



## BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 26 July 2021

at 7:00 PM

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## 1. Acknowledgement of Country

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### **Acknowledgement of Country**

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

### **Declaration of Webcasting**

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

## 2. Present

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## 3. Apologies

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## 4. Declaration of Interest

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## 5. Confirmation of Minutes

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Confirmation of minutes for Ordinary Meeting of Council 28 June 2021

## 6. Commemorations and Announcements

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## 7. Public Forum

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## 8. Mayoral Minutes

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## 9. Notices of Motion

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### 9.1. Notice of Motion - 26/07/2021 - Councillor Statham. - Lithgow Chapter 39 Order Of The Eastern Star - Hall Lease

**Report by** Councillor Maree Statham

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#### **Commentary**

Lithgow Chapter Number 39 Order Of The Eastern Star has had a lease with South Littleton Hall for approximately six years to conduct their meetings and fundraising for their association. The Chapter ladies have been using the South Littleton Hall for almost six years approximately 4 times a month prior to covid.

The venue is set up in a certain way to cater for the formal meetings required for the Eastern Star Chapter members.

The Council lease was a five year lease, the group are requesting an on going lease arrangement with Council.

Mrs Pamela Fitzgerald received an email from Council informing the Chapter Ladies of a month to month arrangement. It was then brought to the attention of members of this association there was another interested party had Expressions Of Interest to hire the hall.

The Lithgow Chapter Number 39, Order Of The Eastern Star would urge Councillors to support their request to have continuing lease arrangements with Lithgow City Council.

The members of the association are willing to accept a rental increase.

#### **Attachments**

Nil

#### **Recommendation**

THAT Lithgow City Councillors support the Lithgow Chapter Number 39 Order Of The Eastern Star to attain a continuing lease arrangement with Lithgow City Council.

In good faith the association would agree with an increase in charges as to provide them with a venue that is formally prepared for their members.

This organisation has had continuing presence in Lithgow for nine three years.

#### **Management Comment**

Property owned by Council falls into two classifications:

- Community (held for use by the community)
- Operational (held for use by Council or not for a community purpose)

South Littleton Hall is classified community property and has been under a formal lease to Lithgow Chapter No. 39 Order of the Eastern Star for five years. The lease term ended on 21 April 2021, and the occupancy is now month to month (pursuant to clause 12.4 of the lease).

Council is restricted in the way it may deal with community property, as outlined in the Local Government Act 1993 and Council's Leasing and Licensing Policy 1.6, and is not authorised to grant an ongoing lease of any community property.

A local community group approached Council some time ago seeking the use of community property and expressed interest in inspecting South Littleton Hall once the current lease expired.

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Exclusive use of community property in Lithgow is in high demand, but there is limited supply for exclusive use. As community property is held for use by the broader community, it is incumbent upon Council to consider all approaches for exclusive use of community property. A meeting has been held with members of Lithgow Chapter 39 to explain the situation and the process required. The interests of Lithgow Chapter 39 and the proposed group will be considered, and the matter will be reported to Council in due course.

**9.2. Notice of Motion - 26/07/2021 - Councillor Statham - Great Western Highway**

**Report by** Councillor Maree Statham

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**Commentary**

For many years there has been severe drainage issues on the Great Western Highway adjacent to Hughes Lane turnoff approximately one 200 metres from the entrance to Lithgow Gaol, prior the the Mudgee exit.

Horrific, dangerous conditions suddenly appear when storms occur or heavy rain, large sheets of water cross the Great Western Highway.

Many times, I, personally have experienced this, along with every person travelling the Highway when a storm or deluge occurs. Cars stop without warning, many pull off the road.

I am requesting Lithgow Councillors support an urgent letter to Minister Paul Toole, Minister for Transport and Regional Roads to lobby for drainage on the Great Western Highway.

**Attachments**

Nil

**Recommendation**

THAT Lithgow Councillors support a letter to Minister Toole, Minister for Transport and Regional Roads requesting drainage up grades on the Great Western Highway, between Hughes Lane and Tunnel Hill.

**Management Comment**

Similar issues have presented in recent times, particularly adjacent to the turnoff to the Marrangaroo township. In this instance, the problem was caused by a blocked subsurface drain. Contact with the Transport for NSW administration quickly resolved the matter with the drain being promptly cleared.

It is likely this is an operational matter. It is suggested that engineers within TfNSW be contacted prior to our local member, to ensure his focus remains on strategic issues of regional importance.

Council staff will contact TfNSW as a priority to investigate the cause for concern and report back to the Council by memorandum on the result of this process.

### **9.3. Notice of Motion - 26/07/2021 - Councillor Statham - Willow Vale Lane**

**Report by** Councillor Maree Statham

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#### **Commentary**

Residents of Willow Vale Road Wallerawang are requesting Lithgow Council support their request in applying for a grant to upgrade and seal Willow Vale Road Wallerawang.

New South Wales Government is investing \$691 million through the Governments FIXING LOCAL ROADS program. This will assist regional councils to repair, maintain and seal local roads in the community.

There are residents, ratepayers, Energy Australia staff and tourists using this road. I request Councillors to support submitting an application for round three of Fixing Local Roads program. Thompson's Creek dam is a Tourist attraction for fishing, the dam owned by Energy Australia is located on this road.

Minister Toole has replied to the residents and ratepayers who wrote to Minister Toole requesting the road be sealed. Minister Toole advocated for a request through Council to apply for funding through the FIXING LOCAL ROADS program, round three.

#### **Attachments**

Nil

#### **Recommendation**

THAT Lithgow City Council submit an application for funding through the Governments FIXING LOCAL ROADS program to seal Willow Vale Lane Wallerawang.

#### **Management Comment**

Requests are frequently received to seal unsealed roads. These are dealt with on the bases of merit and priority. Another consideration is the ongoing cost of maintaining a growing asset base. Sealed roads are also more costly to maintain relative to unsealed roads,

Council engineers previously assessed the priority of sealing Willow Vale Lane in July 2017 and at that time, the request for seal was not considered to be a priority. With very low daily traffic figures, acceptable geometric characteristics and comparatively low maintenance requirements it was determined by Council engineers that this asset would not be sealed.

The matter has been reconsidered in 2021 with traffic counts being placed on the asset. The average daily traffic volumes are currently 123 vehicles per day. Unfortunately, with over 200 segments of sealed road that are currently rated at Condition 4 or 5 (worn or poor), many of which carrying traffic volumes in excess of 500 vehicles per day, it remains a priority that all internal and external funding be allocated to the renewal of existing sealed assets rather than the sealing of good condition unsealed assets. This will ensure that Council is making every effort to maintain standards of quality and safety on its existing road network.

Further, even though Thompsons Creek Dam can be considered a public attraction, so are many other natural and man-made features in the Lithgow area. Many of our natural attractions feature an unsealed road access (such as the Wolgan Road, Cullenbenbong Road and Upper Turon Road) and this logic alone is not considered adequate to recommend sealing Willow Vale Lane to Council.

The information above has been provided to the residents of Willow Vale Lane.

**9.4. Notice of Motion - 26/07/2021 - Councillor Ring - Destination Pagoda – Community Safety**

**Report by** Councillor Steve Ring

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**Commentary**

The Destination Pagoda proposal to increase the footprint of the National Parks and Wildlife Service within our Local Government Area has a high possibility of being adopted in some form by the state government.

However, information on the size of the proposal is conflicting as is shown by the two maps attached to this report which clearly show two different footprint sizes (source Destination Pagoda: a grand new tourism attraction for Lithgow)

This report is not about the merits of the Destination Pagoda which I have publicly stated that I support in principle. It is about concerns raised with me by members of the community and by the Captains of both the Cullen Bullen and Clarence RFS Brigades.

Residents are concerned about the lack of clarity in the extent of the proposal and the long-term fire management of the proposed reserve specifically where it interfaces with the Clarence/Dargan and Cullen Bullen Communities. There is real concern about the ability of National Parks to adequately manage the fire risk between the border of the proposed reserve and the communities.

Given the impact of the 2019/20 Black Summer Bushfires on the mental health of our residents – we need to take their concerns seriously. To actively engage with them and if necessary to make appropriate representations to the Government through the local member on their behalf.

**Attachments**

1. Proposed Master Plan [9.4.1 - 1 page]
2. Gardens of Stone Locality map [9.4.2 - 1 page]

**Recommendation**

THAT the Administration actively engages with the Cullen Bullen and Clarence/Dargan communities to identify their concerns with the Destination Pagoda proposal and that the new Council is briefed on the outcomes of this engagement as a priority.

**Management Comment**

After Lithgow's experience in recent years with significant bushfires there is an increased expectation amongst our community that owners of large tracts of bushland, and especially government, will responsibly manage fire risk. Council is working closely with the community to understand and address their real concerns. This request is consistent with this service.

## 10. Staff Reports

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### 10.1. General Manager's Reports

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#### 10.1.1. GM - 26/07/2021 - Australian Local Government Association's 2021 National General Assembly of Local Government

**Report by**            General Manager

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#### **Commentary**

Between 20 – 23 June the Mayor, Deputy Mayor, Councillor Coleman and the General Manager attended the Australian Local Government Association's 2021 National General Assembly of Local Government. This is the peak annual event for local government. It is held in Canberra and typically attracts more than 800 mayors and councillors each year although Covid affected attendance this year. The event provides the opportunity for local government to engage directly with the Federal Government, to contribute to national policy and shape the direction for communities nation-wide. The convenor of the event, the Australian Local Government Association, offers the following precis about the event –

*It is a unique opportunity to hear from political leaders, experts, commentators, and colleagues in local government to:*

- *Learn more about how working collaboratively helps councils and communities to get results in cost-effective and innovative ways;*
- *Share knowledge and lessons learned about approaches and models that build resilience, overcome adversity, and grow local economies;*
- *Discover initiatives that can be integrated into current council operations and maintained in the longer term; and*
- *Identify ways to effectively engage your local community and businesses in creative, community-focused activities that build local capacity and capability.*

A copy of the program for the event is attached.

Of course, the event reflected very much on the lessons from the Covid pandemic and the many natural disasters that have been experienced in recent years. It was widely acknowledged by all speakers that while the national and state governments can shape and fund policies in response to these adverse events at a higher scale, it is local government that is often best placed to identify the most important local responses and to provide services directly to the community. On this basis, there was overwhelming support for local government to be more centrally involved in the development of programs and policies, as well as financing decisions, that will equip Australia for the future. The call was for local government to have a seat on the National Cabinet. There was also wide agreement from the local government participants that the current financial capacity of councils is overstretched in times of crises such as those that have been experienced over the last few years (fires, floods, drought and pandemic). It is likely that this will continue to be the case in the future and the call was for a more significant, efficient and co-designed (amongst 3 levels of govt) approach to the funding of local government.

There was a Regional Forum on Sunday 20 June which the General Manager attended. Presentations included –

- Politics and the bush,
- Regional awareness,
- Regional health challenges and opportunities,
- Regional trends, and
- Communities that thrive: strategies for success

Some key take-outs were –

- Steering the nation into the future, which will be subject to continuous disruption, will be difficult. One dimensional or short-term solutions won't work. The best time to plan is in the pre-adverse conditions phase and the best way to plan is with local government at the table with the national and state governments.
- There is a new view about the regions given the experiences of Covid. 75% of jobs being created in the regions today are high skilled jobs, 1:5 metropolitan residents are thinking for the first time about a move to the regions. We need to re-think how we have modelled growth, funded infrastructure and generally planned for the regions. There is the need for rebalancing between metropolitan and regional areas. New models of delivery need to be conceived, in concert with councils because they are the conduit for higher levels of government into communities – rural area community-controlled health organisations was an example cited
- The best way to lift and maintain productivity, in a more spatially balanced way, is for the 3 levels of government to work together

A range of Motions were debated during the course of the event. The various themes for the Motions really conveyed the diversity of services that local government delivers to communities on a daily basis and the central role of councils in the lives of people. These included – disaster recovery, waste management, social support services, economic development, catering for diversity in a population, public health, community wellbeing and resilience, environmental management, infrastructure needed to support communities and economies. To summarise the message from the event, local government can positively shape the lives of people, but the extent to which this can be achieved is commensurate with a council's capacity. For these reasons, there were consistent calls, throughout this event, for a stronger voice for local government in the processes of national government and an enhanced level of public funding to ensure financial resilience for councils.

Lithgow's delegates actively participated in the debate around Motions that –

- sought increased investment in nation building projects where it can be established they will facilitate better road and transport connections between cities and with regions around Australia. Lithgow's delegate spoke of the need for greater investment in the delivery of an effective road and rail transport corridor between this region and Western Sydney,
- proposed that private landowners also assist in mitigating bushfires by maintaining reduced levels of groundcover vegetation

Councillor Coleman attended the Assembly sessions and events and, in her role as State President for the Australian Local Government Women's Association, was also busy with the membership throughout the event, including hosting briefings and information sessions.

The opportunity was also taken for meetings with politicians and their advisors throughout the 3 days. The key submissions that were made included –

- The positions being taken by the Australian Government and the Opposition in relation to renewable energy have not been accompanied by material policy announcements or action about the imperatives to diversify the economies of places like Lithgow. Council's representatives proposed that as economies change as a result of government policy, that a national government has a role on the ground in regions like Lithgow to deliver jobs and ensure community well-being.
- Lithgow and other such coal mining and thermal power generating regions are in a pre-adverse economic condition phase and now is the time for genuine, accelerated and sustained commitment by all levels of government to diversify and sustain the local and regional economies. Council's representatives promoted that now is the time for action.
- The city deal, regional deal or the UK's approach to "levelling up" are instructive as to what is required – 3 levels of government working collaboratively to ensure the resilience of places like Lithgow, economically and socially. Under this approach there would be a tight spatial focus to determine and then implement the most important interventions required in areas undergoing erosion of their economies because of external factors. Council's representatives suggested that new models of delivery of regional economic development are needed.

**Attachments**

1. Program 2021 [10.1.1.1 - 20 pages]

**Recommendation**

THAT the report summarising the matters debated and discussed at, and some of the take-outs from, the recent Australian Local Government Association National General Assembly of Local Government be received.

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## 10.2. Economic Development and Environment Reports

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### 10.2.1. Building and Development

10.2.1.1. ECDEV - 26/07/2021 - DA044/21 - Proposed Garage with Bathroom - 25 Kirkley Street Bowenfels

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<b>Prepared by</b>	Ben Young – Building and Development Officer
<b>Department</b>	Economic Development and Environment Department
<b>Authorised by</b>	Director of Economic Development & Environment
<b>Property Details</b>	Lot 142 DP 1198237 25 Kirkley Street South Bowenfels
<b>Property Owner</b>	Mr Dean Michael Moodie
<b>Applicant</b>	Mr Dean Michael Moodie

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#### Summary

To assess and recommend determination of Development Application DA044/21 for construction of a proposed garage with bathroom and retaining walls on land known as Lot 142 DP 1198237, 25 Kirkley Street South Bowenfels.

