



BUSINESS PAPER

Ordinary Meeting of Council
to be held at

Council Administration Centre
180 Mort Street, Lithgow

on
Monday 26 September 2022
at 7:00 PM

ORDER OF BUSINESS

1. Acknowledgement of Country	4
2. Present.....	4
3. Apologies	4
4. Declaration of Interest.....	4
5. Confirmation of Minutes	4
6. Commemorations and Announcements.....	4
7. Public Forum.....	5
8. Mayoral Minutes.....	5
9. Notices of Motion.....	6
9.1. NOTICE OF MOTION - 26/09/2022 - Cr E Mahony - Development of a Council	
Volunteer Policy	6
9.2. NOTICE OF MOTION - 26/09/2022 - Cr S McGhie - Renaming of Inch Street Lane	8
10. Staff Reports	10
10.1. General Manager's Reports	10
10.1.1. GM - 26/09/2022 - Central NSW Joint Organisation.....	10
10.1.2. GM - 26/09/2022 - Update on Lithgow Community Private (LCP)	12
10.2. People and Services Reports	15
10.2.1. Building and Development.....	15
10.2.1.1. ECDEV - 26-09-2022 - Springvale Water Treatment Project SSD 7592 Modification 8.....	15
10.2.1.2. ECDEV - 26/09/2022 - DA130/22 Development Application Community Hall - 45 Petra	
Avenue Clarence	17
10.2.1.4. ECDEV - 26/09/2022 - DA138/21 - 48 Hillcrest Avenue Bowenfels - Release of Restriction	
.....	20
10.2.2. People and Services General Reports	22
10.2.2.1. PS - 26/09/22 - Updated Resourcing Strategy 2022-2032	22
10.2.2.2. PS - 26/09/2022 - Centennial Coal Community Contribution to Local Schools.....	28
10.2.2.3. PS - 26/09/2022 - 2017-2022 Delivery Program and 2021/22 Operational Plan Progress	
Report.....	30
10.3. Infrastructure Services Reports	32
10.3.1. IS - 26/09/2022 - Flood Inquiry Recommendations	32
10.4. Water and Wastewater Reports	35
10.4.1. WWW - 26/09/2022 - Draft Waste Management & Resource Recovery Strategy 2022-2026....	35
10.4.2. WWW - 26/09/2022 - Extension of Waste Services Contract.....	40
10.5. Finance and Assets Reports	43
10.5.1. FIN - 26/09/2022 - Investment Report August 2022	43
10.5.2. FIN - 26/09/2022 - Plan of Management Part Crown Reserve 590046	46
10.5.3. FIN - 26/09/2022 - Proposal to Close Two Submerged Public Roads.....	49

10.6. Policies and Governance	51
10.6.1. FIN - 26/09/2022 - Draft Managing Unreasonable Conduct by Complainants Policy	51
10.6.2. IS - 26/09/2022 - Policy Review - 10.5 - Footpath Reservation - Works Requirement.....	53
10.6.3. PS - 26/09/2022 - Model Social Media Policy.....	54
11. Council Committee Reports	57
11.1. FIN - 26/09/2022 - Finance Committee Meeting Minutes - 31 August 2022.....	57
11.2. PS - 26/09/2022 - Crime Prevention Committee Minutes 5 September 2022	58
11.3. PS - 26/09/2022 - Community Development Meeting Minutes 13 September 2022	59
12. Business of Great Urgency.....	60
13. Closed Council.....	61

1. Acknowledgement of Country

Acknowledgement of Country

I would like to begin this meeting by acknowledging the Traditional Owners of this land on which we meet today. I would also like to pay respect to Elders both past, present and emerging.

Declaration of Webcasting

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

2. Present

3. Apologies

4. Declaration of Interest

Under Clause 3.23 Statement of ethical Obligations in the Code of Meeting Practice as adopted by Council at the Ordinary Meeting of Council held on 26 April 2022 (Min No 22-86),

3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Councillors are reminder of the oath or affirmation which was taken at the Ordinary Meeting of Council held on 22 December 2021

Oath Of Councillor

I swear that I will undertake the duties of the office of Councillor in the best interests of the people of Lithgow local government area and the Lithgow City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation Of Councillor

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Lithgow local government area and the Lithgow City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Councillors have the opportunity to declare any interests in items on the agenda and inform the Council and public if they will be leaving the Chambers during the debate and voting on the item.

5. Confirmation of Minutes

Confirmation of the Minutes of the Ordinary Meeting of Council held 22 August 2022.

6. Commemorations and Announcements

On behalf of Lithgow City Council the Mayor expresses sincere sympathy and condolences to families who have lost loved ones since the last council meeting.

7. Public Forum

Any person registered to speak during Public Forum on a matters included in the business paper and registered via the Council website prior to 12 Noon on the day of the meeting will have the opportunity to speak. There will be only two speakers for and against, on each matter on the business paper.

Public forum will be allocated half an hour time in total with each speaker having 3 minutes to speak.

Speaker not registered for public forum will have an opportunity to speak on matters on the business paper if time permits.

8. Mayoral Minutes

The Mayor is able to table a Mayoral minute at the meeting if required.

9. Notices of Motion

9.1. NOTICE OF MOTION - 26/09/2022 - Cr E Mahony - Development of a Council Volunteer Policy

Report by Councillor Eric Mahony

Commentary

Volunteering across the Lithgow City Council Local Government Area is central to enhancing community life and helps build strong, inclusive, safer, and resilient communities.

The contributions from volunteers over decades across the region have led to the success of many community projects, programs and events whilst providing satisfaction and a sense of pride in their work for the volunteers.

The nature of our Local Government Area provides a geographic challenge to managing Council assets and services as our community is spread across several larger urban townships and many smaller rural villages and localities. Volunteering allows these communities to be directly involved in managing community assets.

The Notice of motion seeks the Council's support to develop a Volunteer Policy to provide an opportunity for a broader sector of the community to be encouraged to participate in community volunteering. These volunteers span various age groups and often bring considerable skills, knowledge, abilities, and enthusiasm to the projects they become involved in.

The Notice of motion seeks an information session and, in turn, the commencement of the development of a Volunteer Policy. A Policy that provides for an organisational response that sees a community actively participating in the management of community assets and supporting staff in the delivery of community services to enrich community life and the liveability of our region.

A policy that provides for our Council to maximise the opportunities for members of our community matched to each individual's skills, knowledge and abilities with satisfying roles to assist through volunteering their time in the management of critical assets such as parks, bushland reserves, golf courses, and other community assets as well as supporting the delivery of important community services.

The Volunteer Policy will also guide the Council to consistently meet its Work, Health and Safety and risk management requirements in various community engagement settings. The policy will also provide a framework to ensure best practice in volunteer involvement through effective leadership, management and support of our volunteers to deliver mutually beneficial activities.

Attachments

1. SWP 12.8 Volunteer Management v 1 (1) [9.1.1 - 18 pages]
2. nsw.gov.au- Camden council fined 750000 after Mens Shed member fatality [9.1.2 - 2 pages]

Recommendation

THAT the Council be provided with an information session regarding current volunteer management practices and, in turn, a timetable for developing a Volunteer Policy.

Management Comment

Council has a Volunteer Management Procedure (see attached SWP 12.8) that is principally an internal procedural document covering the key areas of volunteer management such as risk management, supervision, and Work Health & Safety. This procedure is due for a comprehensive review, particularly considering the recent court case involving Camden Council (see attached bulletin from the NSW Government). Earlier this year Camden Council was investigated by SafeWork

NSW and pleaded guilty to a breach of the Work Health and Safety Act 2011 in the NSW District Court.

Council has several long-standing programs that utilise volunteers including the Libraries, Eskbank House, Lithgow Golf Club, and Men's Sheds. Other programs where Council is indirectly involved include Landcare and Tidy Towns. Volunteers have been used in the past to help deliver events such as Halloween. However, reliability seems to be an issue when using volunteers when there is a considerable time gap between events. As with any volunteer program, the work performed by volunteers must be additional to the standard services provided by the paid workforce.

The COVID-19 Pandemic disrupted Council's existing volunteer programs due to multiple closedowns and safety concerns about vulnerable volunteers. This has led to a loss of volunteer continuity and there is a pressing need to engage and reconnect with volunteers in order to bring the program back to previous levels.

NSW has several long-standing institutions that operate in this sphere, most of which are well known to the Lithgow community. These include the NSW Rural Fire Service, (the world's largest volunteer fire service, with over 70,000 members), the State Emergency Service, St John's Ambulance to name a few. Lithgow LGA shares this strong tradition and relies on its volunteers to perform valuable work and create a vibrant connected community.

Much more could be done to engage with volunteers within our LGA. To do this requires consistent resourcing to attract, recruit, train, supervise, and retain a cohort of highly capable volunteers.

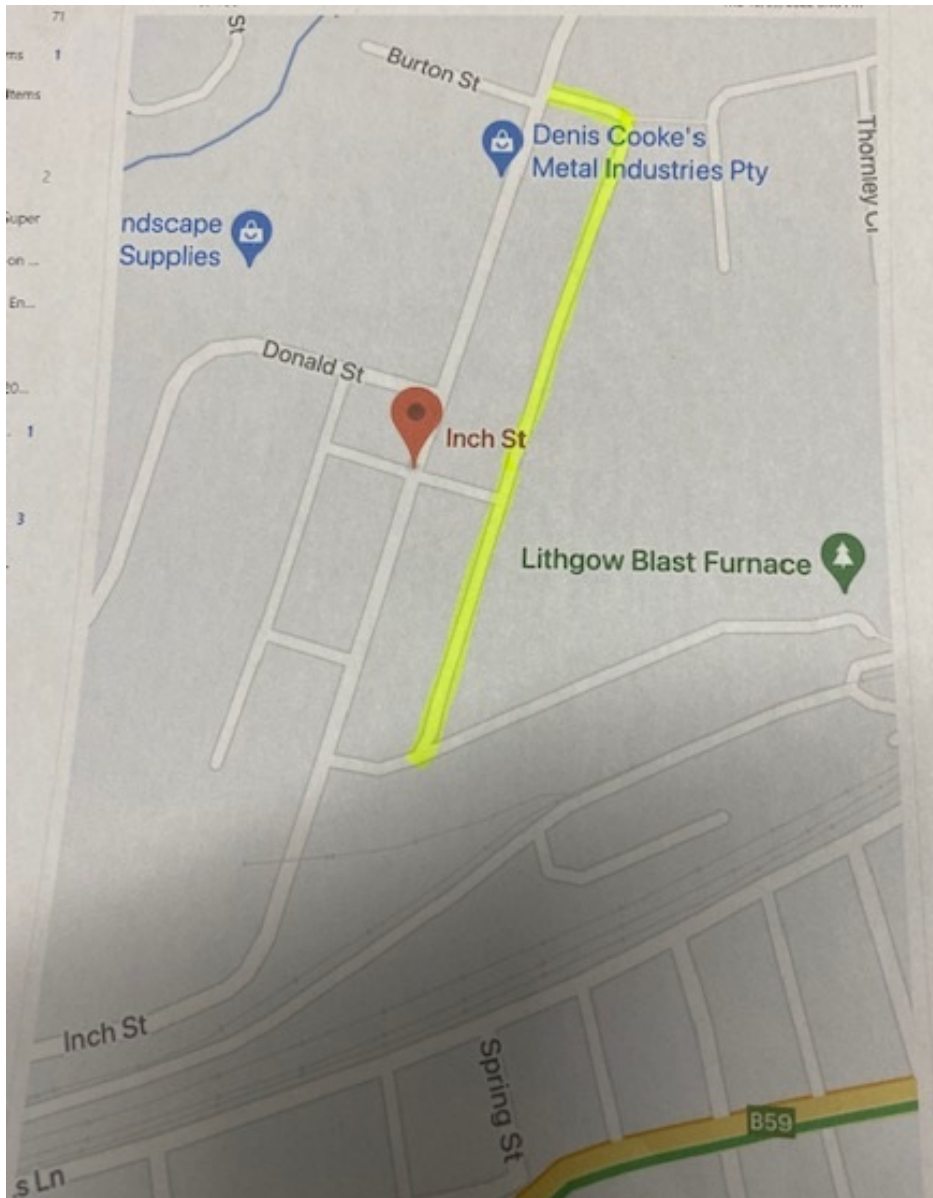
9.2. NOTICE OF MOTION - 26/09/2022 - Cr S McGhie - Renaming of Inch Street Lane

Report by Councillor Stuart M^cGhie

Commentary

That a currently unnamed lane running parallel to Inch Street in Lithgow City be named in honour of long term resident and local businessman George Pearce.

The Pearce family name has been synonymous with Lithgow for a very long time, with George Pearce and Co Earthmoving and Engineering Works still operating in Lithgow after sixty years. George's grandson Craig is currently managing the business after George's death earlier this year.



