



BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 22 March 2021

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

Confirmation of minute of Ordinary Meeting of Council 22 February 2021

6. Commemorations and Announcements

7. Public Forum

8. Mayoral Minutes

9. Notices of Motion

9.1. Notice of Motion - 22/03/2021 - Councillor Statham - Support Letter to Minister Toole For the Capertee Valley Progress Association

Report by Councillor Maree Statham

Commentary

On behalf of the Capertee Progress Association Mrs Lynn Vidler has requested Lithgow City Council write to Local Member, Mr Paul Toole seeking funding for an upgrade on outdoor furniture at Clair Pirie Park.

Lithgow City Council removed the cover over one set of tables due to safety concerns as the structure was hit by a truck. The cover has not been replaced.

The Association is also requesting an additional set of a table and cover be also added to this area.

Regional travel has been excessive through the Covid period in particular the Castlereagh Highway to Mudgee. Clair Pirie Park is situated at Capertee. The land where the outdoor furniture is placed is R. M. S owned.

Attachments

Nil

Recommendation

THAT Lithgow City Council write to Minister for Regional Roads, Minister Paul Toole notifying Mr Toole of the situation at Clair Pirie Park Capertee regarding the outdoor structures of tables and covers. As this is R. M. S. owned land the Capertee Progress Association are seeking funding for the replacement of one cover and an additional set of furniture

Management Comment

Making direct representations to our local state and federal representatives can be a means by which to alert them to local issues which may be within their government's remit. However, it is important that we carefully consider advocacy efforts to ensure that the most important matters are afforded attention commensurate with their priority. The replacement of street furniture is considered a minor project that is within the capability of Council to deliver.

The play equipment, carpark and street furniture (with the exception of the bus shelter) within Clarence Pirie Park are the responsibility of Council. To ensure the safety of the community, when this picnic shelter was damaged, it was removed pending the availability of funds to replace it. This project has been prioritised and budgeted for replacement as part of the draft Operational Plan for 2021/22. As such, noting the scheduled replacement, it is suggested that no further action is required by Council. Council staff will contact the Capertee Progress Association and advise them of the intention to provide replacement street furniture.

9.2. Notice of Motion - 22/03/2021 - Councillor Statham - Aged and Pensioners requesting equipment make a return to the Lithgow Heated Pool with NO Fee Involved

Report by Councillor Maree Statham

Commentary

With Covid restrictions it was necessary to remove any additional equipment used by Pensioners and the Aged at Lithgow Heated Pool.

This group of people used some of the additional exercise equipment several times a week for rehabilitation purposes free of charge.

Whilst they are very gratified by the fact there is no fee to enter the pool they have now been informed a fee will occur in July for equipment hire.

Several of the aged, over 80 have been travelling to Bathurst and Katoomba as Lithgow Heated Pool has not had the equipment available even though the Bathurst and Katoomba pools have returned the equipment for use at their facilities after some Covid restrictions have ceased.

For the use of this equipment for rehabilitation purposes which is up to five sessions per week the cost to pensioners will be ten dollars a week, husband and wife, twenty dollars a week after July. The main equipment I believe in question is the use of dumbbells.

Attachments

Nil

Recommendation

THAT Lithgow City Council support the Aged pensioners in our Local Government Area by the return of the equipment, (dumbbells) for rehabilitation purposes at the Lithgow Heated Pool and NO fee apply now or after 1st July.

Management Comment

The Administration has proposed to return small equipment to use at the J M Robson Aquatic Centre, in line with the easing of relevant restrictions. However, this service will come at a cost as under the new procedures for cleanliness arising out of Covid, equipment will need to be cleaned and appropriately maintained to ensure we continue to offer a public service at minimal risk. It is appropriate that Council adopt a user pay approach in lieu of cross-subsidisation. Council should also contain the overall cost of its complete operation. As such, a minor fee of \$2 has been proposed in the fees and charges for 21/22 to offset the cost of this service.

10. Questions with Notice

10.1. Question with Notice - 22/03/2021 - Councillor Lesslie - Point of Order

Report by Councillor Stephen Lesslie

Commentary

At the Council meeting held on 23 February 2021 Mayor Thompson upheld a point of order from Cr Ring – *Councillor Ring called a Point of Order on Cr Lesslie as he was discussing the original Motion.* The Mayor upheld the Point of Order.

Attachments

Nil

Recommendation

Will this set a precedent for Councillors at all future Council meetings, or does it only apply to me?

Management Comment

At a meeting a councillor may draw the attention of the chairperson to an alleged breach of the Code of Meeting Practice. The business is suspended while the councillor who raised the point of order states the provision of the code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

This Council has adopted the Code of Meeting Practice and so the above procedures are followed on each occasion that a point of order is raised.

11. Staff Reports

11.1. General Manager's Reports

11.1.1. GM - 22/03/2021 - Councillor Delegates to Committees

Prepared by Craig Butler – General Manager

Department Executive

Authorised by General Manager

Reference

Minute 19-262 Ordinary Meeting of Council 23 September 2019.

Summary

Membership on the various committees of Council are due for renewal. The purpose of this report is to consider the re-appointment of councillors to S355 committees of Council and delegates to external committees, organisations and other working groups.

Commentary

The Council was briefed at the end of 2020 about the opportunities to consolidate or conclude internal committees for the purpose of reducing the load on councillors. Suggestions were made that the Mens Health Advisory Committee, the Heritage Advisory Committee and the Sports Advisory Committee could be concluded with the latter replaced by formal consultations with sports groups on a number of occasions throughout a year. Councillors agreed to the first two of these but expressed an interest in retaining the Sports Advisory Committee. It was also put that there is the potential to consolidate the Community Development Committee, the Crime Prevention Committee, the Youth Advisory Committee and the Womens Advisory Committee but in light of the short remaining term of this Council it is suggested that this be held over as a decision for the new Council.

Council is working with the NSW Government to develop an action plan for economic diversification. It would be helpful to have a small cohort of councillors (say 3 or 4 councillors – one being the Mayor) within the Economic Development Committee to contribute to aspects of that process. There would also be regular briefings of the full Council at milestones for the project.

It would also seem that membership of some of the external committees is due for review but again that is proposed to be held over as a decision for the new Council.

The following councillors presently represent Council on S355 committees, internal committees, external committees and organisations.

Internal Committees	2019/20 Representative
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Goodsell Councillor Smith Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Goodwin Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin

Economic Development	All Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	No Councillor Delegates due to new TOR
Lithgow Crime Prevention	Cr Coleman Cr Goodwin
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie Councillor Ring
Finance Committee	Councillor McAndrew Councillor Ring Councillor Thompson
Women's Advisory Committee	Councillor Coleman
Men's Health Advisory Committee	Councillor Ring
Lithgow Floodplain Risk Management Committee (20 -122 RESOLVED 25/05/2020)	Councillor Goodsell Councillor Goodwin (alternate)
External Committees	2019/20 Representative
Arts Out West Committee	Councillor Ring Councillor Coleman (alternate)
NSW Rural Fire Service Senior Management Team	Mayor Councillor Statham (alternate)
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Goodsell Councillor Goodwin (alternate)
Upper Macquarie County Council	Councillor Ring Councillor Lesslie Councillor Coleman (alternate)
WSROC	Mayor Deputy Mayor (alternate) General Manager
Energy Australia Lithgow Region Community Consultative Committee	Councillor Smith Councillor Statham (alternate)
Cullen Valley Coal Mine Community Committee	Mayor Delegate
Invincible Coal Mine Community Committee	Mayor Councillor Statham (alternate)
Clarence Coal Mine Community Committee	Councillor Thompson Councillor Coleman
Centennial Coal Western Community Consultative Committee	Councillor Statham Councillor Smith (alternate)
Airly Mine Community Consultative Committee	Councillor McAndrew
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglenook Exploration & Charbon Colliery Community Consultative Committee	Councillor Ring Councillor Thompson (alternate)
Eskbank Rail Heritage Centre/ Wolgan Valley Wilderness Railway Committee	Councillor Ring
Rural Fire Service Lithgow District Liaison Committee	Mayor Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Coleman
Skillset	Councillor Statham Councillor Goodsell (alternate)
Central Tablelands Alliance Councils Audit Committee	Mayor
Glenn Museum at Portland	Councillor Ring

	Councillor Coleman (alternate) Councillor Statham (alternate)
The Mayor's Mental Health Taskforce	Mayor Councillor McAndrew
Representation On Western Joint Regional Planning Panel	Councillor Lesslie Mayor (alternate)
Steering Committee – Lithgow to Kings Plains Water Transfer Pipeline Project	Councillor McAndrew
NSW Public Libraries Associate	Councillor Coleman

Attachments

Nil

Recommendation

That:

1. Council confirm/reconfirm the councillor appointments to the S355 committees, internal committees, external committees and organisations –
2. The Economic Development Committee focus on the economic diversification project.

