



Lithgow Halloween 2019

BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 31 October 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	5
7. Public Forum	5
8. Mayoral Minutes	5
9. Notices of Motion	5
9.1. NOTICE OF MOTION - Cr C Coleman - 31/10/2022 - Ironfest	5
9.2. NOTICE OF MOTION - Cr E Mahony - 31/10/22 - - Removal of the West Lithgow Precinct from the NSW Government’s Energy from Waste Infrastructure Plan	7
10. Questions with Notice	8
10.1. QUESTION WITH NOTICE - Cr S Lesslie - 31/10/2022 - Social Media Policy	8
11. Staff Reports	9
11.1. People and Services Reports	9
11.1.1. Building and Development.....	9
11.1.1.1. ECDEV - 31/10/2022 - Variations to Development Standards under Clause 4 6 of the Standard Instrument.....	9
11.1.1.2. ECDEV - 31/10/2022 - Voluntary Planning Agreement Nu-Rock Technology Pty Ltd - DA292/14.....	10
11.1.1.3. ECDEV - 31/10/2022 - DA256/21 - Three Tree Lodge Alterations & Additions - 2A Col Drewe Drive Bowenfels	12
11.1.2. People and Services General Reports	16
11.1.2.1. PS - 31/10/2022 - Bell Quarry	16
11.2. Infrastructure Services Reports	19
11.2.1. IS - 31/10/2022 - Natural Disaster Recovery - 2022/23 Budget and Progress	19
11.2.2. IS - 31/10/2022 - Lithgow Electric Vehicle Strategy.....	21
11.3. Finance and Assets Reports	23
11.3.1. FIN - 31/10/2022 - Rebate Request - Excessive Water Account.....	23
11.3.2. FIN - 31/10/2022 - 2021/22 Financial Statements	25
11.3.3. FIN - 31/10/2022 - Proposed lease of Council land adjoining the Tin Shed Cafe	27
11.4. Policies and Governance	30
11.4.1. GM - 31/10/2022 - Designated Person Returns for the period 1 July 2021 to 30 June 2022	30
11.4.2. FIN - 31/10/2022 - Encroachment Management Policy.....	33
12. Council Committee Reports	34
12.1. IS - 31/10/2022 - TALC Committee Meeting Minutes - 6th October 2022	34

12.2. IS - 31/10/2022 - Operations Committee Meeting Minutes - 6th October 2022	36
12.3. FIN - 31/10/2022 - Finance Committee Meeting Minutes - 12 October 2022	37
12.4. IS - 31/10/2022 - Sports Advisory Committee Meeting Minutes - 12th October 2022	38
13. Business of Great Urgency.....	39
14. Closed Council.....	40

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 26 September 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 - Cr C Coleman - 31/10/2022 - Ironfest

Report by Councillor Cassandra Coleman

Commentary

Lithgow City Council has historically provided financial and in-kind assistance to Ironfest such as assisting with:

- Showground hire
- Traffic management
- Waste management.
- Venue hire
- Ground preparation
- Cleaning
- Grant funding

Ironfest is a community event and it brings thousands of visitors to Lithgow, who spend their money in local businesses.

This is a significant financial boost to the local economy.

To lose Ironfest would be devastating.

Attachments

Nil

Recommendation

THAT Lithgow City Council Administration meet and work with the current Executive of Ironfest to ensure a successful event in 2023.

Management Comment

On 22 October 2022 a request was received from the organisers of Ironfest for financial assistance to conduct their event.

The Council has assisted with this event in the past.

The request is for around \$100 000. The organisers say that they have spoken to the likes of Festivals Australia, Create NSW, Destination NSW, Arts Out West and others about funding, before approaching Council.

This request constitutes a large and unplanned increase from the assistance the Council has provided previously. It comes at a time when the Council's capacity, financial and more broadly, has been stretched by repeated disaster events. It also comes after the available funds have been allocated in the current approved budget.

At this stage much more detail is needed about the bases and finer detail for this request. Council staff will meet with the organisers of Ironfest to canvas the assistance Council may provide.

9.2. NOTICE OF MOTION - Cr E Mahony - 31/10/22 - - Removal of the West Lithgow Precinct from the NSW Government's Energy from Waste Infrastructure Plan

Report by Councillor Eric Mahony

Commentary

Given the position of Energy Australia in withdrawing its interest in going forward with a waste incinerator on its Mount Piper site and the decision by the New South Wales Government's Environmental Protection Authority to reject the waste-to-energy proposal at the former Wallerawang Power Station site that Council should now move to inform the NSW State Government of its desire to have the West Lithgow Precinct removed from the NSW Government's Energy from Waste Infrastructure Plan.

This should take the form of formal written communication from Council indicating the Council's desire to have the West Lithgow Precinct removed completely from the Energy from Waste Infrastructure Plan.

Background

At the Ordinary Meeting of the 27th of September 2021 the decision of the Council was that it resolved to oppose the NSW Government's Energy from Waste Infrastructure Plan, thus establishing Lithgow City Council's position on this matter.

At a subsequent meeting of the 2nd of March 2022, a decision was made by Council staff to bring forward a report to the Council seeking support to extend the West Lithgow Precinct, which involved the inclusion of the former Wallerawang power station site. Despite the fact that there was split support for this proposal across the Council, the proposal was subsequently rejected by the New South Wales Government's Environmental Protection Authority.

Attachments

Nil

Recommendation

THAT a formal written communication on behalf of the Council is sent to the Honourable Paul Toole, Member for Bathurst and Deputy Premier and the NSW Premier, the Honourable Dominic Perrottet, advising them of the Council's position in not supporting the inclusion of the West Lithgow precinct within the NSW State Government's Waste to Energy Plan; and that the West Lithgow Precinct be removed entirely from the plan

Management Comment

As the commentary above acknowledges, the Council's current policy position on the NSW Government's Energy from Waste Infrastructure Plan and the related Regulation that brings that Plan into legal effect was decided at the 2 March 2022 Ordinary Meeting. A copy of that report is attached.

During the course of preparing this business paper advice was received from the EPA that the map for the West Lithgow Precinct has been removed from the Regulation. The letter is attached. In hastily convened discussions with the EPA it was explained that the NSW Government has not changed its policy position that Lithgow is one of four locations with the potential for energy from waste. The EPA however has revoked the map that is within the related Regulation because, with Energy Australia withdrawing from any proposal for energy from waste, there is no proposal in the identified precinct.

