



Photo: Completed Airly Bridge, Glen Davis

BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 February 2023

at 7:00 PM

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1. Acknowledgement of Country

Acknowledgement of Country

Lithgow City Council acknowledges Wiradjuri Elders past and present of the Wiradjuri nation - the original custodians of the land on which the Lithgow's communities reside. The Council also extends our respects to our neighbouring nations.

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 23 January 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

8.1. **CONFIDENTIAL - Mayoral Minute - 27/02/2023 - Staff Matters**

Report by Mayor – Councillor Maree Statham

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: -

- (a) personnel matters concerning particular individuals (other than councillors)
- (f) matters affecting the security of the council, councillors, council staff or council property

Summary

This item deals with individual staffing matters concerning employment and remuneration.

Recommendation

THAT this item is moved to the end of the meeting and considered in closed Confidential Council.

9. Notices of Motion

9.1. NOTICE OF MOTION - Ongoing community concern relating to future Waste Incinerator projects in the West Lithgow Precinct.

Report by Councillor Eric Mahony

Commentary

The community continues to be concerned about the ambiguity surrounding the waste to energy precinct and the potential risks it poses to public health and the environment.

These ongoing concerns are about the effects of waste incinerators on the environment and nearby communities. These concerns include the release of harmful pollutants such as particulate matter, dioxins, and heavy metals into the air, soil, and residual ash. These pollutants are believed to lead to respiratory problems, cardiovascular disease, and cancer in nearby communities, as well as harming food production systems, waterways and natural ecosystems in the surrounding areas.

Moreover, the incineration process generates a significant amount of greenhouse gases that contribute to climate change. As a result, communities in the region remain deeply concerned about the impact of waste incinerators on their health and the environment

Furthermore, the lack of clarity and transparency regarding potential locations available for a future waste incinerator sites linked to previous land uses adds to the uncertainty surrounding the boundaries of what is now a shapeless precinct.

It is imperative that the NSW Government and the relevant NSW Government authorities are transparent in informing and consulting with the community of the potential future locations of waste-to-energy projects, ensuring that the community is informed and involved in the decision-making process.

Given Energy Australia's withdrawal of interest in a waste incinerator on its Mount Piper site and the NSW Government Environmental Protection Authority's rejection of the waste-to-energy proposal at the former Wallerawang Power Station, combined with deeply held community concerns about the operations of waste incinerators, Council should inform the NSW State Government of its desire to remove the West Lithgow Precinct from the Energy from Waste Infrastructure Plan

This should take the form of formal 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.

In addition of the Ordinary Meeting of the 2nd of March 2022, staff presented to the Council, draft recommendations that Council "remove its blanket opposition to the Energy from Waste Infrastructure Plan". Recommendations that sort to reverse a recently established Council resolution.

Attachments

1. Report - Ordinary Meeting 2/3/22 - Business Paper Report - Energy from Waste [9.1.1 - 6 pages]

Recommendation

THAT a formal 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

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.

10. Staff Reports

10.1. People and Services Reports

10.1.1. Building and Development

10.1.1.1. DEV - 27/02/2023 - DA245/13 (MODDA052/22) –Modification To Subdivision, Bridge/Road Construction, Lot 72 DP1282868, 17G Great Western Highway, Bowenfels

Prepared by	Lauren Stevens – Development Planner
Department	Development
Authorised by	Director of People & Services
Property Details	Lot 72 DP 1282868, 17G Great Western Highway, Bowenfels- extension of Marrangaroo Estate
Property Owner	Marrangaroo Estate Pty Ltd
Applicant	Marrangaroo Estate Pty Ltd

Reference

Min No 09-442:	Ordinary Meeting of Council held on 2 November 2009
Min No 12-129:	Ordinary Meeting of Council held on 23 April 2012
Min No 13-292:	Ordinary Meeting of Council held on 19 August 2013
Min No 13-429:	Ordinary Meeting of Council held on 16 December 2013
Min No 14-452:	Ordinary Meeting of Council held on 17 November 2014
Min No 15-35:	Ordinary Meeting of Council held on 2 March 2015
Min No 16-36:	Ordinary Meeting of Council held on 29 February 2016

Summary

To inform Council of the 'call in' of a Modification of a Development Application, pursuant to Council's policy 7.7.