Internal Committees	2019/20 Representative
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Goodsell Councillor Smith Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Goodwin Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin
Economic Development	Mayor 3 Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	No Councillor Delegates due to new TOR
Lithgow Crime Prevention	Cr Coleman Cr Goodwin
General Manager Performance Review	All Councillors
Heritage Committee	Discontinue
Finance Committee	Councillor McAndrew Councillor Ring Councillor Thompson
Women's Advisory Committee	Councillor Coleman
Men's Health Advisory Committee	Discontinue
Lithgow Floodplain Risk Management Committee (20 -122 RESOLVED 25/05/2020)	Councillor Goodsell Councillor Goodwin (alternate)
External Committees	2019/20 Representative
Arts Out West Committee	Councillor Ring Councillor Coleman (alternate)
NSW Rural Fire Service Senior Management Team	Mayor Councillor Statham (alternate)
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Goodsell Councillor Goodwin (alternate)

Upper Macquarie County Council	Councillor Ring Councillor Lesslie Councillor Coleman (alternate)
WSROC	Mayor Deputy Mayor (alternate) General Manager
Energy Australia Lithgow Region Community Consultative Committee	Councillor Smith Councillor Statham (alternate)
Cullen Valley Coal Mine Community Committee	Mayor Delegate
Invincible Coal Mine Community Committee	Mayor Councillor Statham (alternate)
Clarence Coal Mine Community Committee	Councillor Thompson Councillor Coleman
Centennial Coal Western Community Consultative Committee	Councillor Statham Councillor Smith (alternate)
Airly Mine Community Consultative Committee	Councillor McAndrew
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglenook Exploration & Charbon Colliery Community Consultative Committee	Councillor Ring Councillor Thompson (alternate)
Eskbank Rail Heritage Centre/ Wolgan Valley Wilderness Railway Committee	Councillor Ring
Rural Fire Service Lithgow District Liaison Committee	Mayor Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Coleman
Skillset	Councillor Statham Councillor Goodsell (alternate)
Central Tablelands Alliance Councils Audit Committee	Mayor
Glenn Museum at Portland	Councillor Ring Councillor Coleman (alternate) Councillor Statham (alternate)
The Mayor's Mental Health Taskforce	Mayor Councillor McAndrew
Representation On Western Joint Regional Planning Panel	Councillor Lesslie Mayor (alternate)
Steering Committee – Lithgow to Kings Plains Water Transfer Pipeline Project	Councillor McAndrew
NSW Public Libraries Associate	Councillor Coleman

11.2. Economic Development and Environment Reports

11.2.1. Building and Development

11.2.1.1. ECDEV - 22/03/2021 - DA168/02 (MOD 036/20) - Earthworks, 14 Claret Ash Ave, South Bowenfels

Prepared by	Lachlan Sims - Development Planner
Department	Economic Development & Environment
Authorised by	Director of Economic Development & Environment

Property Details	14 Claret Ash Avenue, South Bowenfels (Lot 1 DP 933666 & Lot 45 DP 1109094)
Property Owner	Ledger Enterprises Pty Ltd
Applicant	Paul Ledger (Ledger Enterprises Pty Ltd)

Summary

To assess and recommend determination of a modification to Development Application DA168/02 (MOD 036/20) for earthworks on land at 14 Claret Ash Avenue, South Bowenfels (Lot 1 DP 933666 & Lot 45 DP 1109094).

Commentary

Development consent was granted for earthworks on the subject land by Council on 4 July 2002 (DA168/02) in anticipation of the future residential subdivision of the land. The DA granted consent for earthworks only, with the future residential subdivision to be subject to a separate development application.

The applicant has commenced the earthworks in accordance with the terms and conditions of development consent and now seeks to modify the approval to enable the finalisation of works. The modification proposal seeks consent to utilise existing soil stockpiles to fill a separate part of the land (Lot 1 DP 933666) not approved in the original consent and to modify the embankment of the existing sediment basin on the adjoining Council land (Lot 45 DP 1109094). Details of the proposal are provided in the Planning Assessment Report in Attachment 1.

The original consent granted approval for earthworks on parts of Lot 1 DP 933666. This modification application seeks approval to change and expand the area of earthworks on Lot 1 DP 933666 and also seeks approval to undertake works on Lot 45 DP 1109094 which is owned by Lithgow City Council and currently contains stormwater detention infrastructure. As the modification proposal involves works on Council owned land, it is being reported to this Ordinary Meeting of Council for determination under Council's Policy 7.6 (Development Applications by Councillors or Staff or on Council Owned Land).

The application was subject to public exhibition under the Lithgow Community Participation Plan for 14 days from 20 January to 5 February 2021. Surrounding landowners were notified of the proposal and given the opportunity to provide a written submission. One submission was received during the public exhibition period that raises several issues with the proposal as outlined below.

ISSUE RAISED	COMMENTS
<p>The original approval sought to use excavated material for fill in those areas on site previously applied for. The extra available fill material for this proposal suggests that something has changed from the original proposal and this has not been documented.</p>	<p>The applicant was asked to demonstrate that the works undertaken on site fully comply with the original development consent. Evidence was subsequently provided that demonstrated compliance with the original consent to Council's satisfaction.</p>
<p>Several bird-attracting shrubs have been planted along the fence line of the drainage basin and these will be affected by the proposed works. It is requested that a row of native trees and shrubs be replaced along the boundary.</p>	<p>A condition to this effect is recommended.</p>
<p>There will be an ongoing problem with dust and run-off if the filled area is not properly vegetated with suitable grasses, shrubs, and trees on completion of the works.</p>	<p>Appropriate conditions regarding dust suppression and erosion and sediment controls are either included on the original consent or recommended to be included in the modified consent.</p>
<p>The existing general water flow should not be altered in the area to be filled, so it should be an explicit condition that the overall fall in the filled area must be to the east, directing water towards the collection drain.</p>	<p>An appropriate condition to this effect is recommended.</p>
<p>To protect adjoining residents from dust and noise problems, the following conditions should be applied to the development consent:</p> <ul style="list-style-type: none"> • A definite time period within which the works must be completed and a documented plan of how that will be achieved, including dealing with contingencies. • Control of dust always until revegetation is complete. • The standard of revegetation must be defined, with dust control, water flow and bush-fire propagation risk taken into account. • Noise controls in place and enforceable. • If compaction of the filled area is to be done, strict controls to minimise the noise and vibration impacts should be applied. • An indication to affected residents before the commencement of works where machine and truck movements are going to be and that these movements be kept as far as practicable from the residents. 	<p>Conditions regarding minimising noise & dust nuisance and maintaining erosion and sediment controls in place until the area is revegetated are already included on the development consent.</p> <p>Additional conditions specifying the standard of revegetation are not considered warranted.</p> <p>As this is a modification of consent, it is not appropriate to introduce a condition limiting the period to complete the proposed works or requiring contingency plans to be developed.</p> <p>Truck and machinery movements are contained within the site and will be from existing soil stockpiles to the area of fill.</p> <p>No additional conditions relating to this matter are considered warranted.</p>

<ul style="list-style-type: none"> • What contingency plans are in place if the developer encounters major problems that delay the works. 	
<p>There is a lack of clarity about what the final overall plan for the subject land is.</p>	<p>The subject modification application is for earthworks, being an extension of the earthworks approved under DA168/02. In this case, there is no requirement for the applicant to identify the future use of the subject land. Further development consent will be required for the subdivision and/or use of the subject land. Subject to Council's Community Participation Plan, any future development application will be placed on public exhibition with notification of the proposal provided to surrounding landowners inviting comment.</p>
<p>The scenario of the developer increasing the value of his property at the cost of neighbouring residents having a reduced amenity or property value ought to be considered by Council as part of the approval process.</p>	<p>The impact of the proposed earthworks on the amenity of adjoining properties has been considered as part of the assessment of this modification application and appropriate conditions are either already included in the development consent or are recommended to be included. The impact of any future subdivision/use of the land on the amenity of adjoining properties will be considered as part of the assessment of any future development application. The impact of development on property values is not a planning consideration.</p>

As detailed in the attached assessment report, Council staff have assessed the proposal and have obtained General Terms of Approval from the Natural Resources Access Regulator in accordance with statutory requirements. It is the recommendation of the assessment that the modification application be approved with conditions.

Policy Implications

Policy 7.1 Filling and Levelling of Land

Policy 7.1 applies to the filling and levelling of land when the depth of fill exceeds 900mm. The extent of fill is up to 2m in depth; hence the proposal has been submitted as a modification to DA168/02 for assessment. Notwithstanding the provisions of this policy, the filling and levelling of land (defined as earthworks) requires development consent under the provisions of the *Lithgow Local Environmental Plan 2014*.

Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land

Lot 45 DP 110904 is owned by Lithgow City Council and contains stormwater management infrastructure. Policy 7.6 allows for determination of applications to modify development consent under delegated authority unless the modification represents a significant departure from the original application.

The original development application applied only to Lot 1 DP 933666 and did not affect Council's land at Lot 45 DP 1109094. While the earthworks are associated with existing earthworks approved under DA168/02, given the earthworks are now proposed to extend onto Council owned land, it is considered that the application cannot be determined under delegated authority.

Lithgow Community Participation Plan

The modification application has been placed on public exhibition with notification of the proposal provided to surrounding landowners in accordance with the Lithgow Community Participation Plan. One written submission in response to the public exhibition was received as addressed above.

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

In determining a development application (including a modification to 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 1.

Due to the nature of the proposal (the modified application affects a natural water course), the development is “integrated development” under the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979* and requires approval by the Natural Resources Access Regulator (NRAR) under the provisions of the *Water Management Act 2000*. The NRAR has provided its General Terms of Approval to the proposal and have been incorporated into the recommended consent conditions in Attachment 1.

Attachments

1. Planning Assessment Report - Modification to DA 168/02 (MOD 036/20) [11.2.1.1.1 - 22 pages]

Recommendation

THAT

1. The modification of Development Application DA196/18 (MOD 036/20) be APPROVED subject to conditions on the consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the *Local Government Act, 1993*.

11.2.2. General Reports - Economic Development & Environment

11.2.2.1. ECDEV - 22/03/2021 - Hassans Walls Mountain Bike Trails Strategy

Prepared by Andrew Powrie - Senior Economic Development and Destination Manager

Department Economic Development

Authorised by Director of Economic Development & Environment

Summary

This report recommends that Council endorse the Hassans Walls Mountain Bike Trails Strategy and it be advertised for public exhibition.

Commentary

The Lithgow Regional Economic Development Strategy 2018-2022 (REDS) identified that one of Lithgow's key endowments is an abundance of natural and recreational amenities. One of the REDS key strategic directions is the prioritisation of liveability/lifestyle infrastructure and local place-making. A related priority action is the development of recreation infrastructure such as mountain bike trails.