Attachments

Nil

Recommendation

THAT the lane in question to be named George Pearce Lane would be appropriate as it was alongside this laneway that the operations have run for over sixty

Management Comment

The Council is able to make formal application for the naming of this lane. However, there are considered to be some material matters to weigh up, as follows:

1. The primary reason for naming road assets is for property identification purposes and property addressing. There are no property frontages along this length as the lane serves to provide rear property access only.
2. There are scores of lanes throughout the district. Standard naming convention provides that these lanes are named in line with the adjacent parallel roads (which is why this lane is known as Inch Street Lane). This proposal could create a precedent whereby the names of many currently named lanes were opened to consideration for renaming. The road naming process is administratively intensive and under current resource levels this would prove challenging.
3. The NSW Address Policy and User Manual notes that “*when commemorating a person, only one of the person’s names shall be used e.g. a given name or surname*” (emphasis added).

It is noted that there is one local example of a lane being named, contrary to points one and two above. This is Goodwin Lane, between John Street and Clarice Street and behind the Ambulance Station, named in recognition of John Goodwin in recognition of the not-for-profit, extensive community service provided over many decades through the Lithgow Ambulance Station. Goodwin Lane was used under section 6.7.6 Commemorative Road Names:

Acts of bravery, community service and exceptional accomplishments are typical grounds for this recognition. The name of persons who gave their lives in service for their country are often used as commemorative names. The person commemorated should have contributed significantly to the area.

Ownership of land that has been developed is not considered as a significant reason for naming purposes.

An alternative could be that rather than name this lane, an alternative road eligible or due for naming be identified.

10. Staff Reports

10.1. General Manager's Reports

10.1.1. GM - 26/09/2022 - Central NSW Joint Organisation

Prepared by Craig Butler - General Manager

Department Executive

Authorised by General Manager

Lithgow City Council has a history of collaboration with various Council groupings. At a point in the past, Council was a member of the voluntary group of Councils called Centroc. Then, given the city's proximity to Western Sydney, the Council decided to join WSROC. After four years involvement with WSROC, Council resolved to cease its membership and give consideration to other strategic relationships such as the Central NSW Joint Organisation (CNSWJO).

The CNSWJO's Deputy Chair, Cr Mark Kellam Mayor of Oberon and Executive Officer Ms Jenny Bennett of CNSWJO recently attended a Council Information Session and provided information on:

- The learnings about JOs since establishment
- The members
- Strategy and work program
- Achievements
- Opportunities for collaboration
- Workload for elected representatives and administration
- The process for joining
- Costs
- The process for leaving

Joint Organisations have been regulated under the Local Government Act to

1. establish strategic regional priorities for the joint organisation area and to establish strategies and plans for delivering those strategic regional priorities,
2. provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities,
3. identify and take up opportunities for inter-governmental co-operation on matters relating to the joint organisation area, and
4. other – in the case of CNSWJO it provides an operation support program

JOs must develop a Statement of Strategic Regional Priority, like Councils' Community Strategic Plan. The priorities of the CNSWJO are:

1. Inter-council collaboration delivering cost savings and other efficiencies to members
2. Regional prosperity - including tourism, land use planning, health, telecommunications, skills and housing
3. Transport
4. Water

These priorities are currently under review by CNSWJO for finalisation by December this year.

Already, this Council has a number of alliances. Formally, this includes with LGNSW and ALGA. But increasingly, engagement is also occurring with Upper Hunter councils around the theme of economic diversification.

Over the last two years, Council's General Manager has also been attending meetings of the CNSWJO member councils' general managers. The CNSWJO has linked with this Council on a number of projects relating to infrastructure, advocacy, water management, procurement of ARIC members and more. The CNSWJO have also assisted in connecting Lithgow Council's executive with key staff at other CNSWJO member councils when advice or assistance is being sought on a range of matters (knowledge sharing).

Based on the above exposure to the workings of the CNSWJO, the council's senior management team have formed a view that there is a good deal of alignment between this Council and the CNSWJO in terms of current and future activities and focus, and that consideration should be given to joining the CNSWJO.

The process to join a Joint Organisation is lengthy however as it requires the approval of the NSW Government. Also, there is a state government election scheduled for next year and this may bear on the future form and function of JOs. In recognition of these factors, and with some regard for this Council's constrained financial circumstances, the concept of associate membership of the CNSWJO has been canvassed. This approach would substantially give this Council access to the range of services and support provided by the CNSWJO. This approach would also reduce the fees to be paid and not bind Council to on-going membership. The offer would allow the Mayor and GM to participate in the operations of the CNSWJO, albeit without full decision-making rights (a vote).

The Associate type approach requires consideration and approval by the CNSWJO Board. To commence this process it is recommended that Council express interest in Associate membership of the CNSWJO.

Policy Implications

Nil.

Financial Implications

- Budget approved – To be determined and later reported to council
- Cost centre – 800155 8130 63401
- Expended to date – Minor costs relating to the allocation of some management resource to interim engagement with the CNSWJO
- Future potential impact – Collaboration with the appropriate strategic alliances is good practice

Legal and Risk Management Implications

Associate membership would enable Council to get closer insight to the performance of the CNSWJO without binding the Council into membership, thus managing or minimising risks.

Attachments

Nil

Recommendation

THAT Council resolve to -

1. Approach the Central NSW Joint Organisation with an interest in joining as an Associate,
2. Authorise the General Manager to advance the necessary arrangements, and report back to Council detailing the terms of Associate membership of CNSWJO, should this approach be approved by the CNSWJO Board.

10.1.2. GM - 26/09/2022 - Update on Lithgow Community Private (LCP)

Prepared by Michael McGrath - Director People & Services

Department Human Resources

Authorised by General Manager

Summary

Lithgow Community Private (LCP) is a unique model of delivery for private medical services which has now been in operation for 22 years. The model involves LCP procuring theatre space and other resources from the Nepean Blue Mts Local Health District to support private specialists.

Prior to Covid the model was, by and large, effective. But challenges in accessing theatres and the other related required resources (because of Covid impacting health resources) have profoundly compromised the viability of this model of health services delivery. Recently the Board of LCP took the decision that they do not continue to operate after 2022.

Lithgow has a significant aged cohort of the local population. Also, the socio-economic circumstances of our community predispose it to certain adverse health consequences. Also, there is a cluster of medical businesses and services which agglomerate around LCP because they are complementary. Removal of the specialist medical component (LCP) of this small but important health ecosystem could have implications for the performance of all of these other health services. Lithgow is not a local government area that can endure any reduction in medical services. In fact, there is the risk this could result in an unacceptable spiral down in terms of local availability and access to much-needed health services. Council has been advocating to prevent such an adverse outcome

Commentary

This report provides information about the announcement by the Lithgow Community Private that they are not able to function beyond 2022. It also details the actions that have been taken by Council in relation to this advice. The report draws mostly from briefings that have been provided to the Mayor and General Manager by the LCP Board.

Lithgow Community Private (LCP) is a not-for-profit, community owned day surgery and specialist medical centre. LCP was established in 1999. LCP is governed by a volunteer Board and employs around 20 staff in permanent part time positions and medical traineeships.

Today LCP provides private day surgery and specialist medical services to Lithgow and surrounding communities.

LCP state that each year they provide the community with over 900 day surgery procedures and around 11,500 specialist medical appointments via 35 specialist visiting medical officers. LCP also assert that there is interest from other specialists to offer their services out of LCP.

LCP is co-located with Lithgow Public Hospital and rents premises and operating theatres from NBMLHD. LCP delivers their services through a public – private type service arrangement with the NSW Government by way of the Nepean Blue Mountains Local Health District (NMBLHD). It has been put to Council that this is a somewhat unique arrangement.

The impact of Covid on the public and private health systems is well-documented, and on-going. It has been put to Council that Covid has created great difficulty for the staffing of theatres and this has impacted both surgeon and patient demand, undermining the viability of LCP. The other consequence has been that patients are being loaded back onto Bathurst, Orange and Sydney for procedures that could be done locally.

LCP have advised of the following impacts if they cease to function -

- “The Lithgow community will be substantially disadvantaged by the loss of visiting specialists
- Patients forced to travel outside the region for services they once had here
- \$1.7 million economic value leaves the region
- Local job losses
- Large increase in public surgery waiting lists as patients move to have their surgeries performed via the public system
- Loss of funding from Rural Doctors Network”

It may also be the case that the closure of LCP, or the lack of an equivalent replacement model locally would impact –

- Utilisation of the soon to be completed MRI
- Notre Dame Medical School
- Westfund, as many of LCP’s patients use that insurer (a large local employer and provider of access for the community to a level of health equity)

LCP are confident that the general model under which they have operated for the last 22 years is still appropriate. But LCP have made the decision that based on the current service agreement they are not able to continue. It has been put to Council by the NBMLHD that they recognise the value of, and the community need for, the LCP provided medical services. Council has been assured that the NBMLHD are actively working on solutions. At the time of writing this report both parties were still negotiating.

Since LCP made their decision about discontinuing, Council has been advocating for an ongoing business model that is viable and not constrained. This would include reliable and assured access to theatre time and other resources so that the visiting specialists had certainty of being able to practice and deliver much needed medical services effectively. The advocacy has included representations being made to the local State and Federal Members, the NSW Minister for Health, the NSW Minister for Regional Health, the Chair of the NBMLHD and the CEO of the NBMLHD.

Policy Implications

Nil

Financial Implications

- Budget approved - Nil
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact – Lithgow has a significant aged cohort of the local population. The socio-economic circumstances of the community predispose it to certain adverse health consequences. Also, there is a cluster of medical businesses and services which agglomerate around LCP because they are complementary. Removal of the specialist medical component (LCP) of this small but important health ecosystem could have implications for the performance of all of these other health services. Lithgow is not a local government area that can endure any reduction in medical services. In fact, there is the risk this could result in an unacceptable spiral down in terms of local availability and access to much-needed health services.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT

1. The report Update on Lithgow Community Private received, and
2. Council formally and publicly confirm and continue to advocate to the NSW Government its position that it is imperative that the Lithgow community have ongoing access to the important specialist medical services that are provided by Lithgow Community Private.

10.2. People and Services Reports

10.2.1. Building and Development

10.2.1.1. ECDEV - 26-09-2022 - Springvale Water Treatment Project SSD 7592 Modification 8

Prepared by	Lauren Stevens- Development Planner
Department	Development
Authorised by	Director of People & Services
Property Details	Springvale Coal Mine, Castlereagh Highway Lidsdale
Property Owner	Centennial Coal Pty Limited
Applicant	Notification from the Department of Planning and Environment (the Department)

Reference

Min No 16 – 318: Ordinary Meeting of Council dated 21 November 2016 - State Significant Development – SSD 7592 – Springvale Coal Pty Ltd Water Treatment Project.

Min No – 19-97: Ordinary Meeting of Council dated 29 April 2019- Springvale Water Treatment Project Modification 3.

Min No - 19-193: Ordinary Meeting of Council dated 22 July 2019- Springvale Water Treatment Project – Modification 3 (SSD 7592 MOD 3).

Min No - 19-273: Ordinary Meeting of Council dated 23 September 2019- Springvale Water Treatment Project (SSD-7592) Modification 4.

Min No – 20-43: Ordinary Meeting of Council dated 24 February 2020- Springvale Water Treatment Project Modification 5

Summary

To advise Council of a Major Project modification that has been submitted to the Department of Planning and Environment (the Department) for the Springvale Water Treatment Project (SSD-7592) Modification 8.

Commentary

Springvale Coal has sought a modification to the Springvale Water Treatment Project (WTP) development consent which seeks to amend Schedule 1 and Schedule 2, Condition 6A of the SSD 7592 consent in order to extend the interim water management strategy to allow partially treated mine water to be stored in Thompsons Creek Reservoir through to 31 October 2023 to avoid flooding of underground workings at Springvale and Angus Place coal mines.

The proposal does not seek to increase the volume of filtered water permitted to be transferred to Thompsons Creek Reservoir above the 5,760ML volume previously assessed and approved. The modification also seeks to correct a minor administrative error to the Schedule of Land included within Appendix 1 of SSD 7592. No other element of the consent or operation is proposed to be modified as part of this application.

The original approval permitted the partially treated (filtered) mine water to be stored until 31 October 2021.

The project is an industrial water reuse scheme to use mine water transferred from Angus Place Colliery and Springvale Coal Mine as cooling water at the Mount Piper Power Station.

The project has the capacity to transfer and treat up to 42 million litres per day of mine water from the two coal mines. Under the consent, excess treated water is transferred from the Springvale Water Treatment Plant to the Thompsons Creek Reservoir using the existing Cox's River Water Supply Pipeline, which forms part of the Cox's River Water Supply System. This allows the treated water to be stored during periods of low water demand.

Status

The modification application is submitted under Section 4.55(1A) of the EP&A Act. The modification is considered minor (by the Department) and can be found on the NSW Planning Portal. The development was referred to Government Authorities inviting feedback until 15 September 2022. Council officers have already indicated to the Department that no concerns are raised; however, a supplementary submission may still be made to the Department if there are concerns raised by the Council.

The Department will consider any advice received from authorities (including the Council) and proceed to assess and determine the Modification.

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

As the proposal falls within Part 4, Division 4.2 of the Environmental Planning and Assessment Act 1979 (in the case of State significant development) the Department of Planning and Environment is the consent authority.

