



## BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 26 April 2021

at 7:00 PM

# ORDER OF BUSINESS

<b>1. Acknowledgement of Country</b> .....	<b>4</b>
<b>2. Present</b> .....	<b>4</b>
<b>3. Apologies</b> .....	<b>4</b>
<b>4. Declaration of Interest</b> .....	<b>4</b>
<b>5. Confirmation of Minutes</b> .....	<b>4</b>
<b>6. Commemorations and Announcements</b> .....	<b>4</b>
<b>7. Public Forum</b> .....	<b>4</b>
<b>8. Mayoral Minutes</b> .....	<b>5</b>
<b>8.1. Mayoral Minute - 26/04/2021 - Musswellbrook Council visit</b> .....	<b>5</b>
<b>9. Notices of Motion</b> .....	<b>6</b>
<b>9.1. Notice of Motion - 26/04/2021 - Councillor Ring - Electric Bus Manufacturing Hub</b> .....	<b>6</b>
<b>9.2. Notice of Motion - 26/04/2021 - Councillor Coleman - Hassans Walls Mountain Bike Trails Strategy</b> .....	<b>7</b>
<b>10. Staff Reports</b> .....	<b>8</b>
<b>10.1. Economic Development and Environment Reports</b> .....	<b>8</b>
10.1.1. ECDEV - 26/04/2021 - Proposed Licence Agreement with Wallerawang Indoor Sports Association .....	8
10.1.2. ECDEV - 26/04/2021- Lithgow Local Environmental Plan 2014 (Amendment 4)- 121-123 Main St Wallerawang & adjoining lands .....	12
10.1.3. ECDEV - 26/04/2021 - Draft Lithgow Comprehensive Development Control Plan.....	17
10.1.4. ECDEV - 26/04/2021 - Request to Transfer Land to State of NSW .....	22
10.1.5. ECDEV - 26/04/2021 - Future use of 45 Petra Avenue, Clarence (Lot 2 in DP719201) .....	25
<b>10.2. Infrastructure Services Reports</b> .....	<b>28</b>
10.2.1. IS - 26/04/2021 - Fee Waiver Request - Lithgow Football Association - Hire of Marjorie Jackson Oval .....	28
<b>10.3. Water and Wastewater Reports</b> .....	<b>30</b>
10.3.1. WWW - 26/04/2021 - Water and Wastewater Report.....	30
<b>10.4. Finance and Assets Reports</b> .....	<b>36</b>
10.4.1. FIN - 26/04/2021 - Sale of Land for Unpaid Rates .....	36
10.4.2. PS - 26/04/2021 - Delivery Program 2017/22 and Operational Plan 2021/22 .....	39
10.4.3. FIN - 26/04/2021 - Working Capital Strategy.....	47
<b>10.5. People and Services Reports</b> .....	<b>50</b>
10.5.1. PS - 26/04/2021 - Uluru Statement from the Heart.....	50
10.5.2. PS - 26/04/2021 - Adoption of Alcohol Free Zones .....	51
<b>11. Council Committee Reports</b> .....	<b>54</b>
<b>11.1. ECDEV - Lithgow Local Heritage Advisory Committee Minutes - 8 March 2021</b> .....	<b>54</b>
<b>11.2. P&amp;S - 26/04/21 - Youth Advisory Committee Meeting Minutes</b> .....	<b>55</b>

**11.3. FIN - 20/4/2021 - CTA ARIC - Minutes 9 March 2021 .....56**

**11.4. IS - Minutes - Operations Committee Meeting - 7th April 2021 .....58**

**11.5. Women's Advisory Committee Meeting Minutes - 6 April 2021 .....60**

**11.6. Sports Advisory Committee Meeting Minutes - 14th April 2021 .....61**

**12. Business of Great Urgency.....62**

**13. Closed Council.....63**

**13.1. CLOSED REPORT - WWW - 26/04/2021 - Portland STP .....63**

**13.2. CLOSED REPORT - WWW - 26/04/2021 - Watermains Replacement Tender -  
Coalbrook Street and Stephenson Street.....63**

**13.3. CLOSED REPORT - ECDEV - 26/04/2021 - Proposed sale of industrial Lot 55 Inch  
Street, Lithgow .....64**

**13.4. CLOSED REPORT - IS - 26/04/2021 - Tender for the Construction of a New Store  
Building .....64**

## 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 minutes of the Ordinary Meeting of Council held 22 March 2021

## 6. Commemorations and Announcements

---

## 7. Public Forum

---

## 8. Mayoral Minutes

---

### 8.1. Mayoral Minute - 26/04/2021 - Muswellbrook Council visit

**Report by** Mayor – Councillor Ray Thompson

---

#### **Commentary**

I was pleased to lead a delegation to Muswellbrook Shire Council on 14 April. We heard of initiatives taken by that Council to diversify their economy.

The delegation was attended by the Mayor, Deputy Mayor, General Manager by video link and Director Economic Development & Environment. The Muswellbrook representatives included the Mayor, Martin Rush and General Manager, Fiona Plesman.

Similarities between the two areas in Coal Mining and Electricity Generation provide common ground for information sharing and collaboration. In Muswellbrook's case, foreshadowed mine and power station closures are anticipated to result in the loss of approximately 900 jobs in upcoming years and the Council's initiatives to plan for the transition were very interesting. For example, Muswellbrook have researched the level of investment that is required to offset and replace jobs at risk in the mining sector. This then led to new funding models to support the creation of an outsourced, entrepreneurial model of economic development tasked to grow and attract replacement jobs and industries.

The Council has also set up a rating structure whereby coal mining interests are charged comparatively higher rates through an SRV process. Funds accumulated are then placed into a 'future fund' for administration and investment for 'transition' based initiatives through the economic development corporation. Part of the work carried out thus far has been dedicated to research which has, for example, mapped potential areas for pumped hydro development. Funding is also being directed toward STEM education for Muswellbrook's youth.

An invitation has been extended for a reciprocal visit to Lithgow and through the development of this relationship it is hoped that further ongoing collaboration with Muswellbrook and other similar local government areas can be fostered.

This visit will help us, as we are also working to diversify and strengthen Lithgow's economy. The General Manager intends to convene a meeting of the Council's economic development committee to engage the Council on this significant task.

#### **Attachments**

Nil

#### **Recommendation**

THAT the information in the Mayoral Minute be noted and a letter of thanks be sent to Muswellbrook Shire Council.

## 9. Notices of Motion

---

### 9.1. Notice of Motion - 26/04/2021 - Councillor Ring - Electric Bus Manufacturing Hub

Report by Councillor S Ring

---

#### Commentary

On the 8 February 2021 the President of the Western Sydney Regional Organisation of Councils Ltd (WSROC) Cllr Barry Calvert released a media release entitled "Electric Dreams: Local EV bus manufacture needs investment vision"

The release was prepared in collaboration with Lithgow Council and was a response to the launch of the first electric powered bus in Leppington by the NSW Minister for Roads and Transport Andrew Constance. The Minister also reiterated the Government's Commitment to transition the state's full fleet of 8,000 buses by 2030.

Cllr Calvert suggested Lithgow as a regional centre that would be suitable for the location of a manufacturing facility to undertake the modification of the state fleet. Given Lithgow's proximity to Sydney and access to rail, Council should actively pursue this opportunity for our community.

#### Attachments

1. Electric Dreams\_ Local EV bus manufacture needs investment vision - WSROC [9.1.1 - 2 pages]

#### Recommendation

That Lithgow Council continue to advocate to the NSW Government in relation to the potential for Lithgow to support an electric bus manufacturing facility, and indeed, other advanced manufacturing activities.

#### Management Comment

The Council is working to diversify and strengthen the city's economy. Lithgow has good access to bulk electricity, cheap and available employment lands, a workforce with manufacturing skills and proximity to Sydney. As such, advanced manufacturing such as conversion of buses to EVs is an area of future economic opportunity.

## **9.2. Notice of Motion - 26/04/2021 - Councillor Coleman - Hassans Walls Mountain Bike Trails Strategy**

**Report by** Councillor C Coleman

---

### **Commentary**

The Lithgow region is a prime destination for nature-based activity.

It provides a diverse range of recreational and ecotourism experiences for our local community and visitors to the area.

To ensure that these activities are managed sustainably, all ecotourism developments and opportunities need to be planned for and managed sustainably.

This should include ensuring that Council's advisory committees are provided with adequate time to review proposals such as the Draft Hassans Walls Mountain Bike Trails Strategy

### **Attachments**

Nil

### **Recommendation**

THAT

1. That Council provides an extension of time until 4:30pm Friday, May 7th, 2021, to ensure both Council's Environmental Advisory Committee and the wider community are provided with adequate time to comment on the Draft Hassans Walls Mountain Bike Trails Strategy.
2. That Council, as part of its approach to managing commercial nature-based recreation activities within its reserves, investigates the introduction of an ecotourism licensing scheme.

### **Management Comment**

An extension of time for comment on the Draft Hassans Wall Mountain Bike Strategy is reasonable.

An "Ecotourism Licensing Scheme", appears to have been implemented by Blue Mountains City Council. It involves licensing commercial operators who use local parks/reserves managed by Council. It is understood that in the Blue Mountains area, commercial operators (eg cliff based recreation and horse riding) are charged application and licence fees. Should Council wish to pursue a similar scheme there would need to be review of any current plans of management for council owned lands. Reserves that are Crown land will have native title considerations, which may be able to be addressed when Plans of Management for Crown lands are prepared. Fees would need to be developed and included in Council's Fees & Charges.

There has not been significant problems created by current commercial tourism uses of our natural open space assets. There is no doubt though that visitation has increased post-Covid so some review may be worthy of programming in the future.

## 10. Staff Reports

---

### 10.1. Economic Development and Environment Reports

#### 10.1.1. ECDEV - 26/04/2021 - Proposed Licence Agreement with Wallerawang Indoor Sports Association

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

---

#### Reference

Min 37-2018 – Ordinary Meeting of Council held on 3 December 2001

Min 12-577 – Ordinary Meeting of Council held on 5 May 2003

Min 16-293 – Ordinary Meeting of Council held on 31 October 2016

#### Summary

The purpose of this report is to request Council's approval to enter a Licence Agreement with Wallerawang Indoor Sports Association Incorporated (**WISA**) in relation to management and operation of the Wallerawang Indoor Sports Centre (**the Centre**).

#### Commentary

##### Background

In 2002, the Centre was constructed with funding provided by Lithgow City Council, the Minister for Education and the Department of Sport and Recreation.

WISA invested substantial time and effort advocating for funding and, in recognition of WISA's support, Council resolved to enter a 10 year lease with WISA for a nominal fee of \$1.00 per annum. Also, Lithgow District Netball Association (**Netball Association**) invested significant time and effort to obtain grant funding from the Department of Sport and Recreation for the outdoor netball facility at the Centre. In recognition of this contribution, Council resolved that in kind contributions such as a long term peppercorn lease or similar lease/donation arrangement be offered to the Netball Association.

On 1 June 2005, Council entered a 6 month lease with WISA, which included priority use by the Netball Association of the outdoor netball facility. At the same time, Council and WISA entered a Deed of Agreement for Lease, which provided that a lease would be entered for a term of 10 years + 1 x 10 year option term following registration of a plan of subdivision (involving extension of the school lot, and creation of separate lots for the sewer pump station, indoor sports centre and formalisation of access and parking) (**the Deed**).

The lease referred to in the Deed did not eventuate, and on 14 December 2016 Council entered a Joint Use and Management Agreement with the Minister for Education, outlining how the Centre will be managed (**the Contract**). Recital E of the Contract states:

*"The Minister and the Council are desirous that the Centre should be made available for the purposes of social, educational, cultural, recreational and sporting activities to the School, to members of the public and to bodies or associations desiring to conduct such activities and have constituted the Management Committee for the purpose of managing the Centre."*

---

Under the Contract, “Committee” means “the Management Committee of Wallerawang Indoor Sports Association Incorporated (Certificate of Incorporation Y2297311) constituted under its constitution ...”

The Contract provides that the School will have exclusive use of the Centre from 8am to 4pm on School Days, and the Centre may be used for hire under the care, control and management of the Committee (i.e., WISA) at all other times.

Although Council has a contract with the Minister for Education, there is no contract in place with WISA outlining its rights and responsibilities in respect of the Centre. Also, the *Local Government Act 1993* provides that community land may only be used in accordance with a lease or licence. If the term of the lease or licence exceeds 21 years, the approval of the Minister for Local Government is required, following a public notice and exhibition period.

To this end, Council drafted a Licence Agreement to document the arrangement between Council and WISA and submitted it to WISA for consideration and approval (subject to a resolution of Council, public exhibition and Minister’s consent). Following some amendments to the draft agreement, WISA has now confirmed that it agrees with the contents of the draft Licence Agreement.

#### Key terms of the proposed Licence Agreement

For Council’s convenience, the key terms of the proposed Licence Agreement are set out below. A copy of the draft Licence Agreement in full is attached to this report.

1. **Term** – The initial term will commence on the date the agreement is signed by both parties, and expire on 31 October 2023. The agreement allows one option term of 20 years, commencing on 1 November 2023 and ending on 31 October 2043. (The initial term and the option term align with the term provided in the Contract.)
2. **Licence fee** – the licence fee is \$1 per annum, consistent with Council’s resolution of 5 May 2003 and in recognition of WISA managing and operating the Centre for the benefit of the community.
3. **Purpose** – WISA must make the Centre available in accordance with the Licence Agreement for the social, educational, cultural, recreational and sporting activities to the School, members of the public and to bodies or associations wishing to conduct such activities.
4. **Financials** – clause 6 requires WISA to provide Council with its financial statements and other information by 30 September each year (the reason for this is to verify that WISA is operating as a non-profit entity, consistent with the requirements for leasing or licensing community land.)
5. **Use of the Centre by the School** – clause 7 of the agreement allows the School to have exclusive use of the Centre from 8am to 4pm on school days, and priority outside of these times if there is no other prior booking.
6. **Netball** – clause 8 of the agreement recognises the contribution made by the Netball Association and requires WISA to ensure that the Association has exclusive use of the outdoor courts and priority use of the Centre for the netball competition between March and September each year.