A draft Mountain Bike Trails Strategy for Hassans Wall Reserve has now been developed with the assistance of recognised experts in the field. The draft Strategy details the infrastructure trails requirements, and cost to develop 3 purpose-built mountain biking trails at Hassans Walls Reserve. These would be suitable for broader scale mountain biking super flow type events. These are geared to a wide range of riders – from elite to amateur racers as well as families, couples and groups of friends riding together.

The development of the trails network in Lithgow City would create strong inwards visitation in the adventure tourism field and significantly enhance the tourism offerings available in the Lithgow destination. If the plan is adopted it would provide a mechanism to pursue planning approvals and grant funding to deliver the concepts. Of course, there are issues to consider when proposing such infrastructure within an environment like Hassans Walls, and interested parties all with the best interests at heart for the Hassans Walls Reserve. It is important to ensure the draft strategy is publically advertised and comment sought to ensure all points of view are considered prior to proceeding further.

Policy Implications

Nil

Financial Implications

- Budget approved - \$20,000
- Cost centre - 700072 7000 63304
- Expended to date - \$20,000
- Future potential impact - Funding would need to be secured for the building of the trails network and associated costs identified in the Strategy. \$60,000 has also been placed in the draft 2021/2022 budget for a Flora and Fauna Study for Hassan's Walls. This could only proceed if external funding was sourced but would be an important first step for additional Mountain Biking trail construction to proceed.

Legal and Risk Management Implications

Nil

Attachments

1. Hassans Walls Mountain Bike Trail Development Concept Plan [11.2.2.1.1 - 89 pages]

Recommendation

THAT:

1. Council endorse the Hassans Walls Mountain Bike Trails Strategy for public exhibition purposes.
2. The Strategy be placed on public exhibition for a period of 28 days and other key stakeholders consulted.
3. A further report be presented to Council advising of submissions and how they will be addressed.

11.2.2.2. ECDEV - 22/03/2021 - Proposed Agreement for Access and Public Road Dedication

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

Reference

Resolution 15-35 – ordinary meeting of Council held 2 March 2015

Summary

The purpose of this report is to request Council's approval to enter an Agreement for Access and Public Road Dedication with Valley View Marrangaroo Pty Ltd (**Valley View**), in respect of Council owned land being Lot 68 in DP813538.

Commentary

At the ordinary meeting of Council held on 2 March 2015, Council resolved to approve a modified development application for a subdivision of Lot 702 in DP1135310 situate at Great Western Highway, Bowenfels, and other works, subject to conditions specified in development consent DA245/13.

The development consent includes conditions requiring:

1. the applicant to construct a new bridge and associated roadworks; and
2. the transfer of part of the Crown road intersecting between Lot 68 owned by Council and Lot 702 to Council at the full cost of the applicant.

At the meeting, Council also resolved as follows:

*The applicant be advised that the granting of development consent does not provide any permission to conduct any works on Lot 68 [DP]813538 or infer any agreement for the sale, acquisition, transfer or use of any part of that land. **Any proposal to seek permission to use the said land or for the sale, acquisition or transfer of part of the land shall be the subject of an entirely separate process and commercial consideration between Council and the applicant.***

The process is now to the point where a draft agreement has been prepared. Should Council concur the parties would enter into the attached draft agreement. The Agreement for Access and Public Road Dedication sets out the practical, commercial and legal arrangements for the use by Valley View of part of Council's Lot 68, the surrender of part of Lot 68 for public road purposes, and the transfer of part of the Crown road to council. Two temporary access arrangements will be granted across lot 68 which will be tied to the commencement of the bridgeworks and the issue of a subdivision works certificate. A strip of land gaining access to the subdivision across lot 68 will subsequently be dedicated as public road. This strip of land has been valued at \$60,000 by a valuer engaged by Council. This amount, plus GST, will be paid to Council prior to final dedication. The road will be constructed by the other party. There are some complexities to the agreement designed to protect the Council and community's interests and a process flowchart is included in the attached agreement which assists in it's understanding.

Council's authority to enter the proposed Agreement.

Lot 68 is classified operational land and therefore the restrictions that apply to community land under the *Local Government Act 1993* do not apply to Lot 68. Council may resolve to surrender land by

the authority provided in section 377(1)(h) of the *Local Government Act 1993*, without the need for community consultation.

Key terms of the proposed Agreement

The key terms of the draft Agreement for Access and Public Road Dedication are as follows:

1. Within 14 days of the date that Council issues a construction certificate in respect of the Bridge Works, Council will lodge an application with the NSW Department of Industry, for a transfer of part of the Crown Road to Council.
2. From the date that Valley View commences the Bridge Works, Council will grant the first temporary access licence to Valley View for the sole purpose of Valley View undertaking the necessary work to prepare an application for a Subdivision Works Certificate in respect of Lot 702.
3. Upon the later of the issue of the Subdivision Works Certificate and a Compliance Certificate for the Bridge works, Council will grant the secondary temporary access licence to Valley View for the purpose of undertaking the works authorized under the Subdivision Works Certificate.
4. At the time that Valley View lodges its application for a Subdivision Certificate, Valley View will pay to Council the sum of \$60,000 plus GST as consideration for the surrender of part of Lot 68 and dedication as public road.
5. Council will surrender part of Lot 68 and dedicate it as public road at the time Council issues a subdivision certificate in respect of DA245/13.
6. Valley View will pay all of Lithgow Council's reasonable legal and other costs associated with the transactions under the agreement.
7. The agreement expires on the first of the following to occur:
 - a valid termination of the agreement;
 - Registration of the plan of subdivision;
 - 2 years from the commencing date, if the second temporary access licence has not commenced.

For Council's consideration, attached to this report is a copy of the draft Agreement for Access and Public Road Dedication.

Policy Implications

Nil

Financial Implications

- Budget approved - NA
- Cost centre – N/A
- Expended to date - Nil
- Future potential impact – An amount of \$60,000 will be paid for the strip of land that will become public road.

Legal and Risk Management Implications

Local Government Act 1993
Roads Act 1993
Common law of contracts

Attachments

1. 21.02.18 - draft access and public road dedication agreement [11.2.2.2.1 - 16 pages]

Recommendation

THAT

1. Council approves the draft Agreement for Access and Public Road Dedication on lot 68 in DP813538 Girraween Drive, Marrangaroo
2. Council authorises the General Manager to execute the agreement and sign all documents and do all things necessary to give effect to the matters covered in the agreement

11.2.2.3. ECDEV - 22/03/2021 - Responsible Cat Ownership

Prepared by Richard Holz - Team Leader Environment
Department Environment
Authorised by Director of Economic Development & Environment

Reference

Minute No: 21 -5 Ordinary Meeting of Council held 25 January 2021

Summary

To provide a report on cat issues pursuant to Council’s resolution of 25 January 2021.

Commentary

At its Ordinary Meeting of 25 January 2021 Council resolved *THAT Management bring back a report to Council on the following:*

1. *Six Monthly statistics on the number of cats surrendered to or impounded at the Lithgow Animal Shelter.*
2. *The potential benefits in developing partnerships with community organisations such as Cat Defence and local vets to provide a program of de-sexing cats and the provision of information packages relating to responsible pet ownership. The aim would be to reduce the increasing numbers of unwanted kittens and feral cats.*
3. *The potential provision of education to the Community on the benefits of cat enclosures and keeping cats indoors.*
4. *Issue a media release in regard to fines which may be issued for stray animals and then commence issuing infringement notices if required to ensure pet owners are held accountable.*

The statistics for the number of cats impounded (whether by surrender or drop off at the pound) for July 2020 to January 2021 are outlined below.

MONTH	NUMBER
July 2020	5
August 2020	9
September 2020	11
October 2020	10
November 2020	26
December 2020	14
January 2021	4

The benefits of partnerships with community organisations and local vets has been long recognised. To this end, Council has an existing partnership with the Cat Protection Society of NSW, in administering desexing programs for cats supported by local vets. The program is known as Operation Cat and the most recent rollout is about to end. A copy of the most recent Media Release for Operation Cat is attached.

The Cat Protection Society has advised the following about the Lithgow Area Operation Cat programs:

“Awareness in the community is increasing, this is our fourth Op Cat in Lithgow in as many years and [is] by far the best response so far with 59 cats booked in.

The first was held in June/July 2017 and a total of 27 cats were desexed. In the summer of 2018/2019, we received a total of 35 bookings and over the 2019/2020 summer we were able to desex 39 cats”.

This is a very encouraging outcome. Operation Cat will be rolled out again later in 2021 with hopefully comparable results.

Regarding information packages, The Cat Protection Society has in place “The Good Neighbour Project” A copy of the brochure is attached to this report. The brochure is available online and also at Council’s Customer Service Centre. It provides information on a range of cat issues including responsible ownership.

The benefits of community education regarding keeping cats indoors or in enclosures is also recognised. To this end an Expression of Interest to an upcoming funding program run by the RSPCA called “Keeping Cats Safe at Home” was submitted by Council on 25 February 2021. If successful, the program will roll out in 2022 and covers activities like social marketing campaigns, local school visits and community engagement events. The program will also give subsidies for desexing, erecting cat enclosures and cat behavioural advice.

A Media Release was issued by Council on 18 February 2021 regarding potential enforcement action that may occur if cats stray on neighbouring properties and cause a nuisance.

Policy Implications

Nil.

Financial Implications

- Budget approved - current programs funded from approved recurrent budgets.
- Cost centre - various.
- Future potential impact - Potential grant funding from RSPCA requires in kind contributions of up to \$10,000 and dedication of a 0.2 FTE position.

Legal and Risk Management Implications

Nil.

Attachments

1. Media release for Operation Cat 2020 - October 2020 [**11.2.2.3.1** - 1 page]
2. Brochure Good- Neighbour- Project 2020 [**11.2.2.3.2** - 2 pages]

Recommendation

THAT Council note the information provided in the report on cat related issues.