Attachments

Nil

Recommendation

THAT the information in the report on the Springvale Water Treatment Project (SSD-7592) Modification 8, be NOTED.

10.2.1.2. ECDEV - 26/09/2022 - DA130/22 Development Application Community Hall - 45 Petra Avenue Clarence

Prepared by	Jessica Ramsden – Acting Team Leader Development
Department	Economic Development and Environment
Authorised by	Director of People & Services
Property Details	Lot 2 DP719201, 45 Petra Avenue Clarence
Property Owner	Lithgow City Council
Applicant	ABCD Inc.

Reference

Minute 19-295 Ordinary Meeting of Council held 23 September 2019 (in confidence)
 Minute 20-15 Ordinary Meeting of Council held 29 January 2020
 Minute 20-137 Ordinary Meeting of Council held 25 May 2020 (in confidence)
 Minute 21-91 Ordinary Meeting of Council held 26 April 2021
 Minute 22-121 Ordinary Meeting of Council 27 June 2022

Summary

To determine Development Application DA130/22 for a community facility and markets on Council owned land being Lot 2 DP719201, 45 Petra Avenue Clarence.

Commentary

Council is in receipt of Development Application DA130/22 from ABCD Incorporated for a community hall on Lithgow City Council owned land known as Lot 2 DP 719201, 45 Petra Avenue Clarence. The proposal is for a Colorbond® barn style building 18m by 18m with a surrounding path 2m-3m wide. The internal layout includes main hall, entry foyer, storage cupboards, office, meeting room, kitchen and two toilets with a storage loft over the front entry foyer. The site will require construction of two driveway accesses, earthworks to level the site with 30 carspaces and 2 x 50KL metal water tanks. Attachment 1 provides site plan, elevations and floor plans of the proposal.

The building is to be used by a maximum 100 people for community events such as Annual Bushfires Healing Ceremony, community meetings such as Heads Up for Fire Group, local social events, classes and clubs. It is proposed to also use the site for post disaster briefings and support services in case of a natural disasters. The proposal also includes markets for a maximum of 52 days a year, however it is envisaged the markets use would be less than this.

A 1m x 6m sign will be painted showing the hall name and ABCD Logo, with the final name of the hall to be developed in consultation with the community through ABCD Inc. A notice board on the site is proposed to replace the existing community notice board for the area.

The proposed construction, not including bushfire requirements, will remove approximately 16 mature trees and understorey at the front of the allotment and maintain over 50% of the allotment as natural bushland. Additional thinning resulting from NSW Rural Fire Service requirements may be required for the remainder of the allotment, however mature trees will be maintained where possible.

Policy Implications

Lithgow City Council Policy 7.6 – Development Applications by Councillors and Staff on Council Owned Land

This Policy is applicable given the land is owned by Council, noting the following:

1. *That, subject to the exemptions in Part 2 of this Policy, the following development applications shall be referred to Council for consideration and determination:*
 - c. *Where the development application is on Council owned land*

As such this application is to be considered and determined by the elected Council.

Lithgow Community Participation Plan

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and the proposal required notification to adjoining and adjacent landowners and occupiers for a period of 14 days. This notification has been undertaken in accordance with the Plan with two submissions received with those concerns summarised below:

- Colour of material to be used and screening of the development to adjoining neighbours.
- Noise issues during events and operating hours
- That the rear portion of the property be maintained
- External lighting impacts on adjoining residents
- The size of the shed being 18m x 18m is excessive for a rural area
- The development will interfere with the natural beauty of the area
- Removal of vegetation will impact on the wildlife and natural growth of the bushland given it has only just started to regenerate after the bushfires.
- A whole ecosystem is being removed as part of this development and further environmental studies should be undertaken.
- A smaller construction on the northern side of the allotment would be more beneficial.
- 30 carspaces will cause large gatherings with noise, car fumes and not suitable to the existing peaceful area.

Council's assessment has considered the concerns raised and recommends conditions of consent to minimise potential impacts to neighbours if the proposal is to be approved. Proposed conditions of consent have been formulated to reduce noise, dust, erosion and environmental impacts and are contained within Council's Planning Assessment Report- at Attachment 2. The colour of the proposal is grey which will blend with the existing environment and is similar to surrounding sheds.

It is expected that the site will not be in continuous use given the nature of the development as a community facility and events would happen no more than 52 days of the year. These larger events will be controlled to minimise impact on the surrounding residential landowners through maximum numbers, clean up requirements and parking controls.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact –
 1. It must be noted that the long term financial plan confirms that ongoing restraint is required in terms of future expenditure. Council does not currently have the financial capacity to increase its asset base. The acceptance of this project (which will need to be accounted for in our assets register and financial accounts at a capital value of around \$297K) should be accompanied by a reduction in current expenditure, most appropriately in building assets maintenance. It is not possible to predict with certainty the maintenance cost per year however, on average, asset maintenance represents 2 – 3% of its replacement cost, per year. The building will also depreciate over an expected life of 40 years, requiring a depreciation expense of 2.5% yearly.
 2. Section 94A (Section 7.12) Contributions are applicable as below:

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 applies to this development at an estimated cost of \$297,470.00 with the following levies applicable:

Estimated cost of development	Levy applicable
\$200,001 and over	1%

A 'Community facility' is not exempt under Clause 7 of the Plan as it does not meet any of the exemption requirements:

C7 Are there any exemptions to the Levy?

Other development exempted from the levy The following types of development or components of development will also be exempted from a levy under this Plan:

- a. Development by or on behalf of Lithgow City Council;*
- b. Development by or on behalf of NSW Government for public infrastructure such as hospitals, police stations, fire stations, education facilities and public transport infrastructure;*
- c. Development that involves rebuilding or repair after natural disasters such as flooding or bushfires;*
- d. Development involving alterations and additions to an existing single dwelling;*
- e. Development involving the demolition of an existing dwelling;*
- f. Development involving the rebuilding of an existing dwelling;*
- g. An application for an industrial, retail or commercial development where there is no intensification of use or increase in floor space of an existing building.*

Therefore, if the application is approved a condition of consent would be applied requiring payment of the levy prior to release of a Construction Certificate in accordance with the Plan.

Legal and Risk Management Implications

Local Government Act 1993 (ss.25 – 26). The land is Operational Land owned by Lithgow City Council.

Real Property Act 1900.

Environmental Planning and Assessment Act 1979

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- Attachment 2.

Attachments

1. Attachment 1 DA130/22 - Site Plan, Elevation & Floor Plans - 45 Petra Avenue Clarence [10.2.1.2.1 - 2 pages]
2. Attachment 2 DA130/22 Planning Assessment Report- Community Facility- 45 Petra Avenue Clarence [10.2.1.2.2 - 41 pages]

Recommendation

THAT

1. Development Application DA130/22 be APPROVED subject to conditions of consent outlined in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

10.2.1.4. ECDEV - 26/09/2022 - DA138/21 - 48 Hillcrest Avenue Bowenfels - Release of Restriction

Prepared by	Jim Sheehan - Team Leader Building
Department	Building and Development
Authorised by	Director of People & Services
Property Details	Lot 516, DP 1079638, No 48 Hillcrest Avenue, Lithgow
Property Owner	Mr T & Mrs B MacDonald
Applicant	Mrs B MacDonald

Summary

To seek the release of a Restriction on the Use of Land (Fourthly Referred to) in the Section 88B Instrument created under the Conveyancing Act 1919 to facilitate the erection of a shed within a designated Inner Protection Area (IPA) at Lot 516, DP 1079638, No 48 Hillcrest Avenue, Lithgow.

Commentary

Council is in receipt of a Development Application for a 6m x 6m steel framed & clad shed on the subject land. The application can be determined under delegated authority except for the existence of a Section 88B Restriction which states:

Terms of Restrictions on the use of the land numbered 4 in the Plan

- (i) *No building of any type shall be erected within the IPA.*

Council is the nominated authority that has the right to release, vary or modify this restriction.

The restriction was created on Subdivision Certificate Number 6/05 in conjunction with the Subdivision of Lot 624 (registered 14/3/2005) for the purpose of extending the Asset Protection Zone to protect any future dwelling that may be erected on this land from bushfire threat.

The current Development Application requests that Council release the above 88B restriction to permit a shed to be located within the 10m deep IPA (or Inner Protection Area) that extends from the rear boundary for the full width of the site.

The applicant has provided the following justification:

- *Available space within the backyard for a garden shed is limited by the existence of two easements (sewer & drainage) and retaining walls associated with the existing dwelling. Council's Building Over Easement Policy does not permit any encroachments into such easements.*
- *The proposed shed will be located more than 17m from the rear wall of existing dwelling which almost trebles the minimum 6m setback as is provided by the current planning instrument 'Planning for Bushfire Protection 2019'. Under this instrument, buildings sited more than 6m from a dwelling are not subject to any specific bushfire construction standards and do not contribute unduly to the bushfire threat.*
- *The shed will be constructed of non-combustible materials and will be used for storage of gardening equipment and materials.*

As the development proposal depends on the release of this restriction, Council's endorsement is required prior to the development application being determined by the delegated officer.

Policy Implications

Policy 5.1 - Building Over Easements

The subject site is further constrained by two separate easements (to drain sewer & to drain water) which in themselves constrain the siting of any outbuildings within the rear yard area. The release of the subject IPA restriction will free up sufficient land area within which to site the proposed shed clear of these easements.

Council's infrastructure will be protected through the imposition of a suitable consent condition to ensure any loads associated with the structure are transferred (by way of footings / piers) to a depth that is outside the zone of influence of its easements.

Financial Implications

Nil

Legal and Risk Management Implications

Nil. The siting of a shed (as proposed) and within the IPA is consistent with current bushfire assessment practice as required under Planning for Bushfire Protection 2019. Variation to this covenant is required as per the Conveyancing Act 1919.

Attachments

1. DP extract showing Inner Protection Area (IPA) [**10.2.1.4.1** - 1 page]

Recommendation

THAT Council release Restriction on the Use of Land (Fourthly Referred to) in the Section 88B Instrument (DP 1079638) for Development Application DA138/21 to facilitate determination of the application under delegation.

10.2.2. People and Services General Reports

10.2.2.1. PS - 26/09/22 - Updated Resourcing Strategy 2022-2032

Prepared by Deborah McGrath - Corporate Planning and Communications Officer
Department Corporate Planning and Communications
Authorised by Director of People & Services

Summary

Council's Integrated Planning and Reporting (IP&R) documents were adopted by Council at the 27 June 2022 meeting (Min. No. 22-114). The documents include the following plans:

- Community Strategic Plan 2035
- Combined Delivery Program 2022– 2026 and Operational Plan 2022/23.
- Resourcing Strategy:
 - Long Term Financial Plan 2022-2032;
 - Strategic Asset Management Plan 2022-2032; and
 - Workforce Plan 2022-2026.

The Long Term Financial Plan (LTFP) adopted by Council was regarded as interim as the pathway to financial sustainability was under development at the time of preparing the LTFP. Changes to the adopted LTFP have been integrated with updates to the other IP&R documents.

The purpose of this report is to provide Council with an overview of the updated IP&R documents.

Commentary

Resourcing Strategy

The Community Strategic Plan (CSP) is responsible for capturing the community's long-term vision and aspirations. It is then the responsibility of the Resourcing Strategy to clearly articulate how Council will implement and resource that vision.

The Resourcing Strategy consists of 3 components:

1. Long-Term Financial Plan;
2. Workforce Management Plan; and
3. Strategic Asset Management Plan.

Long Term Financial Plan

Council is required to adopt a Long-Term Financial Plan (LTFP) for the next ten-year period. Put simply the LTFP's purpose is to demonstrate that Council is operating within its financial capacity, currently and long term so that inter-generational financial equity is assured.

The LTFP includes modelling of the financial ratios, set by the Office of Local Government (OLG), on which Council's projected performance and sustainability are assessed. The LTFP helps to guide Council's long-term decision-making regarding the prioritisation of projects and services based on available funding. The document indicates the resources required to deliver the outcomes sought by Council.

Council's current LTFP was adopted by Council in June 2022. It had three scenarios. A Base Case resulted in Council not being financially sustainable. An Improvement Case (with improvements and efficiencies drawn from current budget strategies) resulted in Council still not being "fit for the future". The Sustainable Case relied on an additional permanent Special Rate Variation (SRV) from 1 July 2023.

Should Council decide to apply to the Independent Pricing and Regulatory Tribunal (IPART) for an SRV, the application criteria requires a Council to clearly articulate and identify the need for, and purpose of, an SRV in the Council's IP&R documents. The IP&R documents should canvas alternatives to the rate rise.

