 2: Facilitate community recovery events			
% completed:	80%+	Status:	Not yet started / In progress / Overdue / Completed
<p>Status of Activities, Timeliness and Cost All (100%) of activities identified in the CRO Workplan for the period 17 August 2020 – 30 September 2020 have been completed or involve activities of recurrent nature. Constraints/Risks: One activity was assigned a yellow alert status due to mixed community consultation, and minor revisions to location and plant availability, thus delaying delivery of the tree planting at Clarence /Dargan to November.</p>			

Deliverable 3: Develop a Local Recovery Action Plan incorporating community needs and activities			
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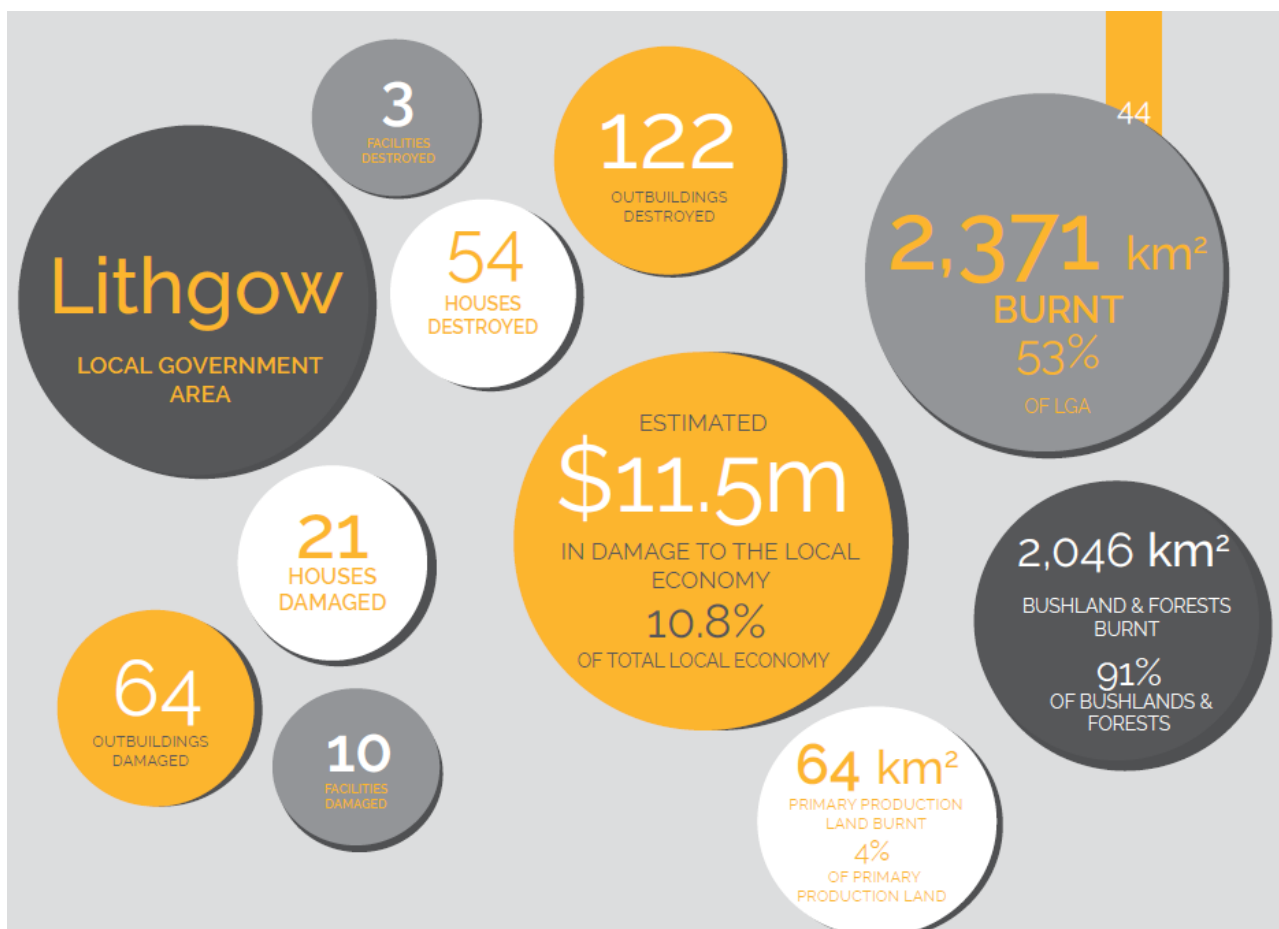
% completed:	30%	Status:	Not yet started / In progress / Overdue / Completed
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<p>Status of Activities, Timeliness and Cost</p> <p>A working draft of Lithgow’s Local Recovery Action Plan (LRAP) has been developed using immediate, medium, and long-term recovery needs and resource requirements determined through:</p> <ol style="list-style-type: none"> 1. Study of LRAPs produced by adjoining and impacted Councils. 2. Continued consultation 3. Outreach survey data 4. Activity trends and database reporting against the previous reporting period. <p>Constraints/Risks:</p> <p>Outstanding and emerging issues often involve experts from different technical departments, requiring further coordination and resources.</p> <p>Future plans/activities developed for the LRAP include plans for possible linkage with other recovery working groups and projects.</p>			
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Deliverable 4: Provide access to relevant and timely recovery information