7. **Fund** – the fees and bonds paid to WISA for use of the Centre will form a Fund managed by WISA. WISA may use the FUND to pay for the running expenses of the Centre, including for the purchase of equipment, furniture and fittings for the purpose of the Centre. Any surplus funds may be used to carry out improvements and repairs to the Centre, and for other purposes if approved by the Minister and Council.
8. **Ownership of equipment/fittings etc** – all items of equipment purchased for the Centre, whether before or after the date of the agreement, are the property of Council.
9. **Cleaning, maintenance and repair** - WISA is responsible for cleaning, caretaking and general security of the Centre when the Centre is available for hire, as well as the floor maintenance program. Council is responsible for essential services, structural repairs and fair wear and tear.
10. **Insurances** - Council must maintain public liability insurance, workers compensation insurance, building insurance and property insurance for equipment and contents. WISA must maintain public liability insurance, workers compensation insurance and any other insurance it is required to hold.

#### Deed of mutual termination and release

In order to tie up any loose ends that may exist in relation to past agreements between Council and WISA, Council has drafted a Deed of Mutual Termination and Release, a copy of which is attached to this report.

The Deed of Mutual Termination and Release will formally terminate the 6 month lease to WISA dated 1 June 2005 and the Deed of Agreement for Lease, also dated 1 June 2005, to the extent that they have not already been terminated.

#### **Policy Implications**

Leasing and Licensing Policy 10.20  
Compliance Policy 9.16

#### **Financial Implications**

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

*The financial implications listed above relate to the entering of the Licence Agreement only, and do not account for any cost or expense relating to maintenance of the facility.*

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

Local Government Act 1993  
Real Property Act 1900  
Conveyancing Act 1919  
Common law of contracts

#### **Attachments**

1. 21.03.24 - draft licence agreement ( LCC and WIS A) [10.1.1.1 - 82 pages]
2. 21.03.24 - draft deed of mut term and rel ( LCC and WIS A) [10.1.1.2 - 45 pages]

## Recommendation

THAT:

1. Council grant preliminary approval to the proposed Licence Agreement to Wallerawang Indoor Sports Association Incorporated.
2. Council give public notice of the proposed Licence Agreement and place the agreement on public exhibition for at least 28 days.
3. Following the public exhibition period, Council apply to the Minister for Local Government for approval of the proposed Licence Agreement, and provide to the Minister a copy of any submissions received during the public exhibition period.
4. Council authorise the General Manager to execute the proposed Licence Agreement, as soon as possible following approval by the Minister for Local Government, and at the same time execute the Deed of Mutual Termination and Release.
5. If the proposed Licence Agreement is not approved by the Minister for Local Government, the matter be returned to Council to provide a status update.

### 10.1.2. ECDEV - 26/04/2021- Lithgow Local Environmental Plan 2014 (Amendment 4)- 121-123 Main St Wallerawang & adjoining lands

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

---

#### Reference

Min No 20-222 Ordinary Meeting of Council held on 28 September 2020

#### Summary

The purpose of this report is to:

- Provide an update on the progress of the planning proposal for Lithgow Local Environmental Plan 2014 (A4) for Black/Gold Motel and adjoining lands.
- Advise of the outcomes of the consultation and public exhibition phases.
- Obtain a Council resolution to proceed with the making of the Draft Local Environmental Plan.

#### Commentary

#### Background

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

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

The LEP amendment will result in the following:

- Amendment to the *Lot Size Map* for Lot 20 DP 1207089 from 40ha to Nil
- Amendment to the *Land Zone Map* for Lot 20 DP 1207089 and Lot 1 & 2 DP 213770 from part Primary Production RU1 and part SP2 Infrastructure (Electricity Generation) to Light Industrial IN2.
- Insertion of a new clause in *Schedule 1- Additional Permitted Uses* and an *Additional Permitted Uses Map* to apply to Lot 20 DP 1207089 and Lot 1 DP 213770 to permit development for the purposes of a Hotel or Motel Accommodation.

#### Update

The Planning Proposal was referred to the Western Region Office of the NSW Department of Planning, Industry and Investment on 3 November 2020 seeking a Gateway Determination. Council received a Gateway Determination dated 19 November 2020 subject to seven (7) conditions.

A copy of the Gateway Determination is provided in Attachment 1 of this report.

The Planning Proposal was amended to comply with Condition 1 of the Gateway Determination and referred to Rural Fire Service on 9 December 2020 in compliance with Condition 3.

Council received the response from Rural Fire Service on 17 February 2021 who raised no objection to the proposal proceeding to public consultation.

**Public Exhibition/Community Consultation**

The Planning Proposal was placed on public exhibition between 11 February 2021 and 12 March 2021.

To support the exhibition the following was undertaken to satisfy the provisions of S.3.34(2)(d) of the Act and/or to comply with the requirements of relevant 9.1 Directions and Council’s consultation program as outlined in the Planning Proposal:

- Notification in the local newspaper in Council’s column throughout the exhibition period;
- Notification on Council’s Website via a dedicated webpage;
- Written notification to all adjoining and adjacent landowners; and
- Written notification to all relevant government authorities and agencies including Water NSW, Heritage NSW, NSW Rural Fire Service, Bathurst Local Aboriginal Land Council, NSW Environment, Energy and Science Biodiversity and Conservation Division and Transgrid.

This program of consultation and public exhibition has satisfied Conditions 2 and 3 of the Gateway Determination.

**Overview of submissions received.**

Council received a total of five written submissions during the exhibition period, all of which were from government authorities/agencies as detailed in Table 1 below. No submissions raised objection to the proposal or the making of the Local Environmental Plan. There are no unresolved issues with the relevant government authorities/agencies.

There is no requirement for public hearing to be held in response to any submission made.

**Table 1 Submission Summary**

Name of Submitter	Submission Summary	Planning Response
<b>Water NSW</b>	<p>No watercourses occur on site; however, a 1<sup>st</sup> order drainage feature occurs just west of Lot 20 DP 1207089.</p> <p>Agrees that the potential for contamination warrants no further investigation currently.</p> <p>The Planning Proposal could benefit from a more detailed response to SEPP (Sydney Drinking Water Catchment) 2011. It should mention that the SEPP calls up current recommended practices and standards. The NORBE requirement applies to all aspects of the development, not just stormwater leaving the site.</p>	<p>Response exhibited with Planning Proposal.</p> <p>Noted.</p> <p>Noted</p> <p>Noted the Planning Proposal does include the key relevant provisions of the SEPP sufficient for the scale of the spot rezoning.</p>

	<p>Water NSW have prepared a SLAWCA for residential sewered land. This indicates that the risk to water quality varies from LOW to MODERATE, confirming that the site is suitable for the additional permitted use.</p>	<p>Noted</p>
<p><b>NSW Rural Fire Service</b></p>	<p>Development of hotel/motel could be achieved with compliant Asset Protection Zones (APZs).</p> <p>Hotel/Motel development on Lot 1 DP 213770 must comply with the minimum APZ requirement a set out in Table A1.12.1 of Planning Bushfire Protection.</p> <p>Recommended that any future industrial developments are located away from flame contact. Otherwise, the bushfire report as part of a future DA will need to demonstrate how the building elements meet or exceed AS 3959, by complying with the general safety construction provisions of the National Construction Code.</p>	<p>Response exhibited with Planning Proposal.</p> <p>Noted. Considered at development assessment phase.</p> <p>An integrated approval from RFS issued in respect of the Hotel/Motel development.</p> <p>Noted. Will be addressed at the development phase.</p>
<p><b>Heritage NSW</b></p>	<p>The proposal is unlikely to have a direct physical impact on any heritage item listed on the State Heritage Register (SHR). There is the potential, once development occurs because of the LEP changes, for there to be visual impact on the State heritage item “St John the Evangelist Church’ (SHR 01702) located on Main St. It is recommended that a Heritage Impact Statement be a requirement at the DA stage to demonstrate how any proposed development will avoid, mitigate, and manage any potential adverse impacts to the curtilage and setting of “St Johns the Evangelist Church.”</p>	<p>Noted. Further consideration is required at the development phase in accordance with Clause 5.10 of LLEP2014.</p>

<p><b>DPIE Biodiversity, Conservation and Science Directorate</b></p>	<p>Lithgow City Council is listed in Schedule 1 of the State Environmental Planning Policy (Koala Habitat Protection) 2020 and the subject site has an area of more than 1 hectare, as such any DA lodged for this site must consider the requirements of the SEPP.</p>	<p>Noted. To be further considered at the development phase.</p>
<p><b>TransGrid</b></p>	<p>TransGrid have no objections to the proposed rezoning of the land.</p> <p>Request that any subsequent subdivisions of the land be in consultation with TransGrid and adheres to TransGrid's Easement Guidelines,</p> <p>Request that for any subsequent subdivision the transmission line easement be situated within one lot only.</p>	<p>Noted.</p> <p>To be considered at subdivision phase of development.</p>

**Mapping**

Council's GIS Department will prepare the necessary Local Environmental Plan Maps in accordance with Department of Planning Industry and Environment "*Standard Technical Requirements for Spatial Datasets and Maps, 2017*".

These maps, once prepared, will satisfy Condition 4 of the Gateway Determination.

**Timeline**

The timeframe for completing the LEP is 9 months following the date of the Gateway Determination which falls due on 19 August 2021. Council is on track to comply with or improve upon this timeframe.

**Next steps in the process**

As Council has been delegated authority to exercise the Ministers functions under S.3.36(2) of the Environmental Planning and Assessment Act, the next steps in the process are summarised below:

- Council resolves to proceed with the making of the Draft Local Environmental Plan.
- Council directly requests Parliamentary Counsel to draft the legal instrument and to provide an opinion that the Draft Local Environmental Plan can be made.
- Council resolves to adopt and make the Draft Local Environmental Plan. The General Manager holds the plan making powers delegated to Council from the Minister for Planning to make this Plan. Use of this delegation has been authorised by the Gateway Determination, Condition 6.
- Council requests that the Department notifies the Local Environmental Plan.

**Recording of voting on planning matters**

Under Section 375A of the Local Government Act 1993, a division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or Council Committee.

A Planning Proposal and Draft Local Environmental Plan is a planning direction for the purposes of this Division.

**Policy Implications**

Nil

**Financial Implications**

- Budget approved – N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - Council's costs of administering the Planning Proposal are met by the applicable fee/charge of \$15,000 paid by the proponent.

**Legal and Risk Management Implications**

The Planning Proposal and Draft Local Environmental Plan is required to be undertaken in accordance with Part 3 of the Environmental Planning and Assessment Act 1979.

**Attachments**

1. IR F 20-5143 Gateway determination [**10.1.2.1** - 2 pages]

**Recommendation**

THAT

1. Council forward the planning proposal to the Parliamentary Counsel Office (PCO) for drafting of the legal instrument and the issue of an opinion that the Draft Local Environmental Plan can legally be made.
2. Following receipt of the legal opinion from the PCO, Council delegate authority to the General Manager to adopt and finalise the making of the Local Environmental Plan without further resolution.
3. A DIVISION be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993.

### 10.1.3. ECDEV - 26/04/2021 - Draft Lithgow Comprehensive Development Control Plan

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

---

#### Summary

The purpose of this report is to introduce and provide an overview of the Draft Lithgow Comprehensive Development Control Plan 2021 and to seek approval to place the document on public exhibition.

#### Commentary

##### Background

In 2005, the NSW State Government introduced a suite of reforms to improve the NSW planning system to simplify planning controls and improve development assessment processes. A significant part of these reforms was a change in the legislation relating to the preparation and application of development control plans (DCPs) under Division 3.6 of the Act.

Key changes to the preparation and implementation of DCP's at that time included:

- Only one development control plan can apply in respect to the same land; and
- A provision of development control plan has no effect where:
  - it is the same or 'substantially' the same as a provision of an environmental planning instrument applying to the same land, or
  - it is inconsistent or incompatible with a provision of environmental planning instrument applying to the same land.

In 2006, Councils were provided an additional transitional period to comply with the new legislation until the making of a Principal Local Environmental Plan under the Standard Instrument Order 2006.

In 2012 changes were made to the Environmental Planning and Assessment Act ensuring the status of DCP's as guidance documents.

The commencement of Lithgow Local Environmental Plan 2014 rendered the then in force Development Control Plans obsolete and invalid. Council formerly repealed these DCPs in January 2017.

Since that time there has been no Development Control Plan in force within the Local Government Area.

As part of a suite of planning reforms to simplify the planning system, the NSW Government has indicated that a standard, on-line format for DCPs will be established. The new format will draw on new model provisions to be prepared by the relevant Department. This has been anticipated since 2017, with an issued timeline of Mid 2020 now being pushed out, with no new target provided.

Council's planning team have chosen to move forward with the preparation of the Comprehensive DCP and not wait for the standardised format. This is due to concerns relating to the standard of development applications being received without guidance from an operating DCP. Whilst the weight and status of a DCP has limitations due to the 2012 legislative amendments, the benefits provided to developers in preparing development proposals and Planners assessing development applications is significant.

The Draft DCP has been prepared with regard to the available information provided to date by the Department in relation to a standardised format.

Any changes to the regulations for standardised DCPs, such as a standardised format, may require Council to review the document. In that event, it will provide a good opportunity for Council to test and review the efficacy of the document and make any necessary amendments to meet the aims and objectives.