At the 25 July 2022 meeting, Council resolved to commence community engagement on two options for a sustainable Lithgow (Min. No. 22-147). The LTFP update includes the two options as Scenarios 2 and 3. A summary of the LTFP update scenarios is provided below :

- **Scenario 1** – Base case – a “do nothing approach” which would see Council in an unsustainable financial position.
- **Scenario 2** - Service Levels Reduced – to implement this scenario, Council will need to undertake a comprehensive review of its services and present a plan to the community for a reduction in levels of service. Scenario 2 enables Council to become financially sustainable over the 10-year term of the plan, which would require enhanced funding to asset maintenance and renewal and a reduction of funding for discretionary services.
- **Scenario 3** – Service Levels Maintained – Council would apply for a permanent increase in general rate income (a Special Rate Variation) above the peg rate set by IPART. The addition of \$6 million to Council's annual general revenues equates to a 44.5% overall increase in rates (including assumed rate peg of 2.5%). Great care has been taken to distribute the rating as fairly as possible amongst the various rating categories, and as a result the impact on residential rating under this proposal would typically be 26.5% (including expected rate peg).

Scenario 3 enables Council to become financially sustainable over the 10-year term of the plan whilst maintaining services and building capacity within the organisation.

The Council must have a pathway to financial sustainability. This will require a decision at the 28 November 2022 meeting if it intends to pursue an SRV (LTFP Scenario 3).

If Council is not supportive of an SRV then service reductions and the resulting cost savings (\$4.7M) will be required to be fully implemented from the start of the 23/24 year (LTFP Scenario 2). It is the administration's view that these savings are not able to be achieved (with this being substantially proven by the benchmarking of Lithgow's low level of rate revenue by comparison to like councils).

"Business as usual" is not a viable option as Council would not be financially sustainable due to ongoing operating deficits and non-compliance with many of the mandated financial and asset performance indicators.

It is important to note that Council's Audit Risk and Improvement Committee continues to be briefed on these matters. They endorsed that Council needs to take action to ensure financial sustainability.

Scenario 3 - Service Levels Maintained

Scenario 3 - Service Levels Maintained will enable Council to achieve long-term financial sustainability. Scenario 3 models the “Service Levels Maintained” proposal which is detailed in the [Rating Review Technical Paper](#).

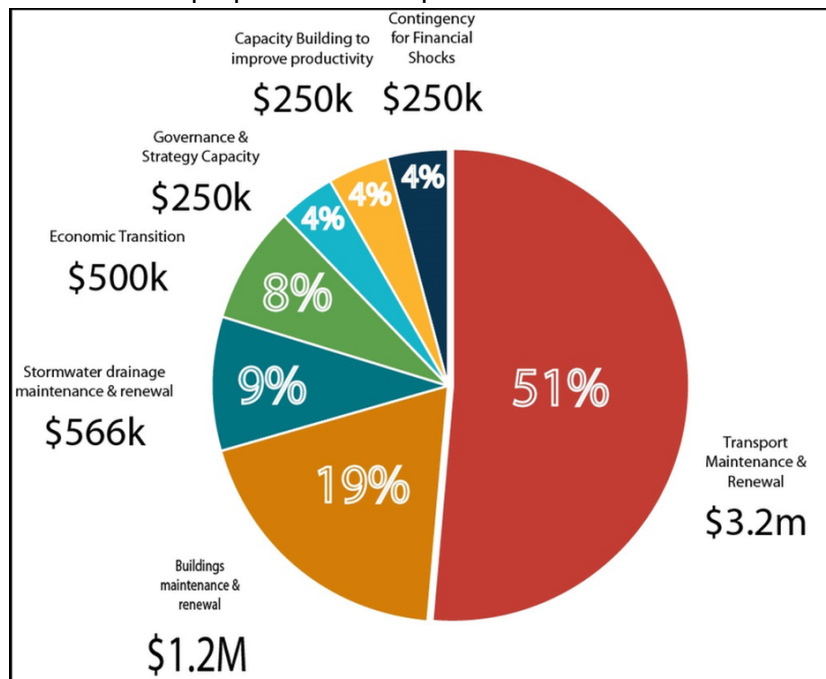
Service levels would be maintained at the current levels expected by the community. Council will implement the Rating Review findings around increasing user fees income, however, there are limited council resourcing alternatives to generate the remainder of the required funding.

This scenario includes the following strategies to enable financial sustainability over the 10 year plan:

- **An additional permanent SRV from 1 July 2023** - a 44.5% overall increase in rates (including assumed rate peg). The impact on residential, business and farming rating under this proposal would typically be 26.5% (including expected rate peg).
- **Productivities and improvements:** \$1.3M of productivities and improvements as detailed in the Rating Review Technical Paper.

- **Funding for existing maintenance service levels from 1 July 2023:** \$2.4M of additional transport, stormwater and building maintenance funding as determined in the indicative SRV funding allocation.
- **Funding for building capacity from 1 July 2023:** \$1M of operational capacity building funding for governance / strategy, capacity building and transitions management as detailed in the Rating Review Technical Paper.
- **Adequate funding capital asset renewal from 1 July 2023:** \$2.5M of additional transport, stormwater and building asset renewal funding as determined in the indicative SRV funding allocation.
- **General Fund contingency:** a modest operating surplus to avoid “shocks, as well as enhanced capacity to improve performance and productivity in future periods, to address infrastructure backlogs and to maintain a higher net financial liabilities ratio.

An indicative breakdown of the proposed SRV expenditure is shown in the chart below.



Scenario 2 – Service Levels Reduced

Should “Service Levels Reduced” be the chosen option, Council would develop a plan which identifies essential services. As the option does not deliver the additional funding required to both meeting existing service levels and maintain / renew roads and other infrastructure, it will be necessary to reduce service levels. The reductions would occur for non-essential services. This plan would be developed and finalised with extensive community consultation.

The Rating Review identified a need to increase income by \$4.718M (after productivity and improvements). The value of service reductions would need to equate to \$4.718M to enable funds to be redirected to asset maintenance / renewal and to ensure Council’s long-term financial sustainability with a balanced operating result (i.e. no more deficits). Scenario 2 was developed on the basis of the following assumptions:

- **Rate peg only from 1 July 2023.**
- **Funding for existing maintenance service levels from 1 July 2023:** \$2.4M of additional transport, stormwater and building maintenance funding.
- **Operational Service Reductions from 1 July 2023:** with funding redirected to asset renewal / maintenance and to eliminate operating deficits, the required value of non-essential service spending has been removed from operational expenses. As over 60% of Council’s expenditure funds employment and materials / contracts, it is assumed that that these costs

will need to be proportionally reduced. The value of required service reductions grows in each future year.

- **Adequate funding capital asset renewal from 1 July 2023:** \$2.5M of additional transport, stormwater and building asset renewal funding.
- **General Fund contingency:** a modest operating surplus to avoid “shocks, to address infrastructure backlogs and to maintain a higher net financial liabilities ratio.

Workforce Management Strategy

An effective Workforce Plan aims to provide the people best able to perform the Council’s strategic direction, developing innovative approaches to complex issues, and delivering appropriate services effectively and efficiently.

Workforce planning is the process of identifying current and future staffing needs. It focuses on retaining existing staff as well as attracting new employees to ensure that the Council has the right number of people, with the right skills in the right jobs at the right time, now and in the future.

The development of an effective Workforce Plan enables the Council to focus on the medium and the long term and provides a framework for dealing with immediate human resource challenges in a consistent way. An essential element of the Council’s workforce management planning is that it must address the human resources requirements of Council’s Delivery Program.

Lithgow City Council’s Workforce Planning

The purpose of the Workforce Plan is to ensure that strategies are put in place to shape the workforce and provide the capabilities to deliver the Community Strategic Plan vision and objectives. Our Workforce strategies will both enhance the effectiveness of the workforce overall and attract, recruit, develop, retain and re-engage valued and skilled employees.

Research shows that most councils in NSW are challenged by similar constraints as they compete to attract and retain workers from within and outside their local government areas.

Research undertaken with NSW councils in 2015 (NSW Local Government Workforce Strategy 2016 – 2020) found the greatest workforce planning challenges were:

- Aging workforce
- Uncertainty due to possible future local government reforms
- Skill shortages in professional areas
- Limitations in leadership capacity
- Gender imbalance in senior roles
- Lack of skills and experience in workforce planning
- Lack of workforce trend data
- Difficulty in recruiting staff
- Resistance to more flexible work practices
- Lack of cultural diversity

Workforce Challenges

Lithgow City Council faces similar challenges to those faced by councils across NSW and councils across the nation. In addition, Lithgow as a community and Lithgow Council as a workforce face significant challenges over the coming years due to high unemployment and high youth unemployment. The downturn in mining and past and potential future power station closures have hit the region particularly hard, and the local economy has suffered a series of economic shocks.

The health and well-being of the workforce and the community at large has also been negatively impacted by a series of natural disasters and the COVID-19 pandemic. The Workforce Plan has been developed within this context.

The relevant areas identified within the Community Strategic Plan and the four-year Delivery Plan have been integrated within the Workforce Plan.

The key goals from the Community Strategic Plan (CSP) 2035 that are relevant to Council's Workforce Plan include: -

GL1 To be a proactive Council that sets long-term direction for the local government area and the council to ensure a sustainable future.

GL2 To be a Council that focuses on strong civic leadership, organisational development & effective governance with an engaged community activity participating in decision making processes affecting their future.

Strategic Asset Management Plan

The resources (capital, workforce and financial) of a council are substantially directed toward the management of assets. They are the highest value items. In Lithgow's case, across a large geographic area of more than 4000 sq kms, the Council has a diverse range of assets with a value of around \$580m.

The effective management of local government assets is crucial to the sustainable delivery of services to meet the current and future needs of the community. Managed responsibly these assets are a rich source for service delivery. Irresponsible management not only results in poor service delivery for today's community but, also, the creation of immense financial legacies that are passed onto the future community.

Local governments are typically rich in assets and constrained in income, managing a large stock of long-lived assets. Asset management planning is therefore essential to ensure that assets are created, maintained, renewed, and retired or replaced at appropriate intervals to ensure continuity of services in line with chosen service levels and the bounds of the organisation's limited resources.

It is recommended that local governments focus on a continuous improvement pathway that allows them to achieve an Asset Management Plan that meets their needs. Larger local governments are more likely to have established systems and processes in place, while smaller local governments may need to build capability in this area. The complexity of the asset management approach taken by each local government will be influenced by the range of services it offers, the size of its asset portfolio and the availability of skilled staff to work on the plan. In Lithgow's case, this process is complicated not alone by the broad range of assets and services on offer, but more particularly by this Council's low income relative to comparable Councils.

In developing the Strategic Asset Management Plan, it is encouraged that Councils consider 'whole of life,' 'whole of organisation' and continuous improvement approaches to asset management. To achieve this and explain this approach to the community, it is required that Councils embed robust asset management plans into their Integrated Planning and Reporting functions. Therefore, asset management planning should be done in tandem with development of the Long-Term Financial Plan and the Workforce Management Plan and incorporated appropriately within the Community Strategic Plan.

In a holistic sense, the strategy applied to asset management at this Council comprises three separate tiers as follows:

1. The Asset Management Policy

This exists at Lithgow City Council as adopted Policy 1.5 - Asset Management which outlines Lithgow's asset management objectives, targets, and plans. It establishes a platform for service delivery and provides the framework that enables the Asset Management Strategy and Plans to be produced.

2. Strategic Asset Management Plan

This document is developed anew for each term of the Council. This document outlines how Councils asset portfolio is to meet the service delivery needs of its communities into the future, enables the above Asset Management Policy to be achieved and ensures that asset management is integrated and consistent with the Community Strategic Plan and each part of the Resourcing Strategy (Workforce Management Plan and Long-Term Financial Plan).

3. Individual Asset Management Plans

These documents are the most specific of the three tiers of asset management and are developed for each asset class. They define current levels of service and the processes used to manage that asset class. These plans are entirely informed by both the Asset Management Policy adopted by the Council, and the Strategic Asset Management Plan. They should be developed for all major asset classes including—but not limited to roads, buildings, drainage, footpaths, water, waste-water and parks infrastructure. Each plan addresses such matters as, but not limited to:

- A complete and accurate register of all assets for said class.
- Defined levels of service (balanced against available resources and the needs of other asset classes)
- Demand forecasts and risk management strategies
- Financial information such as asset values, depreciation rates and expenditure projections)

Council does not yet have a complete suite of individual asset management plans as this is a considerable body of work. Lithgow is not alone in this sense. However, considerable progress has been made to achieve this goal with asset registers complete for every class of asset. \$140,000 has also been allocated to fast-track the development of these plans in 2022/23.

Policy Implications

Nil.

Financial Implications

As detailed in the Draft Long Term Financial Plan 2022-2032.

Legal and Risk Management Implications

Nil.

Attachments

1. CSP Draft September 2022 [**10.2.2.1.1** - 82 pages]
2. Delivery Program 2022 2026 Operational Plan 2022 23 [**10.2.2.1.2** - 134 pages]
3. Long Term Financial Plan 2022-2032 [**10.2.2.1.3** - 102 pages]
4. Draft Strategic Asset Management Plan 2022 [**10.2.2.1.4** - 66 pages]
5. Workforce Management Strategy [**10.2.2.1.5** - 29 pages]

Recommendation

THAT Council endorse the updated Resourcing Strategy 2022-2032 to be placed on public exhibition for 28 days. This will include the following documents:

- a. Supplementary Combined Delivery Program 2022– 2026 and Operational Plan 2022/23.
- b. Updated 2022-2032 Long Term Financial Plan.
- c. Updated 2022-2026 Workforce Plan.
- d. Updated 2022-2032 Strategic Asset Management Plan.