Commentary

Council is in receipt of a modification of development consent application DA245/13, modification MODDA052/22 on land known as Lot 72 DP 1282868, 17G Great Western Highway, Bowenfels - extension of Marrangaroo Estate.

The application has been notified to surrounding landowners and placed on public exhibition.

Council staff are currently assessing the application, with a full report to be presented at a future Council meeting once finalised.

Policy Implications

Policy 7.7 Calling In Of Development Applications By Councillors

This application has been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors" Item 3 that states:

3. Should written notice signed by a Councillor be provided to the General Manager prior to determination of a development application, the application shall not be determined under delegated authority but shall be:

- Reported to the next available Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been 'called in'; and*
- Reported to a Meeting of Council for determination where the application is in a state that it can be determined.*

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

No specific implications at this point of the process.

Attachments

Nil

Recommendation

THAT the calling in of the Modification of Development Application (MODDA052/22) for DA245/13 be noted.

10.1.1.2. DEV - 27/02/23 - DA084/22 Warehouse 140 Mort Street Lithgow

Prepared by	Paul Cashel – Development Manager
Department	Development
Authorised by	Director of People & Services
Property Details	Lot 22 DP 773810, 140 Mort Street, Lithgow
Property Owner	Lithgow City Council
Applicant	Lithgow City Council

Reference

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

Min. No. 21-108 Ordinary Meeting of Council held on 26 April 2021.

Summary

To recommend the approval of a warehouse (new Store building) at Council's Lithgow Depot. The application is being reported to this Ordinary Meeting of Council for determination due to the site owner being Council.

Commentary

The development proposal seeks consent for a warehouse (Store Building) on currently vacant land at Council's Lithgow Depot. The proposal involves associated roadworks, servicing, car parking and drainage works.

The proposed warehouse is 20m by 25m, being 500m² in size. In addition, a reception area, two offices and a bathroom facility are proposed with an internal area of 42m². The building will be of steel construction with metal cladding and will have a pitched roof. The building has a wall height of 5.5m and a maximum height to the top of the roof of 6.935m.

A new crossover to Mort Street will be constructed along with an internal driveway that will surround the warehouse building and connect through to Gas Works Lane across Lot 21 DP 773810 (also owned by Lithgow City Council). Four parking spaces will be provided on site, including one disabled parking space. The crossover to Mort Street requires the concurrence of Transport for NSW under s138 of the Roads Act 1993. Traffic movements are proposed to be one way with the entrance from Mort Street and exit at Gas Works Lane. This will require the provision of a right of carriageway over Lot 21 DP 773810. One existing street tree (currently heavily pruned due to overhead power lines) is proposed to be removed to facilitate the new access from Mort Street.

The subject land is in a low hazard flood area. To ensure floor levels are above the flood level plus freeboard, and to create a level pad for the building, fill of up to 1.4m is proposed. To compensate for this fill, a 1400m² flood storage basin is proposed to be provided on the site to the rear of the warehouse building.

The proposed development will be connected to the existing sewer, water and stormwater services that cross or are in the vicinity of the site.

Attachment 1 is a detailed development assessment report conducted by an independent town planning consultant on behalf of the Development Manager. All assessment issues have been addressed and resolved to the Development Manager's satisfaction. There were no issues of great significance given the modest scale of the proposal. The applicant has satisfactorily addressed

existing contaminated land, flooding, mine subsidence, the Sydney Drinking Water Catchment and access from a State controlled (classified) road (Mort Street).

Policy Implications

Lithgow Community Participation Plan

The development application was subject to community consultation in accordance with the Lithgow Community Participation Plan. No submissions were received.

Council's Policy 7.6 'Development Applications by Councillors and Staff OR on Council Owned Land' requires that any development application on Council owned land must be referred to Council for consideration and determination. It also provides that no aspect of the application be dealt with under delegated authority.

Financial Implications

- Budget approved - \$1,320 for independent assessment report.
- Cost centre - 800104 – 63301 Town Planning – Consultants - DAs
- Expended to date - \$1,320 (GST inc)
- Future potential impact – Neutral - The Section 7.12 (94A) Contributions Plan 2015 is applicable to the proposed development, however, Lithgow City Council is exempted from the levy under C7.