### **What is a Development Control Plan (DCP)?**

A development control plan provides detailed planning and design guidelines to support the planning controls in the Local Environmental Plan and is prepared by Council.

The principal purpose of a development control plan is to provide guidance to persons proposing to carry out development to:

- Give effect to the aims of the Local Environmental Plan that applies to the development.
- Facilitate development that is permissible under the LEP.
- Achieve the objectives of the land zones under the LEP.

The provisions of a development control plan are not statutory requirements but are a "head of consideration" for development evaluations under S 4.15 of the Environmental Planning and Assessment Act, 1979. When these controls are consistently applied, they may be given weight in Land and Environment Court proceedings.

### **What are the aims of Draft Lithgow Development Control Plan 2021?**

The overarching aims of this DCP are:

- To implement and support the objective of Lithgow Local Environmental Plan 2014;
- To provide clear and concise development guidelines for various forms of development;
- To promote growth and development in the Lithgow LGA and ensure that it occurs in an orderly, environmentally friendly, and sustainable manner; and
- To ensure positive planning outcomes are maximised for the benefit of the broader community.

### **Where does Draft Lithgow Development Control Plan 2021 apply?**

The DCP applies to all land within the Lithgow Local Government Area except for:

- The "deferred matter" area known as the Portland Foundations Site;
- The Pottery Estate Development Area; and
- The Marrangaroo Urban Release Area.

These areas will all have site specific Development Control Plans prepared, given the unique circumstances of development in each area, and will in time be included in the location specific controls chapter of this DCP.

### **Can the Draft Lithgow Development Control Plan Controls 2021 be varied?**

It is not possible to plan or write controls for all development scenarios. The controls in this DCP have been designed to address common development types and scenarios. However, there will inevitably be situations where strict compliance with controls is not able to be achieved, and or alternate solutions are preferred.

In these cases, Council may vary a control but only where Council has considered a written request from the applicant that seeks to justify the departure by demonstrating:

- Compliance with the control within the DCP is unreasonable or unnecessary in the circumstances of the case; and

- The objectives of the control are met or are sufficiently addressed; and
- There are sufficient environmental planning grounds to justify the departure; and
- The impacts of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.

This provides a degree of flexibility for developments to provide a better design response to specific and unique site constraints/hazards as well as to provide for innovative design solutions.

Council may wish to consider if variation requests are considered by the elected Council or are delegated in full or in part to the Director of Economic Development and Environment to ensure consistency of application of this provision and improve the efficiency of the planning system.

**How is the Draft Lithgow Development Control Plan 2021 structured?**

**Chapters**

The Draft DCP has the following Chapters:

<b>Chapter 1:</b>	Introduction & Administration
<b>Chapter 2:</b>	Site Requirements – All development
<b>Chapter 3:</b>	Natural Environment & Hazards
<b>Chapter 4:</b>	Heritage & Cultural Conservation
<b>Chapter 5:</b>	Subdivision, Consolidation & Boundary Adjustments
<b>Chapter 6:</b>	Residential Accommodation & Ancillary Development
<b>Chapter 7:</b>	Commercial & Industrial Uses & Advertising/Signage
<b>Chapter 8:</b>	Rural and Other Land Uses
<b>Chapter 9:</b>	Location Specific Controls

For ease of reference the Chapters will be colour coded. For any development proposal proponents will need to address the controls in more than one chapter of the DCP depending on the site opportunities and constraints and what type of development proposed.

**How are the controls structured?**

**Objectives (Performance Criteria)**

Objectives are located either at the start or in the left-hand column of each element/head of consideration and clearly states what Council is seeking to achieve and the desired outcomes.

These are important and will guide development planning and design. These are required to be addressed should a development seek to vary a control for one or more elements within the DCP.

**Controls**

Controls are located below the objectives/performance criteria or in the right-hand column of each element/head of consideration. The controls are expressed as acceptable solutions or prescriptive criteria. There is not always an ‘acceptable standard’ provided for all ‘performance criteria’ in which case development will be assessed on its merit and how well it addresses the objectives/performance criteria.

## **Public Consultation and Exhibition**

Under Schedule 1 of the EP 7 Act 1979 and Council's Community Participation Plan the Draft DCP must be placed on public exhibition for a period no less than 28 days.

The community consultation plan will be designed to inform and consult with the community and will include the following:

- Notification in the local newspaper through Council's Column throughout the exhibition period;
- Notification on Councils Facebook Page and Website - 'On Exhibition';
- Hardcopy Display at Council's Administration Centre and each of the town libraries;
- 'Drop in' information session mid-way through the exhibition period;
- Written notification to key stakeholders including local builders/developers; private certifiers, consultant town planners, surveyors, architects, real estate agents and solicitors/conveyancers identified as recent and frequent customers operating in the area;
- Written notification to relevant Council committees and community progress committees; and
- Media Release.

It is noted that Council has received a presentation in relation to the Draft DCP in a Councillor briefing session and Council's planning team have been appropriately briefed in a staff workshop. Further Council workshop sessions can be arranged during the exhibition period if deemed necessary.

All submissions received will be considered and the outcomes reported back to Council following the end of the exhibition period.

After considering any submissions about the Draft DCP, Council-

- May approve the plan as exhibited;
- May approve the plan with amendments; or
- May decide not to proceed with the plan.

Should Council decide not to proceed with the plan, Council must include the Council's reasons in the required notice of decision published on its website.

## **Preliminary Draft Lithgow DCP 2021 – Minor amendments**

The draft Lithgow DCP 2021 document attached to this report is a working draft that will still require some formatting and minor amendments prior to exhibition. These amendments will be minor and administrative in nature to assist general understanding and presentation and will not substantially alter the principal elements of the document. It is requested that the General Manager be delegated authority to approve the final Draft document for exhibition to enable the exhibition to commence prior to the next available Council meeting. This will ensure that this important document is exhibited and considered for adoption prior to the caretaker period of this Council.

## **Strategic Context**

The preparation and adoption of the Comprehensive Development Control Plan is an action (1.3) of Lithgow 2040 Local Strategic Plan to. The DCP will be an important planning tool to promote sustainable and planned development and growth of our LGA.

## **Implementation**

The DCP will provide greater certainty for those planning developments as well as the community and will improve the development assessment processes of Council. As with any change, the implementation of the DCP may have some teething problems as staff and the community will take

time to become familiar with the document. However, Council's planning team will over time develop support materials (such as Development Application Guide and Control Matrices) to assist the community in using the plan.

Where possible the plan has called up and referenced existing best practice guidelines instead of reinventing the wheel. Most notable is the 'Low Rise Medium Density Design Guide for Development Applications' in Chapter 6. These development types have recently been those where Council has struggled to negotiate good design outcomes with proponents leading to some refusals of development consent on difficult sites.

This is not a set and forget document. The plan will be further tested and reviewed over the first twelve months to identify any implementation issues and to identify areas where the plan can be improved.

### **Policy Implications**

Council officers will review the Planning Policies of Council to consider possible conflict or inconsistency with the Draft DCP and make appropriate recommendations for any affected policies as part of the decision-making process for the DCP.

### **Financial Implications**

- Budget approved – Strategic Planning Documents - \$50,000 over 2 years.
- Cost centre - 800106
- Expended to date - \$34,740 (ex GST)
- Future potential impact -Commitments - \$ 10,218 (ex GST)

Council has engaged external consultancies to assist with the preparation of the DCP including I PlanProjects & Navigate Planning (Town Planning), Complete Concepts and Planning (Sketch Artist) and Christo Aitken and Associates (Heritage Advisor). The project has been funded over two fiscal years from the Strategic Planning and Property budget.

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

The preparation, public participation, approval, and administration of Development Control Plans is to accord with Part 3 Division 3.6 of the EP & A Act 1979 and Part 3 of the Environmental Planning and Assessment Regulations 2000.

### **Attachments**

1. Preliminary Draft Lithgow DCP 2021 [**10.1.3.1** - 302 pages]

### **Recommendation**

THAT Council:

1. Endorse the Preliminary Draft Lithgow Development Control Plan 2021 for public exhibition for a period of 28 days.
2. Authorise the General Manager to make any minor amendments and formatting to the Preliminary Draft Lithgow Development Control Plan 2021 as required prior to publishing the final Draft document for public exhibition.
3. Endorse the public exhibition and consultation plan summarised in this report.

#### 10.1.4. ECDEV - 26/04/2021 - Request to Transfer Land to State of NSW

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

---

#### Reference

33-524 – Ordinary meeting of Council 16 April 1973  
01-371 – Ordinary meeting of Council 1 April 1975

#### Summary

The purpose of this report is to request Council's approval to transfer six lots at Hassans Walls to the State of NSW.

#### Commentary

Council has received a letter from NSW Planning Industry & Environment – Crown Lands Orange (**the Department**) indicating that six lots at Hassans Walls were inadvertently omitted from their surrender document in 1976, which transferred various parcels of land at Hassans Walls from Council to the Department.

To rectify this anomaly the Department requests that Council execute a Transfer of the six lots to State of NSW. The lots are shown with a red star on the image attached to this report.

#### Hassans Walls Reserve 52017

Council is the appointed Crown Land Manager of Hassans Walls Reserve.

Presently, Hassans Walls Reserve consists of 11 lots owned by State of NSW and purportedly the six lots owned by Council.

In 1917, certain parcels of Crown Land located at Hassans Walls were dedicated for public recreation and formed Reserve 52017. In 1978, the Minister for Lands made a declaration adding certain parcels of land to Reserve 52017, including the lots that were successfully surrendered by Council and the lots that were inadvertently omitted from the Department's 1976 surrender document.

#### Evidence of surrender

An inspection of Council's minute books of 1973 and 1975 verifies that Council did intend to surrender the six lots to the Department. A copy of the relevant minutes are attached to this report, with pertinent parts highlighted.

At the time of the Council resolutions in 1973 and 1975, the six lots were comprised in certificate of title volume 8272 folio 165. Since then, the title has been converted to an auto-consol and the current title is certificate of title auto-consol 13168-242. A copy of the prior certificate of title and a current title search are attached to this report.

For convenience, the table below reconciles the six lots described on the prior title (current in 1973 and 1975, but now cancelled) with the lots as they are described on the current title.

Prior title 8272 folio 165 – description of the six lots	Current title - auto-consol 13168-242 – description of the six lots
15 acres, 3 rods and 18 perches	Lot 1 in DP251935
15 acres, 3 rods and 18 perches	Lot 2 in DP251935
15 acres, 3 rods and 18 perches	Lot 3 in DP251935
Portion 90	Lot 90 in DP751650
Portion 87	Lot 1 in DP1094395
Portion 87	Lot 2 in DP1094395

Council’s authority to transfer land classified community

The six lots are classified “community” land. Generally, Council has no authority to transfer land that is classified “community”. However, section 45(4) of the *Local Government Act 1993* provides an exception to this rule. It authorises Council to transfer community land “for the purpose of enabling that land to become, or be added to, **Crown managed land** or to become, or be added to, land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*”.

In the legislation, **Crown managed land** means:

- (a) *dedicated or reserved Crown land, and*
- (b) *any other land that is required or permitted to be managed under this Act as if it were dedicated or reserved Crown land.*

As the lots will form part of Hassans Walls Reserve 52017, which is reserved Crown Land, Council has authority to transfer the six lots to State of NSW under the section 45(4) exception.

It makes logical sense for the six lots presently in Council’s name to be transferred to State of NSW as this will enable all 17 lots at Hassans Walls to legally form part of Hassans Walls Reserve 52017. The transfer will not create any disadvantage to Council or the community as Council is the Crown Land Manager and the land will retain its “community” status.

To rectify this anomaly and to give effect to the 1973 and 1975 resolutions of Council, it is suggested that Council endorse the transfer of the six lots comprised in auto-consol 13168-242 to the State of NSW.

**Policy Implications**

Nil

**Financial Implications**

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact – nil. The lands have already been treated as Crown reserve and have been deemed non-rateable.

**Legal and Risk Management Implications**

Local Government Act 1993  
 Crown Land Management Act 2016

## Attachments

1. Image identify lots to be transferred [**10.1.4.1** - 1 page]
2. Council minutes 1973 and 1975 [**10.1.4.2** - 2 pages]
3. Title search auto consol 13158-242 (current) [**10.1.4.3** - 1 page]
4. Certificate of title vol 8272 fol 165 (prior title-cancelled) [**10.1.4.4** - 3 pages]
5. Letter and encl from Crown Lands (30.11.20) [**10.1.4.5** - 8 pages]

## Recommendation

THAT Council

1. Approve the transfer of six lots to the State of NSW, comprised in auto-consol 13168-242, as outlined in this report, being:
  - Lot 1 in DP251935
  - Lot 2 in DP251935
  - Lot 3 in DP251935
  - Lot 90 in DP751650
  - Lot 1 in DP1094395
  - Lot 2 in DP1094395
2. Council authorise the General Manager to execute the Transfer to State of NSW, and sign all documents and complete all other necessary actions to give effect to the Transfer to State of NSW.

---

**10.1.5. ECDEV - 26/04/2021 - Future use of 45 Petra Avenue, Clarence (Lot 2 in DP719201)**

**Prepared by** Sandra Politi - Land Use & Property Officer

**Department** Economic Development & Environment

**Authorised by** Director of Economic Development & Environment

---

**Reference**

Resolution 19-295 - Ordinary Meeting of Council held on 23 September 2019

Resolution 20-15 - Ordinary Meeting of Council held on 29 January 2020

Resolution 20-137 – Confidential Ordinary Meeting of Council held on 25 May 2020

**Summary**

The purpose of this report is to provide an update on the progress of Council resolutions from the meeting held on 25 May 2020 with respect to the future use of Council owned land at 45 Petra Avenue, Clarence being Lot 2 in DP719201 (the Property).