10. Questions with Notice

10.1. QUESTION WITH NOTICE - Cr S Lesslie - 31/10/2022 - Social Media Policy

Report by Councillor Stephen Lesslie

Commentary

Now that Lithgow Council has adopted the Social Media policy, without putting it out for public comment, has the Council Administration informed all Community Members of Council Committees that they are now subject to the provisions of the policy including the necessity to comply with the State Records Act in keeping a record of all social media posts, at least when referencing Council matters, and that they will also be subject to Code of Conduct provisions if the Council deems that they have breached the policy?

Attachments

Nil

Management Comment

Adoption of this policy does not introduce any additional obligations on members of committees, councillors or staff beyond those which already existed. On this basis, and because the policy does not bear upon the public, the Council endorsed that public exhibition was not required.

As reported to Council, it will be necessary to develop a training program for the policy. In the meanwhile, arrangements have been made for the policy to be circulated to the abovementioned parties.

11. Staff Reports

11.1. People and Services Reports

11.1.1. Building and Development

11.1.1.1. ECDEV - 31/10/2022 - Variations to Development Standards under Clause 4.6 of the Standard Instrument

Prepared by Lauren Stevens – Development Planner

Department Economic Development & Environment

Authorised by Director of People & Services

Summary

The purpose of this report is to advise Council of variations to development standards for the July to September 2022 quarter as per the NSW Department of Planning and Environment Guidelines.

Commentary

The provisions of clause 4.6 of the Lithgow Local Environmental Plan 2014 (LEP) enable consent to be granted in certain circumstances where a development proposal does not comply with prescribed development standards.

The objectives of clause 4.6 are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular developments,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In compliance with procedural and reporting requirements, variations approved under delegation by staff are to be reported to a meeting of the full Council on a quarterly basis. It is advised that **no** development applications were approved by staff for variations to development standards for the July to September 2022 quarter. This information has been submitted to the Department of Planning and Environment in accordance with their reporting and procedural requirements.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council note the information provided in the report relating to variations to Development Standards under Clause 4.6 of the Standard Instrument for the July to September 2022 quarter.

11.1.1.2. ECDEV - 31/10/2022 - Voluntary Planning Agreement Nu-Rock Technology Pty Ltd - DA292/14

Prepared by	Jessica Ramsden - Team Leader Development
Department	Development
Authorised by	Director of People & Services
Property Details	Lot 2 DP702619 Mount Piper Power Station, Boulder Road, Portland
Property Owner	Energy Australia P/L
Applicant	Nu-Rock Technology Pty Ltd

Summary

To seek endorsement of the Draft Voluntary Planning Agreement for an approved manufacturing plant being Nu-Rock Technology Pty Ltd at Mount Piper Power Station, Boulder Road, Portland.

Commentary

Council approved DA292/14 on 2 October 2015 at Lot 2 DP702619 Mount Piper Power Station Boulder Road Portland for a manufacturing plant for Nu-Rock Technology Pty Ltd. This manufacturing plant is to create recycled fly ash from the Power Station to create construction materials such as construction blocks and pavements.

The applicant proposes an offer for a Voluntary Planning Agreement (VPA) in-leu of payments of Section 94A Contributions as per the Section 94A (Section 7.12) Development Contributions Plan 2015 which would have been a levy of \$86,000.00. This negotiation is in accordance with the plan given the development estimated cost was over \$1,000,000 being \$8,600,000 for the development. The proposed VPA is for contributions towards community projects and/or activities at a total of:

- \$60,000.00 paid prior to the issue of the Occupation Certificate in relation to the Development Consent; and
- \$30,000.00 annually and continuing for the life of the Plant to be paid within fourteen (14) days from the date of occupation thereafter. The planning agreement allows for an annual CPI adjustment.

The proposal is acceptable given the payment is more than that would have been received through the one-off payment for Section 94A (Section 7.12) Contributions and allows for a \$30,000 yearly contribution to the community. These payments will be subject to CPI at time of payments as per the Draft VPA. The Draft Planning Agreement has now been prepared and in Attachment 1 for endorsement and the required public notification process.

Policy Implications

Policy 7.8 Voluntary Planning Agreements

A VPA has been negotiated with the developer in accordance with Section 7.4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) in relation to DA292/14. The plan has been created as per the Policy and will be advertised appropriately for 28 day period.

Financial Implications

- Budget approved - nil.
- Cost centre - N/A
- Expended to date - nil.

- Future potential impact –The endorsement of the VPA will provide contributions for community facilities and activities above that which would have been received through the Section 94A (Section 7.12) Development contributions Plan.

Legal and Risk Management Implications

The legislative basis for the VPA is incorporated in the Section 7.4-7.10 of the EP&A Act and Clauses 202 –206 of the *Environmental Planning & Assessment Regulations 2021*. Section 7.5 of the EP&A Act provides that public notice must be given for a proposed VPA for a period of 28 days prior to endorsement.

Attachments

1. Draft VPA Agreement Lithgow City Council - Nu-Rock Technology [11.1.1.2.1 - 32 pages]

Recommendation

THAT

1. Council endorse the Draft Voluntary Planning Agreement proposed for DA292/14 being for \$60,000 prior to Occupation Certificate and \$30,000 annually (plus CPI adjustment) thereafter for community facilities and/or activities.
2. The Draft Voluntary Planning Agreement for DA292/14 be placed on public exhibition for a period of 28 days.

11.1.1.3. ECDEV - 31/10/2022 - DA256/21 - Three Tree Lodge Alterations & Additions - 2A Col Drewe Drive Bowenfels

Prepared by	Jessica Ramsden - Team Leader Development
Department	Development
Authorised by	Acting Director of People & Services
Property Details	Lot 2 DP1068159, 2A Col Drewe Drive South Bowenfels
Property Owner	Three Tree Lodge Lithgow Limited
Applicant	Three Tree Lodge Lithgow Limited

Summary

To determine Development Application DA256/21 for additions to Three Tree Lodge Aged Care Facility at Lot 2 DP1068159, 2A Col Drewe Drive South Bowenfels.