#### Commentary

Council is in receipt of a Development Application for a garage with bathroom and retaining walls at 25 Kirkley Street South Bowenfels NSW 2790.

The proposal provides for:

- Earthworks of up to approximately 1000mm of cut and 800mm of fill (contained within a deepened edge beam).
- Construction of concrete sleeper retaining walls having a height of up to approximately 900mm to support the proposed cut.
- Construction of a steel framed Colorbond clad garage, having external dimensions of 14.5m x 10.5m, and a maximum height (measured above finished ground level) of 5.125m.
- Construction of a bitumen sealed vehicular access driveway to serve the proposed garage. The vehicular access driveway is located on the northern side of the existing dwelling.

The applicant has advised, in writing, that the proposed garage will be utilised for 'personal storage of tools and collectable motor vehicles and trade tools', and that the 'garage will not be used for operating a business'.

The garage is proposed to be located 3.1m from the western (rear) property alignment (clear of the 3m wide easement for drainage of water and sewer) and 900mm from the northern (side) property alignment.

The applicant is proposing a vegetative screen comprising of sixteen (16) 'Viburnum Odoratissimum' adjacent to the western and southern property alignments. The proposed 'Viburnum Odoratissimum' are an evergreen species of plant that reach an average mature height of 4 – 5 metres.

The applicant is proposing to install a new sewer junction on the southern side of the proposed garage, and to re-route the existing sanitary plumbing and drainage from the dwelling to this junction.

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The proposed sanitary plumbing and drainage fixtures within the garage (comprising a WC, shower and cleaners sink) will also connect to the new sewer junction.

The application was notified to adjoining and adjacent property owners for a period of fourteen days, on two separate occasions.

Notification period commencing 17/3/21

During this notification period, one public submission was received on 22/3/2021. Details of the submission are summarised below:

- Scale, bulk, height and amenity related impacts associated with the development, primarily relating to the overall height of the proposed garage and the perceived impacts on the adjoining property to the west.
- Character of the development, primarily in relation to the scale and bulk of the proposed garage in the context of other garages within the surrounding residential subdivision.
- Use/noise related impacts associated with the proposed development, primarily the potential use of the proposed garage as a business or secondary dwelling.

Following receipt of the submission outlined above, Council conveyed these concerns to the applicant who responded with revised plans on 5/5/2021. The revised plans included the following design amendments:

- a. Reducing the overall floor area of the garage from 159.5m<sup>2</sup> to 152.25m<sup>2</sup>
- b. Reorientating the roof so that the ridge is located further north away from the dwelling and private open space associated with the adjoining property to the west.
- c. Increasing the western (rear) setback from 2m to 3.1m.
- d. Proposing landscaping along the western and southern property alignments.
- e. Clarifying the extent of proposed earthworks and driveway location.

The applicant also provided shadow diagrams to demonstrate impacts of overshadowing on the adjoining properties. The shadow diagrams indicate that adjoining properties to the west and south will maintain more than 3 hours of direct sunlight to their private open space areas during winter.

Re-notification period commencing 14/5/21

The revised plans incorporating the design amendments outlined within items a-e (above) were then re-notified to adjoining and adjacent property owners for an additional fourteen-day period. One submission was received on 19/5/2021 and reiterated the concerns raised during the previous notification period.

The applicant has demonstrated, through the provision of shadow diagrams, that the proposed development will result in the adjoining properties to the south and west, maintaining more than 3 hours of direct sunlight to their private open space areas during winter. Furthermore, the provision of substantial landscaping along the southern and western property alignments will reduce the visual impact of the garage when viewed from the adjoining properties to the south and west.

In respect to concerns regarding the potential use of the proposed garage, the applicant has clarified, in writing, that the garage will be used for 'personal storage of tools and collectable motor vehicles and trade tools', and that the 'garage will not be used for operating a business'. A condition to ensure that the proposed garage is not used for any commercial, industrial, or residential purposes, is also recommended to be imposed on the Development Consent.

**Policy Implications**

Policy 7.7 Calling In Of Development Applications By Councillors

The subject application was 'called in' by Council on 27 March 2021. As such, the subject application is required to be determined by Council in accordance with Policy 7.7. An on-site inspection was carried out on 13 May 2021 attended by several Councillors and staff.

### Lithgow Community Participation Plan

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA). In accordance with the Lithgow Community Participation Plan, the application was notified to adjoining and adjacent property owners for a period of fourteen days, on two separate occasions. The application is considered to satisfy the provisions of the Lithgow Community Participation Plan.

### Financial Implications

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

### Legal and Risk Management Implications

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979.

### Attachments

1. 25 Kirkley Street South Bowenfels Development Assessment Report [B10E] [10.2.1.1.1 - 19 pages]

### Recommendation

THAT

1. Development Application DA044/21 be APPROVED subject to conditions on the consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**10.2.1.2. ECDEV - 26/07/2021 - DA061/21 - Retrospective Rear Alfresco Deck, Additional Seating and Bar - 69 Bridge Street Lithgow**

**Prepared by** Mark Hitchenson – Development Planner  
**Department** Economic Development & Environment  
**Authorised by** Director of Economic Development & Environment

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**Property Details** Property Lot 2 DP 1077295, 67 Bridge Street, Lithgow

**Property Owner** Lithgow City Council

**Applicant** Kenwood Industries Pty Ltd

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**Summary**

To assess and recommend determination of a development application DA061/21 for a retrospective rear alfresco deck, additional seating and bar on land at 67 Bridge Street, Lithgow (Lot 2 DP 1077295).

**Commentary**

The Tin Shed Café is located at 69 Bridge Street, Lithgow (Lot 1 DP 1077295). The operator of the Tin Shed Café has constructed an alfresco deck and bar and provided associated additional seating on Council owned land, classified as “community land” at 67 Bridge Street, Lithgow (Lot 2 DP 1077295). This construction occurred without development consent or approval being sought to carry out development on Council land. The subject land is a part of the land that contains the Union Theatre.

The deck has been constructed of timber and is on piers. It is covered by a pergola with a retractable canvas awning. The deck has seating for 12 people. The adjoining ground level dining area has a synthetic grass cover and is bounded in part by screens and landscaping. Seating for 14 people is provided in this area.

A bar area has also been constructed along the northern boundary of the lot. The operator of the Tin Shed Café has advised that the bar is not located on Council land but has provided no evidence to substantiate this claim. An examination of the aerial photography overlaid with cadastral mapping indicates that the structure is on Council land. The shed at the rear of 69 Bridge Street also appears to encroach onto Council land. In any event, if the development is approved a detailed survey will be required to establish the location of all development relative to Council land and this would be required as a condition of consent.



The application was subject to public exhibition under the Lithgow Community Participation Plan for 14 days from 19 April to 5 May 2021. Surrounding landowners were notified of the proposal and given the opportunity to provide a written submission. No submissions were received during the public exhibition period.

As detailed in the attached assessment report, Council staff have assessed the proposal and recommend that retrospective consent be granted to the development undertaken on Council land subject to conditions, including the requirement for provision of a lease to use the land. Given the land is classified as “community land”, the maximum possible term of the lease is 5 years. The process of entering into a lease to use community land will involve public exhibition.

Should the operator of the adjoining café wish for a more permanent use of the land, they will be required to request that a process to reclassify the land to “operational land” be commenced. Such a process will involve extensive community consultation.

### **Policy Implications**

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

Lot 2 DP 1077295 is owned by Lithgow City Council and contains the Union Theatre. Policy 7.6 requires development on land owned by Council to be referred to Council for consideration and determination.

There are no exemptions in the policy for this circumstance and therefore this development consent cannot be determined under delegated authority.

#### **Lithgow Community Participation Plan**

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and prescribes certain types of development as exempt from requiring notification. The proposal is not listed as exempt from requiring notification and was therefore notified to adjoining land owners in accordance with the Plan.

#### **Policy 10.14 Property Leases**

Should consent be granted then a condition would be imposed the require a lease to be entered into. The policy delegates authority to the General Manager to negotiate and execute leases having regard to the market rent and other considerations within the policy.

### Financial Implications

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – Should a lease be granted, Council will earn income for the use of the land. Should the land be reclassified as ‘operational’ in the future, consideration could be given to the sale of that part of the land to the adjoining land owner.

### Legal and Risk Management Implications

In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These are addressed in the planning assessment report in Attachment 1.

Should consent be granted, Council will be required to follow the requirements of the *Local Government Act 1993* with respect to the issuing of a lease over Council owned community land.

### Attachments

1. Dev Appl No daN79Other 707080 [10.2.1.2.1 - 15 pages]

### Recommendation

THAT

1. Development Application DA061/21 be APPROVED subject to conditions on the consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

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## 10.2.2. Economic Development & Environment General Reports

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### 10.2.2.1. ECDEV - 26/07/2021 - Bell Quarry - Appeal to Land and Environment Court Update

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<b>Prepared by</b>	Andrew Muir - Director Economic Development and Environment
<b>Department</b>	Economic Development & Environment
<b>Authorised by</b>	Director of Economic Development & Environment

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#### Reference

Min No. 17-28:	Ordinary Meeting of Council held on 6 February 2017
Min No. 17-345:	Ordinary Meeting of Council held on 27 November 2017
Min No. 19-09:	Ordinary Meeting of Council held on 25 February 2019

#### Summary

To provide Council with an update on the appeal to the Land and Environment Court of the refusal of the Bell Quarry project.

#### Commentary

Further to previous advice to Councillors on this matter, it is now appropriate to provide a formal update and seek support for various activities and representations that will be required.

By way of background, the proponent for this development maintains that the site, a completed and rehabilitated quarry, will receive and be re-shaped with Virgin Excavated Natural Material (VENM); Excavated Natural Material (ENM) and 'other clean fill material'. The inference being made is that the proposal constitutes rehabilitation of a quarry. However, the reality is that the site has been sufficiently remediated already and for that reason it is Council's view that the proposal is most properly characterised as a waste disposal facility. This is a key point. The proposal has been framed by the proponent as a "rehabilitation project" which is reflected in the application and formal documentation. Under the planning definitions it is correctly defined as a *waste or resource management facility* and any reference to rehabilitation is misleading. Going forward, it is intended to refer to the project as the Bell Quarry *Waste Management Facility* as this is a more accurate representation of the proposal.

An appeal has been lodged to the refusal of the development application. While the determination of this development was through the Western Regional Planning Panel, the Council is the consent authority and thus the respondent in the appeal process.

Following initial procedural directions from the Court, the applicant indicated they would be altering the proposal, thus stalling certain actions on Council's part. The proponent then later advised the Court that they would be unable to collate the additional information (groundwater testing) within the year and withdrew their request for a stay. The matter has therefore now proceeded where draft Statements of Facts and Contentions have been prepared in line with standard requirements set out by the Regional Planning Panel and the Court.

Council's solicitors have, on Council's behalf, forwarded notification to all those who made submissions to the original development application advising them of the appeal and indicating that they may become respondents to the appeal if they wish. They have also been invited to a conciliation conference set down for Wednesday, 15 September 2021. Both councillors and the community would be interested in the practicality of holding a conciliation conference given the anticipated desire to strongly oppose the proposal. It is a requirement set out through the Court

process and whilst the detail of the day is yet to be established it would provide an opportunity for objectors to be heard and key issues to be refined.

This is considered an important test case because of the potential impacts on the Greater Blue Mountains World Heritage Area and wider waste disposal implications. The Environment Protection Authority (EPA) submissions to the assessment process for the original development application contributed to the case for refusal. Council's solicitors have written to the EPA affording the opportunity to be heard as a respondent, or in the alternative, seeking the EPA's potential involvement through provision of an expert in the proceedings.

Further actions that are occurring or are anticipated to have occurred prior to the Council meeting are as follows:

- Correspondence to the Minister for Energy and Environment and the Local Member seeking their support for government involvement in the case
- Correspondence to Blue Mountains City Council and Hawkesbury City Council, seeking their support in this matter
- Facilitation of public input to the defence of this matter.

### **Policy Implications**

It has been a long-standing position of Lithgow City Council to oppose the importation of Sydney waste to the Lithgow Local Government Area.

### **Financial Implications**

- Budget approved - allocations exist within the operational budget for legal matters. However, given the critical nature of this matter and the need to engage appropriate experts it is likely that these allocations may be exhausted through the process. This will need to be monitored.
- Cost centre - development legal.
- Expended to date - Whilst Council is yet to be billed on the initial legal work, it is anticipated to be in the order of \$6,000.
- Future potential impact – if the proposal was to be approved impacts may occur along Sandham Road due to heavy traffic movements. The Road would be required to be upgraded and regularly maintained and managed.

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

Assessment of the Development Application will be by Council under the Environmental Planning & Assessment Act 1979. The determining authority will be the Western Regional Planning Panel as per the State Environmental Planning Policy (State and Regional Development) 2011. The appeals process occurs through the provisions of the Environmental Planning & Assessment Act and Land and Environment Court Act.

### **Attachments**

Nil

### **Recommendation**

THAT

1. Council note the update on the current position on the appeal to the Land and Environment Court of the refusal of the development application for the Bell Quarry *Waste Management Facility*.
2. Council endorse the actions carried out or proposed as indicated in the body of the report.

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**10.2.2.2. ECDEV - 26/07/2021 - Proposed Licence Agreement with Portland Touch Football Association Incorporated**

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

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**Summary**

The purpose of this report is to seek Council's approval to grant a licence to Portland Touch Football Association Incorporated (ABN 91 325 540 648) (**the Club**) for use of the newly built clubhouse located on Saville Park, Williwa Street, Portland (**Clubhouse**)

**Commentary**

In 2020, the Club was instrumental in obtaining a \$500,000 grant to construct the Clubhouse at Saville Park. Construction of the Clubhouse is fundamentally complete, with final touches being made. Following the issue of an occupation certificate, the Clubhouse will be ready for use.

The Club has requested exclusive use of the Clubhouse to allow it to manage the facility for the benefit of the Saville Park sports community.

In accordance with Council's Leasing and Licensing Policy, which aims to put contracts in place for all Council owned premises used by third parties, it is proposed to record the arrangement by way of a licence agreement.

Community classification

Saville Park is classified 'community land' under the *Local Government Act 1993 (the Act)*. The use of 'community land' must comply with applicable provisions under the Act, namely:

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

The Club wishes to have exclusive use of the Clubhouse for the purpose of holding meetings and supporting activities directly associated with playing of sport at Saville Park. To facilitate exclusive use, a licence must be entered to satisfy point 1. above

Saville Park is categorised as 'sportsground' in Council's 2013 generic plan of management. This category expressly authorises the granting of a lease or licence for "the playing of organised and informal sporting activities and the use of associated facilities including clubrooms, change rooms, public toilets, etc". As the permitted use for the Clubhouse is consistent with the express authorisation for 'sportsground' in Council's plan of management, point 2. above can be satisfied.