**Commentary**

To recap, Council purchased the Property in 1984/85 in response to the Clarence Playgroup Association's desire to establish a playgroup on the site. The Property was used infrequently by the playgroup (now disbanded) and has not been used since at least 2004.

From time to time, Council receives requests from people desiring to purchase the Property, including from adjoining owners. Council also receives communications from community members from time to time objecting to any sale of the Property.

The Property is surplus land as it is not used for a functional purpose of Council, nor is it held for a strategic purpose, yet it is a cost to Council in the way of rates, maintenance and insurance.

Expressions of interest to gauge the level and nature of interest in the Property were open to the public for the period 23 September 2019 to 28 February 2020, during which time Council received eight submissions, three of which were from Clarence Dargan Community Association. All submissions were reported to Council on 25 May 2020, and Council resolved as follows:

1. *Defer the decision regarding future use of the property until the Ordinary Council meeting in November 2020.*
2. *Invite the Clarence Dargan Community Association (as referred to in the recent expressions of interest) to submit a report to Council by 31 October 2020, as outlined in this report.*
3. *Write to the National Bushfire Agency Coordinator Andrew Colvin to pursue grant funding for a building on the site.*

The status of the above resolutions is as follows:

Resolution 1 – defer the decision until Council meeting in November 2020

The matter was not returned to Council in November 2020 as there was insufficient additional information to report to Council, to enable it to further consider the matter. Further consultation was required with the Community Association particularly as proposals were being developed by Zig Zag Railway that at face value could have affected the Association's interest in the land.

Resolution 2– invite the Clarence Dargan Community Association to submit a report to Council

On 15 June 2020 the representatives of the Clarence Dargan Community Association were invited to submit a report to Council. On 3 November 2020 Council received a Project Plan and Report from the Association, a copy of which is attached to this report.

In summary, the Association would like to establish a community hub to serve as a meeting place, a place for social activities and a place to run workshops. The Association proposes to apply for funding to build an open plan shelter, water tank for shelter, outdoor seating and tables and solar powered lighting.

The purpose and sentiment of the Association’s proposal is heartening and there can be no doubt that a successful project of this nature would be of benefit to the local community. However, Council needs assurance that the proposed project would not impact on Council’s resources or budget, as stated in the invitation for expression of interest.

Resolution 3 above - write to the National Bushfire Agency Coordinator

A letter was sent to National Bushfire Agency Coordinator which resulted in a response and subsequent discussions with an officer of the National Bushfire Recovery Agency. Council understands that grant funding may be available to not-for-profit organisations via a stream of Bushfire Local Economic Recovery Fund.

Proposed next steps

Further discussions were held with a representative of the Association to gauge whether their interest remained particularly in light of other proposals being developed by Zig Zag Railway which could, at face value, have provided a community space. From these discussions there is still clearly interest in the site. Therefore, it is proposed to give the Association an opportunity to explore whether grant funding is available for its proposed project and whether it would be successful with a grant funding application. With this in mind, it is suggested that the matter of deciding on the future use of the Property be deferred to the earlier of:

- The date that the Association informs Council that it has been successful with an application for grant funding; and
- 30 April 2022.

**Policy Implications**

Nil.

**Financial Implications**

- Budget approved - N/A
- Cost centre - nil.
- Expended to date - nil.
- Future potential impact - to be determined.

**Legal and Risk Management Implications**

Legal and risk management implications will be assessed depending on the future use of the Property.

**Attachments**

1. Clarence Dargan Community Association - project plan and report [**10.1.5.1** - 3 pages]

**Recommendation**

THAT Council defer a decision regarding future use of Council owned land at 45 Petra Avenue, Clarence until the Clarence Dargan Community Association informs Council that it has been successful with an application for grant funding or 30 April 2022 (whichever occurs earlier).

**10.2. Infrastructure Services Reports**

**10.2.1. IS - 26/04/2021 - Fee Waiver Request - Lithgow Football Association - Hire of Marjorie Jackson Oval**

**Prepared by** Kaitlin Cibulka - Executive Assistant Infrastructure Services  
**Department** Infrastructure Services  
**Authorised by** Director of Infrastructure & Services

**Summary**

This report provides details of a request for a fee waiver / reduction of hire fees for the Marjorie Jackson Oval for the 2021 Lithgow District Football Season.

**Commentary**

Council is in receipt of a request from the Lithgow District Football Association for a fee waiver / reduction of hire for the 2021 season. The Association has stated that due to COVID 19, they have found themselves in a 'never before faced financial position'. The association has also stated that other local government areas have waived all fees for all sporting groups.

Under Council's 2020/2021 Fees and Charges the Lithgow District Football Association, based on their hire request, the association would be charged the following:

Refundable Bond:	\$334.00
Ground Rental (Per Season)	\$1,280.00
Training (Including Lighting)	\$1,280.00
<b>TOTAL</b>	<b>\$2,894.00</b>

Council should note that due to COVID 19 restrictions, the Lithgow District Football Association did request a fee waiver for their 2020 season and were granted a fee waiver of 50% of the hire fee of 2019/2020 financial years fees as determined by Council resolution 20-172 (Ordinary Meeting of Council 22 June 2020).

With the current COVID restrictions easing and more sporting events back up and running close to full capacity and normality, Council staff are maintaining the ground to the best standard for the use of the facility on a regular basis, based on the booking requests received. Should the fee be reduced or waived, services may also be reduced and a high standard of maintenance by our recreation staff may not be able to be produced due to lack of funding and resources.

**Policy Implications**

Nil

**Financial Implications**

- Budget approved - Nil for fee reductions / waivers.
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact – Nil

**Legal and Risk Management Implications**

Nil

**Attachments**

Nil

**Recommendation**

THAT Council declines the fee waiver / reduction request from the Lithgow District Football Association due to the need for Council's to recover costs of maintaining Marjorie Jackson Oval.

**10.3. Water and Wastewater Reports**

**10.3.1. WWW - 26/04/2021 - Water and Wastewater Report**

**Prepared by** Daniel Buckens - Director of Water & Wastewater

**Department** Water and Wastewater

**Authorised by** Director of Water & Wastewater

**Reference**

Min No 21-42 Ordinary Meeting of Council 22 February 2021.

**Summary**

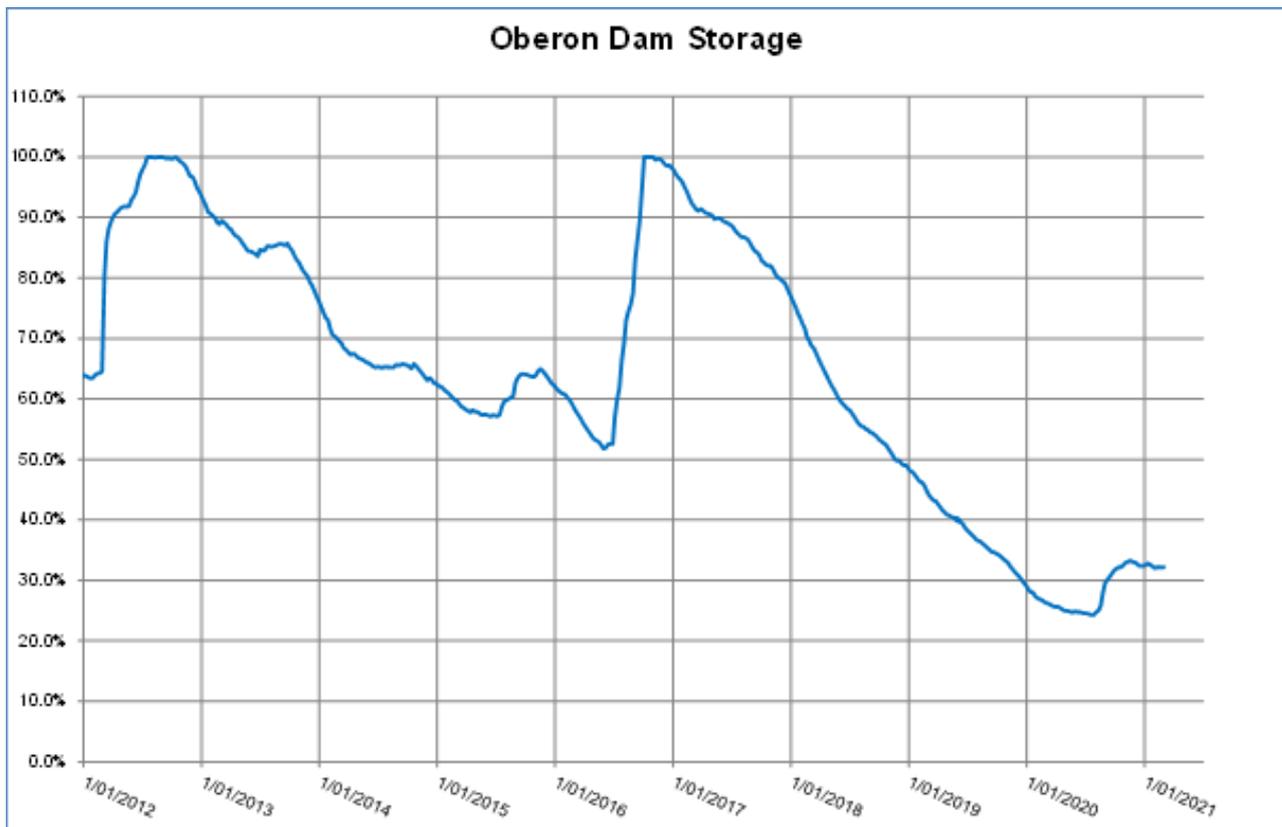
This report provides an update on various water and wastewater management matters between February and April 2021.

**Commentary**

**Current Dam Levels for Farmers Creek No.2 Dam and Oberon Dam**

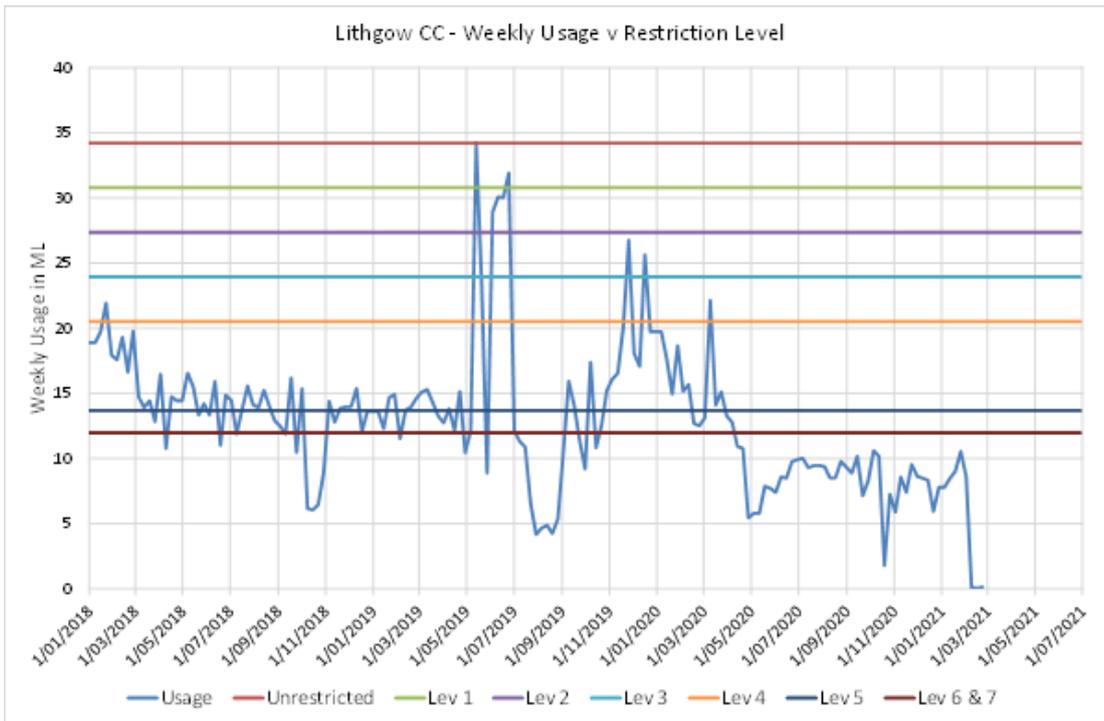
Farmers Creek No.2 Dam has a capacity of 450ML. Storage volume on Friday 16<sup>th</sup> April 2021 was 94.83%. Clarence Transfer System remains shut down.

Oberon Dam has a capacity of 45000ML. Storage volume on Monday 19<sup>th</sup> April 2021 was 44.6%. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 38.1%.



Level 2 restrictions on the FRWS are now in effect. If the adjusted storage falls below 25%, the scheme will move to Level 3 Restricted Allocations for water accounting calculations. As can be seen in the below Usage v Restriction Level graph, the current demands of the Council are on average lower than the current restriction level where Council exceeds the weekly usage allocation, Council's banked water is reduced. Banked water is not subject to restrictions. This

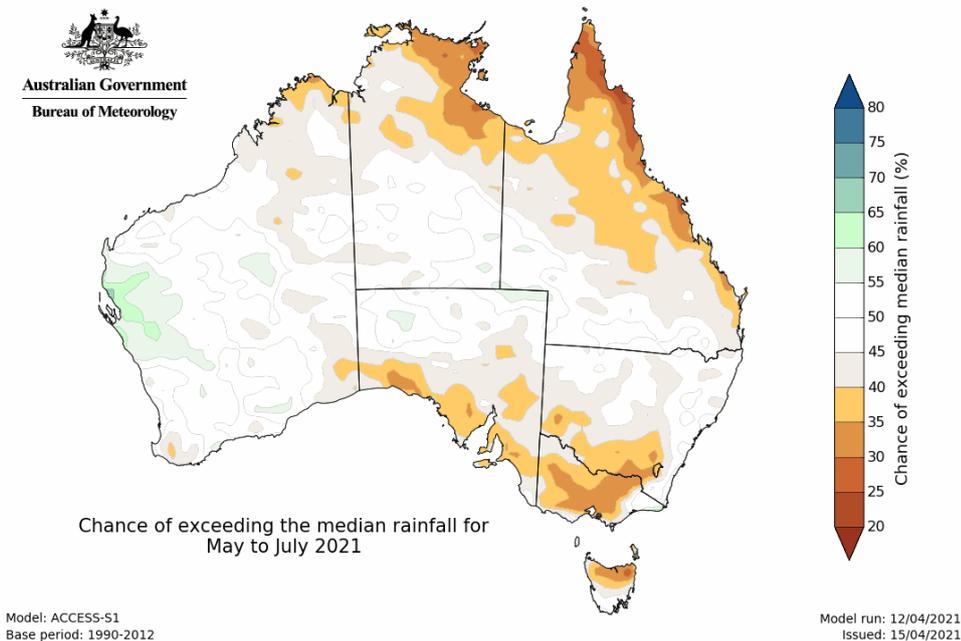
means that Council is managing water demand in accordance with the FRWS Drought Management Strategy.