% completed:	56%	Status:	Not yet started / In progress / Overdue / Completed
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<p>Status of Activities, Timeliness and Cost</p> <p>All (100%) of activities identified in the CRO Workplan for the period 17 August 2020 – 30 September 2020 have been completed or involve activities of recurrent nature.</p> <p>Reports, information, and services communicated in response to recovery needs -identified in the outreach survey, CRO and committee linkages and local interest groups published in the areas of: Print and electronic media (inc. social), Council Column, local newspapers and radio. Newsletter analysis of click throughs and openings identify articles of interest, opening rates and reach across affected regions.</p> <p>Constraints/Risks:</p> <p>Limitation of electronic newsletter (delivery via Council Website and Mailchimp) missing a large proportion of residents who are not on email, have registered a phone number only or have poor internet and mobile coverage.</p> <p>Lack of human resources, time and coordination between Recovery Support Services to respond to increasing number of residents requesting assistance.</p>			
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Deliverable 5: Develop a Local Recovery Plan			
% completed:	10%	Status:	Not yet started / In progress / Overdue / Completed
Status of Activities, Timeliness and Cost Commenced consultation with neighbouring Council's on Local Recovery Plans. Collated reports and conduct research into existing EMPLAN support draft of Lithgow Council Recovery Plan			
Constraints/Risks: No risks and constraints were identified in the reporting period.			

Deliverable 6: Develop a Transition Plan			
% completed:	0%	Status:	Not yet started / In progress / Overdue / Completed
Status of Activities, Timeliness and Cost Early stage consultation, interviews, and plan concept phase. No activities identified in the CRO Workplan for the period 17 August 2020 – 30 September 2020.			
Constraints/Risks: N/A			

Deliverable 7. Other deliverables, activities, or initiatives as identified by council			
Status of Activities, Timeliness and Cost Activities identified in the CRO Workplan for the period 17 August 2020 – 30 September 2020 involve activities of recurrent nature: – Monitoring, evaluation and follow up of Outreach Survey recipients referred to council 90% complete.			

- Participation in training, webinars and workshops 90% complete.
- Planning of events/activities including tree planting, Bushfire Expo on schedule for delivery by 31 December 2020.

Constraints/Risks:

Development of other activities, funding proposals, and the provision of recovery services that complement the timeline of the Community Recovery Officer.

Priorities for next quarter

Theme	Description
Immediate support	Delivery of hampers with Anglicare to residents with RSS.
Recovery, Preparedness, Anniversary	Delivery of Lithgow Bushfire Expo
Preparedness	Develop Get Ready resource campaign with RFS.
Recovery Plan	Operationalise the Local Recovery Plan to consult with stakeholders where recovery activities are underway with the tools to respond to input and feedback.
Community Resilience Network	Formalise structure, membership and objectives of the Community Recovery Network.