If Council resolves to give preliminary approval to the proposed licence and the Club wishes to proceed with the licence agreement, Council will facilitate public notice and place the draft licence agreement on public exhibition for at least 28 days, in satisfaction of point 3 above.

### *Proposed licence agreement*

A draft licence agreement has been submitted to the Club for consideration. The draft licence agreement includes the following key terms and conditions:

Term of licence - 10 years (the Club has requested a long tenure in return for the contribution it has made by obtaining grant funding and overseeing the development of the clubhouse, which will benefit the community for many years to come)

Licence fee - \$1 (the Club has requested a pepper corn rent in return for the contribution it has made by obtaining grant funding and overseeing the development of the clubhouse, which will benefit the community for many years to come)

Permitted Use - meetings and activities directly associated with playing of sport at Saville Park.

Not for profit - the grant of the licence is contingent upon the Club managing the Clubhouse on a not-for-profit basis, and the Clubhouse must not be used for personal gain or profit.

Verification of Not for Profit - Within 7 days' of receiving a request in writing from Council, the Club must provide such information and/or financial records as requested to verify that the Clubhouse is being managed on a not-for-profit basis.

Utilities - The Club must pay for all utilities (such as electricity) and pay for all separately metered usage charges.

Maintenance and repair - The Club must maintain the Clubhouse in good repair and condition, having regard to its condition on the commencing date and do repairs needed to keep it in that state. Council is responsible for repairs needed due to fair wear and tear and structural repairs.

Insurance - The Club must maintain public liability insurance and any other insurances it is required to hold by law.

Indemnities - The Club indemnifies Council in relation to any claim arising out of the Club's breach of the licence agreement or use of the Clubhouse, but the indemnity does not extend to any claim arising from or contributed to by a negligent act or omission of Council.

### Comments

In regard to the requests for a peppercorn rental and 10 year licence term it should be noted that there are some important points of difference with this proposal compared to others where exclusive use is sought of an established building asset. A deviation from the standard minimum annual fee Licence fee of \$510 per annum and greater licence term is considered reasonable in this instance given the Touch Football Association sought and obtained funding for the building and that building is for a particular use for which funding was sought.

### **Policy Implications**

Compliance Policy 9.16

Leasing and Licensing Policy 1.6

### **Financial Implications**

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

*The granting of a licence agreement will have no financial impact on Council.*

## **Legal and Risk Management Implications**

Local Government Act 1993

### **Attachments**

1. 21.07.05 - draft licence agree to PTFC Inc [**10.2.2.2.1** - 15 pages]

### **Recommendation**

THAT

1. Council grant preliminary approval to issue a licence to Portland Touch Football Association Incorporated.
2. Council authorise the General Manager to negotiate and finalise the proposed licence agreement.
3. Council resolve to give public notice of the proposed licence agreement and place the licence on public exhibition for at least 28 days.
4. If any submissions are received during the public exhibition period, the matter be returned to Council for further consideration.
5. If no submissions are received during the public exhibition period, the General Manager do all things necessary and sign all documents required to give effect to the licence agreement.

**10.2.2.3. ECDEV - 26/07/2021 - proposed licence agreement with Lithgow City Tennis Club Inc.**

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

**Department** Economic Development & Environment

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

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**Summary**

The purpose of this report is to seek Council's approval to grant a licence to Lithgow City Tennis Club Incorporated (ABN 75 089 908 768) (**the Club**) for use and management of the tennis facility located on Glanmire Oval, Sandford Avenue and James Street, Lithgow (**Tennis Facility**).

**Commentary**

Council's records indicate that the Club has operated the Tennis Facility for many years; however, there is presently no written contract governing this arrangement.

In accordance with Council's Leasing and Licensing Policy, which aims to put contracts in place for all Council owned premises used by third parties, it is proposed to record the arrangement with the Club by way of a licence agreement.

Community classification

Glanmire Oval is classified 'community land' under the *Local Government Act 1993 (the Act)*. The use of 'community land' must comply with applicable provisions under the Act, namely:

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

The Club wishes to have exclusive use of the Tennis Facility for the purpose of hiring out the courts, providing tennis coaching and facilitating competitions. To facilitate exclusive use, a licence must be entered to satisfy point 1. above

The Tennis Facility is categorised as 'sportsground' in Council's 2013 generic plan of management. This category expressly authorises the granting of a lease or licence for "the playing of organised and informal sporting activities and the use of associated facilities including clubrooms, change rooms, public toilets, etc".

The permitted use under the proposed licence agreement is consistent with the express authorisation in the plan of management and so point 2. above can be satisfied.

If Council resolves to give preliminary approval to the proposed licence and the Club wishes to proceed with the licence agreement, Council will facilitate public notice and place the draft licence agreement on public exhibition for at least 28 days, in satisfaction of point 3 above.

### Proposed licence agreement

Council has submitted a draft licence agreement to the Club for consideration. The draft licence agreement includes the following key terms and conditions, consistent with Council's Leasing and Licensing Policy relating to community land:

Term of licence - 3 years

Licence fee - \$510 per annum + GST, with CPI reviews annually

Permitted Use - Activities directly associated with playing and coaching tennis for the benefit of the community

Not for profit - The grant of the licence is contingent upon the Club operating the Tennis Facility on a not-for-profit basis, and the Tennis Facility must not be used for personal gain or profit.

Verification of Not for Profit - Within 7 days' of receiving a request in writing from Council, the Club must provide such information and/or financial records as requested to verify that the Tennis Facility is operating on a not-for-profit basis.

Utilities - The Club must arrange connections for utilities (such as electricity) and pay for all separately metered usage charges.

Maintenance and repair - The Club must maintain the Tennis Facility in good repair and condition, having regard to its condition on the commencing date and do repairs needed to keep it in that state. Council is responsible for repairs needed due to fair wear and tear and structural repairs.

Insurance - The Club must maintain public liability insurance and any other insurances it is required to hold by law.

Indemnities - The Club indemnifies Council in relation to any claim arising out of the Club's breach of the licence agreement or the Club's use of the Tennis Facility, but the indemnity does not extend to any claim arising from or contributed to by a negligent act or omission of Council.

### **Policy Implications**

Policy Compliance Policy 9.16

Leasing and Licensing Policy 1.6

### **Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact - income of \$510 pa reviewed by CPI annually

*The granting of a licence agreement will have no financial implications.*

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

Local Government Act 1993

### **Attachments**

1. 21.07.06 - draft licence agree to LCTC Inc [**10.2.2.3.1** - 15 pages]

## Recommendation

THAT

1. Council grant preliminary approval to issue a licence to Lithgow City Tennis Club Incorporated.
2. Council authorise the General Manager to negotiate and finalise the proposed licence agreement.
3. Council resolve to give public notice and place the proposed licence agreement on public exhibition for at least 28 days.
4. If any submissions are received during the public exhibition period, the matter be returned to Council for further consideration.
5. If no submissions are received during the public exhibition period, the General Manager do all things necessary and sign all documents required to give effect to the licence agreement.

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**10.2.2.4. ECDEV - 26/07/2021 - Lithgow Development Control Plan 2021- Adoption**

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**Prepared by** Sherilyn Hanrahan - Strategic Land Use Planner

**Department** Economic Development & Environment

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

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**Reference**

Min No 21-89 Ordinary Meeting of Council 26 April 2021

**Summary**

The purpose of this report is to inform Council of the outcomes of the public exhibition phase of Draft Lithgow Development Control Plan 2021 and to seek a Council resolution to adopt and notify the Plan with minor amendments.

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 Local Environmental Plan (LEP).
- Achieve the objectives of the land zones under the Local Environmental Plan (LEP).

**Commentary**

**Strategic Context**

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

**Outcomes of Public Exhibition**

Draft Lithgow Development Control Plan 2021 was placed on public exhibition in accordance with requirements of the Environmental Planning and Assessment Act and Council's Community Participation Plan between 14 May 2021 and 13 June 2021. The exhibited version of the Plan is provided in Attachment 1.

The public exhibition program included:

- Notification in the Village Voice within Council's Column in each of the publications throughout the exhibition period.
- Notification on Councils Facebook Page and Website - 'On Exhibition' opportunities for on-line submissions and request for "call back" from Council officers.
- Hardcopy Display at Council's Administration Centre and each of the town libraries.
- Drop - in information session held in the Lithgow Library between the hours of 10am and 3pm on 3 June 2021, providing opportunity for direct discussion with members Council's Strategic Planning Team.
- 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/groups.
- Media Releases 14 May 2021 and 27 May 2021.
- Council's Strategic Planning Team available for phone and counter enquires throughout the exhibition period.
- Internal staff meetings to review the Draft and implement testing against "live" development applications.

The level of interest from the community and stakeholders during the public exhibition phase was low as reflected in the number of submissions and enquiries received. However, this is not unusual, given that the vast majority of the community tend to only involve themselves in the planning process when they are directly affected or when making their own applications. The lack of interest from identified stakeholders/practitioners was disappointing at face value, however it was also not unexpected given that businesses are currently focusing on recovering from recent events and adapting to new practices required to respond to the ongoing pandemic.

A total of five written submissions were received during the exhibition period, three of which were identical in content. These submissions have been summarised and included in Attachment 3 along with officers planning comment and recommended action/s. The full original submissions are included in Attachment 4 with appropriate redactions to protect the privacy of the submitters.

No change to the Plan is recommended arising from the written submissions.

In considering the submissions the following should be kept in mind. 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 provide for innovative design solutions.

Further, the plan seeks to reach a balance between prescriptive and performance- based controls. There will be an ongoing need to evolve controls to manage community and development expectation within a rapidly changing planning framework over time. Therefore, the Plan will be kept under regular review.

### **Implementation**

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.

Council must publish notice of its decision on its website within 28 days after the decision is made. 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.

This report recommends that Council approves/adopts Draft Lithgow Development Control Plan 2021 with some minor amendments to format as outlined below.

### **Amendments to Exhibited Version**

Whilst there are no recommended amendments resulting from consideration of the written submissions it is proposed to amend the document structure to incorporate in Chapter 6 the objectives and controls adopted from the *Low-Rise Housing Diversity Design Guide for Development Applications for the following development types:*

- *Dual Occupancy.*
- *Manor house and dual occupancy (one above the other).*

- *Multi dwelling housing (Terraces).*
- *Multi dwelling housing.*

This amendment does not involve any new content that was not publicly exhibited, it is simply a transfer of information (Attachment 2) from the **Low-Rise Housing Diversity Design Guide for Development Applications** to assist with ease of access and understanding for planning practitioners and the community alike. In this regard only the format, numbering, and minor word changes (to remove redundant references to the DCP) to be consistent with Chapter 6, will be amended when transferring the relevant sections across. The DCP will still reference the remaining parts (Chapter 1 and Chapter 3) of the design guide.

Other minor administrative amendments are required to be made to update document control sections and insert information such as commencement dates etc.

These amendments will be made to the plan prior to the final version published on the website and the commencement date of the plan.

### **Commencement of Plan**

The Plan will come into effect on the date the notice of Council's decision to approve the plan is published on its website, or on a later date specified in the notice.

### **Land and Environment Court guidance to approach for the consideration of Development Control Plans in planning decisions**

Since 2012, the provisions of a development control plan are not statutory requirements but are guidance documents and a head of consideration for merit-based development evaluations under S. 4.15 of the Environmental Planning and Assessment Act, 1979. When these controls are consistently applied, weight can be given in Land and Environment Court proceedings. Indeed, the Land and Environment Court has adopted several principles that can be applied to promote consistency in planning decisions. Having regard to these principles in implementing and administering the DCP would be good practice. These are as follows (with emphasis added):

**Principle 1:** *"A development control plan is a detailed planning document which reflect a council's expectation for parts of its area, which may be a large area of confined to an individual site. The provisions of a development control plan must be consistent with the provisions of any relevant local environmental plan. However, a development control plan may operate to confine the intensity of development otherwise permitted by a local environmental plan."*

**Principle 2:** *"A development control plan adopted after consultation with interested persons, including the affected community, will be given significantly more weight than one adopted with little or no community consultation"*.

**Principle 3:** *"A development control plan which has been consistently applied by a council will be given significantly greater weight than one which has only been selectively applied."*

**Principle 4:** *"A development control plan which can be demonstrated either inherently of perhaps by the passing of time, to bring about an inappropriate planning solution especially an outcome which conflicts with other policy outcomes adopted at State, regional or local level, will be given less weight than a development control plan which provides a sensible planning outcome consistent with other policies."*

**Principle 5:** *"Consistency of decision-making must be a fundamental objective of those who make administrative decisions. That objective is assisted by the adoption of development control plans and the making of decisions in individual cases which are consistent with them. If this is done, those with an interest in the site under consideration or who may be affected by any development of it have an opportunity to make decisions in relation to their own property which is informed by an appreciation of the likely future development of nearby property."*

## Areas for focussed review

In finalising the final plan for consideration by Council the following areas have emerged as areas requiring further consideration and potential amendment to the plan in the short term:

- **Chapter 3 Section 3.5 Flood Prone Land** - Council is currently preparing a Flood Plain Risk Management Study and Plan (FPRMS&P) that will include recommended development controls to guide development of flood liable land within the Farmers Creek and Marrangaroo Catchments. These controls will require consultation with affected landowners and stakeholders and should be included within Lithgow DCP 2021 at the appropriate stage of the FPRMS & P.
- **Chapter 7 Section 7.3 Industrial Uses** - The Draft Marrangaroo Development Control Plan prepared and exhibited in 2017 included development controls for the Urban Release Area as well as the adjacent IN1 General Industrial zone north of Reserve Road. This was to form a site - specific chapter of the Lithgow Comprehensive DCP. It is proposed that the industrial land controls be integrated into the Lithgow DCP 2021 following further consultation with affected landowners and stakeholders.
- **Chapter 8 Section 8.2 Tourist Development (Rural & Environmental Zones)** - Department of Planning, Industry and Environment have recently in April released and consulted upon an explanation of intended effect proposing amendments to the NSW planning system to better enable “agritourism” and small-scale agricultural development to be approved. It also seeks to respond to natural disasters such as droughts and bushfires, and to simplify planning approvals for development or activities that have no or low environmental impact. These amendments as they relate to the development application approval pathways will require more detailed controls in Lithgow Development Control Plan 2021 to address these newly defined development types.

These areas will be progressively reported to Council with recommendations for amendments to Lithgow DCP 2021 as further information becomes available.