**Climatic and Rainfall Outlook**

The following climatic and rainfall outlook is taken from the Bureau of Meteorology website.

- Rainfall for May to July is likely to be below average for large areas of northern and south-eastern Australia.
- In May, the drier than average pattern covers northern and western parts of the country.
- May to July maximum temperatures are likely to be warmer than average Australia wide.
- Minimum temperatures for May to July are likely to be warmer than average for the north-western half of Australia, and across much of south-eastern Australia.
- The El Niño–Southern Oscillation is neutral, as are most other climate drivers.



**Current Water Usage from Each Supply**

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Water NSW (Fish River Scheme) for 2017/18, 2018/19, 2019/20, and a cumulative total by month for 2020/21.

<b>Total for 2017/18</b>	<b>1,388.1</b>	<b>760.2</b>	<b>810.4</b>
<b>Total for 2018/19</b>	<b>1,318.6</b>	<b>318.7</b>	<b>762.4</b>
<b>Total for 2019/20</b>	<b>1,369.4</b>	<b>572.3</b>	<b>734.6</b>
<b>Licence Limit (ML/a)</b>	<b>1,500</b>	<b>1,293</b>	<b>1,778</b>
<b>Month</b>	<b>Oakey Park WTP (ML)</b>	<b>Clarence Transfer (ML)</b>	<b>Fish River Supply (ML)</b>
July	157.514	0.00	38.239
August	149.575	0.00	45.525
September	132.343	0.00	34.506
October	157.151	0.00	-*
November	164.126	0.00	-*
December	155.374	0.00	-*
January	144.090	0.00	-*
February	180.995	0.00	-*
March	182.327	0.00	-*
April			
May			
June			
<b>TOTAL</b>	<b>1,423.495</b>	<b>0.00</b>	<b>118.27</b>

\*Data has not been received from WaterNSW.

The information contained in the above chart indicates that Council will likely exceed the Water Access Licence volume on the Farmers Creek Dam/OPWTP of 1500ML/a. The Water Access Licence provides the following condition/s;

*From 1 July 2012, the total volume of water taken in any three (3) consecutive water years under this access licence must not exceed a volume which is equal to the lesser of either:*

*A. the sum of:*

- i. water in the account from the available water determinations in those 3 consecutive water years, plus*
- ii. water in the account carried over from the water year prior to those 3 consecutive water years, plus*
- iii. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus*
- iv. any water re-credited by the Minister to the account in those 3 consecutive water years,*

*or*

*B. the sum of:*

- i. the share component of this licence at the beginning of the first year in those 3 consecutive water years, plus*
- ii. the share component of this licence at the beginning of the second year in those 3 consecutive water years, plus*
- iii. the share component of this licence at the beginning of the third year in those 3 consecutive water years, plus*
- iv. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus*
- v. any water re-credited by the Minister to the account in those 3 consecutive water years.*

In simple, water extraction is calculated on a 3-year rolling average.

This is important for future resource planning to ensure Council complies with the conditions of the Water Access Licence.

### **System Configuration**

OPWTP supply is now feeding Lithgow and the Villages. This commenced Thursday 4<sup>th</sup> February to improve the water quality issues being experienced in the Villages. Feedback to date has been positive with the comments indicating an improvement.

### **Clarence Water Transfer Scheme**

Clarence Transfer System was shut down on 9<sup>th</sup> February 2020 due to the level of the dam and remains off.

### **Oakey Park Water Quality Summary**

There were no exceedances of the health guideline values of the Australian Drinking Water Guidelines (ADWG) for March and April 2021.

During the period, 10 February 2021 to 15 April 2021, there were fourteen reports of dirty water from water supplied from the OPWTP, these occurred in the following areas:

- Bayonet Street, Lithgow 10/02/21
- Lyon Parade, Wallerawang 12/02/21
- King Street, Lithgow 16/02/21
- Enfield Avenue, Lithgow 22/02/21
- Blckett Drive, Wallerawang 08/03/21
- Guy Street, Lithgow 12/03/21
- Lett Street, Lithgow 15/03/21
- Hassans Walls Road, Lithgow 16/03/21
- Amiens Streer, Lithgow 29/03/21
- Atkinson Street, Lithgow 29/03/21
- Busby Street, Lithgow 29/03/21
- Shaft Street, Lithgow 30/03/21 / 07/04/21
- Main Street, Portland 06/04/21

### **Treatment Plant Monitoring Results**

Samples are taken on a monthly basis at various locations within the Sewage Treatment Plants and Water Treatment Plant, in accordance with the Environment Protection Licence requirements. There was an exceedance at Oakey Park Water Treatment Plant for Total Suspended Solids in February. The licence limit is 30mg/L and the sample recorded a result of 35mg/L. There were no exceedances in March.

There were no exceedances of at the Sewerage Treatment Plants for February and March 2021.

### **Fish River Water Scheme Water Quality Summary**

There was one exceedance of the health guideline values of the Australian Drinking Water Guidelines (ADWG). An exceedance of 1 cfu/100mL was recorded for Total Coliforms at Rydal Reservoir. Repeat sampling was undertaken which returned no positive detections for either Total Coliforms or E.coli .

As previously advised water from OPWTP is now being supplied to the villages to improve water quality.

### **Water Mains and Service Issues**

Council experienced fifteen main breaks during the period, 10 February 2021 to 15 April 2021. The below provides the date and location of the breaks:

- State Mine Gully Road, Lithgow 12/02/21
- Coerwull Road, Lithgow 14/02/21
- Henderson Place, Lithgow 14/02/21
- Lidsdale Street, Wallerawang 16/02/21
- Boundary Street, Lithgow 18/02/21
- Reservoir Street, Portland 22/02/21
- Hartley Valley Road, Lithgow 22/02/21
- Great Western Highway, Bowenfels 23/02/21
- Landa Street, Lithgow 26/02/21
- Ridge Street, Portland 26/02/21 / 16/03/21
- Hume Avenue, Wallerawang 04/03/21
- Reserve Road, Marrangaroo 06/04/21
- Williwa Street, Portland 07/04/21
- Commens Street, Wallerawang 08/04/21

### **Sewer Mains and Service Issues**

Council experienced thirty-seven sewer chokes/blockage during the period, 15 January 2021 to 15 April 2021. The below provides the date and location of the chokes:

- Bragg Street, Lithgow 11/02/21
- Lockyer Street, Lithgow 17/02/21 / 26/03/21
- Main Street, Lithgow 19/02/21
- Burton Street, Portland 19/02/21 / 01/03/21
- Blackett Drive, Wallerawang 22/02/21
- Redgate Street, Lithgow 23/02/21
- Burton Street, Lithgow 08/03/21
- Cullen Street, Portland 08/03/21 / 15/03/21
- Bent Street, Lithgow 10/03/21
- Roy Street, Lithgow 11/03/21
- Geordie Street, Lithgow 16/03/21 / 23/03/21
- Rifle Parade, Lithgow 22/03/21
- Ferro Street, Lithgow 24/03/21
- Hassans Walls Road, Lithgow 25/03/21 / 29/03/21
- Rifle Parade, Lithgow 31/03/21
- Barton Avenue, Wallerawang 06/04/21
- Railway Parade, Lithgow 08/04/21
- Academy Street, Lithgow 08/04/21
- James Parade, Wallerawang 09/04/21
- Piper Street, Portland 09/04/21

### **Policy Implications**

Nil.

### **Financial Implications**

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

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

Nil.

**Attachments**

Nil

**Recommendation**

**THAT** Council note the April 2021 Water Report as an update on water and wastewater management.

## 10.4. Finance and Assets Reports

---

### 10.4.1. FIN - 26/04/2021 - Sale of Land for Unpaid Rates

**Prepared by** Trevor Holland - Revenue Manager

**Department** Finance

**Authorised by** Chief Financial & Information Officer

---

#### Summary

The purpose of this report is to:

- Advise Council of land on Council's records that is eligible for Sale of Land for Unpaid Rates and Charges, under Section 713 of the *Local Government Act 1993* and Council's Debt Recovery Policy.
- Seek Council's endorsement to commence the process of selling the thirty-seven (37) properties for unpaid rates and charges to recover part or all of \$464,632.02 outstanding.

#### Commentary

Under Section 713 of the Local Government Act, 1993 (the Act) Council may sell land for unpaid rates and charges if:

- Rates and charges have been outstanding for more than five (5) years, OR
- Rates and charges have remained outstanding for more than one (1) year and less than (5) years and the value of outstanding rates exceeds the value of the land.

In accordance with Section 713(1) of the Act, the properties listed in this report are eligible to be sold for unpaid rates and charges.

The collection of rates in this manner is a last resort, with many other recovery processes and attempts to contact the owners having already been attempted. The action constitutes sound financial management, preventing the excessive build-up of large/long-term outstanding debts.

The sale is required to be conducted by Public Auction which must take place no sooner than 3 months and no later than 6 months from the date of advertising the sale.

Council's Debt Recovery agents, Outstanding Collections, specialise in managing Section 713 sales for NSW Councils and will administer the whole Sale of Land for unpaid rates process on behalf of Council. The costs for this service are recoverable from the proceeds of sale.

Outstanding Collections utilises professional tools and techniques to streamline the processes and deploys several risk minimisation tactics e.g. deterring professional rogue-buyers. *It has recently managed sales for Goulburn Mulwaree Council, Forbes Shire Council, Carrathool Shire Council, Narromine Shire Council, Cabonne Shire Council, Glen Innes Severn Council and Central Darling Shire Council.*

Outstanding Collections provides an end-to-end process, to remove most of the workload from Council, from initial analysis and recommendation, all the way through to the conveyancing.

There are thirty-seven (37) properties held on Council's records that satisfy the requirements of Section 713 of the Local Government Act 1993 and are not under a current payment arrangement.

Details of the properties are as follows:

- Three distinct categories of Residential, Rural Residential & Farmland;
  - Other long term debtors / deceased estates – debts in the range of \$5K to \$46K; and
-

- Owner unknown – debts from \$4K to \$50K; many of these properties are land locked and may be attractive to adjacent land owners.

There are eight (8) properties listed which have houses on the property. The remaining twenty-nine (29) properties are vacant land.

The total debt owing against these properties is \$464,632.02 for annual rates and charges. Daily interest penalties have not been accruing on outstanding amounts due to COVID imposed restrictions. As the interest moratorium ceased on 1 January 2021, daily interest penalties have recommenced being charged at the rate of 7% per annum.

Individual assessments are listed below, with the number of years outstanding and the total arrears as at 13 April 2021:

Prop ID	Years Outstanding	Arrears Amount	Rating Category	Land Area
39940	7	\$ 20,520.92	Residential	1113 Sq.
48800	5	\$ 17,550.99	Residential	486.9 Sq.
58580	14	\$ 21,512.54	Residential	809.4 Sq.
60370	11	\$ 22,130.48	Residential	910.5 Sq.
60950	5	\$ 14,902.48	Residential	1119.2 Sq.
64490	12	\$ 40,462.90	Residential	714.5 Sq.
71790	15	\$ 12,962.63	Rural Residential	575.43 Sq.
72770	15	\$ 7,438.69	Rural Residential	1011.7 Sq.
72880	10	\$ 6,046.39	Rural Residential	1214 Sq.
86130	7	\$ 5,152.85	Rural Residential	3737 Sq.
95540	12	\$ 8,187.45	Rural Residential	11.53 Ha
101108	5	\$ 9,719.24	Residential	1011.7 Sq.
101538	24	\$ 50,104.69	Residential	486.8 Sq.
102287	23	\$ 45,943.65	Residential	118.7 Sq.
103096	19	\$ 10,890.86	Rural Residential	594.3 Sq.
103489	17	\$ 13,495.16	Rural Residential	1351 Sq.
103699	17	\$ 8,154.10	Rural Residential	1011.5 Sq.
103830	9	\$ 12,999.94	Rural Residential	6.681 Ha
104272	15	\$ 6,217.79	Rural Residential	95 Sq.
104347	15	\$ 6,225.52	Rural Residential	809.4 Sq.
104348	15	\$ 6,411.48	Rural Residential	5008 Sq.
104349	15	\$ 6,829.76	Rural Residential	5008 Sq.
104350	15	\$ 6,374.80	Rural Residential	3819.4 Sq.
104366	15	\$ 10,500.21	Rural Residential	126.47 Sq.
104868	13	\$ 5,668.63	Rural Residential	1112.9 Sq.
104954	13	\$ 5,402.55	Rural Residential	850 Sq.
105055	12	\$ 4,946.51	Rural Residential	79.23 Sq.
105058	12	\$ 8,043.19	Farmland	2.162 Ha
105060	12	\$ 23,351.19	Residential	505.9 Sq.
105070	12	\$ 5,095.01	Rural Residential	2245 Sq.
105071	12	\$ 4,992.78	Rural Residential	607 Sq.
105072	12	\$ 4,992.78	Rural Residential	607 Sq.