11.2.2.4. ECDEV - 22/03/2021 - DA230/18 - Planning Agreement for an 81-lot Residential Subdivision, 5 Ikara Street, Bowenfels

Prepared by Lauren Stevens: Development Assessment Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Reference

Min No 20 – 221: Ordinary Meeting of Council held on 28 September 2020 - DA230/18 - 81 Lot Residential Subdivision & Draft Planning Agreement, 5 Ikara Street, Bowenfels.

Summary

To finalise the Voluntary Planning Agreement (VPA) relating to the subdivision of Lot 817 DP 814174 (Ikara Street, Bowenfels) into 81 residential lots as approved by Council in DA 230/18.

Commentary

At its Ordinary Meeting of 28 September 2020, Council approved the subdivision of Lot 817 DP 814174 (Ikara Street, Bowenfels) into 81 residential lots. As part of its approval, Council endorsed a draft VPA that will require the developer to provide a contribution to Council of \$6,600 per new residential lot for the provision of improved and upgraded open space and community facilities.

The draft VPA was placed on public exhibition for a period of 28 days in accordance with statutory requirements. No submissions were received during the public exhibition period. Consequently, the draft VPA can now be endorsed by the Council for execution. Once endorsed, the VPA can be finalised with the developer and notified to the NSW Department of Planning, Industry and Environment.

Several minor, non substantive changes and corrections have been made to the draft VPA as exhibited to reference the approved subdivision development and to clarify the specific purpose towards which the contributions will be made (being improvements to open space and community facilities). A copy of this revised agreement is provided in Attachment 1.

Policy Implications

Policy 7.8 – Planning Agreements

A VPA has been negotiated with the applicant/developer in accordance with Section 7.4 of the *Environmental Planning & Assessment Act 1979* in relation to DA230/18. The VPA has been advertised as required and is ready for final endorsement by the Council. In accordance with this Policy, the VPA is to be reported to the Council for final endorsement following public exhibition.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - The endorsement of the VPA will provide for the payment of contributions by the developer of the land that will assist Council in the provision of community facilities and infrastructure as the development proceeds.

Legal and Risk Management Implications

The legislative basis for the VPA is provided in the *Environmental Planning and Assessment Act 1979* (Sections 7.4 – 7.10) and the *Environmental Planning and Assessment Regulation 2000* (clauses 25B – 25H). The VPA has been exhibited for a period of at least 28 days pursuant to Section 7.5 of the Act.

Attachments

1. DA230/18 - Final Voluntary Planning Agreement [11.2.2.4.1 - 9 pages]
-

Recommendation

THAT:

1. Council endorse the Voluntary Planning Agreement for DA230/18 involving the contribution by the developer of \$6,600 per lot to Council for the purposes of providing open space and community facilities.
2. The Voluntary Planning Agreement, upon endorsement by both parties, be forwarded to the Minister for Planning, Industry and Environment.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

11.2.2.5. ECDEV - 22/03/2021 - DA094/19 Planning Agreement for multi dwelling housing (15 dwellings) - Lot 402 DP 1155154, Tweed Road, Lithgow

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

Reference

Min No 20 – 220: Ordinary Meeting of Council held on 28 September 2020 - DA094/19 Concept Development Application for Multi Dwelling Housing, Torrens Title Subdivision, Strata Title Subdivision and Stage 1 Works - Tweed Road, Bowenfels.

Summary

To finalise the endorsement of a Voluntary Planning Agreement (VPA) relating to the development of multi-dwelling housing on Lot 402 DP 1155154, Tweed Road, Bowenfels.

Commentary

At its Ordinary meeting held on 28 September 2020, Council approved DA 094/19 which includes the construction of a multi-dwelling housing development containing 15 dwellings. As part of the consent, Council endorsed a draft VPA which will require the developer to provide a contribution to Council of \$5,000 per dwelling for the provision of community facilities and infrastructure.

The draft VPA endorsed by Council was placed on public exhibition for a period of 28 days in accordance with statutory requirements. No submissions were received during the public exhibition period. Consequently, the draft VPA is ready for final endorsement by Council. Once endorsed, the VPA can be finalised with the applicant and notified to the NSW Department of Planning, Industry and Environment.

Several minor, non substantive changes and corrections have been made to the draft VPA, as exhibited, to reference the approved subdivision development and to clarify the specific purpose towards which the contributions will be made (being improvements to open space and community facilities). A copy of this revised agreement is provided in Attachment 1.

Policy Implications

Policy 7.8 – Planning Agreements

A VPA has been negotiated with the applicant/developer in accordance with Section 7.4 of the *Environmental Planning & Assessment Act 1979* in relation to DA094/19. The VPA has been advertised appropriately and is ready for final endorsement by the Council. In accordance with this policy, the VPA is to be reported to the Council for final endorsement following public exhibition.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - The endorsement of the VPA will provide for the payment of contributions by the developer of the land that will assist Council in the provision of community facilities and infrastructure.

Legal and Risk Management Implications

The legislative basis for the VPA is provided in the *Environmental Planning and Assessment Act 1979* (Sections 7.4 – 7.10) and the *Environmental Planning and Assessment Regulation 2000* (clauses 25B – 25H). The VPA has been exhibited for a period of at least 28 days pursuant to Section 7.5 of the Act.

Attachments

1. DA094/19 Final Voluntary Planning Agreement [11.2.2.5.1 - 10 pages]

Recommendation

THAT:

1. Council endorse the Voluntary Planning Agreement for DA094/19 involving the contribution by the developer of \$5,000 per dwelling to Council for the purposes of providing open space and community facilities.
2. The endorsed Voluntary Planning Agreement be forwarded to the Minister for Planning, Industry and Environment.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

11.3. Finance and Assets Reports

11.3.1. FIN - 22/03/2021 - Payment of Tax Equivalents - Sewer Fund

Prepared by Ross Gurney - Chief Financial and Information Officer

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Summary

The purpose of this report is to recommend that Council authorise the payment of \$231,647 for tax equivalents from the Sewer Fund to the General Fund for the 2019/20 year.

Commentary

Government commercial businesses are not subject to Federal income tax. However, in order to comply with National Competition Policy, which was adopted by Commonwealth, State and Territory governments in 1995, Government businesses must calculate Commonwealth tax equivalents. The payment of tax equivalents ensures that Government businesses do not have a net competitive advantage over their private sector counterparts due to their public ownership.

For many Councils, water and sewerage services are operated as commercial businesses, and as such, are expected to meet the requirements of National Competition Policy (NCP) if their annual turnover is greater than \$2 million (i.e. category 1 businesses). Commonwealth tax equivalents are calculated, submitted for external audit then included in the Special Purpose Financial Statements.

Requirements imposed by NCP include the option to pay tax equivalents and the ability to pay dividends from commercial water and sewerage businesses to Councils' general funds. Tax equivalents are classified as a business expense and not a dividend.

Council's sewer fund is now in a financial position to enable the commencement of the payment of tax equivalents to Council's general fund. Council's water fund reserve requires rebuilding to fund future asset renewal needs and the fund is currently not in a position to pay tax equivalents to the general fund.

For the 2019/20 year, Council's sewer fund reported a surplus after tax calculations of \$637K. Tax equivalents were calculated at \$232K. The externally restricted sewer fund had a balance of \$7.5M at 30 June 2020. The externally restricted sewer fund maintains a significant balance to enable funding for the renewal of sewer infrastructure assets.

Payment of tax equivalents by the sewer fund will be assessed year by year. Authorisation will be sought from Council in any year in which the administration assesses that the fund is in a position to pay tax equivalents.

Utilisation of Sewer Fund Tax Equivalents by the General Fund

As stated in the 2020/21 Quarter Two Budget Review report to Council, rules and procedures are being developed to ensure that sufficient working capital is held in short-term deposits to meet Council's immediate needs. The absence of this ready access to capital has caused difficulties in managing cash flows in recent times, with one of the risks being an impact on internally restricted reserves.

It is proposed to hold the \$231,647 payment of tax equivalents from the sewer fund in a general fund unrestricted reserve to commence the building of a working capital fund.

Policy Implications

Nil.

Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact - no long-term impact on the sewer fund's financial position.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council:

1. Authorise the payment of \$231,647 for tax equivalents from the Sewer Fund to the General Fund for the 2019/20 year.
2. Note that the tax equivalents payment will be held in a general fund unrestricted reserve to commence the building of a working capital fund.

11.3.2. FIN - 22/03/2021 - Pros & Cons - Tendering Local Procurement Policy

Prepared by Ross Gurney - Chief Financial and Information Officer
Department Finance & Assets
Authorised by Chief Financial & Information Officer

Reference

Min No. 20-267: Ordinary Meeting of Council held on 23 November 2020.
Min. No. 17-138: Ordinary Meeting of Council held on 8 May 2017.

Summary

At the 23 November 2020 meeting, it was resolved:

THAT the General Manager bring back an extensive report to Council in regards to having a local procurement policy for tenders.

A report was presented to the 8 May 2017 Ordinary Meeting which provided details of research undertaken into a Local Preference Policy and explained the steps Council has undertaken to ensure that local suppliers are appropriately engaged without taking on the identified risks associated with local purchasing preference policies. In preparing this report, reference was made to the May 2017 report to Council.

Commentary

Engagement with Local Suppliers

Council strongly encourages local purchasing, where appropriate. Local suppliers have been encouraged to sign up to Council's VendorPanel system. The system is open to all local businesses and allows staff to search for suppliers by the type of goods / service they offer. Using the 'Request for Quote' function gives staff the opportunity to find local vendors that Council may not have previously dealt with. The system also stores contractor's compliance information such as insurance certificates and qualifications. Council's "Doing Business With Council" webpage encourages local businesses to register on VendorPanel and a link explains the registration process. A review of invoice transactions shows that approximately 1,372 purchases were made in the Local Government area (LGA) in the last financial year with a total value of over \$1M.