## Review Process

Lithgow Development Control Plan 2021 is not a set and forget document. It is a dynamic plan that will be kept under regular review. The plan will be intensively reviewed in the first twelve months of implementation to ensure that it is meeting its objectives. This will involve further testing of controls against “live” development applications and identification of areas where more detailed or more nuanced controls are required.

The adoption of the *Low-Rise Housing Diversity Design Guide for Development Applications* will be a particular area of focused review to ensure that the objectives and development controls/design criteria are striking the correct balance between flexibility and controls for those higher density development types as experienced in our local areas.

In this initial review period, Council’s planning team will also develop support materials such as development application guides and control matrices and ensure seamless integration with Council’s other regulatory documents such as Council’s revised Civil Engineering Guidelines.

### **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 of Council Committee. Adopting a Development Control Plan is a planning decision for the purposes of this Division.

### **Policy Implications**

The following Council policies are now obsolete as the areas have been included in controls within Lithgow Development Control Plan 2021. These policies are now recommended to be repealed.

- Policy 7.1 V4 Filling and Levelling of land.
- Policy 7.3 V4 Planning – Exhibition homes on land zoned residential.

### **Financial Implications**

- Budget approved – Operational Project 2020/2021- \$50,000
- 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 years from the Strategic Planning 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. Attachment 1- Exhibited Lithgow DCP 2021 [**10.2.2.4.1** - 313 pages]
2. Attachment 2 - LRHD Guide for D A's Design Criteria [**10.2.2.4.2** - 85 pages]
3. Attachment 3 -Summary of Submissions and Response [**10.2.2.4.3** - 11 pages]
4. Attachment 4 - Copies of original written submissions [**10.2.2.4.4** - 24 pages]

### **Recommendation**

THAT

1. Council adopt Lithgow Development Control Plan 2021 as exhibited with minor publishing amendments as outlined in this report.
2. Council repeals Policy 7.1 Filling and levelling of land and Policy 7.3 Exhibition homes on land zoned residential.
3. A DIVISION be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993.

**10.2.2.5. ECDEV - 26/07/21 - Rural Planning Matters**

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

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**Summary**

The purpose of this report is to provide information to Council on the NSW government's proposed amendments to the NSW planning system seeking to streamline the approval of agritourism development and small-scale agricultural development and to consider its relationship to, and impact upon, the local rural planning framework.

**Commentary**

A more detailed planning commentary is provided in Attachment 1 with an outline provided below.

One of the areas of focus for this Council has been the development of appropriate planning controls to support good development opportunities. This includes opportunities for investment and development across rural areas. Sensitive development can complement the viability of rural lands as well as offering the chance to expose the Lithgow's attractions to a wider audience. In the recent exhibition of the Operational Plan, several submissions were received on behalf of communities within the Kanimbla, Capertee and Wolgan Valleys for expanded agri-tourism opportunities.

Completion of a Rural and Rural Residential Strategy is required to guide the preparation of new planning controls. This has been an ongoing project, but completion has been delayed as it relies on a project, overseen by the Department of Planning, Industry and Environment (DPIE), in relation to important Agricultural lands and mapping. The latest advice from DPIE is that completion of this work is imminent. Whilst it has been disappointing that the Rural and Rural Residential Strategy has not been finalised during this Council's term, the work remains as a priority in Lithgow's Local Strategic Planning Statement and with the completion of the DPIE project should be able to be finalised in the next 12 months.

Recently, the NSW Government has developed new draft planning provisions which will have the effect of increasing the agri-tourism potential across our rural lands. The proposed government provisions are outlined in an *Explanation of Intended Effect - Agritourism and small-scale agriculture development (March 2021)* produced by the Department of Planning, Industry and Environment (DPIE) which is provided as Attachment 2. A set of frequently asked questions is also provided as Attachment 3. Council officers have reviewed the draft proposals and conclude that they include sufficient controls to achieve the right balance of site development without affecting local character and amenity.

Despite implementation of the NSW Government proposals on agritourism, potential gaps may remain in the local planning framework. There remains the opportunity for Council to also develop further provisions that could further provide for to sensitive agri-tourism opportunities tailored to suit local settings and the community's position. Further work is proposed in the next year and, given the relationship of all this work and the need for community consultation, it would be desirable for this to occur prior to Council moving forward with its proposed Rural Housekeeping LEP.

**Conclusion**

The proposed provisions of the NSW Government are supportable but whether they go far enough to take advantage of the endowments of the Lithgow Local Government Area is debatable. However, given competing community views and potential land use conflicts any decision to open up the rural

areas of the Lithgow LGA to a greater range of land uses should be made with the benefit of the following:

- A Rural and Rural Residential Strategy including the DPIE Important Agricultural Lands Report and Maps
- Updated Lithgow Destination Management Plan
- Completion of an extensive community and stakeholder consultation and engagement program.
- The final version of the NSW Government Agritourism and Small-Scale Agriculture Development amendments.
- Directions from the Lithgow Evolving Economy Project.

In the interim period, significant and genuine development proposals for these development types that would provide a greater public benefit will continue to be able to be considered through an appropriately justified planning proposal.

### **Policy Implications**

Nil arising from this report

### **Financial Implications**

- Budget approved - \$20,000 to complete the Rural and Rural Residential Strategy
- Cost centre - 400168
- Expended to date - Nil
- Future potential impact – N/A

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

Nil arising from this report

### **Attachments**

1. Attachment 1 Briefing Paper DPIE Agritourism Amendments and Local Planning Framework [10.2.2.5.1 - 7 pages]
2. Attachment 2 -Agritourism and Agriculture EIE March 2021 [10.2.2.5.2 - 39 pages]
3. Attachment 3 - FAQs agritourism and small-scale agriculture planning reforms [10.2.2.5.3 - 7 pages]
4. Attachment 4 - Land Use Definitions [10.2.2.5.4 - 4 pages]

### **Recommendation**

THAT

1. Council note the information in this report and convey support to the NSW Government for early implementation of its changes to the planning system to provide greater scope for Agritourism and small-scale agriculture development
2. Further expansion of agri-tourism opportunities for the city (with the appropriate controls to manage all relevant issues) as well as other aspects of the Rural Housekeeping Planning Proposal be further developed in the next 12 months.
3. Council advocate for the urgent completion of the DPIE Important Agricultural Lands Report and Mapping
4. The Draft Rural and Rural Residential Strategy further proceed upon receipt of the DPIE Important Agricultural Lands Report and Mapping.

## 10.3. Infrastructure Services Reports

### 10.3.1. IS - 26/07//2021 - 2021 Local Roads Congress - Key Themes and Recommended Action

**Prepared by** Jonathon Edgecombe - Director of Infrastructure & Services

**Department** Infrastructure & Services

**Authorised by** Director of Infrastructure & Services

#### Summary

To summarise the outcomes proposed during the annual NSW Local Roads Congress held at NSW Parliament House on Monday 7 June 2021 and suggest points of interest for potential advocacy.

#### Commentary

The annual NSW Local Roads Congress was held at the NSW Parliament House on Monday 7th June 2021. The event aims at addressing policy issues rather than technical issues, and the theme for this year was Reconnecting the Dots in Community Recovery. With the Lithgow Local Government area subject to three recent declared natural disasters (December 2019 Bushfire - AGRN 871, January 2020 Floods - AGRN 898 and March 2021 Floods - AGRN 960), the results of this event are of particular importance.

Overall, the Local Roads Congress recognised the critical role of local government as a provider of local and regional transport infrastructure in partnership with the state and federal governments, and the direct economic uplift from construction and the second order uplift from increased economic activity enabled by improvements to the local road networks. The attached report, released in partnership by Local Government NSW (LGNSW) and the NSW Division of the Institute of Public Works Engineering Australasia (IPWEA), deals with matters relating to the restoration of transport infrastructure post-natural disaster.

Of note, the report calls for a re-evaluation of our current practices to make our organisations and public assets more resilient to natural disasters. Lithgow recently made submission under the Natural Disaster Recovery Arrangements for transport asset Emergency Works required after the 2019 bushfire. This submission was a collaborative effort by Council's accountants and engineers. In many instances, the work required was the result of infrastructure in place which is inadequate to deal with the disaster event. Similarly, replacement was an immediate necessity to restore access to remote localities and villages. However, the current structure of the National Disaster Recovery Arrangements (NDRA) has three key weaknesses.

#### *Prioritisation of Like-for-Like Replacement over Asset Upgrades*

The way the recovery arrangements are currently structured places a focus on like-for-like replacements in the event of natural disaster damage. With the resource restrictions experienced by rural and regional Councils, is not enough to assume that transport assets are already as effective and resilient as they can be. This is an unrealistic requirement that does little to allow local Council's the opportunity to improve the performance of their infrastructure for future events, based on the current and pragmatic learnings. The NDRA requirements must be modified to better allow Councils to plan and deliver necessary asset upgrades in response to natural disasters rather than continue historic problems with asset replacements. In times of crisis, such action will:

- Better ensure safe and effective road networks,
- Improve the cost effectiveness of NDRA funding spent locally,
- Increase the resilience of local transport assets,

- Improve access for first responders and emergency services, and
- Better support evacuation of residents if required.

#### *Administrative Burden Reducing Process Efficiency*

Second, as Lithgow experienced, Councils can experience multiple natural disasters in a short period of time. The current process warrants a review of funding levels and funding arrangements to release the burden on local government. Procurement requirements, particularly those set for open tenders, increase administrative burden on Councils and significantly lengthen the time required to deliver urgent works to local communities. To meet the critical delivery targets for emergency works post-natural disaster, a temporary, adjustment to the tender requirements while retaining good governance and oversight mechanisms is necessary.

#### *High Immediate Costs of NDRA*

The current structure of the NDRA requires payments for natural disaster restoration is made in arrears. This means that Local Government covers the full costs of emergency works and immediate reconstruction works in the first instance, with the costs recovered upon completion of these requirements. Post bushfire, Lithgow City Council incurred recovery expenses from December 2019 through to April 2021. This left Council bearing the impact of operational expenses incurred for two financial years (19/20 and 20/21) before restoration costs were processed this financial year (21/22). This unbudgeted cost to Lithgow of \$379,121.27, not supported by any additional revenue, directly reduces Council's ability to provide core local government services to NSW communities. This arrears-based payment system requires change to reduce the financial burden on Councils.

Attention to these three aspects of the Natural Disaster Recovery Arrangements process will better allow Council to future-proof communities in response to natural disaster damage, better respond in a timely fashion to critical emergency restorations and ensure continuity of core local government services in light of natural disasters which may take multiple financial years to accrue costs.

#### **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. Attach 1 2021 NSW Local Roads Congress Communique [**10.3.1.1** - 5 pages]

## Recommendation

THAT Council write to the Federal Member for Calare, Hon. Andrew Gee MP, and the State Member for Bathurst and Minister for Regional Transport and Roads, the Hon. Paul Toole, to seek support for the:

1. review of existing natural disaster funding programs to better facilitate improvements to community infrastructure resilience and support for capacity building within the local government transport network,
2. optimise application processes for project funding to reduce the administration burden on local government, including a review of current procurement requirements, and
3. support councils with funding and resourcing to help equip them to address the road safety challenge on local roads and transport assets post-disaster.

**10.3.2. IS - 26/07/2021 - Renaming of Upper Turon Road**

**Prepared by** Leanne Kearney – Assets and Infrastructure Planning Manager

**Department** Infrastructure Services

**Authorised by** Director of Infrastructure & Services

**Reference**

Min No. 20-192 Ordinary Meeting of Council 24 August 2020

**Summary**

To provide Council with an update of a road naming proposal for Upper Turon Road proposed to be renamed Capertee Road and the unnamed road (shown in dark green on the map) proposed to be renamed Palmers Oakey Road.

**Commentary**

At its Ordinary Meeting of 24 August 2020, Council resolved to rename the road shown in pink (on the map provided) and currently named Upper Turon Road (in the Lithgow LGA) to Capertee Road (to be determined following residents and public consultation and submissions); and liaise with adjacent Council's (Mid-Western Regional and Bathurst Regional) to determine the name of the dark green road (on the map provided) if required, arrange for it to be renamed Palmers Oakey Road, which will continue the Palmers Oakey Road from Mt Horrible Road to Upper Turon Road (shown in cyan on the map provided).

Existing Road Name	Road Naming Concerns	AUM Requirements
Upper Turon Road	<p>There are currently two separate access points to Upper Turon Road which is split by Palmers Oakey Road and an unnamed section of road (see attached map). This raises concerns for emergency response and service delivery to the associated properties. To resolve the confusion identified, the following is suggested as being the most effective solution:</p> <ul style="list-style-type: none"> <li>Lithgow City Council rename the road shown in pink and currently named Upper Turon Road (in the Lithgow LGA) to Capertee Road</li> </ul>	<p>The AUM states the following in relation to Road Extents:</p> <p><b>6.7.7 Road Extents</b></p> <p>A road name shall apply from one end of the road to the other i.e. the point where the road finishes or intersects with another road or roads.</p> <p>The extent of a named road shall be defined by the formed road, and shall include only one section navigable by vehicles or foot. Unconnected navigable sections, such as where separated by an unbridged stream or a physical barrier, shall be assigned separate names.</p> <p>When a road extent is broken into separate sections by redevelopment or redesign, the name shall only be retained on one section and the other section(s) renamed as part of the development process.</p>

		<p>A classified highway may be split by a section that is assigned a local name where it passes through a town. Each section of road</p>
<p>Unnamed Road</p>	<p>The section of road between Palmers Oakey Road and the intersection of Red Hill Road and Upper Turon Road is currently an unnamed crown road.</p> <p>To resolve the confusion identified, the following is suggested as being the most effective solution:</p> <ul style="list-style-type: none"> <li>• Lithgow City Council liaise with adjacent Councils (Mid-Western Regional and Bathurst Regional) to determine the name of the dark green road and if required, arrange for it to be renamed Palmers Oakey Road, which will continue the Palmers Oakey Road from Mt Horrible Road to Upper Turon Road (shown in cyan)</li> </ul>	<p>The AUM states the following in relation to Roads to be Named:</p> <p><b>6.7.3 Roads to be Named</b></p> <p>All formed roads, including private roads (roads for which the care and maintenance is not the responsibility of a Local Government) that are generally open to the public or to services shall be named in accordance with these principles. This includes, but is not limited to, highways, motorways and freeways; bike paths, bridle paths or walking tracks; roads within complexes such as universities, hospitals and retirement villages; roads within national parks and pedestrian only roads, such as malls.</p> <p>Roads covered in this policy, and the responsible naming authorities are discussed in more detail in AUM Chapter 2 - Section 2.4.2 - Authority for Road Naming.</p> <p>The delivery of emergency and other services are often impeded for residents and businesses when private road names are not officially recorded. In order to minimise confusion, to standardise address assignment and support emergency services, all road naming principles, procedures and processes shall be applied to private roads in NSW. Driveways providing access to a small amount of dwellings are not automatically considered to be private roads, and owner/occupiers have no authority to install signs for such driveways, unless given consent from Local Government. This same principle applies to pathways, in cases where naming is not</p>

		<p>considered necessary for addressing purposes.</p> <p>Unformed roads (usually surveyed but unconstructed) should not be named unless a name is, or will be, required for addressing purposes.</p> <p>Roads with five or less address sites need not be named if the address sites within the road can be assigned numbers within the adjoining road. See example in Figure 6.38.</p> <p>Naming conventions should take into consideration cartographic requirements i.e. a considerably long name is difficult to represent on a short road line.</p> <p>The use of an unofficial road name (a name that has not been endorsed by a naming authority) for addressing purposes is not acceptable. Such a road shall be assigned an official name (a name that has been endorsed by Local Government, approved by the GNB and gazetted). Each road shall have only one official name for addressing purposes.</p>
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Accurate addressing information in NSW is required for adequate navigation, emergency services response, service delivery and statistical analysis. As many emergency responses and other public services are determined by the clarity of road names and road extents, it is recommended that the two abovementioned roads be renamed. This change will impact 29 lots currently numbered off Upper Turon Road.