Commentary

Council is in receipt of Development Application DA256/21 for alterations & additions to the residential care facility on land known as Lot 2 DP 1068159, 2A Col Drewe Drive, Bowenfels. The site currently retains existing Three Tree Lodge being an Aged Care Facility in 5 buildings on the site approximately 1.3ha in size.

Stage 1:

- a) Minor demolition of existing 'Wattle' building (southern end) removing one (1) bed/room to allow for new building connection and minor removal of vegetation;
- b) Construction of a new residential care facility building extension including:
 - i. Five (5) new rooms & additional seven (7) new beds (eight (8) new / one (1) demolished) – total approved 73 beds for entire facility;
 - ii. Communal spaces including a domestic style kitchenette & dining area (main meals to be provided from existing commercial kitchen) and living areas facing north;
 - iii. Decked outdoor landscaped spaces & pedestrian connection
- c) Additional two (2) parking spaces (one (1) is accessible) adjacent to the main entrance;
- d) Ancillary cut and fill (earthworks), water tanks, drainage, connections to utilities, landscaping, driveways and vehicle manoeuvring areas.
- e) removal of five trees and the provision of a 15,000L rainwater tank. A plan of the proposed development is provided below.

Stage 2:

Separation of potable water supply, fire hydrant system water supply, and gas supply from the Public Hospital system and new connection to Col Drewe Drive.

The proposal requires an Asset Protection Zone implicating Council's Land known as Lot 1 DP1268778, which is discussed below under Policy Implications of this report.

Policy Implications

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

The proposed development is not located on Council owned land, however it relies on adjoining land (Lot 1 DP1268778) owned by Council for part of a bushfire asset protection zone (APZ), as shown in the below diagram.



It is proposed that a 'deed of agreement' be imposed on Council land (at the cost of the developer) for the management of the Council owned land as an APZ until such time as the Council land is developed for roads and/or residential housing (thereby removing the existing bushfire hazard, being unmanaged grassland).

The development application is therefore reported to Council for consideration and determination.

Lithgow Community Participation Plan

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and prescribes certain types of development as exempt from requiring notification. The proposed development is not exempt and was therefore notified in accordance with the Community Participation Plan. No submissions were received as a result of this notification period.

Financial Implications

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact -
 1. Section 94A (Section 7.12) Development Contributions Plan 2015 is applicable to the development with a 1% levy of \$20,044.71 to be imposed as a condition of consent as per the Plan.

The applicant has requested that consideration be given to an exemption to the Section 94A Development Contributions Plan. However, a condition has been drafted and the exemption, if adopted, will supersede and delete the suggested condition of consent, if approved.

2. Council's Fees & Charges
Water & Wastewater Development Servicing Plan Contributions. Charge applicable:
Sewer
 $5(\text{beds}) \times 0.75(\text{ET}) \times \$15,308.81 \text{ (charge)} = \$57,408.05$
Water
 $5(\text{beds}) \times 0.5(\text{ET}) \times \$3,146.34 = \$7,865.85$

Total charges = \$65,273.90

Legal and Risk Management Implications

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

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. DA256 21 Assessment Report 002 [11.1.1.3.1 - 41 pages]

Recommendation

THAT

1. Development Application DA256/22 be APPROVED subject to conditions of consent outlined in the attached planning assessment report.
2. That the Council consider the applicant's request to waive the S7.12 developer contributions of \$20,044.71.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993

11.1.2. People and Services General Reports

11.1.2.1. PS – 31/10/2022 – Bell Quarry

Prepared by Paul Cashel – Acting Director People and Services

Department Development & Environment

Authorised by Director of People & Services

Reference

Min No. 17-28: Ordinary Meeting of Council held on 6 February 2017
Min No. 17-345: Ordinary Meeting of Council held on 27 November 2017
Min No. 19-09: Ordinary Meeting of Council held on 25 February 2019
Min No. 21-161: Ordinary Meeting of Council held on 26 July 2021
Min No. 22-11: Ordinary Meeting of Council held on 24 January 2022
Min No. 22-28: Ordinary Meeting of Council held on 2 March 2022

Summary

To provide the Council with an update on the appeal to the Land and Environment Court of the refusal of the development application DA 294/18 for a Waste or Resource Management Facility at 'Bell Quarry'. The applicant has sought to discontinue the proceedings and both Blue Mountains City Council and Lithgow City Council consented.

Commentary

The development as originally proposed, and refused by the Western Regional Planning Panel on 6 April 2020, was to dewater four existing quarry pits, fill and re-shape them with Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) and 'other clean fill material' and rehabilitate the finished surface.

The proponent described the proposal as 'the rehabilitation of Bell Quarry'. However, it is the Council's view that the site has been sufficiently remediated to a stable state already (apart from the ongoing need for weed management) and for that reason, the proposal is properly characterised as a waste disposal facility. Under the town planning definitions (and Standard Instrument LEP) it is correctly defined as a waste or resource management facility and any reference to rehabilitation is misleading.

Further to previous advice to Councillors on this matter on 2 March 2022, considerable legal contest has occurred between the parties. On 3 March orders were made to the following effect:

- BMCC is joined as a party to the proceedings;
- Hearing dates vacated;
- BMCC to file and serve its statement of facts and contentions by 13 April; and
- Matter listed for directions hearing before the Registrar on 2 May.

A staunch defence case against the development was remade, and the applicant requested that a separate question be heard by the Court. More detail can be found in Attachment 1.

The Court adjourned the next directions hearing until 21 October 2022 (sooner than the parties had requested), when it is likely that hearing dates would be fixed. The applicant was requesting a 10-day hearing before a judge on all issues. On the morning of the hearing the applicant confirmed they wished to discontinue the proceedings. See attachment 2.

Blue Mountains City Council (BMCC) assisted greatly in the preparation of 'agreed facts', 'written submissions' and affidavits. It is recommended that the General Manager formally thank BMCC.

Residents have overwhelmingly been opposed to this development proposal and their work and involvement with the case is also recognised. Their statements have assisted Council's legal advisors and the Court.

Policy in response to these types of proposals

This matter alludes to a risk for this city in the future.