At the time of implementing the VendorPanel system in October 2016, public information sessions were held for local businesses. Arrangements are presently being made by Council staff for another round of public information sessions in early 2021 to encourage local businesses to register on VendorPanel.

Sourcing Locally – Pros of a Local Procurement Policy for Tendering

Engaging local suppliers and spending funds locally is an important way of supporting the community. Buying locally can also save on freight costs and ensure timely delivery for purchases of goods. As noted above, approximately 1,372 purchases were made by Council in the Local Government area (LGA) in the last financial year with a total value of over \$1M.

Based on research undertaken for this report, Councils which have implemented a Local Preference Policy are mainly located in more remote areas. This is to do with the fact that suppliers in these remote areas do not have ready access to a broad customer market. In Lithgow's case, suppliers are able to sell into a large region which includes the Central West and the Blue Mountains.

Local Preference Policies are most often premised on some positive impact being created for local communities, by encouraging regional and local firms to grow and innovate, and where possible to

generate employment and social inclusion opportunities. Notwithstanding, most policies clearly stipulate that the Council will still consider and ensure that where local suppliers do sell to Council best value and other evaluation criteria are still met.

There are a number of scenarios where staff will be required to purchase outside of the LGA. These include instances where goods and services simply aren't available within the LGA. Examples include, but are not limited to, genuine spare parts, purchase and service of specialised plant, specialised consultancy services, road building materials, subscriptions and memberships, library books, concrete pipes and software products. This Council also takes advantage of the Local Government Contracts that are available with large retailers as these contracts offer superior value to Council as well as Free-Into-Store arrangements.

Negative Implications of Implementing a Local Preference Policy

A number of New South Wales Councils introduced Local Preference Policies, particularly in the 1990's, in a bid to provide greater opportunities to local businesses. But there are a number of risks that arise. These risks are of such significance that the Independent Commission Against Corruption (ICAC) specifically included Local Preference Policies in their 2001 publication 'Taking the Con out of Contracting'. An excerpt of this publication has been attached to this report for reference.

The ICAC report states that "local preference policies present a moderate to high corruption risk in our opinion. This is because they can be anti-competitive in application, create circumstances for conflicts of interest to arise and may result in the council being captured into using the same service provider." One particular concern involves creating an anti-competitive environment by giving local suppliers precedence, even if their pricing represents poorer value.

The Office of Local Government's (OLG) 2009 Tendering Guidelines for NSW Local Government includes the following statements with regard to Local Preference Policies:

"The implementation of local preference policies is not necessarily inconsistent with the principles of National Competition Policy. However, the use of local preference in the evaluation of tenders and awarding of contracts possesses inherent risks in terms of anti-competitiveness and the maintenance of defensibility, accountability and probity."

The Tendering Guidelines recommend that any Local Preference Policies ensure transparency to the community on additional costs and that potential tenderers be notified of the policy prior to their decision to submit a tender. The Tendering Guidelines also suggest that Councils should also consider seeking legal opinion regarding their proposed local preference policy to ensure the policy does not breach either the Trade Practices Act 1974 (Cth), the Fair Trading Act 1987 (NSW), or various international trade agreements.

Examples of Local Procurement Policies

1. Dubbo Regional Council

Dubbo Regional Council revised and updated its Local Purchasing Policy in 2020. Dubbo Council defines a local business as:

A business that has a physical presence and operates from a permanently staffed address within the boundaries of the Local Government Area (LGA) for a minimum period of three (3) months before submitting the quotation or tender. Council reserves the right however to exclude a pop up shop or basic shop front from qualifying as a local supplier.

Dubbo Council's key Local Purchasing Policy provisions are:

- Expenditure up to \$10,000 – local suppliers only invited: if no local suppliers are available for the goods or services required, quotes are then to be sought from outside of the LGA.
- Quotes sought up to \$150,000 - 10% price advantage to qualified Local Suppliers.

- Publicly advertised quotes or tenders over \$150,000 – 5 points added to the total selection criteria score (subject to at least 50% of the total number of sub-contractors being utilised being qualified local suppliers) and a 5% reduction in the price evaluation criteria component of a qualified local supplier bid up to a maximum amount of \$50,000.

2. Cabonne Council

Cabonne Council has included a commitment to supporting the local economy and enhancing the capabilities of local business and industry by including a Local Supplier Preference framework in their Procurement Policy.

The Local Supplier Preference Framework includes:

- Council must seek quotes from Local Suppliers where possible.
- For the purposes of evaluating the pricing component only, i.e. percentage-based pricing concession of 5 % is applied to the bid price of a Local Supplier. Accordingly, the submitted price from identified Local Suppliers is reduced by 5 %.

3. Federation Council

Federation Council is located in the Riverina region. Federation Council's Procurement Policy includes a commitment to buying from local businesses where such purchases may be justified on value for money grounds and when the benefit is identifiable and reasonable.

Federation Council's Procurement Policy includes a local preference tier system;

- For procurement up to \$5,000.00: local suppliers will be used where possible and where 'best value' principles can be demonstrated.
- For procurement from \$5,000.00 to \$25,000.00: local suppliers given 5% price concession.
- For Procurement From \$25,000 - \$150,000.00: local suppliers given 2.5% price concession.
- For procurement of goods, services or works for over \$150,000.00 (or other amounts at the discretion of Council): local and community criteria will form part of the assessment to the value 10% in the tender evaluation.

4. Georges River Council

Georges River Council added an appendix to their Purchasing Policy with review at 30 June 2021. The appendix to the policy directs Council expenditure to local businesses on a greater than usual volume following the COVID-19 pandemic. It is the Council's intention that Council Officers should, in the first instance, attempt to purchase from suppliers whose primary business address is inside the LGA boundary.

Georges River Council's Purchasing from Local Suppliers under Council's Economic and Social Recovery Plan includes:

- Mandatory 5% 'Local Business' weighting criteria for all Tenders.
- A streamlined Procurement Thresholds document designed to make it easier for Council Officers to engage Local Suppliers for values under the tender threshold

A Lithgow Council Local Procurement Policy

Should Council determine that a Local Procurement Policy be drafted or a provision be added to Council's current Tendering Policy, the following suggestions are offered for a policy to provide real support to local suppliers whilst ensuring that best value purchasing principles are maintained:

- A definition for a local business, similar to the Dubbo Regional Council definition. The requirement for a *"permanently staffed address within the boundaries of the LGA"* could be extended to a minimum period of six or twelve months.
- For procurement up to \$100,000: local suppliers given up to 5% price concession (i.e. maximum concession of \$5,000). Council must seek at least one quote from a Local Supplier where practical. This may include a schedule of rates provided prior to quotations being sought for a good or service. Pricing from a panel contract may also be used.
- For procurement from \$100,000 up to \$250,000: local suppliers given up to 2.5% price concession (i.e. maximum concession of \$6,250). Council must seek at least one written

quote (of 3 quotes required) from a Local Supplier where practical. Pricing from a panel contract may also be used.

- For tenders \$250,000 and greater: up to 2.5% will be included in the weighted non-price selection criteria score, provided that the supplier meets the local business definition or at least 50% of the total number of any sub-contractors used are qualified local suppliers. The maximum price concession would be set at \$10,000 to ensure that there is no material disadvantage to Council in the case of high value tenders. An example of the weighted scoring for local suppliers is provided below.
- Include information on the local preference weighting in tender documents.
- Council monitors the cost and utilisation of the policy over the 12 month period following adoption of a policy by Council and report any material cost increase to Council.

Tender Evaluation - Example of Weighted Scoring for Local Suppliers

Criteria	Question Weighting		Company A		Company B	
	Value	%	Comments	Score	Comments	Score
Local Supplier National, State or Regional	10	2.50%	National and international company with a local presence	6	Qualified local supplier	10

Conclusion

Council has taken steps to engage local suppliers without facing the risks identified with implementing Local Preference Policies, as highlighted in the ICAC’s report. Council staff will initiate public information sessions to encourage local businesses to register on VendorPanel.

Council is currently in a challenging financial position, with a significant reduction in investment income returns combined with costs rising at a faster pace than the rate peg. Any local preference policy should be balanced against the need to obtain best value for money for ratepayers and residents in the procurement of Council works, services and projects. This balance may be achieved by restricting the value of local preference to a reasonable percentage, effectively capping the maximum amount of financial cost for each transaction.

Any Local Procurement Policy for tendering should acknowledge the findings of the 2001 ICAC report and require that Council be precise about local preference rules and include information in tender documentation. Council should also monitor the cost of the policy, including adverse impact on competitiveness, as recommended in the ICAC report.

Policy Implications

A Local Preference Policy would need to be reflected in Council’s purchasing policies and procedures.

Financial Implications

Any Local Preference Policy may have implications for Council purchasing goods and services at the best price.

Legal and Risk Management Implications

A Local Preference Policy would increase Council’s procurement risk profile, as explained in the 2001 ICAC publication ‘Taking the Con out of Contracting’. The risks of a Local Preference Policy are also included in the OLG’s Tendering Guidelines. There is a risk that Council will pay inflated prices to make local purchases.

Attachments

1. Excerpt regarding Local Preference Policies from the ICA C’s Report 2001 [11.3.2.1 - 1 page]

Recommendation

THAT:

1. Council note the information provided in the report on the pros and cons of a Local Procurement Policy for purchasing and tendering.
2. Should Council support the development of a Local Procurement Policy for purchasing and tendering, such a policy be limited to the provisions suggested in this report.

11.4. People and Services Reports

11.4.1. PS - 22/03/2021 - Community Recovery Officer - Quarterly Report

Prepared by Rachel Nicoll - Community Recovery Officer

Department People and Services

Authorised by Director of People & Services

Summary

This report is the second Community Recovery Officer Report summarising the activity and results for the period 1 October 2020 up to 31 December 2020. A third quarter report is due on 31 March 2021.