The call for expressions of interest (through advertising in the local newspaper and written notification to residents and authorities) requested submissions on the proposed naming proposal of Upper Turon Road to be named 'Capertee Road'.

The notification process has now been completed and as a result 11 submissions were received from the public & Geographical Names Board in relation to the proposed road names, with comments outlined as below:

**Upper Turon Road**

Objection/Comment	Alternative Road Name Proposed	Reasoning	Officer's Comments
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<p>Geographical Names Board rejected the road name proposal as there is a Capertee Street approximately 25km away in Glen Alice.</p>	<p>-</p>	<p>Breaches the road name guidelines: 6.7.4 Road names shall not be duplicated within the adjoining locality. 6.7.4 A road name will be regarded as a duplicate if it is the same or similar in spelling or sound to an existing name, regardless of the road type.</p>	<p>At its Ordinary Meeting of 24 August 2020, Council resolved to rename Upper Turon Road to Capertee Road however when a Road Name Proposal was created in Geographical Names Board's NSW Place and Road Naming Proposals System, the road name was rejected as it breached the road name guidelines.</p>
<p>The locals and the Dark Corner/Sunny Corner RFS all agree the road in question should be officially named Capertee Road.</p>	<p>-</p>	<p>-</p>	<p>More favourable submissions have been received for Turon Gates Road and Council feels the road name Turon Road will still add to the confusion with Upper Turon Road therefore, this name should not be adopted.</p>
<p>I object to the road name proposed to change to Capertee Road. I believe it is confusing and should not be changed to Capertee Road. I believe Upper Turon Road is also confusing.</p>	<p>Turon Road</p>	<p>The road follows the Turon River so geographically it makes sense. The road is in the Turon area. The road joins many towns.</p>	<p>It is considered that the renaming of Upper Turon Road as Turon Gates Road is relevant to the history of the area and will provide clarification of the road extents. The road name complies with the requirements of the AUM and therefore, it is <b>recommended it be adopted.</b></p>
<p>I am glad the Council have taken steps to right the position but surprised of their choice of name.</p>	<p>Turon Gates Road</p>	<p>Google managed to change the name from Turon Gates Road arbitrarily – it was so named for about 50 years. Google Maps forced the name Upper Turon Road to become widely used. It was, of course, wrong and caused unending confusion for emergency services.</p>	<p>Should Council see it absolutely necessary to change the name, then I would further recommend that it be changed back to its former name, being Turon Gates Road.</p>
<p>I do not support the renaming of this road and particularly do not support it being changed to Capertee Road.</p>	<p>Turon Gates Road</p>	<p>Should Council see it absolutely necessary to change the name, then I would further recommend that it be changed back to its former name, being Turon Gates Road.</p>	

<p>For over 40 years Upper Turon Road was actually called Turon Gates Road and it made sense to locals and tourists alike. For no clear reason, the road was renamed Upper Turon Road and now it is being renamed again.</p>	<p>Turon Gates Road</p>	<p>We would suggest the logical name for the road would be Turon Gates Road – it is well known, it makes sense from both ends as to where the road goes. It is the name that everybody still calls the road. It makes it easier for tourists coming to Turon Gates. A little known fact is that the property Turon Gates is named after The Turon Gates which are boulders that straddle the river up below River Ron’s old place, adjacent to Chinamen’s Flat so we are not naming the road after a farm, but actually a local landmark.</p>	
<p>We are not sure why the name has to be changed yet again but please do not call it Capertee Road, this would be very unsuitable and confusing.</p>	<p>Turon Gates Road</p>	<p>In the past it was called Turon Gates Road and so many people still call it this. Could we please go back to this name? It would make it so much easier than starting all over again with yet another new name.</p>	
<p>I would like to formally lodge my strong objection to this proposed name change. My preferred option is not to change the name at all and my understanding is that the road has always been referred to as Upper Turon Road and that is how I would like to see it remain.</p>	<p>Turon Gates Road</p>	<p>My preference would be Turon Gates Road or at least something to reflect the local area.</p>	
<p>For almost 50 years the road in question was known as Turon Gates Road, the</p>	<p>Turon Gates Road</p>	<p>May I request a return to Turon Gates Road’s logical name which is appropriate if</p>	

signage maintained by Lithgow City Council. Only recently was it renamed Upper Turon Road by Google Maps which caused considerable confusion to all.		one commences the journey in either Dark Corner or Castlereagh Highway, Capertee.	
We are worried about the renaming of Upper Turon Road to Capertee Road and the potential effect it will have on increased traffic flow through what is a quiet and private road.	Turon Gates Road	The road was called Turon Gates Road for decades and only called Upper Turon Road recently. Most locals still call it Turon Gates Road.	
I am concerned about the renaming of this road. I believe Capertee Road to be a poor choice and quite misleading especially in light of the fact that Turon Gates is actually in Palmers Oakey not Capertee.	Turon Gates Road	The road was called Turon Gates Road for decades and only called Upper Turon Road fairly recently. Most locals still call it Turon Gates Road.	

### Unnamed Crown Road

Council also sought advice from Mid-Western Regional Council and Bathurst Regional Council with advice pending on whether they would support the road renaming within their Local Government areas. This advice does not impact the section of Road referred to in the above submissions, which can be progressed by Lithgow City Council without delays.

### Policy Implications

These roads will be named in accordance with Council's Addressing Policy.

### Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - Council will incur some minor advertising costs in accordance with its Addressing Policy, and the cost of the signs which will be funded from existing recurrent budgets.

### Legal and Risk Management Implications

To ensure that the addressing of properties and road naming within the Lithgow Local Government Area complies with the requirements of *New South Wales Addressing Policy No. 2, 2015* and the *Roads Act 1993*.

**Attachments**

Nil

**Recommendation**

THAT

1. In accordance with Council's Addressing Policy, Council advertise the road name Turon Gates Road in the local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:
  - a. If no submissions against the proposal or alternatives are submitted, Council proceed with the gazettal process of the name and notify all residents and emergency authorities accordingly.
  - b. If submissions against the proposal or alternatives are submitted, a report is furnished to the next available Council meeting for resolution; and
2. Report back to Council the outcome of Mid-West Regional Council and Bathurst Regional Council's advice regarding the unnamed crown road within their LGAs

**10.3.3. IS - 26/7/2021 - Partial Road Closing and Purchase - Old Bathurst Road, South Bowenfels**

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**Prepared by** Leanne Kearney - Assets and Infrastructure Planning Manager  
**Department** Infrastructure & Services  
**Authorised by** Director of Infrastructure & Services

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**Reference**

Min. No. 17-158 Ordinary Meeting of Council held on 29 May 2017.

**Summary**

The registered proprietors of Lot 57 DP751650, being residence at 158 Old Bathurst Road, South Bowenfels 2790 have requested a proposal for partial road closure and purchase from Council.

**Commentary**

Council considered a report at the Ordinary Meeting of Council on 29 May 2017, and resolved with minute number 17-158:

*“the General Manager be authorised to negotiate with the owners of Lot 57 DP751650 for the proposed closure and purchase of a section of Old Bathurst Road, South Bowenfels”*

At the time, the proposed closing and transfer was unable to proceed until legislative amendments changing the way the road closing process occurred through the NSW Department of Planning, Industry and Environment were completed, forcing Council to place this matter on hold. Now that the legislation and processes have been formally updated by the NSW Department of Planning, Industry and Environment, the land owner wishes to pursue their original request to proceed with the partial road closing and transfer.

In order for Council to proceed as resolved in 2017, Council’s application to NSW Department of Planning, Industry and Environment (Crown Lands) for closing requires a current resolution.

There are no changes to the original proposal. The attached plan shows the location of the fence located outside the boundary on Old Bathurst Road. The fence line was established when Old Bathurst Road was constructed in the 19<sup>th</sup> century. With the construction of the adjacent subdivision 061/07DA, Old Bathurst Road has been slightly re-adjusted to the south eastern corner of the subject property. The area of land requested to be purchased is that part of Old Bathurst Road lying within the fence line. The adjoining owners still wish to apply for the closing of Old Bathurst Road within the fence line and would expect to pay Council the full value thereof, and all fees, costs and expenses associated with the road closure and acquisition.

This request will not impact Council’s operation of the road asset, nor impact any additional adjoining land owners, and is simply to legalise the road boundary to reflect with as constructed road location.

**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. Old Bathurst Road Survey Plan [**10.3.3.1** - 3 pages]

**Recommendation**

THAT Council authorise the General Manager to negotiate with the owners of Lot 57 DP751650 for the proposed closing and purchase of a section of Old Bathurst Road, South Bowenfels.

## 10.4. Water and Wastewater Reports

### 10.4.1. WWW - 26/07/2021 - Water and Wastewater Capital Projects 21/22

**Prepared by** Samuel Lenkaak - Water & Wastewater Works & Project Officer

**Department** Water and Wastewater

**Authorised by** Director of Water & Wastewater

#### Summary

This report is to seek allocation of funds from Council as per S211 NSW Local Government (General) Regulation 2005, for the Lithgow Sewerage Treatment Plant sludge management system and the Watermains renewal project.

#### Commentary

##### Capital Project – Sewerage

Lithgow Sewerage Treatment Plant has currently been having an upgrade on the sludge management system as the current system that was installed as a part of the augmentation in 2012 was undersized. The project has involved constructing a new sludge management area which will house the Sernagiotto Belt Press Filter CMF 3000 to allow for current loading and future loadings of 30,000 EP. This Belt Press is approximately three times the size of the existing and will allow Council to manage its biosolids at not just the Lithgow Sewerage Treatment Plant but also allow for the treatment of the biosolids from Wallerawang STP and Portland STP.

The project requires additional funding for this financial year from the sewer reserve, as other items have been required to complete the project for both the longevity of the new system and for the improved flow of the system. Initial project cost estimates were at approximately \$3,000,000.00 however through some changes to the scope that has since been reduced to the current estimates and expenditure.

Due to the constraints on the existing system Council must utilise a contractor approximately every six months to perform the dewatering of the biosolids equating to \$200,000 each year against the operating budget. This project will reduce this cost substantially by approximately \$150,000 each year which includes all tip fees for disposal, energy fees for operation and the transport of sludge from the other plants to Lithgow.

The remaining works have been summarised below:

Electrical & SCADA	\$150,000.00
Roadwork stage 2	\$75,000.00
Concrete works stage 2	\$40,000.00
Install new reclaimed water pumps including Valve Pits	\$30,000.00
Belt Press Platform Design & Construct as per AS	\$60,000.00
Install Cake discharge Belts to the truck bay area including SS Shutes	\$40,000.00
Sludge Holding Tank Platform design & construct including concrete works	\$60,000.00
Supply and install sludge the Mixer and Davit by Xylem	\$40,000.00
Pump shed for New Reclaimed water pumps including concrete works	\$30,000.00
Repurpose old pumps at brick house: Meant for Golf Course	\$20,000.00
Seeding, testing, and commissioning	\$20,000.00
Site restoration	\$15,000.00

Materials for Electrical	\$30,000.00
10% contingency	\$61,000.00
<b>TOTAL Excluding GST</b>	<b>\$671,000.00</b>

### Capital Project – Water

Last financial year council approved the appointment of a contractor for the renewal of the Coalbrook Street/Stephenson Street watermains as a part of Council's ongoing watermains renewal projects.

The initial budget for FY2020/21 was \$750,000 and was reduced to \$400,000 to aid in the cashflow of council and reduction of expenditure throughout the COVID-19 outbreak. The pricing for the works in Coalbrook Street were approximately \$540,000 with the budget from FY20/21 to be utilised with the remaining expenditure to come from the FY2021/22 budget. The contractors have nearly completed all the work as a part of the contract approximately one month ahead of schedule and completed some additional work that was required following consultation with staff and residents. As per the previous decision to appoint this contractor and to finalise all works on watermains renewals for this year, an allocation of \$250,000 from the Water fund reserve is required. This will close out the project in its entirety and any remaining funds will be sent back to the Water reserve following project completion in Coalbrook Street

### **Policy Implications**

NIL

### **Financial Implications**

- **Financial Implications**
- Budget approved - Sewer Treatment Plant project FY2020/21 - \$1,580,219.00 **FY2021/22 - \$671,000 available in the Sewer reserve**
- Cost centre - 300026
- Expended to date – \$1,293,436.00 (in 2020/21)
- Future potential impact - Cost savings of approx. \$150,000.00 annually upon completion of the project.
- Budget approved - Water FY2020/21 - \$400,000.00 **FY2021/22 - \$250,000 available in the Water reserve**
- Cost centre - 200015
- Expended to date – \$92,742.00 (in 2020/21)
- Future potential impact - NIL

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

NIL

### **Attachments**

NIL

### **Recommendation**

THAT Council approves the allocation of:

1. \$671,000 from the Sewer reserve to PJ 300026.
2. \$250,000 from the Water reserve to PJ 200015.

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## 10.5. Finance and Assets Reports

### 10.5.1. FIN - 26/07/2021 - Internal Reserve Balances - June 2021 / Working Capital

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

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#### Reference

Min. No. 20-250 Ordinary Meeting of Council held on 26 October 2020  
Min. No. 21-111 Ordinary Meeting of Council held on 26 April 2021  
Min. No. 21-121 Ordinary Meeting of Council held on 24 May 2021

#### Summary

This report provides background information on the declining trend in the balance of Council's internally restricted reserves since 2020 and remedial action taken to address related cashflow issues. The report also provides recommendations for the setting of individual reserve balances for the purposes of financial reporting at 30 June 2021.