At the 26 April 2021 Ordinary meeting, Council resolved (Min. No. 21-108) to accept a tender from Structor Projects Pty Ltd in the amount of \$828,733.07 for the construction of the new Council Store Building (with a total project budget of \$1.038M). The project is to be funded from reserves, including an insurance payment related to storm damage to the old Store building.

Legal and Risk Management Implications

The application must be assessed in accordance with the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

Attachments

1. DA084/22 Development Assessment Report [**10.1.1.2.1** - 32 pages]
2. Elevations & Section DA084/22 [**10.1.1.2.2** - 1 page]
3. Part site and floor plans DA084/22 [**10.1.1.2.3** - 1 page]

Recommendation

THAT:

1. Development Application DA084/22 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report except for condition No. 17 (contributions) to be deleted.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**10.1.1.3. DEV - 27/02/2023 - DA137/22 Proposed Hardware and Building Supplies
(BUNNINGS)**

Prepared by	Paul Cashel – Development Manager
Department	Development
Authorised by	Director of People & Services
Property Details	Lot 26 DP 1244557, 21 WILLOWBANK AVENUE, SHEEDYS GULLY
Property Owner	Ceedive Pty Ltd
Applicant	PGH Environmental Planning, Springwood

Summary

To recommend the approval of a new Bunnings store in Lithgow. The proposed development is a large floor plate retail development to be occupied by a hardware and building supplies business (Bunnings). The building footprint is 6214m² in size, with a retail floor area of 6020m². The building will comprise a retail warehouse area, a trade area and a nursery, typical of other Bunnings developments in regional NSW.

The application is being reported to this Ordinary Meeting of Council for determination due to a declaration of a pecuniary interest being *“Col O’Connor is a director of Ceedive Pty Ltd (owner) and is a Councillor on Lithgow City Council”*.

Commentary

The development proposal seeks consent for a building to have a wall/roof height of 8.39m. The building will contain advertising signage, and a pylon sign with a height of 15m is proposed. Car parking for one hundred and fourteen (114) vehicles (including five (5) accessible spaces and six (6) trailer bays) is proposed. Facilities for deliveries of materials to and from the development have been provided in a manner that is separate from public access and car parking areas. Two large water tanks for the fire sprinkler system are also proposed at a height of 12m.

No major earthworks are required for the development, with bulk earthworks having been approved as part of Development Consent 003/07DA and recently extended via MODDA048/22. Some minor earthworks for building foundations and stormwater drainage are required as part of this proposal. The development will be connected to reticulated water, sewer, power and telecommunications services.

A new road will be constructed from Valley Drive that will ultimately be connected to Silcock Street and Hill Street in accordance with the Pottery Estate Indicative Structure Plan in Chapter 9 of the Lithgow Development Control Plan.

Hours of operation for the development are proposed to be:

6AM – 10PM Monday to Friday;

6AM – 7PM Saturday, Sunday and Public Holidays.

Please note that the staff recommend reduced hours to close at 9PM weekdays and this is discussed further below.

Attachment 1 is a detailed development assessment report conducted by an independent town planning consultant on behalf of the Development Manager. All assessment issues have been addressed and resolved to the Development Manager’s satisfaction. There were no issues of significance given the scale of the proposal.

Six submissions were received to the notification of the development application. Three submissions were in support of the development and two opposed the development. The sixth submission was not opposed to the development but raised issues.

The issues raised in the two submissions opposing the development are summarised and addressed below.

The concerns are:

Large [over] scale, mine subsidence concerns, future traffic effect {and nearby school zones}, access, amenity – i.e. {light spill, noise, hours}, the natural environment in the valley and a potential conflict of interest. These issues have been considered and addressed by Council's consultant town planner to be acceptable apart from closing at 10PM weekdays; and recommends an 8PM closure. Council's Development Manager has no objection to a 9PM closing time however if the 'Bunnings Trade' area hours are limited to 6PM closure, 7 days. Recommendation 1 below is made to address this issue.