10.2.2.2. PS - 26/09/2022 - Centennial Coal Community Contribution to Local Schools

Prepared by Matthew Johnson – Community & Culture Manager

Department Community & Culture

Authorised by Director of People & Services

Reference

Min 21–250 Ordinary Meeting of Council held on 25 October 2021.

Summary

This report advises Council on payments made to local schools from the Centennial Coal Community Contribution funds.

Commentary

In considering a report on the allocation of accumulated funds for community projects from the Centennial Coal Community Contribution for the Springvale Mine Consent, Council resolved on 25 October 2021 (Min. No. 21 –250) THAT:

1. Council retain the scholarship program and extends it to all schools within the LGA.
2. Council allocate the remaining funds to each school on a per capita basis for use by the schools for students at need.
3. The funding of the scholarship is increased to \$14,000 and distributed amongst all schools annually on a per capita basis.
4. The Centennial Coal allocations be reviewed in two years and a report be brought to council at that time.

The total of accumulated funds was approximately \$79,000 for allocation to the fifteen schools within Lithgow LGA. Each school was contacted to determine student enrolment numbers which equated to \$31 per student as follows:

School	Student	
	Numbers	Amount
Lithgow High School	689	\$21,359
La Salle Academy	253	\$7,483
Portland Central	148	\$4,588
Cooerwull Public	380	\$11,780
Lithgow Public	369	\$11,439
Zig Zag Public	100	\$3,100
Cullen Bullen Public	14	\$434
Capertee Public	7	\$217
Meadow Flat Public	60	\$1,860
Hampton Public	6	\$186
St Patricks Primary	242	\$7,502
Wallerawang Public	245	\$7,595
St Josephs Primary	44	\$1,364
Glen Alice Public	6	\$186
Megalong Valley Public	4	\$124
Total:	2,567	\$79217

All schools within the Lithgow LGA were then asked to claim the amounts due which were to be used by the schools to provide for groups and individuals within the school community in various categories:

- **Academic items:** This may include textbooks, stationary, equipment, school camps and excursions etc.
- **Personal items:** this may include personal hygiene items, uniforms, shoes, sleep out kits, food etc.
- **Extracurricular Activities:** this may include PCYC membership and activities, sporting club membership/registration, fees and uniforms, music tuition, workshops, classes and special interest groups within the school and community etc.

To date \$59,000 has been paid with the remaining payments being processed.

In accordance with clause 3 of Council Minute 21-250, a further \$14,000 from the Centennial Coal Contribution for 2022 will be distributed in 2022/23 amongst all schools annually on a per capita basis.

Policy Implications

Nil

Financial Implications

- Budget approved - \$79,242 in 2021/22 and a further \$14,000 in 2022/23.
- Cost centre - 600042
- Expended to date - \$56,936
- Future potential impact - \$22,306

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council note the allocation of funds to schools from the Centennial Coal Community Contribution for the Springvale Mine Consent.

10.2.2.3. PS - 26/09/2022 - 2017-2022 Delivery Program and 2021/22 Operational Plan Progress Report

Prepared by Emma McGuinness - Corporate Strategy & Communications Support Officer

Department Strategic Planning

Authorised by Director of People & Services

Summary

This report deals with the July to December Progress Report against the combined 2017 - 21 Delivery Program and 2020/21 Operational Plan.

Commentary

The Local Government Act 1993 S404(5) states:

"The general manager must ensure that regular progress reports are provided to the council, reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months".

The 2021/22 Progress Report against actions in the combined 2017-21 Delivery Program and 2020/21 Operational Plan has been compiled in accordance with the requirements under the Local Government (General) Amendment (Planning and Reporting) Regulation 2009. A copy of this report has been provided to Councillors within their Business Paper Packages. A summary (which appears in the report as a General Manager's comment) is below.

General Manager's comment

This report relates to the period July 2021 – June 2022 – a time during which international, national regional and local circumstances were anything but normal. These factors rippled right down to places like Lithgow. The cumulative forces of the Covid pandemic and war in Ukraine impacted economies with supply chain constraints and significant cost escalation for goods and services. There were sustained periods of rainfall leading to multiple disaster declarations for Lithgow and vast damage to local infrastructure – public and private. The national movement toward renewable energy created more disruption and uncertainty about the tenure of coal mining and thermal power generation as economic and employment sectors of the future. This caused Lithgow Council to double down on the development of a pathway to a strong economic future.

As a result of the above, Lithgow Council had to navigate, in an immensely disrupted operating environment, between continuing to deliver services daily, responding to new and unforeseen challenges and re-positioning the local government area for the future.

Complexity seems the new norm for local government. Lithgow Council has not shirked from meeting these challenges because, more than ever before, the local community requires the many services and resources that local councils deliver - each day. A notable quote from a speaker at this year's National General Assembly for Local Government - "decisions by councils are made with nothing but public good in heart. No other institution does this – none."

During this reporting period, Lithgow Council was not able to deliver all of the commitments that were given because of the disruptions outlined above. But considerable public good outcomes were nonetheless achieved.

Please take the time to read this report as it gives insight to the central role of Lithgow Council in the daily lives of our community.

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

The Annual Report documents were prepared in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009.

Attachments

1. Operation plan progress report [**10.2.2.3.1** - 91 pages]

Recommendation

THAT Council note the July – December Progress Report against the combined 2017-21 Delivery Program and 2020/21 Operational Plan.

10.3. Infrastructure Services Reports

10.3.1. IS - 26/09/2022 - Flood Inquiry Recommendations

Prepared by Jonathon Edgecombe - Director Infrastructure Services

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Reference

Min. No. 22-144: Ordinary Meeting of Council held 25 July 2022

Summary

In March 2022, the NSW Government commissioned an independent expert inquiry into the preparation for, causes of, response to and recovery from the 2022 catastrophic flood event across the state of NSW. The Full Report has now been published. This report provides the Council with a summary of the report outcomes.

Commentary

Over the past four years, the Lithgow local government area has suffered the effects of several natural disasters. Four of these remain current, occurring in the past 18 months in close succession. This has resulted in wide-spread damage to our local road, drainage and embankment infrastructure, and that of other LGAs and state authorities across NSW. It is clear from this commonality that there is a systemic problem.

In response to the magnitude of these events, in March 2022, the NSW Premier established the NSW Flood Inquiry, commissioned to examine and report on the causes of, planning and preparedness for, response to and recovery from the 2022 catastrophic flood events. Early in its development, the Inquiry recognised that urgent action is required to enable immediate improvements in the way NSW prepares for, responds to and recovers from events of the magnitude of the 2022 floods.

The report presented to Council at the Ordinary Meeting held 25 July 2022 made clear that the weaknesses of Council's network have been highlighted and there are immediate funding opportunities available to respond appropriately. However, the Council also recognises that the impact of this natural disaster confirms the volatility of Lithgow's assets and their vulnerability in the face of abnormal circumstances. Similarly, the focus of disaster recovery on like-for-like repair and the limitation of scope to assets those that have already failed continues to limit Lithgow's ability to get ahead of the problem.

Put simply, Lithgow lacks the capacity and external pathways to pursue pro-active and sustained emergency management focused on prevention as much as response and recovery in a manner that is financially sustainable in the long term.

Coincidentally, the NSW Independent Flood Inquiry was released 29 July 2022, just 4 days later. The Inquiry makes 28 recommendations for change which align with the four items of advocacy endorsed by the Council on 25 July. The recommendations intend to provide practical, proactive and sustained mechanisms to ensure readiness for and resilience to flood (and by extension, other disasters). These mechanisms include enabling governance structures, administrative tools, new or enhanced systems, and better technology and processes to improve the ways in which decision-makers at all levels – state and local government, community and within families and households – plan and prepare for, respond to and recover from flood.

Of relevance to Lithgow, the recommendations suggest that:

- To improve NSW's ability to prepare for and respond to floods and other disasters, Government establish a new, fifth Deputy Commissioner of NSW Police Force to permanently take on the State Emergency Operations Controller (SEOCN) role, improving capacity for collaborative risk management and compliance activities with local and regional emergency management committees.
- Resilience NSW be reshaped to a new entity known as Recovery NSW that is streamlined and agile, driving recovery in the first 100 days post disaster and meeting the needs of the people of NSW prior to, during and after, a disaster. This will see the reallocation of some responsibilities previously delegated to Resilience NSW, dispersed amongst those authorities better equipped to respond.
- To ensure better community understanding of weather threats, the Department of Customer Service will be made accountable for public information coordination in all emergencies. This will improve access to clear, reliable and consistent messaging prior to and during emergencies, particularly for vulnerable, culturally, linguistically, and religiously diverse communities. This will include a heightened social media presence and the development of a bespoke mobile app to combat circulation of inconsistent information.
- To improve the community's experience during immediate disaster recovery phase, Government and other state agencies as required provide greater community support by sharing information (reducing the amount of times residents must relive trauma) and merge evacuation and recovery centres for the first 30 days post disaster, where possible.
- The Report advocates merging of the back office and corporate functions of the SES and NSW Rural Fire Services to better coordinate intelligence and risk calculations. This information will feed into the mobile app mentioned above. With an emphasis on 'back office and corporate functions' there does not seem apparent that there is any risk to local operational services.
- That, to inform Government policies and programs for mental health and disasters, Government commission a longitudinal study on the effect of consecutive disasters on community mental health.
- To provide rapid and effective recovery from floods (and other disasters) and to provide maximum mitigation of the impacts of future floods (and other disasters), Government establish a permanent state-wide agency, the NSW Reconstruction Authority (NSWRA) dedicated to disaster recovery, reconstruction, and preparedness. This authority should:
 - Source and acquit funding from State and Federal Governments, and philanthropic sources, ensuring efficient, effective, and equitable expenditure.
 - Be the clear lead agency responsible for managing and coordinating Government's program of housing and infrastructure renewal, with powers to accelerate or override planning arrangements in high-risk situations.
 - Ensure appropriate project management, monitoring, evaluation and reporting of recovery implementation and associated civil engineering and public works at both a state and local level.
 - Be the agency responsible for disaster prevention, working with local government to build a disaster-robust state, reducing risk and increasing adaptation.
 - Creating jobs, homes and a strong economy, especially in the regions, through the delivery of natural disaster recovery.
- To improve the planning and protection of road infrastructure and to ensure communities, freight movers, combat agencies and emergency services have appropriate access and egress during and following a flood event, the Government should develop state-wide evacuation plans, ensuring that funding is coordinated and prioritised to target upgrades where it is most needed to increase flood resilience.

Including the above, other recommendations are made such as those to improve flood planning (including the use of floodplains as assets), create disaster adaptation plans at a local level and introduce the Indigenous voice is well heard in land use planning and natural resource management.

These recommendations speak to the very heart of Lithgow's concerns regarding the management of natural disaster planning and response. Of the 28 recommendations made, the NSW Government has responded by supporting 6 recommendations and supporting in-principle, 22 recommendations, with further work required on their implementation.

A more detailed summary of the report, its findings and recommendations, can be located here: https://www.nsw.gov.au/sites/default/files/noindex/2022-08/VOLUME_ONE_Summary.pdf

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Pending any further consideration and consultation with stakeholders, should the full findings of the 2022 Flood Inquiry be endorsed and implemented, the process of flood planning, management, response, and recovery stands to be significantly improved.

Attachments

Nil

Recommendation

THAT the Council:

1. Council acknowledge the NSW State Government for commissioning the 2022 NSW Independent Flood Inquiry,
2. Endorse the findings and recommendations of the 2022 NSW Independent Flood Inquiry,
3. Call for necessary support from all levels of government to implement those actions identified, facilitating firm progress toward improving the process of natural disaster planning, management, response, and recovery.

10.4. Water and Wastewater Reports

10.4.1. WWW - 26/09/2022 - Draft Waste Management & Resource Recovery Strategy 2022-2026

Prepared by Nigel Campbell – Waste & Recycling Manager

Department Waste & Recycling

Authorised by Executive Manager Water & Wastewater

Reference

Minute No 17-348 (Waste & Recycling Strategy): Ordinary Meeting of Council 27 November 2017.

Summary

The purpose of this report is to recommend that the Lithgow City Council *Draft Waste Management & Resource Recovery Strategy 2022-2026* be placed on public exhibition. The *Draft Waste Management & Resource Recovery Strategy 2022-2026* is provided as an attachment to this report.

Commentary

Background

The current Lithgow City Council Waste & Recycling Strategy was prepared in 2017 and adopted at the Ordinary Meeting of Council on 27 November 2017 (Minute No 17-348).