Finally, the report recommends the establishment of a short-term loan facility to strengthen Council's working capital position from the 2021/22 year.

#### Commentary

##### Definition of Internal Restrictions

The Local Government Code of Accounting Practice and Financial Reporting defines internal restrictions as "assets restricted only by a resolution of the elected Council". Councils may amend internally restricted reserve balances by resolution at any time.

##### Background - Cashflow Issues and Internally Restricted Reserves

Council's cashflow issues have been regularly reported to the Finance Committee and Council since issues first arose in 2020, during the COVID-19 pandemic.

A report to the 26 October 2020 meeting provided details of a shortfall in cash reserves at 30 June 2020 which was attributed to lower than usual cash inflows (due to delayed water usage billing and COVID-19 impacts on cash receipts, particularly for residential rates), unbudgeted 2019/20 expenditure on natural disasters / tree removal on private property and growth in employment costs. The report included a proposal to address the reserves shortfall of \$2.5M by constraining expenditure for each of the next three years by \$833K p.a. This action has commenced from the 2021/22 year.

The 2020/21 Quarter Three Budget Review report was presented to the 24 May 2021 meeting. The report noted that Council continued to be impacted by cash outflows exceeding cash inflows for much of the year to date. Total internally restricted reserves had fallen by \$4.3M since 30 June 2020 (from \$7.4M to \$3.1M). Effectively, Council had drawn on internally restricted funds during the times when cash outflows exceeded cash inflows. The projected General Fund deficit operating result (before capital grants) of (\$1.12M) indicated the extent of the use of reserve funds for Council's ordinary operations in the 2020/21 year.

The Quarter Three Budget Review Report also included an estimate of a \$2.2M increase in the cash and investments balance by 30 June 2021. This is mainly due to the payment of 50% of the 2021/22 Financial Assistance Grant in advance (in June). The grant advance payment of \$2.533M is held in an internally restricted reserve for use in the 2021/22 year.

Council continues to be able to pay its debts on time, e.g. weekly payments to suppliers and for payroll.

### **Remedial Actions to Address the Decline in Internally Restricted Reserves**

To stem cash outflows, Council endorsed the deferral of over \$7.7M of 2020/21 capital works projects to reduce cash outflows. In addition, expenditure savings have been identified and recruitment deferred.

To ensure that there is no further decline in internally restricted reserves, purchasing controls over discretionary expenditure have been tightened, with such purchases only proceeding after the Financial Services Manager has advised of cash availability. In the longer term, budget improvement strategies will be implemented to contain expenditure within available income and cash receipts.

Projects scheduled to commence in coming months will be phased to match available cash (using cashflow modelling). Projects (particularly those funded from General Fund revenue) may need to be delayed if there is limited cash available. Grant funding opportunities will be considered as an option to replace revenue funding for projects where possible.

Cashflow and reserve balances are being continuously monitored with further interventions implemented as required. A cashflow update is included as a standing agenda item on the Finance Committee meeting agenda.

### **Cash & Investments Balance**

The cash and investments balance at 30 June 2021 is **\$29.256M**.

The interim result for the funding required for externally restricted reserves is **\$21.871M**. This leaves **\$7.153M** available for internally restricted reserves and **\$232K** held in the unrestricted working capital fund.

The trend in the cash and investments balance has been positive (\$2.29M increase over the 2020/21 year). The increase in the cash and investments balance reflects an increase in externally restricted funds.

The target balance of cash and investments is **\$31.75M** (additional \$2.5M). This would address the \$2.5M deficit in the internally restricted reserve balance at 30 June 2020. A plan is in place to return to that balance over three years from 2021/22. Expenditure will be constrained by \$833K p.a. over each of the next three years to return funds to internally restricted reserves.

### **Recommended Reserve Balances**

The table below shows the interim position for external and internal restrictions at 30 June 2021.

Cash and Investments Statement					
	30 June 2020 Position	30 September 2020 Position	31 December 2020 Position	31 March 2021 Position	30 June 2021 Interim
<b>Externally Restricted</b>					
Developer Contributions	1,985	2,108	2,099	2,280	2,146
Special Purpose Grants	3,675	2,120	1,880	1,832	533
RMS Grants	-	-	-	-	-
Water Supplies	(1,848)	(820)	1,600	1,856	2,872
Sewerage Services	8,482	9,489	8,554	8,235	8,432
Domestic Waste	4,752	5,450	6,378	7,374	5,458
Unexpended Loans	2,530	2,530	2,430	2,430	2,430
<b>Total Externally Restricted</b>	<b>19,574</b>	<b>20,878</b>	<b>22,942</b>	<b>24,007</b>	<b>21,871</b>
<b>Internally Restricted</b>					
Land & Buildings	5,130	4,860	5,195	1,418	1,589
Plant & Equipment	429	278	410	242	201
Bonds, Deposits & Retentions	558	693	627	579	589
Works In Progress	1,798	1,798	1,798	1,751	919
Carry Over Works	1,291	1,174	754	690	408
ELE	754	754	754	754	754
Election	110	110	135	160	160
FAG Prepayment	-	-	-	-	2,533
Internal Loan	(2,673)	(3,237)	(2,510)	(2,510)	-
<b>Total Internally Restricted</b>	<b>7,397</b>	<b>6,429</b>	<b>7,162</b>	<b>3,084</b>	<b>7,153</b>
<b>Unrestricted</b>	<b>-</b>	<b>-</b>	<b>(652)</b>	<b>232</b>	<b>232</b>
<b>Total Cash and Investments</b>	<b>26,971</b>	<b>27,307</b>	<b>29,452</b>	<b>27,323</b>	<b>29,256</b>

Externally restricted reserves are funds that are subject to external legislative or contractual obligations and cannot be used for any other purpose. The individual reserve allocations for external restrictions reflect the funds required to meet these obligations.

For the individual internally restricted reserves, the recommended balances of individual internally restricted reserves are based on the funds required to meet budget commitments for the 2021/22 year and/or future years. The exception is the Land Bank reserve which does not currently have a target balance or explicit plan for use of the reserve.

An amount of \$833K p.a. will be transferred to rebuild the Land Bank reserve over three years, thus restoring the 30 June 2020 deficit of \$2.5M to the Land Bank reserve. The rebuilding of the Land Bank reserve will ensure that sufficient funds are available to meet the objectives of the reserve in the future, being to utilise the funds to purchase "other fixed assets with income generating capability or potential in the long term" (Min. No. 17-280 Ordinary Meeting of Council held on 25 September 2017).

**The interim position for external and internal restrictions may be subject to change as work is ongoing to finalise the 2020/21 accounts.** For example, carryovers from the 2020/21 year may require additional funds to be held in the Carry Over Works reserve. Further adjustments may be required to the Land & Building reserve to match available funding at 30 June 2021.

### Continuing Development of a Working Capital Strategy

At the 26 April 2021 meeting, Council resolved:

#### 21-111 RESOLVED

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

The working capital unrestricted reserve will be built to \$1M over the 2021 calendar year.

The 2021/22 draft capital works program includes \$15.2M of grant funded projects. The draft capital works program is focussed on grant funded programs to minimise the draw on Council's revenue and internal restrictions for the 2021/22 year.

Most of the grant funding will be paid in arrears, following completion of project milestones. This will require Council to pay contractors and suppliers in advance of receiving the grant funding.

At present, Council has limited internally restricted funds and the working capital reserve only has a balance of \$232K. To mitigate risk and to ensure that Council has the capacity to pay suppliers on time, in advance of grant payments, it is proposed to establish a medium-term loan facility to strengthen Council's working capital position from the 2021/22 year.

The proposal is as follows:

- Upon approval from Council, a loan would be sourced for **\$4M**.
- The term loan would be **four years**.
- The loan funds would be held in a specific unexpended loans reserve for use as required for weekly cash needs.
- The loan reserve would be restored as grant funds are received, i.e. the loan principal (\$3M) would not be utilised to cover the cost of projects or programs.
- Interest costs would need to be paid from Council's recurrent operating budget.

#### **Policy Implications**

Nil.

#### **Financial Implications**

As detailed in this report.

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

The purpose of this report is to propose actions which will mitigate financial risks arising from Council's cashflow issues and limits on the funding available for internally restricted reserves.

#### **Attachments**

Nil

#### **Recommendation**

THAT Council:

1. Allocate the interim result of \$7.153M for internally restricted funds at 30 June 2021 to the following internal reserves:
  - Land & Buildings \$1,589,146;
  - Plant & Equipment \$200,872;
  - Bonds, Deposits & Retentions \$588,877;
  - Works in Progress \$918,406;
  - Carry Over Works \$408,358;
  - Employee Leave Entitlements \$753,606;
  - Election \$160,000;
  - FAG Prepayment \$2,533,738; and
  - any adjustment required on finalising the 2020/21 accounts (positive or negative) to be allocated to the Land Bank reserve.
2. Approve the sourcing of a \$4M loan facility to strengthen Council's working capital position commencing from the 2021/22 year.

## 10.5.2. FIN - 26/07/2021 - Referral of Financial Reports for External Audit - Year Ended 30 June 2021

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**Prepared by** Rhiannan Whiteley – Executive Assistant

**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

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### Summary

Section 413 of the Local Government Act 1993 (the Act) requires Council to refer its financial reports for audit prior to the commencement of the external audit.

### Commentary

#### Financial Statements Timeline

Council officers and the external auditors work to an agreed timeline to ensure that the financial reports are completed and lodged with the Office of Local Government (OLG) by the legislative deadline of 31 October of each year.

Work has commenced on the 2020/21 financial reports prior to audit in September 2021. It is a requirement of the Act that the financial reports be referred for audit by resolution of Council prior to the audit commencing. Council is required to lodge the financial statements with the OLG by 31 October 2021.

The key dates agreed between Council and the Audit Office of NSW which are included in the 2020/21 Annual Engagement Plan are as follows:

- 26 July 2021: Council resolves to refer the financial reports for audit.
- 10 September 2021: Council provides draft financial reports and supporting workpapers to the audit team.
- 20 to 24 September 2021: on-site audit (Crowe - contract auditor).
- 25 October 2021: Audit Office issues Engagement Closing Report.
- 25 October 2021: Council resolves to approve the financial reports for lodgement to the OLG and for public exhibition and the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer sign the Statements.
- 28 October 2021: Audit Office issues the Auditors' reports.
- 28 October 2021: Council lodges financial statements with OLG.
- 22 November 2021: Audit Office issues final Management Letter.
- 22 November 2021: Council presents its audited financial statements and the Auditors' Reports to the November meeting.

According to Section 413 (2) of the Act, Council must make a statement as to its opinion on the preparation of the general purpose financial report (and by extension the special purpose financial report). The signing of these statements is an administrative function that is required at the completion of the audit.

#### Format of Financial Reports

The financial reports comprise the following:

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1. General purpose financial reports consisting of an Income Statement, a Statement of Financial Position, a Statement of Changes in Equity, and a Statement of Cash Flows along with a number of explanatory notes. These are presented for audit by the Audit Office;
2. Special purpose financial reports consisting of an Income Statement by Business Activity, a Statement of Financial Position by Business Activity and appropriate explanatory notes. These financial reports are also presented for audit by the Audit Office; and
3. Special schedules which present financial information specifically required by the OLG, the Department of Public Works, the Department of Planning and Infrastructure, the Australian Bureau of Statistics.

As required by the Act, the financial reports are prepared in accordance with the Australian Accounting Standards, Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual.

### **Policy Implications**

Nil.

### **Financial Implications**

The audit of Council's financial reports by the Audit Office is a legislative requirement and provides assurance that Council's finances are managed prudently and in accordance with accounting standards.

The adoption of the recommendation of this report has no direct financial impact upon the Council's adopted budgets or forward estimates.

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

The forwarding of the financial statements to the Council's external auditor for audit supports the Council in ensuring care and compliance is exercised in financial reporting.

### **Attachments**

Nil

### **Recommendation**

THAT Council refer the 2020/21 financial statements for audit (in accordance with S413 of the Local Government Act 1993) and note the proposed process for the audit of the financial statements.

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## 10.6. People and Services Reports

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### 10.6.1. PS - 26/07/2021 - Proposed Dual Naming of Fish and Macquarie Rivers

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**Prepared by** Matthew Johnson – Community & Culture Manager

**Department** Community & Culture

**Authorised by** Director of People & Services

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#### Summary

The Geographical Names Board (GNB) is seeking feedback on a 2020 proposal by Bathurst Regional Council to dual name the full length of Fish River and Macquarie River as *Wambuul*.

#### Commentary

The GNB provides the following information in support of the proposal:

*The Board is committed to reawakening Aboriginal place names. Through place naming, communities have the opportunity to unlock past stories, preserve traditions, reawaken language and provide a sense of belonging and identity. Dual naming supports recognition and revival of Aboriginal languages. We want to make sure the local community has an opportunity to provide their feedback on the proposed name.*

*Fish River commences near Black Springs and runs in a north-west direction through Oberon and Lithgow, before joining the Macquarie River about 8km south of Bathurst.*

*The Macquarie River flows generally north-west through Bathurst, Cabonne, Dubbo, Narromine, Warren, Coonamble and Walgett, where it joins the Barwon River in Brewarrina.*

*The Wiradyuri are the largest Aboriginal Nation in New South Wales and are the people of the three Rivers, Wambuul (Macquarie and Fish River), Lachlan River and Murrumbidgee River. The spelling of Wambuul has been agreed to be consistent with that proposed by Dr Uncle Stan Grant, published in 2005 "A First Wiradjuri Dictionary" compiled by Stan Grant (senior) and Dr John Rudder. Where a feature has a non-Aboriginal name, an Aboriginal name can be assigned.*

*The name will sit alongside the non-Aboriginal name, each part having equal status. Once a dual name proposal is assigned, signposts, maps and directories relating to the area will feature both names. Since June 2001, the NSW Government has supported a dual naming policy for geographical features and cultural sites. Dual naming does not apply to towns, roads, localities or other administrative based areas such as a reserve or state forest. Assigning a place name under the Geographical Names Act 1966 does not impact other legislation or change rights or responsibilities.*

#### Council Officer Comment

The Fish River flows (in part) through the Lithgow LGA.

There is no record of correspondence from Bathurst Regional Council during 2020 when this proposal was exhibited by them prior to submission to the Geographical Names Board for further exhibition and adoption.

Upon being made aware of the current GNB public exhibition period, Lithgow City Council staff contacted several local indigenous organisations for comment.

Two responses have been received from Mingaan and Barrinang Incorporated suggesting that the Fish River be dual named *Bila-gu Guya* or *Bulla Gaya*. This means River Fish.