There are some minor drafting and typographical errors within the consultant's recommended conditions at Attachment 1. In order to ensure this Report was not delayed, the Development Manager includes some additional detail in the recommendation below to correct the identified errors. In light of the significance of the development to the city and the interest in facilitating construction as soon as possible, the applicant was also afforded an opportunity to review the proposed consent conditions. Most of the suggestions identified by the applicant have been agreed to while finalising this Report and a further recommendation is made that the General Manager be granted delegated authority to amend the consent for **minor** corrections prior to its issuance immediately following the February Council Meeting. The *Act* allows for this under S4.55(1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation.* It is suggested that a formal application **would not** be required if resolved 'in house' prior to Monday 06/03/2023. The applicant has raised issue with one of the landscaping requirements for an existing earth embankment. This condition (No. 55), in principle, however should stand and is deemed to be in the best 'public interest' considerations under S4.15 of the *Act*.

Policy Implications

Council's Policy 7.6 'Development Applications by Councillors and Staff OR on Council Owned Land' requires that any development application lodged by a councillor must be referred to Council for consideration and determination. It further provides the application is not to be dealt with under delegated authority.

As mentioned earlier, the Development Application form details a pecuniary interest by Councillor Humphrey (Col) O'Connor.

Lithgow Community Participation Plan

The development application was subject to community consultation in accordance with the Lithgow Community Participation Plan. Six submissions were received as described above.

Financial Implications

- Budget approved - \$2,200 for independent assessment report.
- Cost centre - 800104 – 63301 Town Planning – Consultants - DAs
- Expended to date - \$2,200 (GST inc)
- Future potential impact - The Section 7.12 (94A) Contributions Plan 2015 is applicable to the proposed development as are Council's Headworks fees & charges.

Legal and Risk Management Implications

The application must be assessed in accordance with the heads of consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (The Act).

Attachments

1. DA137/22 Development Assessment Report [**10.1.1.3.1** - 46 pages]
2. architectural plans - Bunnings [**10.1.1.3.2** - 5 pages]

Recommendation

THAT

1. Development Application DA137/22 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report except for the following:

- condition No. 69 and to be amended to read:

Hours of Operation

The use shall operate only between the following hours:

- 6AM – 9PM Monday to Friday;
- 6AM – 7PM Saturday, Sunday and Public Holidays
- 'Bunnings Trade' and all associated trade and all bulk deliveries are to cease by 6PM, 7 days.

- conditions 20, 21, 29 and 35 be combined into the below condition 20:

20. Construction Activities

The Soil and Water Management Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:

- be based on the Erosion and Sediment Control Plan and Notes & Details (Job No. 2021.1178, DWG. Nos. ES01 and ES02, Issue P7, dated 10/10/22) prepared by Calare Civil Pty Ltd
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
- be prepared prior to issuance of a Construction Certificate and be to the satisfaction of Council
- include controls to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.
- Drains, gutters, roadways shall be kept clean and free of sediment and
- a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. the length must be at least 5 metres with width at least 3 metres.

The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

2. The General Manager be granted delegated authority to amend the consent for any minor corrections prior to its issuance immediately following this Meeting. Any such amendments must satisfy the description within S4.55(1) of the Environmental Planning & Assessment Act 1979 i.e. only be a 'minor error, misdescription or miscalculation'.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

10.1.2. People and Services General Reports

10.1.2.1. PS - 27/02/2023 - Six Monthly Progress Report

Prepared by Deborah McGrath – Corporate Strategy & Communications Officer

Department Corporate Planning & Communications

Authorised by Director of People & Services

Summary

This report provides Council with the July to December 2022 Progress Report against the combined 2022-2026 Delivery Program and 2022/23 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 Progress Report against actions in the combined 2022-2026 Delivery Program and 2022/23 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 mid-term annual report confirms that the Council is substantially on track to deliver the full program of services and outcomes planned for the 22/23 year. 65% of actions are on track, 13% are not yet due to commence, 16% have been completed and 6% are off-schedule and will receive additional attention over the remainder of the year.

The administration has balanced delivery of the program, strategically positioning the council and the city for the future and dealing with emerging issues. There has been an ongoing response to natural disasters (with further disaster declarations in July and September 2022) and a focus on addressing Council's financial sustainability challenge. Workforce resilience has also been a major challenge because there is a general shortage of eligible workers available to fill vacancies in areas such as planning, building certification, finance and engineering.