105074	12	\$ 4,992.78	Rural Residential	607 Sq.
105142	12	\$ 7,405.40	Rural Residential	8329 Sq.
105145	12	\$ 5,092.97	Rural Residential	3528 Sq.
105562	9	\$ 10,064.71	Rural Residential	808.67 Sq.
105602	9	\$ 3,848.00	Rural Residential	1624 Sq.
	<b>Total</b>	<b>\$ 464,632.02</b>		

**Policy Implications**

The sale of land for overdue Rates and charges is in accordance with Council’s Debt Recovery Policy and constitutes sound financial management by preventing the build-up of excessive / long-term outstanding debts.

**Financial Implications**

Should the proceeds from the sale of each parcel of land not exceed the value of rates and charges owing plus the costs associated with the sale, the balance will be funded from the provision for Bad and Doubtful Debts and will not impact on Council’s operating position.

**Legal and Risk Management Implications**

The sale of land for unpaid rates is a legal process, and as such, has a measure of risk. No specific risks have been identified in relation to properties included in this sale. Outstanding Collections includes strong risk minimisation processes and terms in the Sale and Purchase contracts.

**Attachments**

Nil

**Recommendation**

**THAT** Council:

1. Pursuant to Section 713 and other relevant sections of the Local Government Act 1993, implement sale proceedings to sell the properties listed in this report at a public auction at a time and place to be determined.
2. Appoint Outstanding Collections (Aust) Pty Ltd (OSC) to administer the sale on Council’s behalf.
3. Authorise Council staff and OSC to proceed with the necessary arrangements pertaining to the sale of the properties listed in this report, as set out in the Local Government Act 1993 and Local Government (General) Regulation 2005.
4. Delegate authority to the General Manager to take the following actions pertaining to the properties specified in the report:
  - a. to withdraw from sale any property that, prior to the commencement of the auction, has had all rates and charges payable (including overdue rates and charges) paid in full.
  - b. to withdraw any property from sale for technical or legal reasons.
  - c. to set reserve prices for sale of the properties at auction.
  - d. to negotiate by private treaty and accept offers for sale of any property that fails to sell at auction.
  - e. to execute Sale and Purchase contracts, and property transfer documents, under Council’s Common Seal.

**10.4.2. PS - 26/04/2021 - Delivery Program 2017/22 and Operational Plan 2021/22**

**Prepared by** Deborah McGrath - Corporate Planning and Communications Officer

**Department** People and Services / Finance and Assets

**Authorised by** Director of People and Services

**Reference**

Min. No. 20-127 Ordinary Meeting of Council 25 May 2020.

**Summary**

The Council’s Combined Delivery Program 2017/18-2021/22, Draft Operational Plan 2021/22 and Draft Fees and Charges 2021/22 have been prepared and are included as an attachment for the consideration of Council to place on public exhibition.

The Delivery Program was adopted at the Ordinary Meeting of Council held on 26 June 2017 for Council’s four-year term of office (now extended to September 2021). The Draft Operational Plan 2021/22 details the operational (recurrent or annual) activities, capital works and new initiatives to be undertaken in the 2021/22 financial year. The Operational Plan implements the Delivery Program 2017-2022 actions for the 2021/22 year.

**Commentary**

The Local Government Act 1993 requires the Council to review its Delivery Program each year, when preparing the Operational Plan. Any significant changes to the Delivery Program and the Draft Operational Plan must be publicly exhibited for a minimum of 28 days, and public submissions considered before the final plans are adopted in June 2021. This report responds to these legislative requirements.

The NSW Government’s Integrated Planning and Reporting framework (shown below) demonstrates the approach to development of strategic plans required to be implemented by all NSW councils. The intent of the legislation is to improve the long-term planning for sustainable local government areas through addressing civic leadership, social, environmental and economic issues in an integrated manner.



The Council's responsibilities in supporting achievement of the Lithgow Community Strategic Plan are translated into action through its four-year Delivery Program and annual Operational Plans. The Operational Plan 2021/22, which is the focus of this report, details the planned activities and spending for the final year of the extended Delivery Program 2017/18-2021/22.

Following presentation to Councillors, the draft Operational Plan 2021/22 has been finalised. It details Council's activities and Revenue Policy for 2021/22. It incorporates the strategies of the Community Strategic Plan 2030 for the year ahead, including those activities which are operational (recurrent or annual) activities, capital works and new initiatives to be undertaken.

An overview of some of the key components of Council's combined Delivery Program 2017/18-2021/22 and Draft Operational Plan 2021/22 is provided below. The aim of the Plan is to provide a solid financial framework to ensure infrastructure and services can be provided to meet the requirements of residents and ratepayers within the means of the Council.

### **Fees and Charges**

For 2021/22, the Council has undertaken a comprehensive review of its fees and charges, utilising an improved methodology which includes:

- 2% rate peg was applied to all non-regulatory / non legislated fees and charges;
- Simplifying fee structures where possible;
- Fees and Charges being reviewed to identify:
  - conscious pricing principles,
  - new market opportunities and marketing of facilities,
  - cost to provide the service vs income generated; and
- Regulatory / legislated fees and charges are applied on advice from relevant authorities.

A critical review of fees and charges was undertaken for a number of key areas including Eskbank House, Development, Engineering Administration, all Council hall hire, Union Theatre, waste, cemeteries, JM Robson Aquatic Centre, Council parks and sporting fields, and Water & Wastewater.

The following documents are included as an attachment to this report:

- Fees and charges additions & significant changes – new fees and charges and those with increases or reductions of plus / minus 5%;
- Discontinued 2021/22 fees and charges - these fees and charges are redundant; and
- Draft fees and charges report 2021/22.

### **Draft 2021/22 Budget**

Council's draft 2021/22 budget aims to achieve the following requirements:

- Meet the OLG's performance benchmarks (e.g. Fit for the Future) over 10 years of the Long Term Financial Plan;
- Cashflow positive – no use of internal restrictions to fund operational activities;
- Meet audit requirements - compliance with all accounting standards; and
- Transparent to the community.

### **Key Financial Challenges**

Council's financial challenges include the following issues:

- Revenue has not kept pace with rising costs over the past 5 years;
- Legacy financial challenges have been created as a result of Covid related economic impacts
- New, major programs such as the diversification and strengthening of the local economy require funds and resources
- Addressing the above CPI growth trend in employment costs;
- Ceasing the use of internally restricted reserves to cover shortfalls in funding for operations and the capital works program;

- Ensuring that Council’s operations and capital program can be funded from available cash whilst rebuilding reserves; and
- Interest & Investment income budget reduced to \$270K (\$953K received in 2018/19).

**Operating Result (Before Capital)**

The Long Term Financial Plan (LTFP) is developed at a point in time, based on a set of assumptions. The Office of Local Government (OLG) Integrated Planning and Reporting Manual describes the LTFP as “a decision-making and problem-solving tool. It is not intended that the Long Term Financial Plan is set in concrete – it is a guide for future action”.

The Office of Local Government (OLG) considers the operating result (before capital) to be an important indicator of financial performance. The result is calculated by deducting capital grants and contributions from the net operating result for the year (i.e. income less expenses). Although a small deficit operating result (before capital) is planned for the 2021/22 year, the draft budget result compares favourably with the target set in Council’s adopted LTFP 2020-2030. The adopted LTFP included a balanced operating result (before capital) General Fund budget projection from the 2023/24 year. To achieve the 2023/24 LTFP target will required sustained financial discipline.

In a time of significant financial challenges, the draft 2021/22 budget is presented to Council with a General Fund operating deficit (before capital) of **(\$1.023M)**. The consolidated operating result (before capital) is a deficit of **(\$301K)**.

A key Office of Local Government (OLG) performance measure is the Operating Performance Ratio. The ratio measures Council’s achievement of containing operating expenditure within operating revenue. The ratio is one of the Fit for the Future ratios. The OLG benchmark for the Operating Performance Ratio is 0% which equates to a balanced operating result (before capital). The draft 2021/22 budget operating performance ratio is **-1.36%**.

The table below compares the draft 2021/22 budget operating result budget (before capital) with the forecast result from the LTFP 2020-2030.

Fund	Draft 2021/22 Budget Operating Result Before Capital	LTFP Scenario 3 Operating Result Before Capital
General Fund	(1,023)	(1,645)
Water Fund	585	68
Sewer Fund	136	533
<b>Consolidated Result</b>	<b>(301)</b>	<b>(1,044)</b>

**Budget Improvement Strategies**

Actions taken to deliver a draft 2021/22 budget with a minimal operating deficit (before capital) include:

- Implementation of cost saving / revenue generating strategies to a value of \$654K which were developed and implemented by the Executive Leadership Team;
- Strategies to minimise the year-on-year increase in employment costs, including a reduction in the overtime budget and removal of vacant roles from the budget;
- Maximising the number of capital roads projects to be completed with internal labour – this action moves employment costs from operating to capital;
- Review of IS materials and contracts budget to reduce by \$1M; and
- Reduction of the revenue funded capital works program to reduce cash needs.

The budget strategies implemented to ensure that Council "lives within its means" will have impacts on service delivery standards for the 2021/22 year, for example:

- Strategy to maximise staff allocation to capital roads projects and a limited maintenance contract budget -
  - there will be fewer staff available to respond to immediate maintenance requests and works not allocated to external contractors, and
  - maintenance requests will need to be prioritised and scheduling / impacts communicated to Council & the community, e.g. temp reduction of speed limits.
- Strategy to limit Capital Works Program -
  - only high priority recreation and building projects are included in the draft Capital Works Program, and
  - impact on Council achieving the OLG Asset Backlog Ratio benchmark in 2021/22.
- Strategy to limit Water & Wastewater capital works and operational projects to reduce cash outflows and to improve Council's consolidated operating position -
  - impacts on programs including valve condition testing, sewer manhole inspections, water main condition assessments, and
  - programs can be deferred for a year but will need to be funded for the following year's budget.

The Executive Leadership Team will continue to develop and implement longer-term budget strategies to ensure Council's future financial sustainability. **Additional cost savings may need to be identified should Council be required to fund any significant increase in the Emergency Services Levy.**

The draft 2021/22 operating budget includes:

- \$185K for the 2021 Council election (mainly funded from the elections reserve);
- \$100K extra for insurance costs in the final year of the arrangement with StateWide Mutual to subsidise Council's premium costs from accrued equity (\$600K saving over 3 years);
- Investment income budget reduced to \$270K (\$953K received in 2018/19); and
- \$211K increase in information technology operational costs (partly funded from other cost savings) and cleaning equipment of \$60K.

The table below summarises Council's 2021/22 draft consolidated operating result:

Operating Result	2021/22 Budget \$'000
Income from Continuing Operations	65,640
Less: Expenditure from Continuing Operations	47,783
<b>Operating Result – Surplus / (Deficit)</b>	<b>17,857</b>
Less: Capital Grants & Contributions and Profits on Sale	18,498
<b>Operating Result before Capital and Profits on Sale (a)</b>	<b>(641)</b>
Income before Capital Income (b)	47,142
<b>Operating Performance Ratio (a/b) (Operating Result divided by Operating Revenue)</b>	<b>-1.36%</b> <small>(benchmark 0%)</small>

**Grant Funding**

A strategic approach is taken to seeking grant funding. Grant funding applications have generally been focussed on asset renewal projects, rather than adding to new assets (which require ongoing maintenance and future renewal). Business cases are prepared prior to applying for funding. Business cases take into account the whole-of-life cycle costs relating to funding applications for new assets. Business cases are only approved if recurrent and renewal costs can be covered.

In 2021/22, key projects to be funded by capital grants and contributions include:

- Fixing Country Bridges Program - \$5.043M grant

- Tablelands Way Project (Mutton Falls Road) - \$603K grant
- Farmers Creek Upgrade Works - \$1M grant;
- Roads to Recovery - \$1.4M grant;
- Cullen Bullen Sewer Scheme - \$4M grant; and
- Clarence to Wallerawang Pipeline - \$6.802M prospective grant (application lodged).

In cases where grant funding has not yet been formally approved, projects may only proceed once grant funding is confirmed.

**Council’s Revenue Policy**

The information included below is extracted from Council’s Revenue Policy which is included in the Draft Operational Plan 2021/22 (pages 95-112).

**Draft Capital Works Program 2021/22**

The draft Capital Works Program 2021/22 is summarised in the table below. Council proposes to complete works to the value of \$25.925M in 2021/22. The draft Capital Works Program includes \$696K of SRV funded projects. 2020/21 projects which have either not been commenced or have not been completed may be added to the final Capital Works Program to be considered by Council at the June 2021 meeting.

Key projects included in the draft 2021/22 Capital Works Program include:

- \$427K - Lithgow Library Parapet and Awning Replacement;
- \$1M - Farmers Creek Upgrade;
- \$165K - Playground Equipment Renewals;
- \$5.1M - Bridge Upgrades;
- \$3.8M - Roads Program;
- \$7.3M - Clarence to Wallerawang Pipeline;
- \$4M – Cullen Bullen Sewer Scheme; and
- \$1.15M Wallerawang Sewerage Pump Station Upgrade.

The Clarence to Wallerawang Pipeline project is contingent upon the pipeline between Clarence Colliery and Lithgow being completed by Centennial Coal and grant funding being approved by the NSW Government.