Since 2017 Lithgow Council has successfully undertaken numerous waste initiatives, including:

- Construction of a transfer station at Angus Place and rehabilitation of the former landfill;
- Construction of a transfer station at Tarana;
- Construction of clean water diversion drains at Lithgow Solid Waste Facility (SWF) with corresponding increase in available landfilling capacity;
- Mattress and tyre recycling at Lithgow SWF – to date we have diverted over 220 tonnes mattresses and over 80 tonnes of tyres for recycling;
- Closure and rehabilitation of Cullen Bullen landfill under an EPA grant funded project;
- Closure of Glen Davis Landfill with rehabilitation and construction of a transfer station to occur under an EPA grant funded project;
- Gatehouse and security improvements at Lithgow SWF;
- Security improvements (cameras) at rural waste facilities;
- In-house operation of Lithgow Solid Waste Facility from 1 January 2021;
- EPA grant funding for installation of a tarpaulin based alternative daily cover system for Lithgow SWF;
- Construction of the Lithgow Resource Recovery Centre with expected operation late 2022; and
- Progressive rehabilitation of completed areas at Wallerawang Landfill.

During this same period numerous external events have influenced waste management in the Lithgow LGA:

- Increased regulatory scrutiny;
 - ‘China Sword’ ban on import of recyclable materials into China from 1 January 2018;
 - 2019/20 bushfires and management of bushfire generated waste;
 - Release of the *NSW Waste and Sustainable Materials Strategy 2041 Stage 1: 2021-2027* setting state targets;
 - Corresponding NSW Government mandate on the collection of kerbside Food Organics and Garden Organics (FOGO) by 2030;
-

- IPART Review of domestic waste management service charges; and
- Ongoing pressure from out of area waste due to proximity to Sydney and price differential for waste disposal.

Development of the Strategy

The *Draft Waste Management & Resource Recovery Strategy 2022-2026* (the Waste Strategy) was formulated by asking the following key questions:

“What are the key challenges for the Lithgow LGA?”

“Where are we now?”

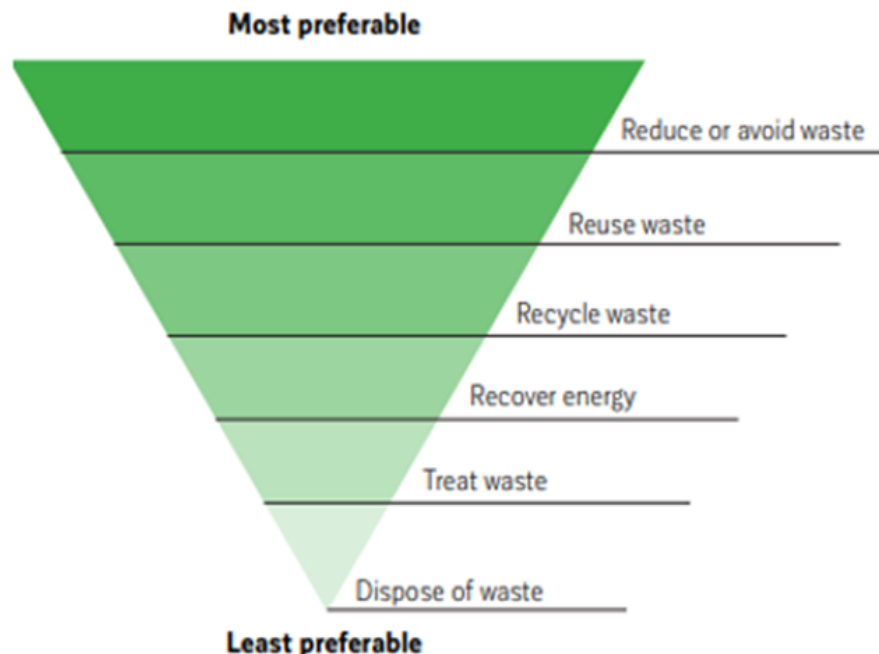
“Where do we want to be?”

“How do we get there?”

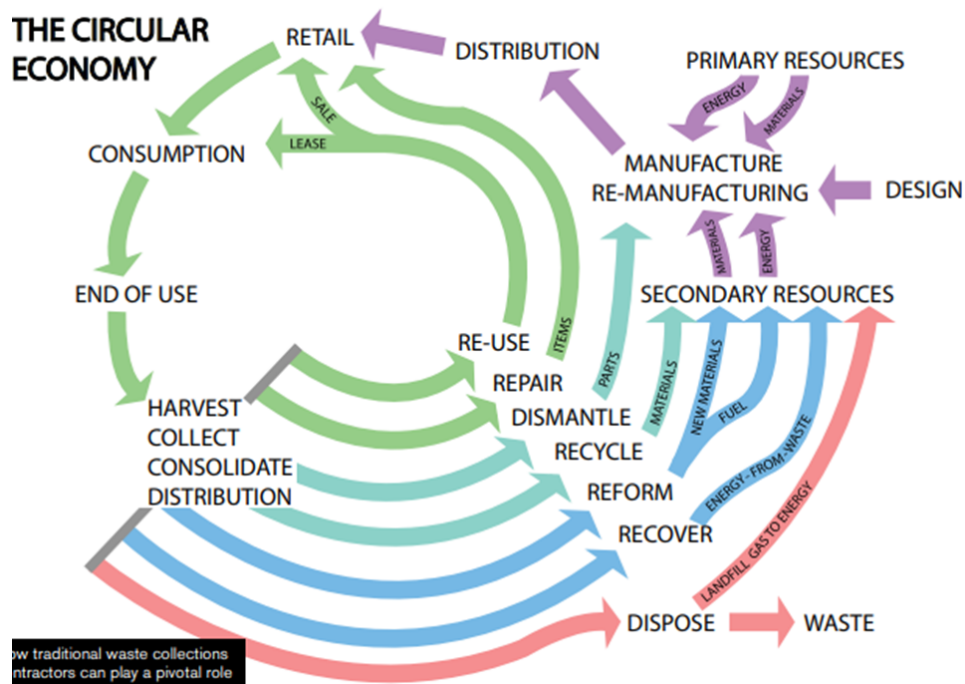
The answers to these questions considered:

- The waste hierarchy principles,
- The national and state government policy context,
- The current waste situation within the LGA,
- The current and future waste challenges within the LGA,
- Community priorities,
- Council realities,
- Regional co-operation frameworks, and
- Best practice in the waste industry.

The waste hierarchy pyramid represents the options for managing waste within a framework that prioritises avoiding and reducing waste and seeks to reduce the least preferable outcome of disposing of waste.



The circular economy model establishes the actions and relationships that deliver the outcomes under the waste hierarchy. The circular economy model shows the supply chain as a network of pathways that are designed to circulate materials within their highest order uses, minimising waste and environmental impact.



Purpose and Targets

The Waste Strategy is titled “*Living Within the Environment*” in recognition of the community’s prioritisation for developing new opportunities for economic growth as the local economy transitions, whilst protecting the natural environment.

The purpose of the strategy is to:

- Identify the strategic objectives that Council will focus on over the next four years;
- Identify the goals, actions, timeframes and measurements that will be used to achieve the strategic objectives;
- Inform the planning and delivery of services, facilities and infrastructure for waste management and resource recovery within the Lithgow Local Government Area (LGA) over the next four years; and
- Establish a direction for investigating the possibilities for future investment in waste and resource recovery industry and business in the LGA.

Lithgow Council's Waste Strategy aligns with the objectives of the *NSW Waste and Sustainable Materials Strategy 2041* and sets out the way Lithgow Council will progress towards achieving the long-term NSW targets. Specifically, Lithgow Council endorses the following waste management targets:

- an average 80% recovery rate from all waste streams by 2030; and
- separate collection of food and organics waste (FOGO) from all households by 2030.

The endorsement of the targets by Council in this strategy sets the direction for the process of continuous improvement in waste management in the LGA.

Summary of the Strategy

The Waste Strategy sets out the Vision, Objectives, Goals and Actions that Lithgow Council will implement to work towards achieving the agreed targets.

VISION STATEMENT

To deliver best practice waste services and facilities to continuously improve landfill diversion rates and transition towards a circular economy.

To empower and educate the community, to protect the local environment and to support the local economy.



Policy Implications

Nil

Financial Implications

- Budget approved - proposed actions included in recurrent Waste budget and capital budget for 2022/23.
- Cost centre - various under recurrent Waste budget and capital budget.
- Expended to date - n/a
- Future potential impact - implementation plan and strategy to be followed over the next four years if adopted by Council for Waste Management.

Legal and Risk Management Implications

Nil.

Attachments

1. Draft Waste Management and Resource Recovery Strategy 2022-2026 [10.4.1.1 - 51 pages]

Recommendation

THAT Council:

1. Endorse the *Draft Waste Management & Resource Recovery Strategy 2022-2026* to be placed on exhibition for a period of 28 days with the period for submissions being 42 days from the first day of the exhibition period.
2. Receive a further report following the public exhibition period to consider adoption of the strategy after consideration of any submissions received.

10.4.2. WWW - 26/09/2022 - Extension of Waste Services Contract

Prepared by Nigel Campbell – Waste & Recycling Manager

Department Waste & Recycling

Authorised by Executive Manager Water & Wastewater

Reference

Minute No 13-201 (Waste Services Tender): Ordinary Meeting held on 17 June 2013.

Summary

The purpose of this report is to seek Council's endorsement to extend the Waste Services Contract with JR Richards for 12 months covering the period 4 November 2023 until 3 November 2024.

Commentary

Background

Lithgow Council provides kerbside waste services under a Waste Services Contract (the Contract) with JR & EG Richards (NSW) Pty Ltd (JR Richards). The Contract commenced on 4 November 2013 for an initial period of 10 years ending 3 November 2023.

Services provided under the Contract include:

- Weekly kerbside waste (red bin) collection and transport to Lithgow SWF for disposal;
- Fortnightly recycling (yellow bin) collection, transport to materials recovery facility (Visy Recycling) for recycling;
- Supply and delivery of kerbside and public place bins;
- Green kerbside waste collection 4 times per year;
- Bulky kerbside waste collection 2 times per year;
- Servicing of public place litter bins;
- Special events waste management; and
- Servicing of skip bins at rural transfer stations.

The current Contract value is approximately \$1.7M per annum (depending on uptake of services) and is fully funded from the Domestic Waste Charge.

It is noted that JR Richards provides additional waste management services (e.g., separate cardboard collection and recycling at waste facilities, provision of additional skip bins for holiday periods) that are separate to the Waste Services Contract.

Under the terms of the Waste Services Contract there are 2 separate 12-month extension periods available:

The Commencement Date of the Contract shall be Monday 4 November 2013. The initial term shall be ten (10) years expiring at midnight on 03 November 2023.

At the conclusion of the initial term, and solely at the Council's discretion, the Council reserves the right to exercise one (1), one (1) year extension ("the First Extension Period"), at the rates tendered and adjusted in accordance with the Rise and Fall provisions of the Contract, or at rates re-negotiated at the time.

The Council will inform the Contractor in writing at least twelve (12) months prior to the expiry of the initial term as to whether Council requires this Contract to be extended for the First Extension Period.

At the conclusion of the First Extension Period, and solely at the Council's discretion, the Council reserves the right to exercise one (1), one (1) year extension ("the 2nd Extension Period"), at the rates tendered and adjusted in accordance with the Rise and Fall provisions of the Contract, or at rates re-negotiated at the time.

The Council will inform the Contractor in writing at least six (6) months prior to the expiry of the First Extension Period as to whether Council requires this Contract to be extended for the 2nd Extension Period.

Council must notify JR Richards in writing by 3 November 2022 of acceptance of the initial one-year extension (known as "the First Extension Period").

Should Council decide not to exercise the First Extension Period then the Contract will terminate midnight 3 November 2023. Under this scenario, Council would be required to go to tender for Waste Services and engage a contractor prior to this time.

Considerations for extension

Any decision to extend the Waste Services Contract should consider:

- Contract performance to date and likely performance during extension period;
- Implications of a tender process for any new contract;
- Anticipated value derived from any new contract; and
- Consideration of our current waste services.

Contract performance

JR Richards has provided a high level of waste services over the term of the Contract. Whilst there have been some minor disruptions recently with bulky waste collections, JR Richards, like all waste service contractors, have been forced to deal with impacts from Covid-19 and resulting staff shortages along with the current tight labour market. Throughout this difficult period, JR Richards has continued to perform duties under the Waste Services Contract to a very high standard overall.

Going forward, JR Richards will have an incentive to providing good service due to the current Contract nearing the end of the current term, regardless of any extension.

Tender process

A waste services contract is typically let over a minimum 7-year period, often 10 years. This allows cost effective amortisation of capital (e.g., collection trucks) and set up costs. The preparation of tender documents is therefore critical and requires much care and attention.

For the previous tender, Council engaged expert advisors to prepare the tender specifications and assist with the tendering process. Even with external assistance, Council must still devote significant resources to the tender process.

The resources required to undertake the tender process are anticipated to far exceed any potential improved value from a new contract.

Anticipated value from new contract

There are many challenges currently facing the waste services industry at present including fuel prices, other inflation impacts, labour shortages and availability of plant. Any pricing provided under current conditions are likely to reflect these challenges and, as a result, unlikely to deliver improved value over the current Contract.