Prudently, this Council has planned for its future landfill needs with the Lithgow facility having considerable remaining capacity and consent also being secured for another landfill at Blackmans Flat. But it has been widely reported that there is an under-supply of and an absence of planning for future landfill capacity for NSW's (notably Sydney's) waste. As available and affordable land in Sydney for such future projects diminishes, proponents of waste landfills will likely look to areas just beyond the Sydney basin.

It is proposed that a further report be presented to the Council canvassing policy positions to deal with this issue.

Policy Implications

There has been a long-standing understanding that Lithgow City Council is opposed the importation of Sydney waste to the Lithgow Local Government Area.

Financial Implications

- Budget approved - allocations exist within the operational budget for legal matters.
- Cost centre - Development Legal Expenses
- Expended to date - approximately \$65,000 minus \$9,400 awarded for costs thrown away.
- Future potential impact – approximately \$1,000 to finalise all matters.

Legal and Risk Management Implications

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

Attachments

1. SEALED Amended Statement of Agreed Facts filed 30 September 2022 Redacted [11.1.2.1.1 - 7 pages]
2. Letter to Council re discontinuance of proceedings [11.1.2.1.2 - 1 page]

Recommendation

THAT :

1. Council note this report.
2. The Mayor correspond with the Mayor of Blue Mountains City Council to express appreciation for their support and assistance with this matter.
3. A further report be presented on potential policy positions that Council may take in relation to the potential for future waste landfill proposals to come forward.

11.2. Infrastructure Services Reports

11.2.1. IS - 31/10/2022 - Natural Disaster Recovery - 2022/23 Budget and Progress

Prepared by Jonathon Edgecombe - Director of Infrastructure & Services

Department Director of Infrastructure & Services

Authorised by Director of Infrastructure & Services

Summary

The purpose of this report is to seek Council's endorsement of variations to the 2022/23 budget allocations for natural disaster recovery works.

Commentary

The past 24 months have been characterised by continuous rainfall, with high intensity events occurring regularly. Statistics from the Bureau of Meteorology indicate that current rainfall on a rolling two-month period exceeds that which has ever been recorded since record keeping commenced in 1889. This has resulted in water tables which have remained saturated for extended periods, without the drying cycle that they usually benefit from.

This is resulting in low (or non-existent) rates of absorption and higher than usual volumes and velocity of stormwater runoff. In a practical sense, this is resulting in:

- many residents are experiencing flooding of their properties which have never flooded before,
- roads are being inundated and becoming inaccessible more often than ever before, and
- road embankments and pavements are suffering a loss of structural strength due to prolonged exposure to high degrees of saturation.

Ultimately, this is the reason for the 5 natural disaster declarations that remain current for the Lithgow LGA. This is entirely unprecedented.

In response, Council has engaged contractors and utilised internal staff to respond to the recovery effort. The Council allocated **\$6,804,163** to this work as part of the 2022/23 Operational Plan, based on best estimates of expenditure in March / April 2022 as the budget was being developed. The table below confirms that the expenditure will be much more than this original allocation. This has necessitated the matter being returned to the Council for a revised budget to be set for these projects.

It is recommended that Council revise the 2022/23 budget of the cost for the natural disaster recovery effort as follows (with each project to be funded by the Australian Government's Natural Disaster Relief and Recovery Arrangements):

Project Code	Project	Approved 2022/23 Budget	Actuals	Commitments	Proposed Budget
100734	Nov 2021 Flooding	- *	\$20,008	-	\$20,008
100735	Road Repair	\$2,975,154	-	-	\$0
100737	Wolgan Road	\$3,300,000	\$717,124	\$27,273	\$1,244,397
100741	Sealed Road Flood Damage	- *	\$155,077	\$1,870	\$156,947
100743	Trotting Track & Building Repair	\$4,009	\$23,925	\$5,373	\$29,298
100767	Slope Stability Improvements	\$125,000	-	-	\$125,000
100814	Sealed Roads	-*	\$1,957,102	\$179,402	\$3,500,000
100815	Unsealed Roads	-*	\$1,760,960	\$814,623	\$3,500,000

100816-100821	March 2022 Floods	\$400,000	\$24,703	-	\$24,703
100823	July 2022 Event	-*	\$1,848,783	\$381,818	\$5,000,000
	Totals	\$6,804,163	\$6,507,682	\$1,410,359	\$13,600,353

* - Budget for these projects is held within other codes, to the cumulative total of **\$6,804,163**

The total **additional** 2022/23 budget required for these projects after reallocations from other codes is **\$6,796,190** (\$13,600,353 proposed budget less \$6,804,163 approved budget). The total 2022/23 budget for natural disaster recovery works would increase from \$6,804,163 to **\$13,600,353**.

It must be noted that Wolgan Gap (project code 100737 above) will require expenditure far exceeding the proposed budget identified above. An interim budget of \$1,244,397 is expected to cover continued investigation, design and risk mitigation works until the design is complete. The completed design will require a quantity survey to estimate the actual cost of the project. This estimate will be reviewed by Transport for NSW prior to returning to Council for the consideration of a further budget variation to facilitate the identified works being undertaken.

Policy Implications

Nil

Financial Implications

- Budget approved - \$6,804,163
- Cost centre - various
- Expended to date - \$6,507,682 in 2022/23
- Future potential impact - The total 2022/23 budget for natural disaster recovery works would increase from \$6,804,163 to \$13,600,353.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council:

1. Approve the budget allocations proposed, with the total 2022/23 budget for natural disaster recovery works increasing from \$6,804,163 to \$13,600,353.
2. Note that each natural disaster project is funded by the Australian Government's Natural Disaster Relief and Recovery Arrangements.

11.2.2. IS - 31/10/2022 - Lithgow Electric Vehicle Strategy

Prepared by Jonathon Edgecombe - Director of Infrastructure & Services

Department Infrastructure & Services

Authorised by Director of Infrastructure & Services

Summary

This report provides Council with a final draft of Lithgow's Electric Vehicle (EV) strategy for consideration. The strategy seeks to enable and support the application of external funding for the delivery of innovative technologies to local communities and tourism markets, thereby facilitating a local transition to electric vehicles and making the most of destination charging trends across NSW.