As reported below, the majority of deliverables are on-track to be completed by the agreed workplan due dates (some recovery activities were disrupted due to COVID-19 restrictions). Council continues to receive excellent feedback on the tangible improvement the Community Recovery Officer position has made to those residents impacted by the 2019 bushfires.

One significant outcome of this project is the quality of the data collected and collated. The data is being used to ensure that assistance and support is being delivered in the most effective and appropriate way. This is particularly significant for those residents who might have been overlooked during the initial recovery phase.

However, it has become apparent that the demand for recovery assistance is likely to continue well beyond the end date for the Community Recovery Officer project (30 June 2021).

Council has made representations to the relevant State and Federal funding bodies to extend the Community Recovery Officer position for at least an additional 12 months.

Commentary

Progress on deliverables

Deliverable 1: Establish a Community Resilience Network

Percent completed:	39%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost</p> <p>Establishment of the Community Resilience Network (CRN) has commenced phase 2 this includes:</p> <ul style="list-style-type: none"> • Map of community and recovery services drafted (complete) • Community map is on target for release for consultation late February. • Draft terms of reference (developed). <p>Key community leaders and groups have been identified across areas most impacted by the bushfires. Invitations for these leaders to participate in the CRN is in development.</p> <p>Constraints/Risks:</p> <p>Progress has been delayed due to:</p> <ul style="list-style-type: none"> • COVID travel restrictions and a delay in mapping works (now completed). 		

	<ul style="list-style-type: none"> Leaders identified for CRN over-extended due to grant round applications (BCRRF, BLERF, PHN, Lithgow Council etc.).
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Deliverable 2: Facilitate community recovery events

Percent completed:	82%+	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost This deliverable is tracking well and delivering meaningful outputs for communities, making significant progress since Q1 with the delivery informal and anniversary events noted in the workplan. This deliverable was stimulated by the Bushfire Recovery and Community Day (December 5-6 – See deliverable 7). Expenditure is below what was planned for this time due to reduced numbers for COVID and groups postponing or cancelling some events. Some of this budget was allocated to BCRRF deliverables for community recovery events.</p> <p>Constraints/Risks: Community noticeboards for Clarence, Dargan is slightly behind schedule due to a large component of the project taking longer than expected through Council using the same supplier for competing projects with 31 December completion dates. On track for full delivery over Q3.</p>		

Deliverable 3: Develop a Local Recovery Action Plan incorporating community needs and activities

Percent completed:	35%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost Due to ongoing negotiations with community and other stakeholder groups around bushfire recovery needs this deliverable was not significantly progressed during the second quarter. However, this is now underway and will be completed within the next quarter, re-aligning the CRO Workplan. Other activities being undertaken supporting residents and local recovery needs are on track or have been delivered.</p> <p>Constraints/Risks: Substantial changes to the LRAP will be made due to competing priorities in recovery including the prioritisation of BCRRF programs and other initiatives due to roll out in 2021.</p>		

Deliverable 4: Provide access to relevant and timely recovery information

Percent completed:	68%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost All (100%) of activities identified in the CRO Workplan for the period 30 September – 31 December 2020 have been completed or involve activities of recurrent nature.</p> <p>This deliverable is tracking well, working with a significant volume of recovery information and delivery to an expanding audience. This work increases CRO commitments but does not result in a high expenditure. This deliverable was also stimulated by recovery events including the Bushfire Recovery and Community Day (See deliverable 7).</p> <p>Constraints/Risks:</p>		

	Risk of the CRO being the source of information and case manager where an existing RSS relationship exists. Some of this will be re-allocated to RSS due to extension of contracts.
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Deliverable 5: Develop a Local Recovery Plan

Percent completed:	25%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost Consultation with neighbouring Council's, Local Emergency Management committee representatives and Lithgow Council departments has been completed. LRP is in draft.</p> <p>Constraints/Risks: The project is slightly behind schedule due to a leave interruption. This will be corrected and once back on track will be submitted for review and endorsement from the LEMC in Q3.</p>		

Deliverable 6: Develop a Transition Plan

Percent completed:	10%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost Interviews with community members have been completed. Survey of Council business units will be rolled out in Q3 in conjunction with training as part of the transition plan.</p> <p>The objectives of the project: capable workforce; engaged communities; governance, local support structures and preparedness remain key focus areas.</p> <p>Constraints/Risks: On track for full delivery over third and fourth quarters.</p>		

Deliverable 7. Other deliverables, activities, or initiatives as identified by council

Percent completed:	46%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost All (100%) of activities identified in the CRO Workplan for the period 30 September – 31 December 2020 have been completed. The Bushfire Recovery and Community Day was successfully delivered within budget to over 300 residents with 35 agencies involved. As per the work plan, significant expansion of deliverables has occurred for BCRRF projects commencing in Q3-Q4.</p> <p>Constraints/Risks: Again, development of other activities, funding proposals, and the provision of support to residents and recovery services increase the caseload of the CRO. Transition plan for projects extending beyond the CRO timeline (September 2021 – June 2022) will be developed in Q4.</p> <p>Increasing work in this area may necessitate CRO budget support in components of these projects being delivered and modification to activities in other deliverable areas.</p>		

Priorities for next quarter

Theme	Description
Immediate support	Ongoing referrals to Recovery Support Services and ongoing mental health support to residents. Development of Mental Health Resources with Resilience NSW and National Bushfire Recovery Agency (Lithgow will pilot these resources as the first council to launch for the Greater Sydney Recovery Network). Ongoing support to Council departments (DAs, EPA Tree Waste Program, Laing O'Rourke Close out reports).
Recovery, Preparedness, Anniversary	Commencement of BCRRF Stream 1 Projects (Recovery & Preparedness). Assess and oversee community-led grants program. Continue to support community events.
Preparedness	Resource development and activities in coordination with RFS. Get Ready Seniors Events
Recovery Plan	Local Recovery Plans draft. Consultation with community and endorsement by LEMC.
Community Resilience Network	Catch up over third quarter.

Activities in Current Reporting Period

Successful After the Fires Healing Ceremony event held at Dargan on 21 December. The purpose of the event was to provide an opportunity for community members of Bell, Dargan, Clarence and Newnes Junction to come together to acknowledge the events of last year's fires and specifically the 21st December 2019. A clearing and smoking ceremony was facilitated by the elders and custodians of the Darug/Gundungarra and Wiradjuri lands. The event was attended by Lifeline Central West (providing Hampers, CDs, musician and psycho-social support), Lithgow Community Nursery (Native Tube stock for residents), Andrew Gee MP and Lithgow Mayor Ray Thompson.

Lithgow Council received \$250,000 under Phase Two Stream 1 of the Bushfire Community Recovery and Resilience Fund (BCRRF). All projects must contribute to community recovery and/or resilience including projects that support community wellbeing and to one or more of the identified Disaster Recovery Outcomes. Council is required to use a minimum of 25% (\$62,500) towards a council-led community grants program to target small-scale community activities.

Projects submitted by Lithgow City Council span four domains of recovery (Built, Social, Environment, Economic) and include:

- Expansion of the 2020 Lithgow Council Bushfire Recovery and Community Day (Bushfire Expo).
- A Crisis to Relief to Recovery program that supports Council's key staff, while increasing the capacity of response for how to be better prepared for hazards into the future.
- Development of a Get Ready suite of Emergency Resources.
- The Day After Yesterday a facilitated community workshop and action plan that will feed into Lithgow Council's Local Recovery Action Plan.
- An exhibit using local photography / art / stories of the bushfires and recovery.
- Community Heritage Garden - engaging fire affected residents to develop and nurture a heritage garden whilst learning property management strategies to reduce future risk.
- The Girls on Fire "Virtually Possible" Girls Fire and Resilience Program empowering young women (Aged 16-19).
- A professional development youth in recovery project across aspects of the creative industry.
- Get Grubby program to empower our youngest community members and build resilience.
- Continuation of Live 'n' Local events.

Applications for the Council-led community grants program closed on 21 February 2021 with a total of 15 applications received and assessed by the Community Development Committee on 9 March 2021.

Lithgow City Council further submitted applications to BCRRF Stream 2 for bushfire recovery projects centred on emergency evacuation to strengthen response capability and address identified gaps following stakeholder consultation. Council is awaiting the outcome of these applications.

Policy Implications

N/A

Financial Implications

- Budget approved - \$190,414 (fully grant funded).
- Cost centre - 600244 Community Recovery (P&S).
- Expended to date - \$49,390
- Future potential impact - N/A

Legal and Risk Management Implications

N/A

Attachments

1. Bushfire Recovery November 2020 Newsletter [11.4.1.1 - 6 pages]
2. Bushfire Recovery December 2020 Newsletter [11.4.1.2 - 5 pages]

Recommendation

THAT Council note the information provided in the Community Recovery Officer's Quarterly Report.

11.4.2. PS - 22/03/2021 - ALGWA Female Forum in LGA

Prepared by Rhiannan Whiteley – Executive Assistant

Department People & Services

Authorised by Director of People & Services

Reference

Min No 19-170: Ordinary Meeting of Council 24 June 2019.

Summary

The purpose of this report is to seek Council's consideration to the allocation of funds to an Australian Local Government Women's Association NSW (ALGWA) female forum proposed to be held in Lithgow on 5 June 2021. The report suggests that the funds be sourced from the Councillor Professional development budget

Commentary

ALGWA NSW has been conducting forums at a number of Councils across NSW. The forums have some emphasis on the encouragement of women to run as councillors.

ALGWA have contacted Council offering to host a forum within our LGA on 5 June 2021.

Correspondence received from ALGWA has indicated that the following would be required from Council:

- Conference room;
- Promotion and advertising of the event; and
- Catering for the participants.

Councillor Cassandra Coleman, also the NSW State President of the Australian Local Government Women's Association, will be the facilitator for the event.

At the time of writing this report the exact cost of hosting this forum was yet to be determined due to the unknown participant numbers. It is suggested that Council set an upper limit of funding for the event.