Waste services review

Council has drafted a new Waste Management & Resource Recovery Strategy that will provide direction for the provision of waste services over the next four years. One of the key actions in the Waste Strategy is the 'review of kerbside services in preparation for a new waste services contract'. Extension of the existing Contract allows adequate time for this review process to occur while also meeting other commitments under the Waste Strategy.

Conclusion

The existing Waste Services Contract with JR Richards is currently providing good value waste collection and recycling services for the Lithgow community. Any new tender for the provision of these services carries risk and is, on balance, unlikely to deliver an improvement in terms of either value or service delivery.

It is therefore recommended that Council exercise the First Extension Period for the Waste Services Contract with JR Richards covering the 12-month period from 4 November 2023 until 3 November 2024.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$1,732,300 under recurrent Waste budget for 2022/23.
- Cost centre - PJ 800093, 800094, 800095, 800096, 800098.
- Expended to date - \$331K in 2022/23 FY to 9 September 2022.
- Future potential impact – actual costs depend on uptake of services, rise and fall provisions in Contract.

Legal and Risk Management Implications

Nil. Extension within the terms of the existing Contract.

Attachments

Nil

Recommendation

THAT:

1. Council exercise the First Extension Period for the Waste Services Contract with JR Richards covering the 12-month period from 4 November 2023 until 3 November 2024; and
2. The General Manager be authorised to execute all necessary contract documentation.

10.5. Finance and Assets Reports

10.5.1. FIN - 26/09/2022 - Investment Report August 2022

Prepared by Sharon Morley – Finance Officer
Department Finance & Assets
Authorised by Chief Financial & Information Officer

Reference

Min No 22-165 Ordinary Meeting of Council held on 22 August 2022.

Summary

The purpose of this report is to advise Council of investments held as at 31 August 2022 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy. The report also provides commentary on the cash and investments balance compared with the funding required for internally and externally restricted reserves.

Commentary

Movements in the Cash and Investments Balance

Council's total investment portfolio as at 31 August 2022, when compared to 31 July 2022, had increased by \$327,139 to \$32,017,242. Investments increased from \$31,690,102 to \$32,017,242. Cash in Council's bank account increased from \$451,121 to \$3,013,383.

The \$2.9M increase in cash and investments is mainly due to the ordinary business of Council, with a rates instalment due in August. At the same time, high cash outflows continued due to the payment of invoices for natural disaster recovery works and the EPA Green Waste clean-up program. For most weeks, total Accounts Payable transactions were between \$1M-\$2M.

If the movement in the bank account is negative, this is shown as a nett redemption. If the movement in the bank account is positive this is shown as a nett new investment.

The movement in Investments for the month of August 2022 were as follows:

Opening Balance of cash and investments as 01 August 2022	\$32,141,224
Plus New Investments – August 2022	\$5,889,401
Less Investments redeemed – August 2022	-\$3,000,000
Closing Balance of cash and investments as at 31 August 2022	\$35,030,625

CFIO comment on the cash and investments balance – the \$2.9M increase in cash and investments in August 2022 was generally anticipated due to high cash inflows partly offset by large invoice payments.

High value Accounts Payable transactions included \$2.1M total for earthmoving and asphaltting, \$106K for the Civic Ballroom building rectification and roof replacement, \$1.2M for Council's insurances, \$139K for workers compensation insurance, \$255K for the Glen Davis bridges project, \$178K for Portland watermain renewal, \$207K for waste collection, \$366K for water purchases, \$252K for Upper Macquarie County Council rates and \$526K for tree works.

Funding Requirements for Restricted Reserves

A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received (e.g. Water, Wastewater, Domestic Waste) or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

CFIO comment on restricted reserves – the balance of external restrictions at 31 March 2022 was **\$23.7M** and for internal restrictions **\$6.8M**. With the working capital fund at \$833K, total cash and investments at 31/3/22 was \$31.4M. Council has sufficient cash and investments to fund the current externally restricted reserve balances. The 30 June 2022 reserve balances are currently being finalised prior to audit.

The Land Bank internally restricted reserve has been rebuilt from \$1.1M at 30 June 2021 to \$3.8M at 31 March 2022. The Land Bank reserve has now been restored to a level close to its 30 June 2019 balance of \$3.6M (prior to Council's cashflow issues in the early stages of the Covid pandemic and falling interest rates).

The Administration took action to initiate the working capital short-term loan facility to cover anticipated high cash outflows during June to September 2022 for grant funded capital projects and claimable natural disaster recovery works. The use of the loan for these purposes accords with Council's resolved policy position.

Policy Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 22 March 2021, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011.

Financial Implications

- YTD interest income budget approved – \$150,000
- Cost centre - 3259
- YTD Income to date - \$205,263
- Future potential impact – Nil.

The Council's interest income for 2021/22 is \$55K over budget. Investment returns have increased since January 2022 with Council being able to achieve up to 3.3% returns on six month investments. Also, Council's average investment balance has been above the budgeted average investment balance of \$28M.

Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest returns are determined by average funds invested and the rate of interest return.

Legal and Risk Management Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. The Investment Policy was reviewed and adopted by Council in March 2021 to address issues in relation to the practicality of the policy in the current investment environment.

Risk is managed by taking a conservative approach to managing Council's investments and only investing in term deposits.

CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investments Policy.

Both internally and externally restricted reserves are managed in accordance with legislation, regulation, Council resolutions and Council's endorsed budget allocations to / from reserves.

Ross Gurney
Chief Financial and Information Officer (Responsible Accounting Officer)

Attachments

1. August 2022 Investments Report [**10.5.1.1** - 1 page]

Recommendation

THAT

1. Investments of \$32,017,242 and cash of \$3,013,383 for the period ending 31 August 2022 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on funding requirements for restricted reserves be noted.

10.5.2. FIN - 26/09/2022 - Plan of Management Part Crown Reserve 590046

Prepared by Sandra Politi – Property and Legal Services Officer

Department Property and Legal Services

Authorised by Chief Financial & Information Officer

Reference

20-217 – Ordinary meeting of Council held on 28 September 2020.

22-96 – Ordinary meeting of Council held on 23 May 2022.

Summary

The purpose of this report is to seek certain resolutions in relation to a draft plan of management for part of Tony Luchetti Showground (part of Crown Reserve 590046).

Commentary

At the meeting of Council on 23 May 2022 Council gave in principle support to a proposal by Lithgow Area Women's Shed Inc. to use part of Tony Luchetti Showground (Crown Reserve 590046) to construct a multi-purpose building incorporating a women's shed on the site marked with a red cross below, subject to consultation with users of the site and fulfilment of the requirements outlined in the report.



Preliminary enquiries have been made with users of the site, and no objections were received.

A draft plan of management has now been prepared. Due to the time-critical nature of the project, the plan of management is for the site only and not for the whole of Tony Luchetti Showground, as was previously envisaged.

As was stated in the May 2022 report, the site is to be re-categorised from Park to General Community Use, as the proposed use of the site is inconsistent with the core objectives for Park, but consistent with the core objectives for General Community Use.

For Council's consideration, attached to this report is a copy of:

1. Draft plan of management; and
2. Notice of plan of management to the Minister, incorporating a request to alter the category of the Site from Park to General Community Use.

The following requirements must be fulfilled before a plan of management for Crown land can be adopted and implemented:

1. Notify the Minister administering the Crown Land Management Act 2016 and request Ministerial consent to adopt the plan of management (section 39 Local Government Act 1993 and clause 70B Crown Land Management Regulation 2018);
2. After receiving the consent of the Minister, place the plan of management on public exhibition for at least 28 days and allow at least 42 days for submissions to be received (section 38 Local Government Act 1993);
3. Provide notice and an opportunity to comment to representative Aboriginal bodies, registered native title bodies corporate and registered native title claimants (subdivision 24JA and 24JB Native Title Act 1993); and
4. After receiving consent from the Minister and expiry of the public exhibition period, return the matter to Council for adoption of the plan of management and/or consideration of any submissions received (section 40 Local Government Act 1993).

This report seeks Councils in principle support of the attached draft plan of management, and approval to commence the abovementioned process.

Policy Implications

Nil

Financial Implications

- Budget approved - N/A, plan of management prepared in-house.
- Cost centre - N/A
- Expended to date - nil.
- Future potential impact – It must be noted that the long term financial plan confirms that ongoing restraint is required in terms of future expenditure. Council does not have the financial capacity to increase its asset base. The acceptance of this project (which will need to be accounted for in our assets register and financial accounts – with a capital value of around \$2.1m) should be accompanied by a reduction in current expenditure, most appropriately in building assets maintenance. (Per Council report of 22 May 2022 titled Lithgow Area Women's Shed.) It is not possible to predict with certainty the maintenance cost per year however, on average, asset maintenance represents 2 – 3% of its replacement cost, per year. The building will also depreciate over an expected life of requiring a depreciation expense of something like 2.5% yearly.

Legal and Risk Management Implications

The following Acts have been considered:

- Crown Land Management Act 2016;
- Local Government Act 1993; and
- Native Title Act 1993 – as is the case with all Crown Land that Council manages, Council bears the risk of having to pay compensation to native title claimants if it is determined that native title rights and interests exist in the land and the construction of a building on the site has impacted on those native title rights and interests (per Crown Land Management Act 2016, s 8.12, Crown Land Management Regulation 2018, cl 28). (Per Council report of 22 May 2022 titled Lithgow Area Women's Shed.)

Attachments

1. Draft plan of management - part Crown Reserve 590046 [**10.5.2.1** - 17 pages]
2. Notice to Minister of pom - part Crown Reserve 590046 [**10.5.2.2** - 11 pages]

Recommendation

THAT Council:

1. Provide in principle support to the draft plan of management.
2. Notify the Minister administering the Crown Land Management Act 2016 of the plan of management and request Ministerial consent to adopt the plan of management.
3. After receiving the consent of the Minister, place the plan of management on public exhibition for at least 28 days and allow at least 42 days for submissions to be received.
4. Provide notice and an opportunity to comment for at least 30 days to representative Aboriginal bodies, registered native title bodies corporate and registered native title claimants.
5. Upon receiving consent from the Minister and expiry of the public exhibition period and opportunity to comment period, receive a further report to consider adoption of the plan of management and/or consideration of submissions received during the public exhibition period.

10.5.3. FIN - 26/09/2022 - Proposal to Close Two Submerged Public Roads

Prepared by Sandra Politi – Property and Legal Services Officer

Department Property and Legal Services

Authorised by Chief Financial & Information Officer

Reference

13-121 – Ordinary Meeting of Council held on 15 April 2013

Summary

The purpose of this report is to seek Council approval for a proposal to close two public roads submerged under Lake Lyell.

Commentary

Background

On 15 April 2013, Council resolved to enter into a deed of agreement (**Agreement**) with Delta Electricity (**Delta**). The Agreement involves the transfer of two lots from Delta to Council (one lot forming part of Magpie Hollow Road South Bowenfels, and the other lot forming part of Barton Avenue Wallerawang). In exchange, Council would transfer two lots to Delta (both lots being public road submerged under Lake Lyell).

The Agreement was entered on 9 May 2013. On or about 3 September 2013, Delta transferred its assets to EnergyAustralia NSW Pty Ltd (**EA**) pursuant to the *Electricity Generator Assets (Authorised Transactions) Act 2012*, including the rights under the Agreement, and consequently the Agreement between Council and Delta was novated to EA.

For Council's convenience a copy of the following items are attached to this report:

1. Council report and minute 13-121 of 15 April 2013;
2. The agreement between Council and Delta dated 9 May 2013; and
3. Plans showing the public roads to be closed and transferred to EA.

Present Status

EA's obligation under the Agreement to transfer two lots to Council have been fulfilled, however, Council's obligation to transfer the two public roads submerged under Lake Lyell are yet to be satisfied.

Before Council can transfer the public roads submerged under Lake Lyell to EA, the roads must be legally closed, which involves a formal process including a Council resolution.

Section 38A of the Roads Act 1993 states that a Council may propose to close a council public road if the following apply:

- (a) the road is not reasonably required as a road for public use (whether for present or future needs), and
- (b) the road is not required to provide continuity for an existing road network, and
- (c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

As the two public roads have been submerged under Lake Lyell for many years, at least since construction of the dam in around 1982, and have not been used by the public, the criteria set out above is satisfied. There is no justifiable reason to retain the roads as legal roads, and it is therefore recommended that Council approve the proposal to close the two public roads submerged under Lake Lyell.

Clause 2.4 of the Agreement provides that EA will bear all costs associated with the transfer provided that Council will bear responsibility for payment of all GST (if any) payable in respect of such transfer.

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

Relevant Act - Roads Act 1993.

Attachments

1. Council report and minute 13-121 of 15.04.2013 (LCC and Delta) [**10.5.3.1** - 2 pages]
2. Deed of agreement (LCC and Delta 09.05.2013) [**10.5.3.2** - 8 pages]
3. Plan and image showing public road submerged at Lake Lyell (D P 634322) [**10.5.3.3** - 4 pages]
4. Plan and image showing public road submerged at Lake Lyell (D P 634323) [**10.5.3.4** - 3 pages]

Recommendation

THAT Council:

1. Approve the proposal to close two public roads submerged under Lake Lyell as outlined in this report.
2. Authorise the General Manager to do all things necessary and sign all documents required to give effect to the closure of the two public roads.