Activities in Current Reporting Period

- Council's **Outreach Survey** has seen a strong number of responses and feedback, which has assisted Council in being able to follow up on available supports, identify principal themes and issues and collect important information for recovery operations.
- In response to several grant funds available, Council hosted an online information session for community members Thursday 5 November.
- Lithgow Council will be hosting with Step by Step two small-scale community events for Clarence and Dargan. The first of these will be Saturday (14/11) at the Bay Tree Nursery, Clarence from 11am – 2pm. This will be followed by a similar event at the Killibinbin Native Nursery, Dargan on Saturday 28/11.
- Recently announced is the Lithgow Bushfire Recovery and Community Day on Saturday, 5th and Sunday, 6th December 2020 at the Civic Ballroom, Lithgow. The program which runs from 9am to 3pm is repeated on both days and includes:
 - Learning how to prepare your property for bushfires.
 - Latest information about the season ahead.
 - Q & A sessions with bushfire experts.
 - An Expo - Meet and talk with a wide range of bushfire service and product providers.
 - Workshops and demonstrations.
 - The opportunity to connect with bushfire recovery support services, and
 - Information about building and renovating in bushfire prone areas.

Policy Implications

N/A

Financial Implications

- Budget approved - \$190,414 (fully grant funded).

- Project - 600244 Community Recovery (P&S).
- Expended to date - \$33,337
- Future potential impact - N/A

Legal and Risk Management Implications

N/A

Attachments

1. Bushfire Recovery Statistics [**10.3.2.1** - 1 page]
2. Bushfire Recovery October 2020 [**10.3.2.2** - 4 pages]

Recommendation

THAT Council note the Community Recovery Officer's Quarterly Report and current reporting period Activity Update.

10.4. Policies and Governance

10.4.1. GM - 23/11/2020 - Proposed Date for Ordinary Meetings of Council 2021

Prepared by Trinity Newton – Executive Assistant to the Office of the General Manager and Mayor
Department Executive
Authorised by General Manager

Reference

Min 19-303: Ordinary Meeting of Council held 28 October 2019
 Min 20-252: Ordinary Meeting of Council held 26 October 2020

Summary

As resolved at the Ordinary Meeting of Council 26 October 2020, this report is provided for Council to consider both the third and fourth Mondays of the month when determining the meeting dates for Ordinary Meetings of Council in 2021.

Commentary

The resolution of Council at the 26 October Ordinary Meeting of Council was as follows:

20 -252 RESOLVED

THAT:

1. Council note the likely cancellation of the 16 August 2020 Council meeting due to caretaker mode possibly taking effect for the Local Government Elections to be held on 4 September 2021.
2. A report be brought back to the November meeting of Council on proposed dates for the Ordinary Meetings of Council for 2021 on the fourth Monday of each month not including December.
3. this matter be deferred until the November 2020 meeting.

At this point, a discussion and decision to update the Code of Meeting Practice to the preferred meeting schedule should be determined and is reflected in the recommendation below.

In 2018 Council resolved to schedule Ordinary meetings to occur on the fourth Monday of each month. However, in accordance with the Code of Meeting Practice Part 3.1 adopted at the Ordinary Meeting of Council on 26 August 2019 (Min. No. 19-214), the Ordinary meeting of Council is currently held on the third Monday of the month. When this matter was last considered by Council there was some discussion about the option of reverting to the fourth Monday of the month for these meetings. The table canvasses both of the options.

The proposed dates for 2021 being the third and fourth Monday of each month are as follows:

Third Monday of Month 2021	Fourth Monday of Month 2021
18 January	25 January (public holiday 26 January)
15 February	22 February
15 March	22 March
19 April	26 April (public holiday Sunday 25 April)
17 May	24 May
21 June	28 June

19 July	26 July
16 August	23 August
20 September	27 September
18 October	25 October
15 November	22 November

Policy Implications

The timing of Ordinary Council meetings is included in the Code of Meeting Practice.

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT:

1. The schedule of Ordinary Meetings of Council for 2021 be determined by Council at this meeting.
2. That any change to the Code of Meeting Practice in relation to the timing of Ordinary Meetings of Council, for either the third or fourth Monday as determined by Council, be adopted and implemented immediately.