Commentary

Transport is undergoing a global paradigm shift and passenger vehicles are at the forefront of this change. You only have to watch how many Tesla vehicles you pass travelling the Great Western Highway to see this transition in action. Manufacturers and technology companies are rapidly moving the automotive industry towards an electric and automated future. With EV numbers increasing globally, governments and other organisations have started to devise strategies to promote and adjust to the change, addressing the massive shift from liquid fuels to electricity for road vehicles.

Given Lithgow's strategic positioning at the intersection of the Great Western Highway, Castlereagh Highway, Bells Line of Road and the electrified rail line, Lithgow must address the absence of publicly available EV charging stations if it is ready itself for the future. The lack of such infrastructure is a significant barrier to EV uptake by local residents and businesses, imposes limits on transport investment options and reduces Lithgow's viability as a destination for EV tourism.

The NSW Government has committed to making NSW "the easiest and most affordable place to buy and use an EV in Australia". The policy aim is to drive sales of EVs to more than 50% of new car sales by 2030-31, as part of the preparation for a low-emission future. In recognising this commitment, it is important that Lithgow plan for this future and provide residents with the infrastructure necessary to meet demand and deliver local benefits from this significant state investment. By planning for the installation of EV infrastructure in Lithgow and surrounding villages, we stand to stimulate Lithgow's economy through the principles of destination charging and provide opportunities for Lithgow residents to charge away from home.

However, this strategy goes beyond simply aligning the Council with State Government policy. The strategy document intends to recognise the economic benefits of innovation and apply thinking and standards adopted by our European peers. Lithgow's strategy has used leading edge academic modelling to predict future trends, estimating demand and ownership behaviour. With this, we hope to place Lithgow in a position to lead the Central West in responding to the transition from internal combustion engines to their electric counterparts.

The strategy is included as an attachment and comprises 3 main parts. Firstly, the conclusions derived from workshops, consultation and discussion is presented in the form of five key principles and seven strategies relating to EVs. Second, the plan identifies those actions required to implement the seven strategies. Lastly, an implementation plan is presented as a guide to actioning the principles and strategies previously identified. This includes details such as location, type of charge points (Level 1, 2 or 3), how many to install, when their installation should take place, potential operating models, and how to monitor their ongoing performance.

Importantly, this document is inclusive of a broad LGA with localities supporting unique identities and needs. While the document proposes that Lithgow be considered to pilot the program and host the first suite of chargers, it also promotes discussion and support of local Progress Associations in their endeavours to upgrade infrastructure and attract visitors to their areas.

Policy Implications

A strategic plan for EV charging is an essential component of our future, given Lithgow's geographic position. This strategy is consistent with Council's objectives of supporting local businesses and residents by ensuring access to the charging services they need to assist with their daily life and business activities.

Financial Implications

- Budget approved - \$50,000 (Resources for Regions Round 7 – 2021/22)
- Cost centre - 100652
- Expended to date - \$50,000 (total budget spent)
- Future potential impact - Grant funding applications for the installation of user pays EV charging units are proposed.

Legal and Risk Management Implications

Nil

Attachments

1. Lithgow City Council EV Strategy [11.2.2.1 - 30 pages]

Recommendation

THAT the Council adopt the Lithgow EV Charging Strategy as presented.

11.3. Finance and Assets Reports

11.3.1. FIN - 31/10/2022 - Rebate Request - Excessive Water Account

Prepared by Rhiannan Whiteley - Senior Finance Officer Rates and Water

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Summary

The purpose of this report is to seek Council's consideration for a rebate on an excessive water account. The owner took action to rectify the leak once they became aware of it and have sought a rebate from Council under Policy 8.1 Excessive Water Usage Allowance for Breakages.

Commentary

The owner has requested a full rebate for the periods 09/12/20-18/3/21 in the amount of \$4,143.23 and for the period 18/3/21 - 13/6/21 in the amount of \$8,874.36.

Policy 8.1 Excessive Water Usage Allowance for Breakages states that a 50% rebate may be applied based on the difference between the average consumption and the water account for the period of the breakage. Applications for rebates which exceed the policy criteria and maximum rebate of \$2,500 require approval by resolution of Council. This report recommends a 50% rebate be approved by Council.

A leak notification letter was sent to the property owner by post on 1 February 2021. The owner has stated that the notification letter was not received. The owner has stated their first notification of a leak at the property was a phone call from the managing agent on 19 May 2021. The owner immediately engaged a plumber to investigate and found an undetected leak in the front yard of the property.

The owner of Property Number 20230 contacted Council in July 2021 requesting a rebate under Policy 8.1 Excessive Water Usage Allowance for Breakages. There was an internal delay in processing the rebate request due to a staff vacancy in the Revenue team. The policy applies where the leakage is significant (greater than 100 kilolitres). In this instance the property used a combined total of 2,674KL of water for the period from 09/12/20 - 18/3/21. Normal average consumption on this property is approximately 35KL.

Given the normal average consumption on this property, it is proposed that half of the excessive consumption be rebated and that the property also be charged the average consumption for the two periods totalling 70KL (\$3.35/KL) in the amount of \$234.50.

Policy Implications

The criteria included in Policy 8.1 Excessive Water Usage Allowance for Breakages has been applied.

Financial Implications

- Budget approved - N/A
 - Cost centre - N/A
 - Expended to date - N/A
-

- Future potential impact – the impact on water revenue will be a total reduction of \$6,280.16. This will reduce the Water Fund's cash reserves at the end of financial year by this amount as write-offs have not been included in the budget.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council approve a water account rebate of \$6,280.16 for the owner of Property 20230. The rebate is 50% of the difference between the average consumption and the water account for the period of the breakage.

11.3.2. FIN - 31/10/2022 - 2021/22 Financial Statements

Prepared by Chief Financial & Information Officer

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Reference

Min No 22-149 Ordinary Meeting of Council 25 July 2022.

Summary

The purpose of this report is to notify Council that the audit of the 2021/22 financial statements has been completed. The report also recommends that Council authorise the signing of the Statements by Councillors and Management, as required by Section 413(2)(c) of the Local Government Act 1993.

Commentary

At the 25 July 2022 Ordinary Meeting, Council resolved to refer the draft 2021/22 General Purpose and Special Purpose Financial Reports for audit (Min. No. 22-149).

The Council's Financial Statements for the year ended 30 June 2022 have now been reviewed and returned by the Audit Office of NSW, in accordance with legislative requirements as detailed below.