Key outcomes delivered over the six months which this report relates to include –

- Completion of extensive community engagement on two financial sustainability options. In November 2022, Council resolved to notify IPART of its intention to lodge an SRV application.
- Achievement of planned budget strategies as part of Council's Financial Sustainability Plan. In the first six months, \$731K of employment cost savings have been achieved. Council also saved money on its workers compensation premium, as well as LED street lighting and solar panel projects. The Financial Sustainability Plan includes a longer-term Productivity Improvements Program.
- Effective management of cashflow to fund major natural disaster works and grant funded projects. Action was taken to initiate a \$3.5M working capital short-term loan facility to cover the anticipated high cash outflows throughout the 2022/23 year. The pace of works has been carefully matched with available cash and the timing of natural disaster and grant milestone claims.
- The Waste Strategy for 2022-2026 was finalised and adopted. This Strategy will guide Council's commitment to achieving best practice standards for waste management and resource recovery. Consultation was also commenced with the community on the

introduction of a FOGO service well ahead of the 2030 deadline. The city's landfills and transfer stations are being well-managed and continuously improved.

- While wet weather has caused delays, the Cullen Bullen Sewerage Scheme was progressed with reticulation in the households completed while the Sewerage Treatment Plant is constructed. This project will greatly improve the health and environmental conditions in the locality.
- Projects and programs for water delivery to the local government area to ensure long term water security and supply for the changing industry and economy were progressed - the Integrated Water Cycle Management Strategy and the Clarence to Wallerawang Pipeline project.
- Significant resources were directed to rebuilding an alternate access to the Wolgan Valley. This response has required the engagement of expert geotechnical consultants, project managers from Public Works NSW, local contract labour, and deep engagement with the Wolgan community, indigenous stakeholders, and government. Alongside the completion of detailed slope risk assessments and construction of detour routes, Council has delivered 4WD training courses, convoy escorts along National Park trails and garbage removal services, amongst many other services, to best assist this community.
- Council also added numerous projects to its endorsed Operational Plan to introduce a comprehensive disaster response program. To date, Council has delivered over \$18 million in disaster recovery projects. However, continued wet weather has resulted in some delays to the delivery of this program. Council must also up-front most of the costs before recovering government disaster recovery funding. This has introduced significant challenge i.e., balancing the planned with the unplanned and ensuring these projects are delivered while maintaining the financial sustainability of the organisation.
- Major projects included timber bridges being replaced in the Capertee Valley, improving the safety of school zones with enhanced signage and line marking, replacing the roofs on community halls, and developing best-practice asset management plans.
- A number of strategic planning projects of significance were advanced or the subject of priority action including the Marrangaroo where the Council continues to work with Transport for NSW to determine the most cost effective and efficient road design. A number of local housing initiatives directed at ensuring diversity and supply of housing are adequate have also been advanced. Negotiations are occurring for the land-use planning of key sites such as the former Wallerawang Power Station Site and Portland Foundations. There was successful negotiation of Voluntary Planning Agreements (VPSs) for a renewable energy (SSD) project with the \$2m funds to be used for economic transition and local infrastructure
- Successful applications were made for grant funding for Lake Pillans and Blast Furnace improvements (>\$1M)
- Major events included Halloween for the entire Main Street, Made in Lithgow installation in Cook Street Plaza, Live and Local program, Weeklong Caravan Muster (injection of ~\$200K into the local economy), Union Theatre activation, Visitor Information Centre rebranding as Seven Valleys

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. 6 Month Operational Report [10.1.2.1.1 - 122 pages]

Recommendation

THAT Council receive and endorse the July – December 2022 Progress Report for the combined 2022-2026 Delivery Program and 2022/23 Operational Plan.

10.1.2.2. PS – 27/02/2023 – Floodplain Risk Management Study and Plan

Prepared by Christian Matthews – Graduate Strategic Planner

Department Strategic Planning

Authorised by Director of People & Services

Reference

Min No 20-122 Ordinary Meeting of Council held on 25 May 2020.