10.4.2. PS - 23/11/2020 - Code of Conduct Statistics 2019-2020

Prepared by Rhiannan Whiteley – Executive Assistant to Director of People and Services
Department People & Services
Authorised by Director of People & Services

Reference

Min No 16-263: Ordinary Meeting of Council 12 December 2016
 Min No 17-337: Ordinary Meeting of Council 27 November 2017
 Min No 19-352: Ordinary Meeting of Council 25 November 2019
 Min No 20-178: Ordinary Meeting of Council 27 July 2020

Summary

To advise Council of Code of Conduct Complaint statistics as required by the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

The Council's complaints co-ordinator is required to report annually on Code of Conduct Complaints Statistics for the period **1 September 2019 – 31 August 2020** by the 31 December each year.

Commentary

In accordance with *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, council's complaints coordinator is required to report to Council and the Office of Local Government (OLG) code of conduct details.

The required statistics for the reporting period are outlined below:

Model Code of Conduct Complaints Statistics		
Number of Complaints		
1a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	3
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	2
Overview of Complaints and Cost		
2a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0

c	The number of code of conduct complaints referred to a conduct reviewer	3
d	The number of code of conduct complaints finalised at preliminary assessment	2
e	The number of code of conduct complaints referred back to the GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	0
g	The number of finalised complaints investigated where there was found to be no breach	0
h	The number of finalised complaints investigated where there was found to be a breach	0
i	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or Police	0
j	The number of complaints being investigated that are not yet finalised	1
k	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	\$15,798.38
Preliminary Assessment Statistics		
3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:		
a	To take no action (Clause 6.13(a) of the 2018 and 2020 Procedures)	1
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures)	1
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures)	0
d	To refer the matter to another agency or body such as the	0

	ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures)	
e	To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures)	1
Investigation Statistics		
4 The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:		
a	That the Council revise its policies or procedures	0
b	That a person or persons undertake training or other education (clause 7.37 of the 2018 or clause 7.40 of the 2020 procedures)	0
5 The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:		
a	That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 procedures or clause 7.39 of the 2020 Procedures)	0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures)	0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(l) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures)	0
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to the OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures)	0
6	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures)	0

Categories of Misconduct		
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:		
a	General Conduct (Part3)	0
b	Non-pecuniary conflict of interest (Part 5)	0
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0
Outcome of determinations		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG	0

Policy Implications

NIL

Financial Implications

- Budget approved - costs associated with code of conduct complaints are managed within the Council's recurrent operational budgets.
- Cost centre – PJ 800169
- Expended to date - \$15,798.38
- Future potential impact - NIL

Legal and Risk Management Implications

In accordance with, *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, the statistics must be reported to Council within 3 months of the end of September each year and provided to the Office of Local Government (OLG).

Attachments

Nil

Recommendation

THAT the report on the Code of Conduct complaints statistics for the 2019/20 period be noted.

11. Council Committee Reports

11.1. ECDEV - 23/11/2020 - Environmental Advisory Committee Meeting 12 August 2020

Prepared by	Jemma Houlison – Administration Assistant
Department	Environment
Authorised	Director Economic Development and Environment

Summary

This report provides details of the minutes of the Environmental Advisory Committee Meeting held on 12 August 2020.

Commentary

At the Environmental Advisory Committee meeting held on 12 August 2020 there were 5 items on the agenda which were discussed and are outlined in the attached minutes. No items require a formal resolution of Council.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Environmental Advisory Committee Minutes 12 August 2020 Final [11.1.1 - 6 pages]

Recommendation

THAT Council note the Minutes of the Environmental Advisory Committee meeting of the 12 August 2020.

11.2. PS - 23/11/2020 - Crime Prevention Committee Minutes 28 September 2020

Prepared by Matthew Johnson – Community & Culture Manager

Department People & Services

Authorised by Director of People & Services

Reference

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

Min 20-230 of the Ordinary Meeting of Council held 28 September 2020

Summary

The minutes of the Crime Prevention Committee meeting held 28 September 2020 are reported for Council's consideration.

Commentary

At the Crime Prevention Committee meeting held 28 September 2020 various matters were discussed including:

Item 4. Police Report

Staffing Levels

Lithgow Command has a full complement of Police, Detectives and Highway Patrol officers although one position has been seconded to border checkpoints.

Newnes Plateau

The Police have increased policing levels in the state forest particularly targeting unregistered motor bikes and underage riders. RBT patrols are being undertaken and signage installed (and replaced when vandalised) to discourage illegal activities.