Capital Works Program 2021/22	
Bridges	5,118,774
Buildings	1,303,553
Cemeteries	46,000
Footpaths	75,000
Information Technology	259,800
Plant Replacement	510,000
Recreation	1,165,000
Roads	3,774,576
Other Transport	142,812
Village Improvements	30,000
Waste	208,000
Wastewater	5,210,000
Water	8,081,460
<b>Total Capital Program</b>	<b>25,924,975</b>

**Ordinary Rates**

The draft Operational Plan 2021/22 includes the rate peg of 2.0%. Land valuations as at 1 July 2019 will be applied for the 2021/22 annual rate levy.

At the 27 July 2020 Ordinary Meeting, Council resolved to remove the Lidsdale rating sub-categories from 1 July 2021 and move Lidsdale ratepayers to the Other (Rural) rating sub-categories. Early in 2021, the proposed changes were placed on public exhibition for 28 days and no submissions were received. Removal of the Lidsdale rating sub-categories from 1 July 2021 has been included in the draft 2021/22 Revenue Policy.

**Parking Special Rate**

The Parking Special Rate is levied on 151 CBD business properties within the designated area of Lithgow.

For 2021/22, the estimated yield of the Parking Special Rate is \$261,495. The program of works and activities which will be funded from the parking special rate is included below.

Parking Special Rate – Program of Works	
Project	Budget (\$)
CBD Street Sweeping	95,737
Main Street Banner Program	21,900

The remaining Parking Special Rate income will be allocated to the Main Street Revitalisation project as a co-contribution should grant funding be approved. Any parking special rate funds not utilised will be placed in an internally restricted reserve for future Lithgow CBD capital works and maintenance.

**Section 7.11 and 7.12 Levy Contributions**

Council has undertaken a review of its Development Contributions Framework and has proceeded with the introduction of S7.11 and S7.12 (formerly Section 94A) Levy Plans that will apply across the LGA.

The proposed S7.11 and S7.12 Works Program is summarised in the Operational Plan 2021/22 page 122. The summary identifies the S7.11 and S7.12 Levy Contribution portion only for each project. \$707K of levy contribution funded capital works projects have been included in the draft 2021/22 budget.

**Sewerage Charges**

Council has reviewed the sewerage access and usage charges for 2021/22 and has decided to maintain current access rates. There is a proposed increase in the discharge usage fee (business) from \$2.20 per KL to \$2.24 per KL.

Access charges are based on the size of metered water connection with usage being calculated based on water consumption and a Sewer Discharge Factor.

**Stormwater Charges**

It is proposed that stormwater charges continue to be levied on all residential and business properties within identified urban areas (except those which are vacant land).

There is no proposed increase to the residential stormwater levy for 2021/22.

### **Waste Charges**

There is a proposed increase of 2.0% on garbage services and a 10.15% increase on rural waste disposal charges to cover increased costs.

### **Water Charges**

The residential or business water availability charge will be levied on all rateable and non-rateable properties which are connected to Council's reticulated water supply system. Water usage charges will be levied to all properties using Council's reticulated water supply system.

It is proposed that water access charges will increase at various rates depending on meter size and Tier 1 usage charges will increase by 1.2% (from \$3.31/kl to 3.35/kl).

### **Proposed Borrowings**

There are no proposed borrowings for 2021/22.

### **Community Engagement**

The Combined Delivery Program 2017-2021 and Draft Operational Plan 2021/22 is provided for Council's consideration to place on public exhibition for a minimum period of 28 days. The closing date for public submissions will be Tuesday 25 May 2021. This will allow the document to be put to the Council for final adoption at the June 2021 meeting.

Should Council endorse the Combined Delivery Program 2017/18 – 2021/22 and Draft Operational Plan 2021/22, information on the contents of the Draft Operational Plan will be uploaded to Council's website [www.council.lithgow.com](http://www.council.lithgow.com) and promoted through media and social media channels.

### **Policy Implications**

Nil arising from this report.

### **Financial Implications**

The Draft Delivery Program 2017-2022 and Operational Plan 2021/22 presents a financially responsible and cashflow positive budget. Council needs to continue to develop and implement budget strategies to achieve the LTFP target of a balanced operating result (before capital) for the General Fund from the 2023/24 year.

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

The Local Government Act 1993, Local Government Amendment (Planning and Reporting) Bill 2009 and Local Government (General) Regulation 2005 outlines requirements for the preparation, exhibition and adoption of the Integrated Planning and Reporting Framework. The Draft Delivery Program and Operational Plan must be exhibited for a minimum period of 28 days.

The draft plans presented for public exhibition address and respond to a range of medium to longer term financial, asset and service provision risks, while the Draft Capital Works Program addresses some of Council's assets at greatest risk of failure.

### **Attachments**

1. 2021 22 Fees Charges deletions [**10.4.2.1** - 4 pages]
2. 2021-22 Fees And Charges Report [**10.4.2.2** - 99 pages]
3. 2021 22 Draft Operational Plan 260421 [**10.4.2.3** - 125 pages]

4. 2021-22 Fees & Charges- new & increases 5% or higher [**10.4.2.4** - 5 pages]

**Recommendation**

THAT Council:

1. Endorse the combined Delivery Program 2017/2022 and Draft Operational Plan 2021/22 to be placed on public exhibition for 28 days. This will include the following documents:
  - a. The combined Delivery Program 2017– 2022 and Draft Operational Plan 2021-2022;  
and
  - b. Draft Fees and Charges 2021/22.
2. Note that the closing date for submissions be Tuesday 25 May 2021.
3. Endorse the removal of the Lidsdale rating sub-categories from 1 July 2021 following 28 days public exhibition with no submissions having been received.

### 10.4.3. FIN - 26/04/2021 - Working Capital Strategy

**Prepared by** Neil Derwent – Financial Services Manager

**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

---

#### Reference

Min. No. 21-43 Ordinary Meeting of Council held on 22 February 2021.

#### Summary

At the 22 February 2021 Ordinary Meeting, Council resolved:  
That the proposal to develop a strategy to ensure that sufficient working capital is held in short-term deposits to meet Council's immediate needs (approx. \$750K to \$1M at any time) be noted, and further reported for Council's consideration.

The purpose of this report is to provide information on Council's working capital strategy.

#### Commentary

#### Background

Working capital is an amount of readily available funds held to satisfy short-term commitments, e.g. weekly payroll and Accounts Payable. Funds are held in the General Fund bank account or short-term deposit accounts.

The Office of Local Government (OLG) includes the "unrestricted current ratio" as a working capital benchmark in Council financial statements. The unrestricted current ratio measures the adequacy of working capital and the ability of a Council to satisfy its obligations in the short term. In Council's recent history, the benchmark has been exceeded in each financial year. This indicates that Council has maintained more than adequate working capital to meet its short-term commitments.

Council's cashflow strategy in recent years has been to hold minimal cash on hand, thus maximising investment returns on Council's reserves. Most cash held in restricted reserves has been invested in term deposits. The strategy to maximise returns has meant that Council held minimal working capital and relied on term deposits maturing regularly to pay staff and suppliers on time. This strategy has been successful for a number of years and increased Council's investment returns by tens of thousands of dollars which has helped to fund service delivery.

In the past twelve months, the broader investment environment has changed. In 2018/19, Council had been obtaining term deposit returns of up to 2.8%. More recently, term deposit rates have been closer to 0.4%. Council has adapted its Investment Policy for a low interest rate environment and has placed more funds in short-term deposits which have had higher interest rates, as well as easier access to funds.

In addition, Council's level of internally restricted reserves has been decreasing (from \$16.1M in 2016/17 to \$6.5M in 2019/20). In 2019/20, Council utilised internal reserve funds to maintain operations through a period of lower cash inflows (due to COVID-19 and delayed water billing) and higher cash outflows (mainly due to natural disasters and growth in employment costs). In October 2020, Council resolved to add an internal borrowings reserve of \$2.5M to fund a deficit in internal reserves at 30 June 2020, expected to be repaid over 3 years.

Taking into account the current investment environment and Council's lower internal reserve balances, it is now prudent for Council to develop and maintain sufficient working capital in unrestricted reserves to ensure that Council can meet its short-term commitments and that the remaining internally restricted reserves are kept in term deposits, separate to working capital funds.

### Working Capital Strategy

In order to separate restricted reserves from working capital, rules and procedures have been developed to ensure that sufficient funds are held in short-term deposits to meet Council's immediate needs. The working capital requirement has been set at approx. \$1M which equates to the value of one month of Council's net cash outflows to fund payroll and Accounts Payable.

The total value of Council's restricted reserves will be held in term deposits in addition to the working capital funds.

The working capital strategy will ensure that internally restricted funds are not inadvertently utilised for short-term funding of Council's operations or capital expenditure. The working capital fund balance will be regularly reviewed and reported to Council at each quarterly budget review.

The strategy to accumulate funds for the working capital reserve is as follows:

2020 Sewer fund tax equivalent – Council resolution March 2021	\$232K
2021 Sewer fund tax equivalent – Council resolution November 2021	\$250K approximately
2019 Sewer fund tax equivalent – Council resolution November 2021	\$362K
Unrestricted cash – draft 2021/22 budget	\$156K

**Total working capital unrestricted reserve** **\$1M**

Building of the working capital fund has commenced and the fund will have a \$1M balance by the end of the 2021 calendar year.

As funds are drawn from the working capital reserve, the reserve will be replenished from cash inflows to maintain a reserve balance of approx. \$1M.

### Policy Implications

Council's Investment Policy sets the framework for the prudent management of Council's invested funds.

### Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date - N/A
- Future potential impact - Council's working capital fund is held as unrestricted cash (i.e. cash held in short-term deposits to meet Council's immediate funding needs).

### Legal and Risk Management Implications

As such, the working capital strategy assists to mitigate risks, including the inadvertent use of restricted reserves to fund Council's ordinary operations. The strategy ensures that Council has readily available cash to cover Council's short-term obligations to pay staff and suppliers.

### Attachments

Nil

**Recommendation**

THAT Council establish a working capital reserve (based on the premises outlined in this report) as a feature of its ongoing budgets.

## 10.5. People and Services Reports

---

### 10.5.1. PS - 26/04/2021 - Uluru Statement from the Heart

**Prepared by** Ali Kim – Community Development Officer  
**Department** Community Development  
**Authorised by** Director of People & Services

---

#### Reference

Presentation to Councillors at the Information Session held 29 March 2021.

#### Summary

Bridget Cama and Brydie Zorz attended the Information session 29 March 2021 to inform Councillors regarding the Uluru Statement from the Heart.

#### Commentary

Councillors were positive in their response to the presenters and were interested to know exactly what types of things would be beneficial for Council to do in support of the local indigenous community. Two initial suggestions were made:

1. Council to endorse the Uluru Statement and commit to ongoing consultation with and inclusion of the First Nations Communities of the LGA.
2. Council write a submission outlining their support for the three reforms; Voice, Treaty and Truth in the Uluru Statement from the Heart.

#### Policy Implications

Nil

#### Financial Implications

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

#### Legal and Risk Management Implications

Nil

#### Attachments

1. Lithgow City Council Draft Submission 2 [10.5.1.1 - 1 page]

#### Recommendation

THAT Council endorse the draft submission on the Uluru Statement from the Heart prepared by the Council's Community Development team and included as an attachment to this report.

## 10.5.2. PS - 26/04/2021 - Adoption of Alcohol Free Zones

**Prepared by** Matthew Johnson – Manager Community Development

**Department** Community Development

**Authorised by** Director of People & Services

---

### Reference

Min 21-45 Ordinary Meeting of Council held on 22 February 2021

### Summary

This report recommends that, following the completion of a public exhibition period, Council establishes Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further 4 years until April 2025.

### Commentary

Council has powers under Sections 644 of the local Government Act 1993 to establish Alcohol Free Zones on roads, footpaths and public carparks. The establishment of an Alcohol-Free Zone gives powers to the Police to seize, tip out or otherwise dispose of open containers of alcohol. The Police may also issue a warning or where a person does not cooperate with the Police, they can be charged with obstruction under Section 660 of the Local Government Act 1993.

At the Ordinary meeting of Council held 22 February 2021 (Min 21-45), Council resolved to:

- 1. Consult with the Police, all affected liquor licensees and the general community on the proposal to establish Alcohol-Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further 4 years in accordance with Section 644 of the Local Government Act 1993.*
- 2. Publish a notice of the proposed establishment of the Alcohol-Free Zones in these areas, calling for comment by 31 March 2021.*

The proposal was placed on exhibition until 31 March 2021. The proposal was advertised by way of a media release and the Police, liquor licensees and Mingaan Aboriginal Corporation were also advised and invited to make submissions. This report recommends that with completion of the exhibition period and with no community submissions received, the proposal be adopted by Council without amendment.

### Lithgow Alcohol Free Zone

The public areas included in this proposal are as follows:

- Main Street (from Bridge Street to Laurence Street)
  - Main Street Lane and Burns Lane between Bridge Street and Bank Lane)
  - Tank Street (from Bridge Street to Read Avenue)
  - Bridge Street (from Tank Street to Main Street Lane)
  - Railway Parade (from Tank Street to Sandford Avenue and including Gray and Station Streets.)
  - Eskbank Street (from Mort Street to Railway Parade)
  - Cook Street Plaza
  - Bank Lane
  - Tatts Lane
  - Collins Laneway
  - Exchange Walkway
  - Bank Street between Main Street and Gray Street.
  - Mort Street between Bridge and Lithgow Streets
  - Bridge Street between Mort Street and Main Street Lane
  - Cook Street between Mort Street and Main Street Lane
  - Eskbank carpark
-

- Burns Lane carpark
- Bank Lane between Mort Street and Main Street Lane
- Naomi Street
- Lithgow Street between Mort Street and Main Street.