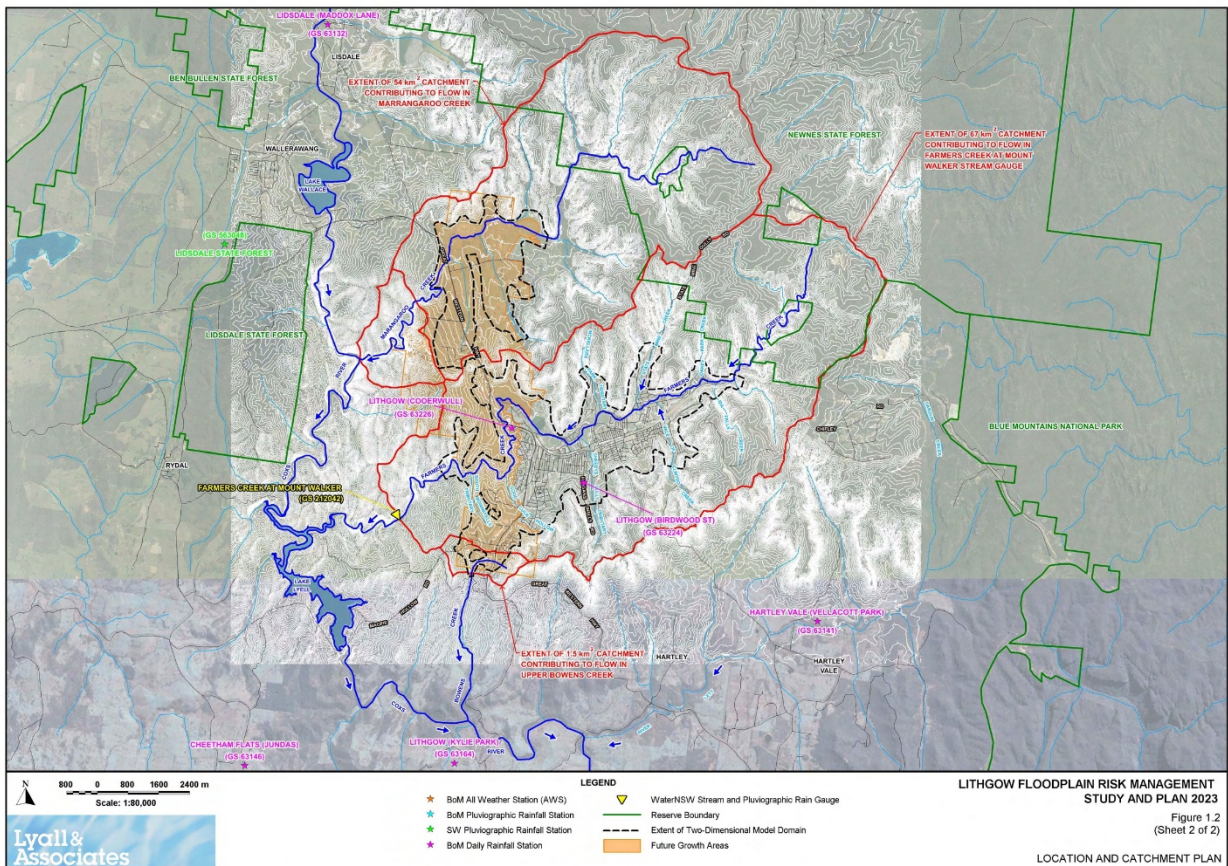
Summary

The purpose of this report is to

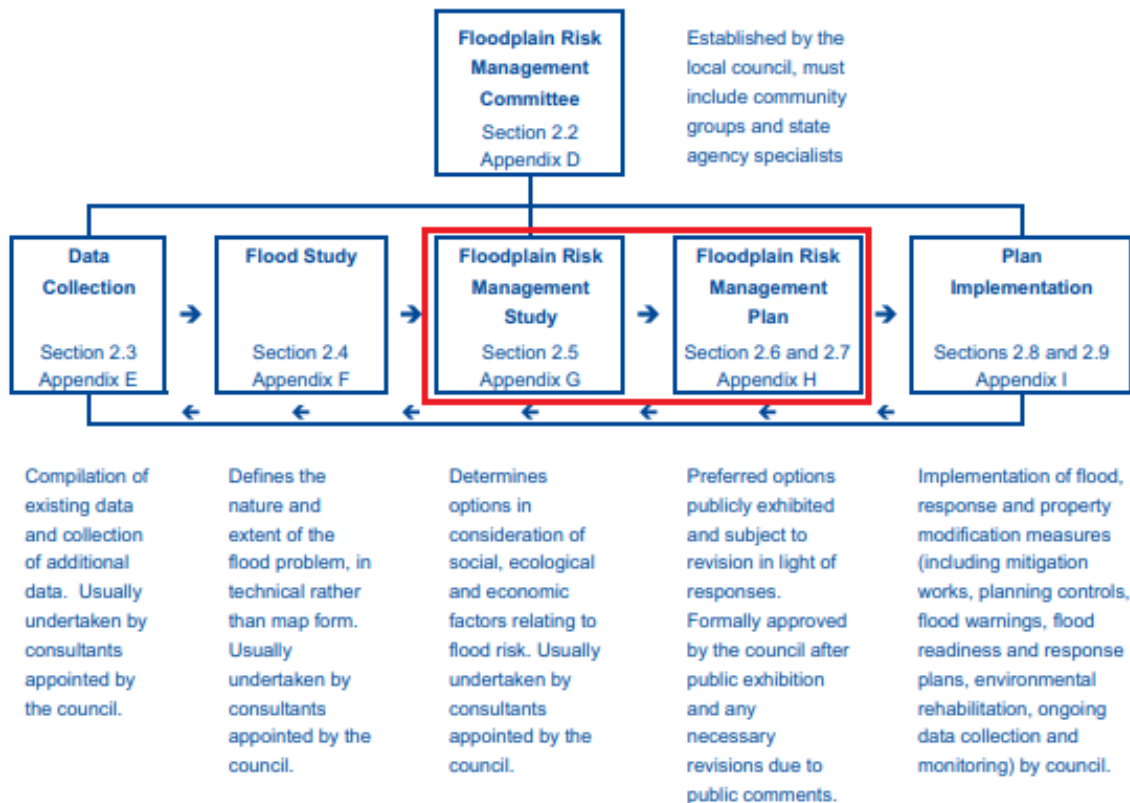
- Provide an update to Council on the progression of the Draft Lithgow Floodplain Risk Management Study and Plan;
- Advise Council of the recommended actions and floodplain risk management measures proposed by the Draft Lithgow Floodplain Risk Management Study and Plan; and
- Obtain a resolution to place the Draft Lithgow Floodplain Risk Management Study and Plan on public exhibition for 28 days.

Background

On 12 December 2019, Council accepted a grant offer under the 2019-20 Floodplain Management Program from the Department of Planning and Environment to develop a Floodplain Risk Management Study and Plan (FRMSP). Council appointed Lyall & Associates to prepare the Lithgow FRMSP for the Farmers Creek and Marrangaroo Creek catchments as shown in the map below.



The FRMSP constitutes step 3 and 4 (as shown in red outline below) of the Floodplain Risk Management Process as outlined in the *Floodplain Development Manual 2005*. Council to date has completed steps 1 and 2 of the Floodplain Risk Management Process being the Lithgow Flood Study Review 2017.



Objectives of the LFRMSP

The overall objectives of the Lithgow FRMSP were to:

- Review the Lithgow FRMSP that was prepared on behalf of Council in 1991.
- Reassess the impacts of flooding on existing development.
- Review existing Council policies as they relate to development of land in flood liable areas.
- Consider measures for the management of flood affected land and to develop Lithgow FRMSP which:
 - I. Proposes modifications to existing Council policies to ensure that the development of flood affected land is undertaken so as to be compatible with the flood hazard and risk.
 - II. Sets out the recommended program of works and measures aimed at reducing over time, the social, environmental, and economic impacts of flooding.
 - III. Provides a program for implementation of the proposed works and measures.

Summary of Flood Impacts

The Draft Lithgow FRMSP identifies 659 residential, 52 Commercial/industrial and 5 public properties that will be flood affected in the 1 in 100-year flood event. It also identifies that 1984 residential, 152 commercial/residential and 18 public properties will be affected in a Probable Maximum Flood (PMF) event.

Within the Farmers Creek catchment, 265 dwellings, 48 commercial/industrial buildings and one public building would be subject to above-floor inundation at the 1% Annual Exceedance Probability (AEP) level of flooding, with the total flood damages amounting to \$41.4 Million.

Within the Marrangaroo Creek catchment, two dwellings and one public building would be subject to above-floor inundation at the 1% AEP level of flooding, with the total flood damages amounting to \$0.46 Million.