October Long weekend

The Police will be out in force for the weekend. The Bathurst races will restrict spectator numbers to 4,000 and with no camping allowed.

Licensed Premises

The Police undertake spot checks on licensing matters and COVID-19 social distancing.

Item 5. Bureau of Crime Statistics quarterly report dated June 2020

The latest BOCSAR quarterly Crime Report was provided to the committee for consideration. This report shows trends in local crime incidents over the past two years and comparisons with other LGA's and NSW as a whole.

Policy Implications

Nil.

Financial Implications

N/A

Legal and Risk Management Implications

Nil.

Attachments

1. Crime Prevention Minutes 28 September 2020 [11.2.1 - 5 pages]

Recommendation

THAT Council note the minutes of the Crime Prevention Committee meeting held 28 September 2020.

11.3. ECDEV - 23/11/2020 - Lithgow Local Heritage Advisory Committee - Minutes 29 September 2020

Prepared by Sherilyn Hanrahan - Strategic Land Use Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Summary

This report provides details of the minutes of the Lithgow Local Heritage Advisory Committee (LLHAC) held on 29 September 2020.

Commentary

At the Lithgow Local Heritage Advisory Committee meeting held on 29 September 2020 there were 8 items on the agenda which were discussed and are summarised in the attached minutes.

The Committee made two recommendations arising from Items 4 and 6 of the Minutes which require Council's further consideration:

1. Council to make enquiries with Transport for NSW in relation to any detailed designs for the Great Western Highway upgrade in the vicinity of Little Hartley to assess its impact on listed heritage items.
2. Council review its street naming policy to include as a criterion for name selection the heritage (including European, indigenous and natural) of the area.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Lithgow Local Heritage Committee Minutes 29 September 2020 [11.3.1 - 6 pages]

Recommendation

THAT Council:

1. Endorse the minutes of the Local Heritage Advisory Committee (LLHAC) meeting of 29 September 2020.
 2. Make enquiries with Transport for NSW in relation to any detailed designs for the Great Western Highway upgrade in the vicinity of Little Hartley to assess its impact on listed heritage items.
 3. Council review its street naming policy to consider inclusion of a criteria for name selection being the heritage (including European, indigenous and natural) of the area.
-

11.4. IS - 23/11/2020 - Operations Committee Meeting Minutes - 7th October 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 7 October 2020.

Commentary

At the Operations Committee Meeting held on 7 October 2020, there were numerous items discussed by the Committee including:

- Item 6.2 - Water for the Greenspot Site.
- Item 6.3 - Integrated Water Cycle Management Plan.
- Item 6.4 - IPART Bulk Water Pricing for the Fish River Water Supply Scheme.
- Item 6.5 - Monthly Project Update.
- Item 6.6 - Progress of Staging NRL Games – Tony Luchetti Sportsground.

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

- Item 6.1 - Macauley Street Slop Stability Assessment 2020
RECOMMENDATION THAT:
In acknowledgement of risk, approve the reallocation of funds commensurate with the financial implications by;
 - Deferring \$380,000 from Capital Works Program, for Ray Crescent Road Sealing, and;
 - Reallocating \$380,000 for Macauley Street slope risk mitigation.

This reallocation of funds has been requested in response to identified concerns following the 2019/20 bushfires and following significant rain events relating to the slope assessment risk to properties in Macauley Street from potential rock fall hazards. Council engineers took the opportunity post-disaster to utilise state-of-the-art LiDAR technology to assess rock escarpment and detached boulders. The quantified risk assessment was performed for a total 117 properties and resultant actions were proposed to reduce the risk of rockfall and landslide to a tolerable level. This funding will facilitate the following action:

- Ongoing geotechnical risk assessment, which includes rock fall record keeping, periodic monitoring and maintenance,
- Installation of signage which includes Council contact number for reporting rock falls to aid maintenance of a rock fall inventory.
- Maintenance of the existing mountainside with rock fall protection measures categorised as follows;
 - Rock fall netting, rock bolts- measures at source
 - Catch fences, ditches or bunds- measures on the slope
 - Bunkers – measures at the receptor

Policy Implications

Nil

Financial Implications

2020/21 Capital Works Program transfer of budget between projects only.