10.6. Policies and Governance

10.6.1. FIN - 26/09/2022 - Draft Managing Unreasonable Conduct by Complainants Policy

Prepared by Ross Gurney - CFIO

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Summary

This report presents draft Policy 4.6 Managing Unreasonable Conduct by Complainants and seeks Council's endorsement to place the draft Policy on public exhibition.

Commentary

Background

The NSW Ombudsman has developed a model policy to act as a guide for managing unreasonable conduct by complainants. The model policy aims to provide a robust, standardised and consistent approach to the management of Unreasonable Conduct by Complainants (UCC) incidents. The model policy includes the following:

- Clear guidance on the authority vested in frontline staff and senior management to respond to and manage UCC incidents, including restricting a complainant's access to services;
- An explanation of the circumstances where it may be appropriate to change or restrict a complainant's access to services, and the procedures to follow when doing so;
- A range of possible service restrictions that staff can use to manage UCC incidents;
- Guidance about factors (including cultural factors) that should be considered when deciding to change or restrict a complainant's access to services;
- Procedures for communicating with complainants about decisions to change or restrict their access, including the use of template letters;
- A centralised system for recording and reporting details of complainants who have service restrictions, to assist with ongoing management and review of these cases; and
- A standardised process for reviewing decisions to change or restrict access – including fixed time periods and criteria for review, and a presumption that any restriction will be lifted unless there is a clear need for it to continue.

Current Policy 4.6

The current Policy 4.6 Customer Service and Unreasonable Complainants Policy includes Council's Service Commitment and Customer Service Responsibility.

Relevant Customer Service policy statements have been included in Council's revised Customer Service Charter and Standards.

The Customer Service Charter sets out Council's commitment to providing excellent customer service, as we aim to deliver a welcoming, consistent and positive customer experience on every interaction.

The Charter is supported by the Customer Service Standards. The Standards inform customers of the timeframes by which we will endeavour to respond to your request, and the levels of service you should expect from us. Lithgow City Council sees customer service as an organisational culture. Both the revised Charter and Standards will shortly be uploaded to Council's website, following development of a Customer Service webpage.

Due to their inclusion in the Customer Service Charter and Standards, it is proposed to omit the Customer Service policy statements from the revised Policy 4.6.

Revised Policy 4.6 Managing Unreasonable Conduct by Complainants

Council is committed to being accessible and responsive to all complainants. At the same time, the success of Council depends on the:

- ability for staff to do their work in the most effective and efficient ways possible;
- health, safety, and security of staff; and
- ability for Council to allocate resources fairly across all the complaints received.

When complainants behave unreasonably, their conduct can significantly affect Council in successfully undertaking the business of Council business. In such cases, Council will act proactively and decisively to manage any complainant conduct that negatively and unreasonably affects the business of Council and will support staff to do the same in accordance with this draft policy.

Unreasonable conduct by a complainant is defined as *‘any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant themselves.’*

The draft policy incorporates all sections of the NSW Ombudsman’s model policy.

Policy Implications

Draft Policy 4.6 Managing Unreasonable Conduct by Complainants will strengthen Council’s UCC policy position to best practice as set by the NSW Ombudsman.

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. Policy 4.6 Managing Unreasonable Conduct by Complainants - Draft August 2022 [**10.6.1.1** - 22 pages]

Recommendation

THAT Council:

1. Endorse the omission of the Customer Service policy statements from the revised Policy 4.6.
2. Place draft Policy 4.6 Managing Unreasonable Conduct by Complainants on public exhibition for a period of 28 days.
3. Following the exhibition period, draft Policy 4.6 be returned to Council to consider adoption, with details of any submissions made during the exhibition period and any recommendations or amendments that may arise from the submissions.

10.6.2. IS - 26/09/2022 - Policy Review - 10.5 - Footpath Reservation - Works Requirement

Prepared by Kaitlin Cibulka – Executive Assistant

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Reference

Min 21-151 – Ordinary Meeting of Council held on 25 July 2022.

Summary

The report provides details of the public exhibition of Policy 10.5 Footpath Reservations – Works Requirements.

Commentary

Policy 10.5 Footpath Reservations – Works Requirements was placed on public exhibition for a period of 28 days, where the community were invited to make comment. The exhibition of the above-mentioned policy closed on Monday 12th September 2022, with no submissions received during this period.

Policy Implications

Consideration of adoption of Policy 10.5 Footpath Reservations – Works Requirements

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Policy 10.5 Footpath Reservations Works Requirements Version 4 [**10.6.2.1** - 5 pages]

Recommendation

THAT Council adopt and implement Policy 10.5 Footpath Reservations – Works Requirements immediately.

10.6.3. PS - 26/09/2022 - Model Social Media Policy

Prepared by Deborah McGrath - Corporate Planning & Communications Officer

Department Corporate Planning and Communications

Authorised by Director of People & Services

Summary

The purpose of this report is to seek endorsement of the Draft Social Media Policy. This draft document is based on the Model Social Media Policy developed by the Office of Local Government (OLG) for NSW Councils.

The Draft Policy does not additionally limit or fetter the opportunities for staff or councillors to use social media. The draft policy would, however, have the useful effect of informing staff and councillors of obligations which currently exist and which recognise social media and such postings relating to council operations as a public record. In this regard, the policy, if adopted, would provide Council with a robust framework and guidance for the administration, user training, and management of social media platforms.

Commentary

The Draft Social Media Policy has been developed by the OLG following two rounds of consultation with the local government sector and represents a 'best practice' approach on governance in this area.

Adoption by a council is not compulsory, the OLG Model Policy can be used and adapted by councils as they see fit and to supplement a council's adopted code of conduct.

The policy has been informed by advice provided by key NSW Government agencies, including:

- Independent Commission Against Corruption (ICAC),
- the Information and Privacy Commission,
- The State Archives and Records Authority, and
- Resilience NSW.

The Draft Policy (attached) contains ten parts:

1. Principles;
2. Administrative framework for council's social platforms;
3. Administrative framework for councillors' social media platforms;
4. Standards of conduct on social media;
5. Moderation of social media platforms;
6. Use of social media during emergencies;
7. Records management and privacy requirements;
8. Private use of social media;
9. Concerns or Complaints;
10. Definitions

Social media and local government in NSW

As in the federal and state jurisdictions, social media has become an important tool in government and political discourse at the local level. In the context of NSW local government, social media has two primary functions:

- a. it is used by Councils to interact and share information with their communities in an accessible and often more informal format, and

- b. it enables Councillors to promote their achievements and address their constituents directly about community issues and events in ways that either complement or bypass traditional news and print media.

In addition, many Councils use social media as the platform through which they webcast their meetings. This increases transparency by providing visibility of Council decision making in real time.

However, Council staff and Councillors are not immune from the challenges associated with social media, which pose a significant risk in a legal sense, and in terms of a Council's reputation and its ability to operate in a unified and coordinated way. It is therefore important that Councils have the right policy settings in place so that all Council officers can realise the full benefits of contemporary social media platforms while mitigating the risks identified by the industry.

The policy, if adopted, would apply to both Council social media pages and Councillor social media pages. It sets standards of conduct for all Council officials (i.e. staff and councillors) who use social media in an official capacity. It has been developed to be fit-for-purpose in a digital age where innovation and emerging trends are the norm.

It is recognised that social media is a relatively new form of communication that has been adopted at varying levels by Councillors and staff. As such, the Draft Policy will be used as a simple and robust training design framework that can form the basis of social media training and record keeping for current and future Councillors and Council staff.

Part 5 of the draft policy contains a clear note to alert councillors and council officials that they may be considered publishers of material posted to the social media pages that they administer, together with provisions that expressly refer to the ability and the manner of '*hiding*' content on social media, as opposed to removing it.

The draft Social Media Policy does not require a Councillor who uses social media for private purposes to maintain a separate social media account for those purposes, nor are they prevented from identifying themselves as council officials on their private social media accounts.

However social media content created, sent, and received during a Councillor's term of office and in relation to Council business are State records. (Social media content that concerns political activities, election campaigning, or is of a personal nature are not State records.)

Section 3 of the State Records Act 1998 defines a record as "any record made and kept, or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office".

NSW State Archives and Records have issued a guidance note: - *Social Media Recordkeeping for Councillors* and this document provides examples of Councillor social media that may or may not be classified as State Records (see attached).

The recommendation below does not recommend placing this policy on exhibition as:

1. It is not a requirement of the Act to consult on the policy,
2. The policy is directed at staff and councillor use of social media and not the broader public, and,
3. The Draft Social Media Policy has been developed by the industry and is entirely based on the Model Social Media Policy endorsed by the Office of Local Government (OLG).

Policy Implications

The Model Social Media Policy would be an addition to Council's Policy Register
Media & Social Media Policy 9.12

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. Model Social Media Policy Draft [**10.6.3.1** - 16 pages]
2. Social media recordkeeping for councillors NSW State Archives [**10.6.3.2** - 8 pages]

Recommendation

THAT Council adopt the Model Social Media Policy (2022).

11. Council Committee Reports

11.1. FIN - 26/09/2022 - Finance Committee Meeting Minutes - 31 August 2022

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

Reference

Min No 22-169 Ordinary Meeting of Council held on 22 August 2022.

Summary

This report provides a summary of the Minutes of the Finance Committee Meeting held on 31 August 2022.

Commentary

At the meeting of the Finance Committee held on 31 August 2022 the following items were discussed:

- **Carryovers to the 2022/23 Budget** – the CFIO outlined the process and protocols for carryovers which do not require further approval from Council. The report on carryovers and the project listings are included as an attachment to this report.
- **Rating Review Action List** – the Rating Review actions have been added to the audit / reviews tracking sheet. The Committee noted progress towards completing the Rating Review actions.
- **Options for a Sustainable Future - Community Engagement – Progress Update** – the Committee noted the CFIO's update on the Community Engagement Program for "Options for a Sustainable Lithgow".

Policy Implications

Nil.

Financial Implications

As detailed in the Finance Committee meeting minutes.

Legal and Risk Management Implications

Nil.

Attachments

1. Draft Minutes Finance Committee Meeting 31 August 2022 [11.1.1 - 4 pages]
2. Carryovers to the 2022-23 Budget Report [11.1.2 - 5 pages]

Recommendation

THAT Council endorse the minutes of the Finance Committee meeting held on 31 August 2022.

11.2. PS - 26/09/2022 - Crime Prevention Committee Minutes 5 September 2022

Prepared by Matthew Johnson - Community and Culture Manager

Department Community and Culture

Authorised by Director of People & Services

Summary

The Minutes of the Crime Prevention Committee meeting held 5 September 2022 are presented for Council's consideration.

Commentary

At the Minutes Crime Prevention Committee meeting held 5 September 2022 various matters were discussed including:

Concerns about littering in Saville Park Portland and elsewhere and incidents of graffiti around the LGA.

A Police report on recent crime incidents.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Crime Prevention Committee Minutes 5 September 2022 [11.2.1 - 5 pages]

Recommendation

THAT Council Note the Minutes of the Crime Prevention Committee meeting held 5 September 2022.

11.3. PS - 26/09/2022 - Community Development Meeting Minutes 13 September 2022

Prepared by Matthew Johnson - Community and Culture Manager

Department Community and Culture

Authorised by Director of People & Services

Reference

Min 22 -168 Ordinary Meeting of Council held 22 August 2022

Summary

The Minutes of the Community Development Committee meeting held 13 September 2022 are reported for Council's consideration.

Commentary

At the Community Development Committee meeting held 13 September 2022, various matters were discussed including:

- Update on Council's Disability Access Inclusion Plan
- A report from Council's Community Recovery and Community Development Officers
- An update on current projects being undertaken in Council's Community and Culture Department.
- Discussion of a possible music event at Blast Furnace in early 2023 including a recommendation that Council give in-principle support for the event subject to funding.

Policy Implications

Nil

Financial Implications

- Budget approved – No budget is available for the proposed music event at Blast Furnace in early 2022.
- Cost centre -
- Expended to date -
- Future potential impact -

Legal and Risk Management Implications

N/A

Attachments

1. Community Development Committee minutes 13 September 2022 [11.3.1 - 6 pages]
2. CDC report 12 September 2022 [11.3.2 - 3 pages]

Recommendation

THAT COUNCIL

1. Note the minutes of the Community Development Committee meeting held 13 September 2022
2. That Council give in-principle support for a possible music event at Blast Furnace in early 2023 subject to funding being sourced.

12. Business of Great Urgency

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

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

13. Closed Council

13.1. **CONFIDENTIAL REPORT - FIN - 26/09/2022 - Delegation to General Manager with Respect to Commercial-in-Confidence Matter**

Prepared by Ross Gurney - CFIO

Department Finance & Assets

Authorised by General Manager

Reason for Confidentiality

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

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

Recommendation

THAT Council resolve to move into Closed Council to consider the confidential reports as listed in the Business Paper.