Details of the 2021/22 financial results will be presented by a representative of the Audit Office at a Council meeting within one month of the receipt of the Auditor's reports. The auditor may provide the presentation by either:

- In person (preferred);
- Virtual attendance via technology such as Microsoft Teams, Zoom, Webex etc; or
- Presentation via pre-recorded video/presentation that can be played in the meeting.

Annual Financial Statements Reporting Process

The Council's Annual Financial Statements are required to be audited by the Audit Office of NSW, and copies of the financial reports and the Auditor's report submitted to the Office of Local Government (OLG) by the 31 October 2022.

Due to an internal Finance staff shortage and a delay in the completion of Water & Wastewater asset revaluations (due to the valuer's staff shortages), Council has sought an extension to lodge the financial statements from the OLG. The extension request is to 16 December 2022

The Local Government Act 1993 has detailed provisions for the completion of the financial statements. The basic process under the Act is as follows:

1. Council staff prepare the financial statements;
 2. The Council issues a statement that the accounts are in order;
 3. The Council refers the statements to its external auditor (Min No. 22-149, Ordinary Meeting on 25 July 2022);
 4. The Audit Office complete their work and return the statements with an audit opinion attached;
 5. The financial reports and Auditor's reports are presented to a meeting of the Council of which public notice has been given. The public notice must be given at least one week before the meeting and the meeting must be held not more than one month after the receipt of the Auditor's reports. The auditor may attend the meeting and must do so if requested in writing by the Council;
 6. The public notice must specify that the financial reports and Auditor's reports will be considered at the meeting and must indicate the right of any person to lodge
-

submissions within 7 days after the meeting. The notice must include a summary of the financial reports;

7. Have available for public inspection copies of the financial reports and the Auditor's reports; and
8. Consider submissions at a subsequent meeting of the Council and advise the Office of Local Government of any matter which requires amendment to the financial reports. Submissions are required to be lodged with the Council in writing within 7 days after the meeting. If any submissions are received, a further report on the submissions, together with Council officer comment, will be presented to the Council.

Policy Implications

NIL

Financial Implications

The completion of the 2021/22 financial statements is a legislative requirement and provides assurance that Council's finances are managed prudently and in accordance with accounting standards. The adoption of the recommendations of this report has no direct financial impact upon the Council's adopted budgets or forward estimates.

Legal and Risk Management Implications

There are no legal or risk management issues associated with the adoption of the recommendations. The completion of the financial statements supports the Council in ensuring care and diligence is exercised in financial reporting.

Attachments

Nil

Recommendation

THAT Council:

1. Note that that the audit of the 2021/22 financial statements has been completed.
2. Authorise the signing of the statement on the 2021/22 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2021/22 Special Purpose Financial Reports.
4. Invite a representative of the Audit Office of NSW, Council's Auditors, to present a report to Council on the 2021/22 Financial Statements at a Council meeting within one month of the receipt of the Auditor's reports.

11.3.3. FIN - 31/10/2022 - Proposed lease of Council land adjoining the Tin Shed Cafe

Prepared by Sandra Politi – Property & Legal Services Officer

Department Property & Legal Services

Authorised by Chief Financial & Information Officer

Reference

Min. No. 21-260 – Ordinary Meeting of Council held on 26 July 2021.

Summary

This report seeks Council's approval to grant a lease to Kenwood Industries Pty Ltd (ACN 601 761 184) (**Kenwood**) for use of Council owned land adjoining the Tin Shed Cafe.

Commentary

Background

On 26 July 2021, Council gave conditional approval to DA061/21. DA061/21 was an application for retrospective development of a rear alfresco deck, additional seating and a bar located on Council owned land being part of 67 Bridge Street, Lithgow – 2/1077295 (**the Premises**), which adjoins the Tin Shed Cafe.



The development consent includes a condition that the development consent is at all times subject to the applicant having a legal right to use the Premises, for example by way of a lease from Council.

Land classified community – compliance with Local Government Act 1993 requirements

The Premises is classified 'community land', which gives rise to restrictions under the *Local Government Act 1993*.

The relevant sections of the Act relating to the use of 'community land', and a statement indicating how Council will comply with those provisions is set out below:

1. exclusive occupation or exclusive use of 'community land' is prohibited, except in accordance with a lease or licence (section 47D)

Compliance – the owner of the Tin Shed premises wishes to have exclusive occupation and use of the Premises, therefore a lease is required and is the subject of this report.

2. a lease or licence of 'community land' can only be granted in accordance with an express authorisation in a plan of management (section 46(1)(b));

Compliance - The Premises is listed in Council's 2013 Generic Plan of Management. It is categorised as 'general community use' and authorises a lease for the purpose of refreshment kiosks and restaurants. As the land will be used in conjunction with a café/restaurant, this requirement is satisfied.

3. a lease for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation (s. 46A(3))

Compliance - The lease will be entered with a for profit entity, therefore the maximum term that Council can grant is 5 years. The proposed lease is for a 5 year term only and does not provide an option for renewal.

4. public notice and exhibition requirements apply to a proposed lease or licence (section 47(1) and 47A(2))

Compliance - If Council gives preliminary approval to the proposed lease, public notice will be given and the lease will be placed on exhibition for at least 28 days, in satisfaction of this requirement.

Proposal to purchase the land from Council or enter a further lease term

For awareness purposes only, the owner of the Tin Shed premises has expressed a desire to purchase the Premises from Council in due course. Council cannot act on this proposal while the Premises is classified 'community land'.

In due course, a report will be submitted to Council seeking consideration to re-classify the Premises to 'operational land'.

Key terms of the proposed lease

The key terms of the proposed lease are:

Term of lease – five years.

Permitted use – alfresco area to be used in conjunction with the operation of the Tin Shed Café.

Rent - \$3,528 + GST with 3% review on each one-year anniversary (this amount is based on Council's footpath approval fee - \$16.80 x 210 m).

Council rates – the lessee is to pay 15.41% of Council rates for the Council owned lot, 67 Bridge Street (this is based on the proportion that the Premises bears to the entire Council owned lot).

Insurance – the lessee must maintain public liability insurance for \$20,000,000, noting Lithgow City Council as an interested party on the policy.