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Operations Committee Meeting - 7 th October 2020 [**11.4.1** - 8 pages]

Recommendation

THAT

1. Council notes the minutes of the Operations Committee Meeting held on 7 October 2020; and
2. In acknowledgement of risk, Council approve the reallocation of funds commensurate with the financial implications by;
 - Deferring \$380,000 from Capital Works Program, for Ray Crescent Road Sealing, and;
 - Reallocating \$380,000 for Macauley Street slope risk mitigation.

11.5. IS - 23/11/2020 - TALC Committee Meeting Minutes - 15th October 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 TALC Committee Meeting held on 15 October 2020.

Commentary

At the TALC Committee Meeting held on 15 October 2020, there were numerous items discussed by the Committee including;

- Item 7.1 Signage Request – Chapel House, Rydal

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

- Item 6.1 Tweed Road / Caroline Avenue, Lithgow - Traffic Issues

RECOMMENDATION

THAT Council:

1. Install line marking of double centre lines in both Tweed Road and Caroline Avenue;
2. Install a give way holding line and signage in Caroline Avenue; and
3. Reassessed the success of the line marking in deterring vehicles crossing to the incorrect side of the road the corner when turning from Tweed Road into Caroline Avenue in six (6) months' time and report back to the TALC.

- Item 6.2 Silcock Street/ Bent Street Intersection Lithgow – Request for Traffic Mirror

RECOMMENDATION

THAT the “No Stopping” zone on the southern side of Bent Street, between Silcock Street and Waratah Street, Lithgow (adjacent to JobLink Plus) be extended an additional 20m to the east, to increase visibility of approaching vehicles.

Policy Implications

Nil

Financial Implications

- Budget approved – Nil
- Cost centre – N/A
- Expended to date – Nil
- Future potential impact – minor costs within approved budgets.

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - TALC Committee Meeting - 15 th October 2020 [11.5.1 - 5 pages]

Recommendation

THAT Council:

1. Note the minutes of the TALC Committee meeting held on 15 October 2020; and
2. Install line marking of double centre lines in both Tweed Road and Caroline Avenue; and
3. Install a give way holding line and signage in Caroline Avenue; and
4. Reassess the success of the line marking in deterring vehicles crossing to the incorrect side of the road the corner when turning from Tweed Road into Caroline Avenue in six (6) months' time and report back to the TALC; and
5. Extend the "No Stopping" zone on the southern side of Bent Street, between Silcock Street and Waratah Street, Lithgow (adjacent to JobLink Plus) by an additional 20m to the east, to increase visibility of approaching vehicles.

11.6. FIN - 23/11/2020 - CTA ARIC - Financial Statements & Planning Meeting - 4 November 2020

Prepared by Rhiannan Whiteley – Executive Assistant

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Reference

Min No 20-257 Ordinary Meeting of Council 26 October 2020

Summary

This report summarises the minutes of the Central Tablelands Alliance Audit Risk & Improvement Committee (CTA ARIC) meetings held on 4 November 2020 to discuss the draft Financial Statements and to plan for the Committee's program for the year ahead.

Commentary

Financial Statements

CFIO provided a summary of financial statements and highlighted the key points from the statements. The Committee members provided comments, observations and queries and responses were provided by the CFIO and Financial Services Manager. The contract auditor provided an update on the progress of the external audit.

Planning Session

The Planning session discussed the Committee's strategic direction and included discussion on the benefits of the Joint Committee with Oberon Council. The guidelines on the new Risk Management and Internal Audit Framework are expected to be released in early 2021. It is expected that the guidelines will include a model charter and terms of reference. The CFIO will develop a work plan for the Committee's upcoming meetings based on a template used by local government Audit Committees in Victoria.

Policy Implications

Nil.

Financial Implications

As detailed in the CTA ARIC meeting minutes.

Legal and Risk Management Implications

The functions of the CTA ARIC assist in the management and mitigation of risk at Council.

Attachments

1. Lithgow ARIC Planning Session - 4 Nov 2020 [**11.6.1** - 5 pages]
2. Lithgow ARIC - Financial Statements Meeting - Minutes - 4 November 2020 [**11.6.2** - 6 pages]

Recommendation

THAT Council endorse the CTA Audit Risk & Improvement Committee minutes of the Financial Statements and planning meeting held on 4 November 2020.