It is recommended that Council advise the Geographical Names Board that Council wishes for the dual naming proposal to not be applied for the Fish River. It is instead to be suggested that consideration be given to dual naming the Fish River. In our case, the alternative name of Bila-gu Guya or Bulla Gaya has been proposed by Lithgow indigenous organisations. It is our view that all representative indigenous organisations in Lithgow, Oberon and Bathurst Council areas should be afforded the chance to consider the matter further.

Council staff have contacted Bathurst Regional Council and advised that this matter is under consideration by Lithgow City Council and that Council may propose an alternative dual name for the Fish River.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Legal and Risk Management Implications**

Nil

**Attachments**

1. 210616 RELEASE Wambuul [10.6.1.1 - 2 pages]
2. Barrinang ltr redacted [10.6.1.2 - 1 page]
3. Mingaan Letter redacted [10.6.1.3 - 1 page]

**Recommendation**

THAT Council

1. Note the current proposal by the Geographical Names Board to dual name the Fish and Macquarie Rivers as Wambuul.
2. Note that an alternative naming of Bila-gu Guya or Bulla Gaya has been proposed by Lithgow Indigenous organisations.
3. Advise the Geographical Names Board that Council requests that the current dual naming not include the Fish River and a proposal for that river's name be re-exhibited with an alternative dual name accepted by representative indigenous organisations.

**10.6.2. PS - 26/07/2021 - Community Recovery Officer Quarterly Report Jun 2021**

**Prepared by** Rachel Nicoll – Community Recovery Officer  
**Department** People & Services  
**Authorised by** Director of People & Services

**Summary**

The Community Recovery Officer quarterly report provides a summary of the evidence of service delivery progress against what was committed to in the ‘NSW Community Recovery Officers Information for Councils’ document. It contains an “Output Status” and “Progress Percentage” toward State Agreed program deliverables. Not all outputs that are achieved by the Community Recovery Officer are reported in this format.

This report contains the program deliverables, recovery priorities, and any other significant project reporting for the period 1 April – 30 June 2021.

**Commentary**

**Progress on deliverables**

**Deliverable 1: Establish a Community Resilience Network**

<b>Percent completed:</b>	63%	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                      The first meeting of Community Resilience Network (CRN) representatives was convened in May with guest speaker Geoff Wheeler, General Manager of Lithgow Workies Club presenting on the Club’s establishment of an Emergency Evacuation Centre and experiences. The second CRN meeting is scheduled for 26 July 2021 pending Covid restrictions with an increase in representatives / partner’s next quarter.                      Significant planned expansion of the CRN to occur with opportunities to support joint projects and collaboration activities.</p> <p><b>Constraints/Risks:</b>                      Process mapping project to inform the CRN Terms of Reference which remain to be finalised. Time pressures on the exit of Recovery Support Services may require a transition phase for the network.</p>		

**Deliverable 2: Facilitate community recovery events**

<b>Percent completed:</b>	90%	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                      Progressing well, high proportion of projects completed and there have been gains in alignment with Recovery Support Services and collaboration with community-led events.                      Noticeboards for Clarence and Dargan are back on track with consultation and Rotary donation completed. Plaques acknowledging the donation have been delivered and ready for install.                      Further event outputs are weighted towards the next quarter due to the seasonal nature of some activities and rescheduling of events cancelled due to covid.</p> <p><b>Constraints/Risks:</b></p>		

	<p>Increase in predicted caseload to pursue and help to deliver grants including community projects, many of which require a high level of surveillance, scope investigations and negotiation.</p> <p>The impacts of COVID19 on service delivery are steadily increasing as evidenced by the number of events deferred. Specific subprojects will proceed in a reduced capacity due to covid conditions (e.g. CRO check-ins at RFS AGMs).</p>
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**Deliverable 3: Develop a Local Recovery Action Plan incorporating community needs and activities**

<b>Percent completed:</b>	67%	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b></p> <p>Workshops to consult on the Local Recovery Action Plan have been delayed due to Covid and tentative dates for the next quarter are currently under review. This also relates to community needs and activities associated with training and existing servicing (i.e., EPA Bushfire-generated Green Waste Program).</p> <p><b>Constraints/Risks:</b></p> <p>Testing of online methods commencing in July will result in a slight overspend in budget expenditure to complement plans underway to support smaller consultation projects planned due to Covid cancellations.</p>		

**Deliverable 4: Provide access to relevant and timely recovery information**

<b>Percent completed:</b>	78%	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b></p> <p>Progressing well, high proportion of projects and information communicated with stakeholders through expanding recovery channels. Deliverable continues to experience an increase in demand through consecutive grants rounds and late contact for recovery support for flood impacts as an indirect result of bushfires.</p> <p><b>Constraints/Risks:</b></p> <p>Recovery Support Service time allocations to grant applications has resulted in delays to progressing active case management and timeliness of information. Lack of response resulted in one community incentive project not going ahead.</p> <p>Feedback from residents and services that the current webpage of recovery information is difficult to navigate. This is under investigation / review.</p> <p>Enquiries related to funded projects from within and outside the LGA has resulted in an increase in general support functions expected of the CRO.</p>		

**Deliverable 5: Develop a Local Recovery Plan**

<b>Percent completed:</b>	50%	<b>Status:</b>	Not yet started / <b>In progress</b> / <b>Overdue</b> / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                      Adaptive management implemented and currently under review with guidance from Resilience NSW, however, it is anticipated that enough data has been gathered over the period to provide a valid plan for partners this quarter.</p> <p><b>Constraints/Risks:</b>                      Project uptake has been smaller than first thought due to an increase in the number of consecutive projects run by community and contracted by services, this is still ongoing.</p>		

**Deliverable 6: Develop a Transition Plan**

<b>Percent completed:</b>	58%	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                      A current review of the CRO workplan is in progress due to the extension of contracts. Transition plan is assessing the priorities and prioritisation of recovery support programs and initiatives due to phase out by December 2021. An additional transition project has been added to year two workplan and operational budget.</p> <p><b>Constraints/Risks:</b>                      Possible changes to project milestones in the coming quarter (continued). Transition plan for projects extending beyond the CRO timeline to form year 2 workplan.</p>		

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

<b>Percent completed:</b>	72%	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                      Due to covid cancellations in June some activities have been held over for delivery in next quarter pending public health orders.                      All (100%) of activities identified for the period 1 April – 31 May 2021 have been completed.                      BCRRF Stream 1 and 2 project milestones in Q3-Q4 have commenced. Additional support is being delivered to managers of Stream 2 projects.                      Looking at a projected spend to increase the number of projects contracted, this is still ongoing this quarter.</p> <p><b>Constraints/Risks:</b>                      Staffing changes and consultation has delayed program timelines with added competition on Council's resources for more recent storm and flood damage remediation projects.</p>		

**Priorities for next quarter**

<b>Theme</b>	<b>Description</b>
<b>Immediate</b>	Delivery of delayed June activities. Support to Council and community for grant information and applications. Support for BCRRF project managers. Allocation of underspends and payments to be journaled/committed. Monitor and provide EPA green waste information. Provide local issues and needs to Office of Local Government for State Health and Wellbeing Committee July meeting.
<b>Recovery, Resilience and Anniversary Events</b>	BCRRF Project delivery and risk reviews. Increase Council's grants program offering to support grant applications and initiatives in recovery.
<b>Preparedness</b>	Planning for the revamped Bushfire Recovery & Community Day. This new and improved event planned for September 18 will focus on residents being able to access a range of resources, information and learn skills for preparing their property ahead of the upcoming bushfire season. Key presentations will include: <ul style="list-style-type: none"> <li>- Bushfire behaviour and landscaping</li> <li>- Bushfire design and construction</li> <li>- Weeds and Environment</li> </ul>
<b>Recovery Plan</b>	Recovery plan engagement and capture via online methods for covid environment. Recovery briefing and training for newly elected Council.
<b>Community Resilience Network</b>	Meeting of CRN set for process mapping project. Combined service and need mapping to occur.
<b>Workplan and project management review</b>	Workplan approval and project assessment for unavailability/capacity of exiting services. Increase capture of project outputs in the workplan, as it is limited to those that are also agreed outputs.
<b>Financial Consolidation and Reporting</b>	Allocation of existing underspends into additional projects, or to add support to projects that are already planned.

**Policy Implications**

Nil

**Financial Implications**

- Budget approved - \$190,414 (fully grant funded).
- Cost centre - 600244 Community Recovery (P&S).
- Expended to date - \$82,906
- Future potential impact - N/A

**Legal and Risk Management Implications**

Nil

**Attachments**

1. Recovery & Resilience June 2021 [**10.6.2.1** - 7 pages]
2. Recovery & Resilience May 2021 [**10.6.2.2** - 6 pages]

**Recommendation**

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

## 10.7. Policies and Governance

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### 10.7.1. IS - 26/07/2021 - Policy 10.2 - Chain of Responsibility (Freight Management)

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**Prepared by** Jonathon Edgecombe - Director of Infrastructure & Services

**Department** Infrastructure & Services

**Authorised by** Director of Infrastructure & Services

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#### Summary

This report provides detail of the development of Policy 10.2 - Chain of Responsibility.

#### Commentary

As part of Lithgow City Council's commitment to workplace safety and continuous improvement, there is an identified gap in Council's current policy framework which links all stakeholders in the chain of freight management (from supplier to recipient) to the best practice principles of Heavy Vehicle National Law (HVNL). While this policy will inform and feed into Council's procurement and freight management process, the document aims to directly anticipate and explain the requirements of all stakeholders involved in Council's freight management and supply chain in order to best ensure the safety of staff, contractors and subcontractors working for or on the behalf of Council.

By means of summary, this policy aims to:

- Specify that all parties who have control or influence over the transport task are deemed responsible for complying with Chain of Responsibility obligations.
- Explain that all parties must take all reasonable steps to prevent breaches of mass, dimension, loading, restraint, speed, vehicle maintenance and fatigue laws and requirements.
- Advise that each stakeholder in the freight supply chain is responsible in ensuring that their actions, inactions, or demands do not contribute to, or encourage, breaches of the HVNL.
- Detail the specific responsibilities of operators/managers of Council, consignor/consignees, loaders/packers and owners/owner-drivers.
- Ensure that Council's current actions and procedures follow the NHVL, and that past action and compliance is documented and defensible.

The Policy sets the overarching responsibilities for each party to facilitate compliance. However, to ensure Council satisfies its requirements under NHVL, a suite of self-assessment and auditing documents have been developed as part of an internal Standard Working Procedure. This will ensure that Council's current and past actions are compliant and defensible regarding heavy vehicle law and the chain of responsibility for freight management.

The policy will affect the operation of Council's landfill sites, stores, workshops, and road maintenance crews. Internal consultation has occurred to ensure Council staff have awareness of the requirements of this Policy and understand the requirements therein.

#### Policy Implications

Potential adoption of updates to Policy 10.2 - Chain of Responsibility.

#### 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**

Implementation of documented adherence to National Heavy Vehicle Law and the Chain of Responsibility framework.

**Attachments**

1. Policy 10 2 Chain of Responsibility CoR [**10.7.1.1** - 7 pages]

**Recommendation**

THAT Policy 10.2 - Chain of Responsibility be placed on public exhibition for a period of 28 days. Following the public exhibition period, the policy will be returned to Council to consider any submissions received and to determine whether the policy be adopted.

## 11. Council Committee Reports

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### 11.1. ECDEV - 26/07/2021 - Economic Development Committee Minutes - 7 June 2021

**Prepared by** Andrew Muir - Director of Economic Development & Environment

**Department** Economic Development & Environment

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

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#### Summary

This report presents the minutes of the Economic Development Committee to Council.

#### Commentary

A meeting of the Economic Development Committee was held on 7 June 2021. Matters on the agenda were:

- Event Debrief - LithGlow 2021
- Lithgow Destination Draft Marketing Strategy 2021-2024
- Lithgow Tourism Update
- Lithgow Economy Scorecard
- Update on Lithgow Evolving Economy Project

Except for Item 4.2 - Lithgow Destination Draft Marketing Strategy 2021-2024, no matters require a Council decision. With respect to item 4.2 the Committee recommended endorsement of the Lithgow Destination Draft Marketing Strategy 2021-2024.

The Business Paper for the Committee is also attached for the information of Councillors who were not able to attend the meeting as it provides commentary on the Lithgow Evolving Economy Project and Destination Marketing Strategy.

#### Policy Implications

Nil

#### Financial Implications

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

#### Legal and Risk Management Implications

Nil.

#### Attachments

1. Minutes Economic Development Committee 7 June 2021 [11.1.1 - 6 pages]
2. Business Paper Economic Development Committee Meeting 7 June 2021 [11.1.2 - 13 pages]

#### Recommendation

THAT Council note the minutes of the Economic Development Committee held on 7 June 2021 and accept the Committees' recommendation in item 4.2 to endorse the Lithgow Destination Marketing Strategy 2021-2024.

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## **11.2. PS - 26/07/2021 - Community Development Committee Minutes 15 June 2021 and Financial Assistance Recommendations**

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

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### **Reference**

Min 21-75 Ordinary Meeting of Council held 22 March 2021  
Min 21-148 Ordinary Meeting of Council held 28 June 2021

### **Summary**

This report provides the minutes of the Community Development Committee meeting held on 15 June 2021 together with Round 1 2021/22 Financial Assistance recommendations for Council's consideration.

### **Commentary**

At the Community Development Committee meeting held on 15 June 2021, various matters were discussed including:

- An update on the Community Recovery Project;
- An update on current projects underway in the Community and Culture Department; and
- Round 1 Financial Assistance recommendations.

During April 2021, Council called for applications from the community for Round 1 Non-Recurrent Financial Assistance applications.

Twenty-three (23) applications to the value of \$75,762 were received. The Community Development Committee considered these applications and recommended nineteen (19) projects to the value of \$31,993 be approved by Council.

Council has approved a total Financial Assistance allocation of \$108,605 in 2021/22 including \$40,000 for Portland Pool operations and \$14,000 as a contribution to the activities of Arts Outwest.

This leaves a net amount of \$54,605 for allocation to other local projects.

As in past years, it is recommended that Council allocate some of this net amount for the following:

- Fee waivers for Council facilities: \$2,000
- Sporting Scholarships as recommended by Sports Advisory Committee: \$2,500
- Tony Luchetti and Civic Ballroom fee waivers: \$5,000
- School End of Year Awards: \$750
- Lithgow Show: \$12,000

**Total \$22,250**

Leaving an amount of \$32,355 for allocation in Round 1.

### **Policy Implications**

Financial Assistance is provided under Section 353 of the Local Government Act

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**Financial Implications**

- Budget approved - \$108,605
- Cost centre - 800158
- Expended to date - \$14,000 to Arts Outwest
- Future potential impact - \$94,605

**Legal and Risk Management Implications**

NIL .