Indemnity - the lessee indemnifies Council against all claims arising in respect of the lessee's occupation, operation and use of the premises, except to the extent that any such claims arise from or are contributed to by the negligence or wilful act or omission of the part of Council.

Capacity of Council - the lessee acknowledges that Council enters the lease in its capacity as owner of the premises. The lease does not, and is not to be construed as, conferring on the lessee any other right, licence, approval or consent required and the lessee must hold and maintain all other approvals required by law.

Policy Implications

Policy 9.16 - Compliance Policy

Policy 10.20 - Leasing and Licensing Policy

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – \$3,528 rental income p.a.

Legal and Risk Management Implications

Local Government Act 1993

Attachments

1. Draft lease to Kenwood Industries Pty Ltd (part Council Lot 2 in D P 1077295) [11.3.3.1 - 23 pages]

Recommendation

THAT Council:

1. Grant preliminary approval to the proposed lease to Kenwood Industries Pty Ltd.
2. Give public notice of the proposed lease and place the lease on public exhibition for 28 days.
3. Authorise the General Manager to sign all documents and do all things necessary to give effect to the lease, if no submissions are received during the public exhibition period.
4. Note that this matter will be returned to Council for further consideration, if any submissions are received during the public exhibition period.

11.4. Policies and Governance

11.4.1. GM - 31/10/2022 - Designated Person Returns for the period 1 July 2021 to 30 June 2022

Prepared by Trinity Newton – Executive Assistant

Department Executive

Authorised by General Manager

Reference

Min 21 –253: Ordinary Meeting of Council held 25 October 2021

Min 22 - 64: Ordinary Meeting of Council held 28 March 2022

Summary

To advise Council of returns lodged with the General Manager for Councillors & Designated Person for the period 1 July 2021 to 30 June 2022.

Commentary

Part 4 of the Model Code of Conduct for Local Councils in NSW (2018) (Model Code) requires a councillor or a designated person to complete and lodge with the general manager a return disclosing his or her pecuniary interests for each year. That return may contain personal information about each councillor and designated person, including his or her name, address and signature, as well as information about property and share holdings, gifts received, debts owed, other sources of income, and positions held in a trade union or business or professional organisation.

Council officials are required to disclose their personal interest in publicly available returns of interest for the period 1 July 2021 to 30 June 2022.

These operate as a key transparency mechanism for promoting community confidence in council decision making, whether by councillors or by staff or others under delegation.

Complaints about breaches of these requirements are to be referred to the Office of Local Government (OLG) and may result in disciplinary action by the council, the Departmental Chief Executive, or the NSW Civil and Administrative Tribunal.

Returns of interests are an important accountability mechanism for promoting community confidence in decision making by councillors and others and for ensuring that they disclose and appropriately manage conflicts of interest they may have in matters dealt with by the council or joint organisation.

Among other things, councillors and others who are required to complete returns of interests must disclose the following types of interests in their returns:

- interests in real property
- gifts
- contributions to travel
- interests and positions in corporations
- whether they are a property developer or a close associate of a property developer
- positions in trade unions and professional or business associations
- dispositions of real property
- sources of income, and
- debts.

As per the Model Code of Conduct for Local Councils in NSW – A guide to Completing Returns of Interest, a return must be completed and lodged if you are a **councillor or designated person**, where a designated person is defined as: the general manager, senior staff, and staff, delegates of

councils or members of committees who the council identify as exercising functions that could give rise to a conflict of interest

This being the case, the following positions have been classified as designated persons:

- General Manager
- Director Infrastructure Services
- Executive Manager Water and Wastewater
- Director People and Services
- Chief Financial and Information Officer
- Development Manager
- Information Technology Manager
- Team Leader Building
- Team Leader Planning
- Team Leader Environment & Health
- Strategic Land Use Planner
- Property Officer
- Building & Development Officers
- Community Liaison Officer
- Community and Culture Manager
- Procurement Officer
- Senior Water and Wastewater Engineer
- Water and Wastewater Development Officer
- Senior Engineer Operations
- WHS/ Risk Coordinator

Under the Model Code of Conduct, general managers and executive officers must maintain a register of returns of interests and returns must be tabled at the first meeting of the council after they are required to be lodged.

Returns of interests must also be made publicly available free of charge on councils' websites, unless there is an overriding public interest against disclosure of the information contained in them or to do so would impose unreasonable additional costs on the council.

All returns have been received and are identified in the attachment.

Policy Implications

Policy 9.9 Public Interest Disclosure Policy.
Code of Conduct.

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. Current 2022 Disclosures by Councillors and Designated Persons - Returns [11.4.1.1 - 1 page]

Recommendation

THAT Council acknowledge and note the disclosures received under the Model Code of Conduct for Local Councils in NSW (Clause 4.21) for the period 1 July 2021 to 30 June 2022 from designated persons all Councillors.

11.4.2. FIN - 31/10/2022 - Encroachment Management Policy

Prepared by Sandra Politi – Property & Legal Services Officer

Department Property & Legal Services

Authorised by Chief Financial & Information Officer

Reference

Minute No. 22-166 – Ordinary Meeting of Council meeting held on 22 August 2022.

Summary

The purpose of this report is to return draft Policy 10.22 Encroachment Management to Council for adoption.

Commentary

At the meeting of Council on 22 August 2022 the following resolutions were made:

1. Draft Policy 10.22 'Encroachment Management Policy' be placed on public exhibition for a period of 28 days.
2. Following the exhibition period, draft Policy 10.22 is returned to Council for adoption, with details of any submissions made during the exhibition period and any recommendations or amendments that may arise from the submissions.

The draft Encroachment Management Policy was placed on public exhibition between 29 August 2022 and 26 September 2022. No submissions were received in relation to the draft Policy and therefore it is recommended that Policy 10.22 Encroachment Management be adopted by Council.

Policy Implications

Policy 10.22 Encroachment Management is a new policy for Council.

Financial Implications

- Budget approved - not applicable
- Cost centre - not applicable
- Expended to date - not applicable
- Future potential impact – not applicable

Legal and Risk Management Implications

Local Government Act 1993

Environmental Planning and Assessment Act 1979

Attachments

1. Draft Encroachment Management Policy 10.22 [**11.4.2.1** - 6 pages]

Recommendation

THAT Council adopt Policy 10.22 Encroachment Management for immediate implementation.