11.7. FIN - 23/11/2020 - Finance Committee Meeting Minutes - 9 November 2020

Prepared by Rhiannan Whiteley – Executive Assistant

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Reference

Min No 20-234 Ordinary Meeting of Council held on 26 October 2020.

Summary

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

Commentary

At the meeting of the Finance Committee held on 9 November 2020. The following items were discussed:

Update from the auditors on Financial Statements – the contract auditor has indicated that they are currently on track to meet the legislative deadline and lodge the statements by 30 November, however, they will not have the audit completed in time to present to the 23 November 2020 Ordinary Meeting. An Extraordinary meeting of Council will be scheduled for early December to consider the 2019/20 financial statements.

CTA ARIC Meeting – CFIO provided an update on the extra CTA ARIC meeting held on 4 November 2020 to discuss the draft 2019/20 financial statements and a Committee planning session to prepare for the year ahead.

Pros and Cons of a Local Suppliers Policy - CFIO presented a report to the Committee (following a request at a recent Council meeting) regarding the pros and cons of a Local Suppliers Policy. The Committee noted the report and Council will continue to purchase goods and services at the best price but strongly encourage local purchasing where possible.

Cashflow Update and Deferral of Expenditure - the deferral of capital expenditure report will be considered by Council at the November meeting. Further deferral of capital projects and plant replacement purchases has been put forward to address the issue of cash inflows being lower than normal. The committee endorsed the recommendation to Council to defer further capital expenditure pending improvements in cash inflows or grant funding opportunities.

2020-2030 Long Term Financial Plan - one submission was received on the Draft Long Term Financial Plan and the committee discussed the submission. The committee endorsed the recommendation to Council to adopt the 2020-2030 Long Term Financial Plan as part of Council's Resourcing Strategy.

Audit Action Lists - the committee noted the progress towards completing the internal audit and external audit actions.

Financial Statements for the Year Ended 30 June 2020 - the CFIO summarised the movements in revenue and expense from the 2018/19 year to 2019/20 year. The committee noted the report on the Annual Financial Statements for the year ended 30 June 2020.

The following business paper recommendation was endorsed by the Committee:

Council Investments Report October 2020

THAT:

1. Investments of \$26,120,000 and cash of \$303,490 for the period ending 31 October 2020 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

The Investments Report for October 2020 is included as an attachment to this report.

Policy Implications

Nil.

Financial Implications

As detailed in the Finance Committee meeting minutes

Legal and Risk Management Implications

Nil.

Attachments

1. Investment Report October 2020 [**11.7.1** - 3 pages]
2. Minutes - Finance Committee - 9 November 2020 [**11.7.2** - 7 pages]

Recommendation

THAT Council:

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

13.1. Confidential Report - PS - 23/11/2020 - Award of Tender TEN 04/20 for Lake Pillans Boardwalk Construction

Prepared by Matthew Johnson – Community and Culture Manager
Department Community & Culture
Authorised by Director of People & Services

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 provides details of Council's tender process for the construction of replacement boardwalks at Lake Pillans to replace those destroyed in the December 2019 bushfire.

13.2. Confidential Report - FIN - 23/11/2020 - Tender TEN06.20 - Banking Services

Prepared by Neil Derwent – Financial Services Manager
Department Finance & Assets
Authorised by Chief Financial and 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 person with whom Council is conducting (or proposes to conduct) business.

Reference

Min No. 18-314 Ordinary Meeting of Council held on 29 October 2018.

Min No. 18-347 Ordinary Meeting of Council held on 26 November 2018.

Summary

This report provides details Council's tender process for the provision of banking services to Council and recommends acceptance of a tender.

13.3. Confidential Report - ECDEV - 23/11/2020 - Possible Acquisition of Land

Prepared by Sandra Politi - Land Use & Property Officer

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

Reference

Mn No 18 – 209 – Ordinary Meeting of 23 July 2018

Summary

The purpose of this report is to inform Council of the due diligence work undertaken in respect of the proposal to purchase land and to recommend that Council proceed with the investment.

Recommendation

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