**Attachments**

1. CDC Minutes 15 June 2021 [**11.2.1** - 8 pages]

**Recommendation**

THAT Council

1. Note the minutes of the Community Development Committee meeting held on 15 June 2021.
2. Allocate \$22,250 for the following:
  - Fee waivers of Council facilities \$2,000
  - Sporting Scholarships as recommended by Sports Advisory Committee \$2,500
  - Tony Luchetti and Civic Ballroom fee waivers \$5,000
  - School End of Year Awards \$750
  - Lithgow Show \$12,000
3. Allocate \$31,993 Round 1 Financial Assistance as follows:

	<b>Organisation and Project</b>	<b>Amount requested</b>	<b>Amount Recommended</b>	<b>Comment</b>
<b>1.</b>	<b>Coerwull School Breakfast Club</b> Establish breakfast program for students. Many students don't have breakfast before school or bring lunch	\$3,000	\$0	This project has been funded by Lithgow Workies community grants program
<b>2.</b>	<b>Lithgow Cares Committee</b> Hold two community fun day events to support disadvantaged families and to strengthen communities.	\$5,580	\$4,000	
<b>3.</b>	<b>Tarana Valley Community Movie/Fun Day</b> Hold a movie under the stars event at Tarana Showground to build community cohesion	\$3,000	\$1,500	
<b>4.</b>	<b>LINC Let's Read and Count Program</b> Literacy and numeracy programs with 0-5-year-old children.	\$3,000	\$3,000	

<b>5.</b>	<b>Gindaay Youth Drop in Centre</b> After school youth drop-in centre in Portland	\$1,000	\$1,000	
<b>6.</b>	<b>Western Region Academy of Sport</b> Annual operating costs	\$1,285	\$1,285	
<b>7</b>	<b>Wallerawang Kids Club Rate Reimbursement</b>	\$385	\$385	
<b>8</b>	<b>Mingaan NAIDOC Day Celebrations</b> Annual event to celebrate local indigenous culture	\$3,000	\$2,000	
<b>9</b>	<b>Daffodils at Rydal</b> Annual event to promote Rydal Village that attracts large visitor numbers to the region	\$1,500	\$1,500	
<b>10</b>	<b>Rydal Show Heavy Horse and Yard Dog Section Sponsorship</b> Support for the annual Rydal Show	\$1,000	\$1,000	
<b>11</b>	<b>Tarana Farmers Markets Musicians Tent</b> Purchase of a marquis for performing musicians at monthly Tarana Farmers Markets	\$2,048	\$0	This project can be considered for funding through Council's Village Improvement Fund
<b>12</b>	<b>Quota Lithgow Arts and Crafts Fair</b> Waiver of Union Theatre hire and cleaning charges for Arts and Craft Fair	\$480	\$0	This request can be considered under Council's fee waiver allocation
<b>13</b>	<b>Lithgow Arts Council</b> Trophies and awards for annual Arts Council awards recognising creative and performing artists	\$3,000	\$2,000	

<b>14</b>	<b>Lithgow Dementia Alliance Creative Dementia Workshops</b> A series of workshops for people with dementia and their carers focussed on mindfulness and music	\$11,000	\$3,000	
<b>15</b>	<b>Portland Tidy Towns Beautification Project</b> Install covered picnic settings and garden beds in Memoria Park within the Portland Foundations site	\$10,000	\$2,000	
<b>16</b>	<b>Capertee Valley Landcare Library</b> Establish library with resources on sustainable farming, water management and local flora and fauna conservation	\$3,000	\$0	This project can be considered for funding through Council's Village Improvement Fund
<b>17</b>	<b>Hartley Vale Cemetery Open Day</b> Hold a community open day to present findings of a recent ground penetrating survey of Hartley Vale Historic Cemetery	\$3,000	\$1,500	
<b>18</b>	<b>Lithgow Theatre Group – Room Dividers</b> Purchase 2 room dividers to give greater flexibility for stage and scene setup at the group's performances.	\$3,100	\$1,500	
<b>19</b>	<b>Lithgow Tidy Towns Art Installation and CBD map</b> Install mural on Lithgow Library wall along Burns Lane recognising indigenous culture and hold a community launch	\$3,811	\$2,000	

<b>20</b>	<b>Lithgow District Car Club Rates Reimbursement</b> Reimbursement of General rate component of Car Club rates	\$1,000	\$1,000	
<b>21</b>	<b>Tarana Tanker Trailer Registration</b> Register 13 firefighting tanker trailers located in the Tarana area	\$1,350	\$1,350	
<b>22</b>	<b>Rate Reimbursements Muzzle Loading Gun, Rifle and Pistol Club and Lithgow Valley Archers</b> Reimbursement of General rate component of rates for Doctors Gap site	\$1,223	\$1,223	
<b>23</b>	<b>Independent Lewis Masonic Lodge Portland Restoration of Building</b> Restore exterior of Masonic Lodge in Wolgan Street Portland	\$10,000	\$750	
	<b>TOTAL</b>	<b>\$75,762</b>	<b>\$31,993</b>	

**11.3. FIN - 26/07/2021 - Finance Committee Meeting Minutes - 16 June 2021**

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**Prepared by** Rhiannan Whiteley – Executive Assistant

**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

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**Reference**

Min No 21-131 Ordinary Meeting of Council held on 24 May 2021.

Min No 21-145 Ordinary Meeting of Council held on 28 June 2021.

**Summary**

This report provides details of the Minutes of the Finance Committee Meeting held on 16 June 2021.

**Commentary**

At the meeting of the Finance Committee held on 16 June 2021. The following items were discussed:

- **Draft Local Procurement Policy** – The Committee discussed the draft Local Procurement Policy which was presented to Council at the June meeting. This policy is now on public exhibition and any submissions will be reported to Council when Council considers final adoption.
- **Investment Report May 2021** – The Investment report shows an overall increase in cash and investments. The increase in investments is mainly due to the rates instalment being due on 31 May 2021. Water usage notices were also due in May 2021.
- **Cashflow Update** - the Committee was provided with an update on the cashflow position at the end of May 2021. May was a cashflow positive month, as was expected. Remedial actions continue to be implemented to address expected ongoing cashflow issues in the months ahead.
- **Draft 2021/22 Budget Update** – The Committee was provided with an update on changes made to the draft 2021/22 budget since the Operational Plan was presented to Council at the 26 April 2021 meeting. The changes have resulted in a net improvement to the budget consolidated Operating Result before Capital.

The following business paper recommendation was endorsed by the Committee:

**Council Investments Report March 2021**

**THAT:**

1. Investments of \$28,230,585 and cash of \$612,501 for the period ending 31 May 2021 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The Commentary on funding requirements for restricted reserves be noted.

**Policy Implications**

Nil.

**Financial Implications**

As detailed in the Finance Committee meeting minutes.

**Legal and Risk Management Implications**

Nil.

**Attachments**

1. Minutes 16 June 2021 Finance Committee [**11.3.1** - 8 pages]
-

## **Recommendation**

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 16 June 2021 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investment Report for May 2021.

**11.4. PS - 26/07/2021 - Youth Committee Meeting Minutes 21 June 2021**

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

**Department** Community and Culture

**Authorised by** Director of People & Services

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**Summary**

The minutes of the Youth Advisory Committee (Youth Council) held on June 21st are reported for Council's consideration.

**Commentary**

At the Youth Council meeting on June 21<sup>st</sup> various matters were discussed including:

An update was given about the Planet Youth Pilot currently underway and feedback was sought from Youth Councillors regarding programming and events.

An update was given regarding the Regional Youth Opportunities Grant 'Create Lithgow' project.

A wrap up and final report was given regarding Youth Week 2021 and planning for Youth week 2022 commenced.

**Policy Implications**

Nil.

**Financial Implications**

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

**Legal and Risk Management Implications**

Nil

**Attachments**

1. Youth Council Committee Meeting 21 June 2021 - Minutes [11.4.1 - 5 pages]

**Recommendation**

THAT Council note the minutes of the Youth Advisory Committee (Youth Council) from the June 21<sup>st</sup> meeting.

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**11.5. IS - 26/07/2021 - Minutes of TALC Meeting - 8 July 2021**

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**Prepared by** Kaitlin Cibulka -Executive Assistant Infrastructure Services

**Department** Infrastructure Services

**Authorised by** Director of Infrastructure & Services

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**Summary**

This report provides details of the Minutes of the TALC Committee Meeting held on 8 July 2021.

**Commentary**

At the TALC Committee held on 8 July 2021, there were numerous items discussed by the Committee that were outside the Committee's delegations and require Council to formally approve the recommendations:

**6.1. Scribbly Gum Lane, Portland - No Through Road Signage Request**

THAT Council install one (1) x G9-18 "No Through Road" sign at the intersection of Scribbly Gum Lane and Portland / Cullen Bullen Road, Portland.

**6.2. Table Rock Road, Ganbenang - No Through Road Signage Request**

THAT Council install one (1) x G9-18 "No Through Road" sign at the intersection of Table Rock Road and Cullenbenbong Road, Ganbenang.

**6.3. Dangerous parking - Lemnos Street, Littleton**

THAT

1. no changes be made to the existing on-street parking arrangements of Lemnos Street between Beaufort Street and Wirraway Street; and
2. Council's Economic Development and Environment Department be advised of concerns for consideration with any future development application that may increase traffic utilising the streets within the Littleton area

**6.4. Request for speed limit review - Glen Alice township**

THAT Council requests Transport for NSW (RMS) to undertake a speed zone review of the Glen Alice Township.

**6.5. Portland / Sunny Corner Road and Ilford Street, Portland - Request for Give Way Sign**

THAT subject to availability of resources and funding, Council install a Give Way sign on a concrete traffic median in Ilford Street, Portland with associated line marking to improve motorist behavior and increase safety.

**6.6. BMGS Charity Walk**

THAT

1. Council rejects the event on the basis of safety conditions being held on a long weekend with increase of 4WD & Tourist Traffic in the area and high risk, and
2. Advises applicant of outcome with recommendation for amended proposal for discussion; and
3. Advises the Blue Mountains Council of the outcome.

**6.7. Cases Lane, Mt Lambie - Safety Concerns**

THAT Council install 2 x W1-3 and 2 x W1-1 curve warning signs on Cases Lane, Mount Lambie to warn motorists of the blind corners.

**Policy Implications**

Nil

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### **Financial Implications**

- Budget approved - Nil
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact - Cost of installation of signage and traffic medians.

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

Nil

### **Attachments**

1. Minutes - TALC - 8 th July 2021 [**11.5.1** - 11 pages]

### **Recommendation**

THAT:

1. Council notes the minutes of the TALC Committee Meeting held on 8 July 2021; and
2. Council install one (1) x G9-18 “No Through Road” sign at the intersection of Scribbly Gum Lane and Portland / Cullen Bullen Road, Portland.
3. Council install one (1) x G9-18 “No Through Road” sign at the intersection of Table Rock Road and Cullenbenbong Road, Ganbenang.
4. Council make no changes to the existing on-street parking arrangements of Lemnos Street between Beaufort Street and Wirraway Street; and
5. Council’s Economic Development and Environment Department be advised of concerns for consideration with any future development application that may increase traffic utilising the streets within the Littleton area.
6. Council request Transport for NSW (RMS) to undertake a speed zone review of the Glen Alice Township.
7. Subject to availability of resources and funding, Council install a Give Way sign on a concrete traffic median in Ilford Street, Portland with associated line marking to improve motorist behaviour and increase safety.
8. Council rejects the BMGS Charity Walk event on the basis of safety conditions, being held on a long weekend with increase of 4WD & Tourist Traffic in the area and high risk; and
9. Advises applicant of outcome with recommendation for amended proposal for discussion and;
10. Advises the Blue Mountains City Council of the outcome.
11. Council install 2 x W1-3 and 2 x W1-1 curve warning signs on Cases Lane, Mount Lambie to warn motorists of the blind corners.

**11.6. IS - 26/07/2021 - Minutes - Operations Committee Meeting 14 July 2021**

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**Prepared by** Kaitlin Cibulka - Executive Assistant Infrastructure Services

**Department** Infrastructure Services

**Authorised by** Director of Infrastructure & Services

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**Summary**

This report provides details of the Minutes of the Operations Committee Meeting held on 14 July 2021.

**Commentary**

At the Operations Committee Meeting held on 14<sup>th</sup> July 2021, there were numerous items discussed by the Committee including:

1. Standing Item – Water and Sewer Infrastructure Services Update
2. Standing Item – Cullen Bullen STP
3. Standing Item – Integrated Water Cycle Management Plan
4. Standing Item – Monthly Project Update

**Policy Implications**

Nil

**Financial Implications**

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

**Legal and Risk Management Implications**

Nil

**Attachments**

1. Minutes - Operations Committee - 14 th July 2021 [**11.6.1** - 8 pages]

**Recommendation**

THAT Council notes the minutes of the Operations Committee Meeting held on 14 July 2021.

## 12. Business of Great Urgency

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

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

## 13. Closed Council

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### 13.1. Confidential - ECDEV - 26/07/2021 - Lease of 21 Proto Avenue, Lithgow

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

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#### Reason for Confidentiality

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

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

#### Reference

18-377 – confidential meeting of 26/11/2018

19-90 – confidential meeting of 25/03/2019

#### Summary

The purpose of this report is to provide Council with an update regarding ECEC Management Services Pty Ltd (**ECEC**) and its failure to pay rent and outgoings in accordance with the lease from Council.

### 13.2. Confidential - WWW - 26/07/2021 - Cullen Bullen Sewerage Treatment Plant - Tender Evaluation

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**Prepared by** Matthew Trapp – Executive Manager Water and Wastewater  
**Department** Water and Wastewater  
**Authorised by** Director of Water & Wastewater

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#### Reason for Confidentiality

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

(d) commercial information of a confidential nature that would, if disclosed

(i) prejudice the commercial position of the person who supplied it, or

(ii) confer a commercial advantage on a competitor of the council, or

(iii) reveal a trade secret,

#### Summary

This report summarises the tender process undertaken by Council, to seek suitably qualified companies to undertake the Design and Construction of the Cullen Bullen Sewerage Treatment Plant

**13.3. Confidential - WWW - 26/07/2021 - Cullen Bullen Low Pressure Sewerage Scheme - Tender Evaluation**

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**Prepared by** Matthew Trapp – Executive Manager Water and Wastewater  
**Department** Water and Wastewater  
**Authorised by** Director of Water & Wastewater

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**Reason for Confidentiality**

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

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

**Summary**

This report summarises the tender process undertaken by Council, to seek suitably qualified companies to undertake the Design and Construction of the Cullen Bullen Low Pressure Sewerage Scheme.

**Recommendation**

THAT Council resolve to move into Closed Council to consider the confidential reports as listed in the business paper.