### **Portland Alcohol Free Zone**

The public areas included in this proposal are as follows:

- Williwa Street from Lett Street to Saville Street.
- Lett Street from Vale Street to Williwa Street
- Scheidel Lane
- Cox Street from Villiers Street to Vale Street.
- Vale Street from Lett Street to Wolgan Street
- Wolgan Street from Villiers Street to Williwa Street.
- Villiers Street from Lett Street to Wolgan Street
- Wallerawang Road from Cullen Street to Wolgan Street
- Cullen Street from Wallerawang Road to Williwa Street

### **3. Wallerawang Alcohol Free Zone**

The public areas included in this proposal are as follows:

- Main Street between Pipers Flat Road (Black Bridge) and the Royal Hotel including Daintree Lane, Blackberry Lane and Doggett Lane.

### **Community Submissions**

No submissions were received from the community nor licensees.

Inspector Sammut of Chifley Command indicated at the 8 February 2021 Crime Prevention Committee meeting that he fully supports this extension.

### **Adoption of Proposal**

The re-establishment of the Alcohol-Free Zones will come into effect 7 days after Council resolves to adopt the proposal, publishes a notice to that effect, and once the areas included in the zones are adequately signposted.

### **Policy Implications**

Nil

### **Financial Implications**

- Budget approved - Nil.
- Cost centre - PJ 600071
- Expended to date - Nil.
- Future potential impact - There will be minimal cost in altering the dates of operation on existing signage.

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

Section 644 of the local Government Act 1993

### **Attachments**

1. Portland Alcohol Free Zone Map [**10.5.2.1** - 1 page]
2. Wallerawang Alcohol Free Zone map [**10.5.2.2** - 1 page]
3. Lithgow Alcohol Free Zone Map [**10.5.2.3** - 1 page]

## Recommendation

THAT Council

1. Establish Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further 4 years until April 2025 in accordance with Section 644 of the Local Government Act 1993 and the advertised proposal.
2. Advise the Police and all affected liquor licencees of the establishment of the Alcohol-Free Zones in these areas.
3. Advise the general community of the establishment of the Alcohol-Free Zones in these areas by way of publishing a notice to that effect.
4. Install and/or modify appropriate Alcohol Free Zone signage.

---

## 11. Council Committee Reports

---

### 11.1. ECDEV - Lithgow Local Heritage Advisory Committee Minutes - 8 March 2021

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

---

#### Summary

This report provides details of the minutes of the Lithgow Local Heritage Advisory Committee (LLHAC) Meeting held on 8 March 2021.

#### Commentary

At the Lithgow Local Heritage Advisory Committee held on 8 March 2021 there were 9 items on the agenda which were discussed and are summarised in the attached minutes.

The minutes have been ratified by three members of the Committee as required by the Committee Terms of Reference.

Only one item required consideration by Council. That is Item 7.4 relating to nomination of a new member to the Committee from Lithgow and District Family History Society.

On 20 January 2020, Council received formal notification from the Lithgow and District Family History Society Inc (LDFHS) that Mr D Whitty had resigned from his position on the Lithgow Local Heritage Advisory Committee.

The LDFHS met on 18 January 2021 where Adrian Williams was nominated and accepted to replace Mr D Whitty as their representative member on the Committee.

However, since the last meeting of the Committee, Council at its meeting of the 22 March 2021 has resolved to discontinue the Lithgow Local Heritage Advisory Committee (Min 21-261) and therefore this recommendation is considered null and void.

#### Policy Implications

Nil

#### Financial Implications

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

#### Legal and Risk Management Implications

Nil

#### Attachments

1. Local Heritage Advisory Commit Minutes 8 March 2021 [11.1.1 - 6 pages]

#### Recommendation

THAT Council note and receive the minutes of the Lithgow Local Heritage Advisory Committee (LLHAC) held on 8 March 2021 as the last meeting of the Committee.

## **11.2. P&S - 26/04/21 - Youth Advisory Committee Meeting Minutes**

**Prepared by** Alison Kim – Community Development Officer

**Department** Community & Culture

**Authorised by** Director of People & Services

---

### **Summary**

The minutes of the Youth Advisory Committee meeting held on Monday 15 March 2021 are presented for Council's consideration.

### **Commentary**

At the Youth Advisory Committee meeting held on Monday 15 March 2021 a range of issues were discussed including:

- The Create Lithgow Project which will commence on 27 March 2021.
- Youth Week events to take place on 17 April 2021.
- Planet Youth drop in space each Tuesday.

### **Policy Implications**

Nil.

### **Financial Implications**

- Budget approved – \$3,774
- Cost centre - 600071
- Expended to date - Nil
- Future potential impact - Nil

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

Nil.

### **Attachments**

1. Minutes 15 March 2021 [**11.2.1** - 5 pages]

### **Recommendation**

THAT Council note the minutes of the Youth Advisory Committee meeting held on 15 March 2021.

### 11.3. FIN - 20/4/2021 - CTA ARIC - Minutes 9 March 2021

**Prepared by** Ross Gurney – Chief Financial and Information Officer

**Department** Finance

**Authorised by** Chief Financial & Information Officer

---

#### Reference

Min No. 21-17 Ordinary Meeting of Council 25 January 2021

#### Summary

This report summarises the minutes of the Central Tablelands Alliance Audit Risk & Improvement Committee (CTA ARIC) joint meeting held on 9 March 2021 and the Lithgow Council meeting also held on the 9 March 2021 at Oberon Council.

#### Commentary

At the joint Councils CTA ARIC meeting held on 9 March 2021, the following items were presented and discussed:

- **Office of Local Government Audit Committee Guidelines** - the Committee recommended that correspondence be forwarded to the Office of Local Government to ask for an update on the status of the guidelines on the Internal Audit and Risk Management Framework and requested that the response be forwarded to the Chair of the Committee.
- **AO Performance Audit – Procurement Management in Local Government** – the committee noted the Auditor-General's report on Procurement Management in Local Government. Lithgow Council will take action to implement four improvement opportunities identified from the report.
- **ARIC Self Assessment** – the committee is undertaking a self assessment with surveys to be distributed and compiled then reported back to the next Committee meeting.

At the Lithgow Council CTA ARIC meeting also held on 9 March 2021, the following items were presented and discussed:

- **Compliance** – CFIO summarised the improvements completed in the year to date, the current status of compliance actions and information on the management of legal and WHS risks.
- **Risk Management** – CFIO summarised risk management plans for this year and the current status of activities.
- **Fraud Control** – the Committee noted the report on fraud strategies and controls including improvements completed in 2020/21.
- **Financial Management report** – the Committee discussed the finalisation of the 2019/20 financial statements, the 2020/21 Quarter One budget review, the current financial environment and strategies in place for improvement.
- **Governance** – the Committee were provided with information regarding recent policy reviews and noted the governance report.
- **Implementation of strategies** – the Committee noted the strategies that have been developed, particularly to improve the general fund operating budget position.
- **Service reviews** – the Committee noted the General Manager's report on service reviews.
- **Internal audit** – The Committee noted the report on progress towards implementing the 2020/21 internal audit plan.
- **External audit** – The Committee noted the report on the Final Audit Management letter for 2019/20 and the progress on the 2020/21 Annual Engagement Plan.

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Legal and Risk Management Implications**

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

**Attachments**

1. MINUTES - Lithgow - CTA ARIC Committee - 9 March 2021 [**11.3.1** - 11 pages]
2. MINUTES - Joint - CTA ARIC Committee - 9 March 2021 [**11.3.2** - 3 pages]

**Recommendation**

**THAT** Council Endorse the:

1. CTA Audit Risk & Improvement Joint Committee 9 March 2021 minutes.
2. Lithgow Council Audit Risk & Improvement Committee 9 March 2021 minutes.

## 11.4. IS - Minutes - Operations Committee Meeting - 7th April 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 Operations Committee Meeting held on 7 April 2021.

### Commentary

At the Operations Committee Meeting held on 7 April 2021, there were numerous items discussed by the Committee including:

- Standing Item – Water & Sewer Infrastructure Update;
- Standing Item – Cullen Bullen STP Project;
- Standing Item – Integrated Water Cycle Management Plan;
- Sewer Surcharges in the Lithgow LGA;
- IPART Rural Valleys Pricing Determination;
- Standing Item – Monthly Project Update;
- Lithgow Street / Hassan Walls Road, Lithgow – Intersection Improvements; and
- Councillor Requests.

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

- Hassans Walls Lookout Road – One Way and Pedestrian / Bike Lane Option

### RECOMMENDATION

THAT Council

1. Seek public comment for twenty eight (28) days for the proposal to make part of Hassans Walls Lookout Road one way to safely cater for pedestrians and bicyclists, and report back to the Operations Committee with the submissions.
2. Pending the outcome of the public consultation process, develop this proposal into a shovel ready project in preparation for any upcoming grant opportunities.

### Policy Implications

Nil

### Financial Implications

- Budget approved - Nil
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact - the proposal to make part of Hassans Walls Lookout Road one way would need to be costed for any future grant opportunities.

### Legal and Risk Management Implications

Nil

### Attachments

1. DRAFT Minutes - Operations Committee Meeting - 7 th April 2021 [11.4.1 - 11 pages]
-

## Recommendation

THAT Council:

1. Notes the minutes of the Operations Committee Meeting held on 7<sup>th</sup> April 2021; and
2. Seeks public comment for twenty eight (28) days for the proposal to make part of Hassans Walls Lookout Road one way to safely cater for pedestrians and bicyclists, and report back to the Operations Committee with the submissions; and
3. Pending the outcome of the public consultation process, develop this proposal into a shovel ready project in preparation for any upcoming grant opportunities.

## **11.5. Women's Advisory Committee Meeting Minutes - 6 April 2021**

**Prepared by** Ali Kim – Community Development Officer

**Department** Community & Culture

**Authorised by** Director of People & Services

---

### **Summary**

The minutes of the Women's Advisory Committee meeting held on 6 April 2021 are presented for Council's consideration.

### **Commentary**

At the Women's Advisory Committee meeting held on 6 April 2021 various items were discussed as detailed in the minutes which are included as an attachment to this report.

### **Policy Implications**

Nil

### **Financial Implications**

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

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

Nil.

### **Attachments**

1. 6 April Minutes [11.5.1 - 4 pages]

### **Recommendation**

THAT Council notes the minutes of the Women's Advisory Committee meeting held on 6 April 2021.

## 11.6. Sports Advisory Committee Meeting Minutes - 14th April 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 Sports Advisory Committee Meeting held on 14 April 2021.

### Commentary

At the Sports Advisory Committee held on 14 April 2021, the items discussed by the Committee included:

1. 2021 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards.
2. Booking Requests.
3. New Members.

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

- Item 5.1 Financial Assistance Requests

#### RECOMMENDATION

THAT Council

1. Provides *Maggie Thompson* with \$300.00 toward the cost of participating in Under 15 Blues State Hockey Team; and
2. Provides Zeke Evans with \$300.00 toward the cost of participating in the Under 20's Basketball NSW Team.

### Policy Implications

Nil.

### Financial Implications

- Budget approved - \$2,500.00
- Cost centre - PJ - TBA
- Expended to date - \$300.00
- Future potential impact - Budget balance of \$1,600.00 for future assistance requests.

### Legal and Risk Management Implications

Nil.

### Attachments

1. DRAFT Minutes Sports Advisory Committee Meeting 14th April 2021 [11.6.1 - 13 pages]

### Recommendation

THAT Council

1. Notes the minutes of the Sports Advisory Committee Meeting held on 14 April 2021; and
  2. Provides *Maggie Thompson* with \$300.00 toward the cost of participating in Under 15 Blues State Hockey Team; and
  3. Provides Zeke Evans with \$300.00 toward the cost of participating in the Under 20's Basketball NSW Team.
-

## 12. Business of Great Urgency

---

In accordance with Clause 241 of the Local Government Act (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting; and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

## 13. Closed Council

---

### 13.1. CLOSED REPORT - WWW - 26/04/2021 - Portland STP

**Prepared by** Daniel Buckens - Director of Water & Wastewater

**Department** Water and Wastewater

**Authorised by** General Manager

---

#### Reason for Confidentiality

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

- (e) information that would, if disclosed, prejudice the maintenance of law

#### Summary

On the 15<sup>th</sup> March 2021 Council received a Notice to Provide information and/or Records under Section 193 of the *Protection of the Environment Operations Act 1997* (POEO Act) from the New South Wales Environment Protection Authority (NSW EPA). This report provides the details of the incident and the status of the investigation.

### 13.2. CLOSED REPORT - WWW - 26/04/2021 - Watermains Replacement Tender - Coalbrook Street and Stephenson Street

**Prepared by** Matthew Trapp - Senior Engineer

**Department** Water and Wastewater

**Authorised by** Director of Water & Wastewater

---

#### Reason for Confidentiality

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

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

#### Summary

This report summarises the tender process undertaken by Council, to seek suitably qualified construction companies to undertake water mains replacement at Coalbrook and Stephenson Streets, Lithgow.

---

**13.3. CLOSED REPORT - ECDEV - 26/04/2021 - Proposed sale of industrial Lot 55 Inch Street, Lithgow**

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

---

**Reason for Confidentiality**

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

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

**Reference**

21-58 – Ordinary Meeting of Council held 22 February 2021

**Summary**

The purpose of this report is to inform Council of historical information in relation to Lot 55 Inch Street, Lithgow (Lot 55 in DP1124083) (**Lot 55**).

**13.4. CLOSED REPORT - IS - 26/04/2021 - Tender for the Construction of a New Store Building**

**Prepared by** David Anderson - Building & Recreation Facilities Manager  
**Department** Buildings and Recreation  
**Authorised by** Director of Infrastructure & Services

---

**Reason for Confidentiality**

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

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

**Reference**

Min. No. 20-241 Ordinary Meeting of Council held on 28 September 2020.

**Summary**

This report summarises the tender process and ratings from contractor submissions to construct Lithgow City Council's new Store building. A recommendation is put forward for Council's resolution.

**Recommendation**

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

---