Policy Implications

NIL

Financial Implications

- Budget approved - \$30,500 for all Councillor professional development, travel and accommodation in 2020/21.
- Cost centre - 1059
- Expended to date - \$8,979
- Future potential impact - nil.

Legal and Risk Management Implications

NIL

Attachments

Nil

Recommendation

THAT Council consider and set an upper limit for funding the ALGWA Female Forum planned to occur at Lithgow on 5 June 2021.

11.5. Policies and Governance

11.5.1. FIN - 22/03/2021 - Policy 8.8 Related Parties Disclosure

Prepared by Rhiannan Whiteley – Executive Assistant

Department Finance and Assets

Authorised by Chief Financial & Information Officer

Summary

The purpose of this report is to recommend that Council adopt updated Policy 8.8 - Related Parties Disclosure. The revised policy better ensures the accuracy, completeness and pertinence of the policy to Council and the community.

Commentary

Council's Related Parties Disclosure Policy ensures that Council properly discloses any material related party transactions and complies with the requirements of Accounting Standard AASB 124 Related Parties Disclosures.

The Related Parties Disclosure Policy is due for review in 2021. Only minor changes have been made to the revised policy, e.g. update of role titles.

As the alterations proposed are relatively minor, it is recommended that there is no need to publicly exhibit the revised policy prior to final adoption.

Policy Implications

Review and adoption of Policy 8.8 - Related Parties Disclosure

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

Policies are prepared to assist in decision making and provide further guidance with regard to statutory obligations.

Attachments

1. Policy 8 8 - Related Parties Disclosure - Version 2 - Draft [11.5.1.1 - 9 pages]

Recommendation

THAT Council adopt and implement revised Policy 8.8 - Related Parties Disclosure with immediate effect due to the minor nature of changes.

11.5.2. FIN - 22/03/2021 - Review of Policy 8.7 Investment Policy

Prepared by Neil Derwent – Financial Services Officer
Department Finance & Assets
Authorised by Chief Financial & Information Officer

Reference

Minute No. 20-52: Ordinary Meeting of Council held on 24 February 2020.

Summary

Policy 8.7 Investment Policy is reviewed on an annual basis. In the past 12 months, a number of issues have been identified in relation to the practicality of the policy in the current investment environment. The revised policy addresses these issues to ensure that Council maximises its investment returns, whilst managing risk, at a time of record low interest rates.

Commentary

Council currently invests 100% of its investment portfolio in term deposits (average 6 month term) with Authorised Deposit-taking Institutions (ADIs).

In the current low interest rate environment, term deposit (TD) rates from ADI’s are so low that Council has, at times, received higher returns from placing funds into On Call facilities. On Call accounts are a type of bank account, designed for short-term deposits, and hence are not defined as an investment.

The most attractive TD rates are in the "Lower than AA" Categories (i.e. A & B rated and unrated). Given the size of Council’s investment portfolio and recent short-term cashflow requirements (for working capital needs), it is sensible that Council continues to invest only in On Call facilities and TDs for flexibility and to maximise returns. This strategy requires an increased maximum holding level in the "Lower than AA Categories" as outlined below.

It is also recommended that Council adopts revised limits for maximum exposure to an individual ADI. While references in these tables are to Standard and Poors rating agency, an “S&P equivalent” is appropriate. These equivalent ratings agents include Moodys and Fitch Rating.

The changes to both credit quality limits and counterparty limits continue Council's prudent management of its investments and have taken into account the policy's risk management guidelines.

Proposed changes to Credit Quality Limits

Long Term Rating Range (or Moody's equivalent)	Maximum Holding
AAA Category	100% (no change)
AA Category or Major Bank*	100% (no change)
Lower than AA Category	100% (was 70%)
Lower than A Category	100% (was 50%)
Lower than BBB Category	20% (was 10%)

Proposed changes to Counterparty Limits

Individual Institution or Counterparty Limits	
Long Term Rating Range (or Moody's / Fitch equivalent)	Limit
AAA Category ¹	70% (no change)
AA Category or Major Bank ²	60% (no change)
A Category ³	50% (was 45%)
BBB Category	50% (was 35%)
Unrated Category	10% (was 5%)

The only other changes to the policy have been made to improve formatting.

It is recommended that Council adopt and implement revised policy 8.7 Investment Policy immediately as there has been no change to the objectives, purpose or principles of the policy.

Policy Implications

The revised Investment Policy will improve Council's prudent management of investments while improving investment returns and portfolio diversity.

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 policy limits investments to those allowed by the Ministerial Order (12/1/11). The policy includes risk management guidelines for investments.

Attachments

1. Policy 8 7 Investment Policy V 8 March 2021 Review [**11.5.2.1** - 10 pages]

Recommendation

THAT Council adopt and implement revised Policy 8.7 Investment Policy immediately.

12. Council Committee Reports

12.1. FIN - 22/03/2021 - Finance Committee Meeting Minutes - 8 March 2021

Prepared by Rhiannan Whiteley – Executive Assistant

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Reference

Min No 21-53 Ordinary Meeting of Council held on 22 February 2021.

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 8 March 2021.

Commentary

At the meeting of the Finance Committee held on 8 March 2021. The following items were discussed:

- **Sale of Land for Unpaid Rates** – The Committee discussed the Sale of Land for Unpaid Rates report which will be presented to the Council meeting, recommending the implementation of sale proceedings to sell properties with unpaid rates.
- **Payment of Tax Equivalents** – The CFIO provided the Committee with commentary, explanation and background details regarding the proposal to transfer tax equivalents from the Sewer fund to the General Fund.
- **Emergency Services Levy** - The Committee discussed the impacts should Council be required to fund significant increases in the Emergency Services Levy from 2021/22. The Committee noted the steps being undertaken to advocate for an affordable, transparent and fair solution with regards to the levy.
- **Pros and Cons – Tendering Local Procurement Policy** – The Committee were presented with a report in response to a November Council resolution on the pros and cons of a Local Procurement Policy. The report includes comparisons with other Councils as well as options should Council determine to consider a Local Procurement Policy. The Committee was cautious about introducing any such policy unless fair value is assured and all probity risks can be managed.
- **On Costs – Calculation Methodology** - the CFIO provided the Committee with a report on the methodology for calculating On-Costs at 52% of Salary costs for budgeting purposes. Further clarification will be provided with evidence and examples.
- **Investment Report February 2021** – The investment report shows an increase in cash and investments at the end of February which is consistent with it being a rates instalment month and receipt of a financial assistance grant instalment.
- **Review of Policy 8.7 Investment Policy** – a revised policy was presented to the Committee following the annual review process. Several issues have been identified in the past 12 months in relation to our current practices in the current investment environment. The revised policy addresses these issues to ensure Council maximises its investment returns, whilst managing risk, at a time of record low interest rates. The Committee supported the proposed policy.
- **Cashflow Update** – February 2021 - the Committee were provided with an update on the current cashflow position. There were higher cash inflows during February as a result of the rates instalment being due and the payment of the Financial Assistance Grant instalment. The cashflow situation will continue to be monitored.

The following business paper recommendation was endorsed by the Committee:

Council Investments Report February 2021

THAT:

1. Investments of \$28,156,526 and cash of \$567,818 for the period ending 28 February 2021 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Policy Implications

Nil.

Financial Implications

As detailed in the Finance Committee meeting minutes.

Legal and Risk Management Implications

Nil.

Attachments

1. Minutes - Finance Committee - 8 March 2021 [**12.1.1** - 8 pages]
2. Investment Report February 2021 [**12.1.2** - 3 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 8 March 2021 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investment Report for February 2021.

12.2. PS - 22/03/2021 - Community Development Committee Minutes 9 March 2021

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

Reference

Min 20-233 Ordinary Meeting of Council held 23 September 2020
Min 21-47 Ordinary Meeting of Council held 22 February 2021

Summary

The Minutes of the Community Development Committee Meeting held on 9 March 2021, including projects recommended for funding under the Council Led Bushfire Recovery Small Grants Program, are presented for Council's consideration.

Commentary

At the Community Development Committee Meeting held on 9 March 2021, various matters were discussed including:

- Discussion on ways of improving and streamlining the Australia Day Award processes.
- An update on the Community Recovery Project
- An update on the Dementia Alliance
- An update on projects underway in the Community and Culture Department.
- Discussion on signage to the Adventure Playground. The RMS agreed in 2020 to install blue on white highway signage on the western approach to the Adventure Playground (with signage on the eastern approach to be installed once the lower playground carpark is constructed) however this has not yet occurred.

The Committee also considered applications received under the Council led Bushfire Recovery Small Grants Program and recommends that ten (10) projects to the value of \$62,500 be approved for funding.

\$62,500 has been allocated by Council for community groups, joint organisations and not-for-profit groups to undertake projects that enhance social recovery and preparedness activities. The program has been made possible by funding from the Federal Government's National Bushfire Recovery Agency and the NSW State Government's Resilience NSW.

Sixteen (16) applications were received to a value of approximately \$142,000 with ten (10) applications to the value of \$62,500 recommended for approval. Applications were first reviewed by Council's Community Recovery Officer for eligibility and given an assessment score based on a number of assessment criteria.

The Committee reviewed the summary of applications and made the following recommendations to Council. The Committee was advised that a number of the applications not recommended may be eligible for funding through Nepean Blue Mountains Primary Health Network and that Council will provide a letter of support to the PHN for these applications. Council will also be calling for 2021/22 Non-Recurrent Financial Assistance applications in April 2021 for allocation in July 2021. Unsuccessful applications will be encouraged to apply for this financial assistance.