12. Council Committee Reports

12.1. IS - 31/10/2022 - TALC Committee Meeting Minutes - 6th October 2022

Prepared by Kaitlin Cibulka – Executive Assistant

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Summary

This report provides details of the Minutes of the TALC Committee Meeting held on 6th October 2022.

Commentary

At the TALC Committee held on 6th October 2022, there were several items discussed:

- Bus Stop – Portland/ Sunny Corner Road, Portland
- Signage and Linemarking Request – Sandalwood Drive / Eucalypt Place, South Bowenfels
- Zoo2Zoo Road Event – Lithgow LGA
- West Street / First Street and West Street / Third Street, Lithgow Intersections – Linemarking and Signage Proposal
- Request for Disabled Parking Spaces – Lithgow and Portland
- Great Western Highway, Lithgow – No Stopping Zone Request
- Alpine Classic Road Event – 19th November 2022

These items were outside the Committees' delegations and require Council to formally approve the recommendations below.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - TALC Committee Meeting - 6 th October 2022 [12.1.1 - 7 pages]

Recommendation

THAT Council:

1. Note the minutes of the TALC Committee Meeting held on 6th October 2022; and
 2. Liaise with Lithgow Buslines and other private school bus companies to determine if the use of Portland Cemetery Access Road is feasible as a bus stop with a shelter, and report back to the next TALC meeting; and
 3. Liaise with Lithgow Buslines and other private bus companies to determine an appropriate location for a bus shelter to be installed in Lime Street, and report back to the next TALC meeting; and
-

4. Install a Give Way sign and linemarking defining priority in favour of vehicles on Eucalypt Place at the intersection of Sandalwood Drive and Eucalypt Place, South Bowenfels; and
5. Inform event organisers of adverse and unexpected deteriorating road conditions prior to utilising the proposed roads and take any precautions necessary to minimise incidents and risks to participants; and
6. Undertake consultation with all residents of First Street, Second Street, Third Street, Fourth Street, East Street and West Street in relation to the proposal to:
 - o Close the western section of West Street to vehicular traffic;
 - o Formalise the eastern intersection of First Street and West Street with linemarking to resemble a T intersection; and
 - o Liaise with impacted residents to determine the most appropriate solution and treatment options for the intersection of Thirst Street and West Street, Lithgow.
7. Install signage, line marking and connecting footpath infrastructure for the installation of disabled parking spaces adjacent to St Paul's Anglican Churches in Lithgow (Roy Street) and Portland (Williwa Street); and
8. Establish a "No Stopping" zone on the shoulder of the west bound lane of the Great Western Highway, Lithgow between Tweed Road and Caroline Avenue, for the entire length of the service lane; and
9. Make an application to TfNSW for financial assistance for the cost of installing the No Stopping signage at this location; and
10. Grant permission to Classic Rally Car Inc to conduct the 2022 Alpine Classic Road event on local roads in the Lithgow Local Government on 19th November 2022; and
 - o The organisers be made aware of adverse and unexpected deteriorating road conditions prior to utilising the proposed roads and take any precautions necessary to minimise incidents and risks to participants.

12.2. IS - 31/10/2022 - Operations Committee Meeting Minutes - 6th October 2022

Prepared by Kaitlin Cibulka – Executive Assistant

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Summary

This report provides details of the Minutes of the Operations Committee Meeting held on 6th October 2022.

Commentary

At the Operations Committee held on 6th October 2022, there were several items discussed by the committee including;

- Intergrated Water Cycle Management Strategy;
- Project Update – Main Street Footpath Revitalisation Stage 2; and
- Project Update – Enterprise Asset Management System Implementation.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Operation Committee Meeting - 6 October 2022 [**12.2.1** - 10 pages]

Recommendation

THAT Council notes the minutes of the Operations Committee Meeting held on 6th October 2022.

12.3. FIN - 31/10/2022 - Finance Committee Meeting Minutes - 12 October 2022

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

Reference

Min No 22-193 Ordinary Meeting of Council held on 26 September 2022.

Summary

This report provides a summary of the Minutes of the Finance Committee Meeting held on 12 October 2022.

Commentary

At the meeting of the Finance Committee held on 12 October 2022 the following items were discussed:

- **2021/22 Interim Audit Management Letter** – the Committee discussed the Interim Audit Management Letter. There was only one current year issue identified during the interim audit (moderate risk).
- **2021/22 Financial Statements** – the CFIO presented the report on the signing of the 2021/22 financial statements. The report will be considered by Council at the October 2022 meeting.
- **Options for a Sustainable Future - Community Engagement – Progress Update** – the Committee noted the CFIO's update on the Options for a Sustainable Lithgow.

The following business paper recommendation was endorsed by the Committee:

Council Investments Report September 2022

THAT

1. Investments of \$30,219,672 and cash of \$428,554 for the period ending 30 September 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.

Policy Implications

Nil.

Financial Implications

As detailed in the Finance Committee meeting minutes.

Legal and Risk Management Implications

Nil.

Attachments

1. Draft Minutes Finance Meeting 12 October 2022 [**12.3.1** - 5 pages]

Recommendation

THAT Council endorse the minutes of the Finance Committee meeting held on 12 October 2022.

12.4. IS - 31/10/2022 - Sports Advisory Committee Meeting Minutes - 12th October 2022

Prepared by Kaitlin Cibulka – Executive Assistant

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Summary

This report provides details of the Minutes of the Sports Advisory Committee Meeting held on 12th October 2022.

Commentary

At the Sports Advisory Committee held on 12th October 2022, there were numerous items discussed by the Committee including:

- Financial Assistance Request;
- 2022 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards;
- Booking Request; and
- New Committee members.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Sports Advisory Committee Meeting - 12 th October 2022 [**12.4.1** - 9 pages]

Recommendation

THAT Council notes the minutes of the Sports Advisory Committee held on 12th October 2022.

13. Business of Great Urgency

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

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

14. Closed Council

Reason for Confidentiality

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

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

Summary

The purpose of this report is to request Council's approval to enter an Access Licence Deed and Pipeline Licence Deed to authorise access and use of certain road reserves within the Lithgow LGA.

Recommendation

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