Policy Implications

Nil

Financial Implications

- Budget approved - \$62,500
- Cost centre - PJ 600256
- Expended to date - \$0
- Future potential impact - \$62,500

Legal and Risk Management Implications

Nil

Attachments

1. Community Development Committee Minutes 9 March 2021 [**12.2.1** - 8 pages]

Recommendation

THAT Council

1. Provide \$62,500 under the Council Led Bushfire Recovery Small Grants Program to ten (10) projects as follows:

Organisation and Project Name	Project Outline & Key Elements	Amount requested	Amount Recommended
Mingaan Cultural Healing	A 2 day cultural healing retreat delivered over 2 days (4 days total). Includes healing ceremony, camp fire yarns, cultural activities and Aboriginal mental health first aid training	\$10,000	\$10,000
Wolgan Valley Assoc Inc Community Based Website	Development of a community-based website with information on disaster preparedness, critical information, natural environment and tourism.	\$4,859	\$4,859
Rydal Showground Land Managers Neighbourhood Safer Place Upgrade	Electrical upgrade and safety improvements for ongoing service delivery to the community. Plans to build resilience and responsive capability for future disasters as a Neighbourhood Safer Place or Community Recovery Centre	\$10,000	\$10,000
Lithgow Information and Neighbourhood Centre Community Capacity Builders (Proposal A)	Community connection through social capital links and activities through an events calendar and community directory to provide the community information on wellbeing programs, referral pathways and key contacts.	\$10,000	\$10,000
Lithgow Information and Neighbourhood Centre Community Capacity Builders (Proposal B)	Community connection through social capital links and activities through an events calendar and community directory to provide the community information on wellbeing programs, referral pathways and key contacts.	\$12,000	\$0

Hartley Reserve Land Managers Hartley Reserves	Install 22,500 L water tank and connections to building to secure water supply for the reserve and back up supply for next door RFS Shed. Improved water catchment, improved use of facility for community health and engagement. Infrastructure supports drought, fire and emergency outcomes.	\$9,859	\$5,641
Lithgow Small Arms Factory Museum Outdoor recreation and improvements	Creation of an outdoor recreation area, with landscaped gardens, and under cover seating for visitors	\$7,840	\$4,000
Lithgow Greyhound Racing Club Ltd Club upgrades and sustainability	Three-part project: 1. Facility Water Capture and Sustainability, 2: Improve the offer and user-experience for visitors providing heating for outdoor eatery, 3. Community Survey for future planning	\$9,350	\$5,000
Australian Ecosystems Foundation Working Bee Weekends	Working bee weekends at Secret Creek Sanctuary to prepare the nature reserve for bush fire season	\$9,350	\$4,000
Lithgow Tidy Towns Weather Map Animal Project	Aims to commemorate native animals that died or were affected by the 19/20 bushfires and their rescuers and carers. Includes a permanent artwork installation, a wildlife event and a book.	\$5,874	\$0
Lithgow Community Projects Yoga for Wellbeing and Resilience	Yoga based personal and community development program for wellbeing and resilience. Yoga Program, Short Talks, Stories and Bushfire Display for participants	\$8,214	\$0
Trybal Productions White Box	An interactive video, sound and virtual reality performance installation	\$20,000	\$0
Gateway Family Services Art in Me	Art Space with Qualified Artist and Teacher every Friday afternoon from 3.30pm to 5.30pm from 28 May to 16 July 2020. An exhibition titled The Art In Me, art packs for students and production of a catalogue for families.	\$9,876	\$0
Lithgow & District Community Nursery Enhancement of Nursery premises	Improve the appearance and safety inside and outside the Nursery grounds.	\$5,000	\$4,000
Lithgow Valley Archers Inc Fire Recovery	Purchase Water tank and pumps for future preparedness. Repair to access road for members and emergency services.	\$9,500	\$5,000

Restoration of Doctors Gap Road First Australian Muzzle Loading Gun, Rifle and Pistol Club	Restoration of Doctors Gap Road (road improvement works)	\$10,000	\$0
Total Funding Requested		\$142,372	\$62,500
Total Pool Available		\$62,500	

2. Host an event to present the funds in conjunction with Local Members or representatives of the governments to the successful community organisations.
3. Write to Paul Toole MP asking for his assistance in having the RMS install directional signage on the Great Western Highway to the Adventure Playground.

12.3. IS - 22/03/2021 - Operations Committee Meeting 3 March 2021

Prepared by Kaitlin Cibulka - Executive Assistant Infrastructure Services

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Summary

This report provides details the Minutes of the Operations Committee Meeting held on 3 March 2021.

Commentary

At the Operations Committee Meeting held on 3 March 2021, there were numerous items discussed by the Committee including:

- Water & Sewer Infrastructure Update;
- Cullen Bullen STP Update;
- Integrated Water Cycle Management Plan;
- Water Security in the LGA;
- Monthly Project Update;
- Update – Bushfire Recovery Grant for Farmers Creek Masterplan Implementation; and
- Mowing Schedule in the LGA.

The following item was outside the Committee's delegation and requires Council to formally approve the recommendation:

- Item 6.8 - Bins at Clarence Pirie Park, Capertee
 1. Install an additional 12 bins to cater to overflow from genuine park users and the travelling community,
 2. Install solar-powered CCTV in the area to act as a deterrent and enforcement tool,
 3. Install appropriate signage to increase awareness of acceptable use and remote site monitoring, and
 4. Continue to monitor the site, reporting any future requirements for change to the Operations Committee.

Policy Implications

Nil.

Financial Implications

- Budget approved – funding for additional bins from 2020/21 recurrent operating budgets.
- Cost centre - N/A
- Expended to date – Nil.
- Future potential impact – Nil.

Legal and Risk Management Implications

Nil.

Attachments

1. DRAFT Minutes - Operations Committee Meeting - 3 rd March 2021 [**12.3.1** - 9 pages]

Recommendation

THAT Council:

1. Note the minutes of the Operations Committee Meeting held on 3 March 2021.
2. Install an additional 12 bins at Clarence Pirie Park, Capertee to cater to overflow from genuine park users and the travelling community; and
3. Install solar-powered CCTV in the area to act as a deterrent and enforcement tool; and
4. Install appropriate signage to increase awareness of acceptable use and remote site monitoring, and
5. Continue to monitor the site, reporting any future requirements for change to the Operations Committee.

12.4. IS - 22/03/2021 - TALC Committee 11 March 2021

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 Traffic Advisory Local Committee (TALC) held on 11 March 2021.

Commentary

At the TALC meeting held on 11 March 2021, there were numerous items discussed by the Committee including:

- Road Closure Request for Event – Lithgow Pioneer Discovery Day – March 2021
- TALC Actions Update (General Business)

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

- Item 6.1 - Streets as Shared Spaces

RECOMMENDATION

THAT Council endorse the planned intersection works, pending the results of the identified consultation and notification process.

- Item 6.2 - Meadow Flat / Sunny Corner Road – Extension of 80km/h Speed Zone

RECOMMENDATION

THAT the extension of the 80km/h speed zone on Meadow Flat / Sunny Corner Road be noted.

- Item 6.3 - No Stopping Zone – Hassans Walls Road, Lithgow

RECOMMENDATION

THAT Council

1. install the appropriate No Stopping signage in Hassans Walls Road, Lithgow either side of the intersection with QE Park Lane, and
2. advise residents of expected compliance with the NSW Road Rules at this intersection.

- Item 6.4 - Classic Outback Trail – Traffic Management Plan

RECOMMENDATION

THAT approval be given to Classic Outback Trial Pty Ltd subject to the following conditions:

1. the Applicant provide Council with a copy of their Public Liability Certificate of Currency, demonstrating coverage of minimum \$20 million; and
 2. Approval be granted by NSW Police for any additional event approvals required.
-

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - TALC - 11 th March 2021 [**12.4.1** - 12 pages]

Recommendation

THAT Council:

1. Note the minutes of the TALC Committee held on 11th March 2021.
2. Approve the recommendations of the TALC Committee included in this report (as Items 6.1, 6.2, 6.3 and 6.4).

12.5. PS - 22/03/2021 - Youth Council 15 February 2021

Prepared by Ali Kim – Acting Community Development Officer

Department Community and Culture

Authorised by Director of People & Services

Summary

Youth Advisory committee members met for monthly meeting.

Commentary

Youth council members discussed and planned Youth week activities.

To be held on April 17th at the Civic Ballroom.

Youth Space drop in on Tuesday afternoons due to commence end of February.

Youth opportunities grant application was successful. The project “Create Lithgow” will be a year long project to inspire, educate and inform young people who are seeking careers in the creative industries.

Youth Council have written a submission in support of the Uluru statement (see attached) and would encourage Council to do likewise.

Policy Implications

Nil

Financial Implications

- Budget approved - 3774
- Cost centre - 600071
- Expended to date - 0
- Future potential impact -0

Legal and Risk Management Implications

Nil

Attachments

1. Youth Council Submission [12.5.1 - 1 page]
2. Youth Council Committee Meeting 15 February 2021 - Minutes [12.5.2 - 5 pages]

Recommendation

THAT Council note the minutes of the Youth council meeting 15th February 2021.

13. 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.

14. Closed Council

13.1. **CONFIDENTIAL REPORT - ECDEV - 22/03/2021 - Draft Voluntary Planning Agreement - MOD039/19 - 1 lot into 86 subdivision Lot 1 DP1230208 - 43 Hillcrest Bowenfels**

Prepared by Paul Cashel - Development Manager

Department Economic Development and Environment

Authorised by Director of Economic Development & Environment

Reason for Confidentiality

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Reference

Min No 18 – 279: Ordinary Meeting of Council held on 29 October 2018 - DA021/18 - 86 Lot Residential Subdivision & Draft Planning Agreement, 43 Hillcrest Avenue, Bowenfels.

Summary

To seek endorsement of a Draft Voluntary Planning Agreement (VPA) for MOD039/18 - subdivision 1 into 86 at 43 Hillcrest Avenue, Bowenfels NSW 2790.

Recommendation

THAT Council Resolve to move into Closed Council to consider the confidential report as listed above.