Lithgow Floodplain Risk Management Committee

Upon the commencement of the FRMSP project, Council formed the Lithgow Floodplain Risk Management Committee (LFRMC).

The role of the Committee is advisory to:

- Discuss the technical, social, economic, and ecological issues and for the distillation of possibly differing viewpoints on these issues.
- Assist Council by providing direction through the process of preparation and implementation of Floodplain Risk Management Planning.
- Foster partnerships and collaboration between the local community and Council.

The LFRMC is comprised of Council officers, Councillors, State Government institutions (including NSW State Emergency Service and the Department of Planning and Environment), and community representatives. This committee has met four times to discuss relevant stages of the FRMSP.

Study Activities

The activities undertaken in the Lithgow FRMSP 2023 include:

- Undertaking a consultation program over the course of the study to ensure that the Lithgow community was informed of the objectives, progress, and outcomes over the course of the study.
 - Council mailed a Community Newsletter and Questionnaire to all landowners within the Flood Planning Area to gauge public interest and insight to flood mitigation measures. A total of 189 responses were received out of the 2950 letters distributed. These responses were collated and have been taken into consideration in the assessment of the flood mitigation actions.
- Review and updating of flooding patterns in Lithgow for flood events up to the Probable Maximum Flood (PMF).
 - Since the completion of the 2017 Flood Study, the Australian Rainfall and Runoff Guidelines had been updated to the 2019 version from the previously used version of 1987, requiring an update to previous flood mapping. The 1 in 100-year flood models developed for the 2017 flood study for the Farmers and Marrangaroo Creek catchments were re-run using the updated guidelines. The findings can be briefly summarised as:
 - A reduction in depth along Farmers Creek outside of an increase in depth in the Oakey Park Area of Farmers Creek.
 - An increase in depth along all tributaries that flow into the Farmers Creek
 - Removal of overland flooding where flow paths could not be identified.
 - Minor additions/removal of flood prone areas along flow paths.
- Assessment of the economic impacts of flooding, including the numbers of affected properties and estimation of flood damages.
 - This involved the development of a property and floor level survey which identifies flood-affected properties and the impact of flood damage within the catchment areas at a 5%,

10%, 20%, 50% 1%, 0.5% and 0.2% AEP and PMF levels. This provides Council assessment staff the ability to assess the potential future impacts of flood water on both existing and future developments in addition to estimating flood damage costs in each flood event. As the survey was undertaken using a visual assessment by drive-by surveys, there may be instances where the data will need to be verified by further site surveys.

- Review of current flood related planning controls for Lithgow and their compatibility with flooding conditions.
- Strategic review of potential floodplain risk management works and measures aimed at reducing flood damages, including an economic assessment of the most promising measures.
- Ranking of works and measures using a multi-objective scoring system which took into account economic, financial, environmental, and planning considerations.
- Preparation of Lithgow FRMP 2023.

Recommended Floodplain Risk Management Actions and Measures from the Plan

The Draft Lithgow FRMSP assessed multiple options to mitigate flood risk within the Farmers Creek and Marrangaroo Creek catchment areas. The recommended works and measures have been given a provisional priority ranking, confirmed by the Floodplain Risk Management Committee, according to a range of criteria including:

- Feasibility
- Flood Behaviour –Impacts and Benefits
- People –Impacts and Benefits
- Environmental
- Social –Impacts and Benefits
- Cultural - Impacts and Benefits
- Public Administration –Impacts and Benefits
- Economic Efficiency

The attachment to this report titled '*Recommended Measures Lithgow Floodplain Management 2023*' contains a breakdown of each measure, including funding costs, features of the measure, benefit cost ratios and the priority of the works.

In summary, the actions and floodplain risk management measures recommended by the plan include:

- Updating of strategic planning documents;
- Community engagement for flood education and awareness;
- Implementing flood warning systems;
- Voluntary house purchase and raising study (30 eligible residential properties within High Hazard Floodway areas and raising of 25 dwellings within High Hazard Flood Storage areas);
- Investigation, design, and construction of flood infrastructure; and
- Review of council operations of sewerage systems.

Timing and Funding of Floodplain Measures

The total estimated cost to implement Lithgow FRMP 2023 is \$36.55 Million, exclusive of Council, NSW SES and Bureau of Meteorology staff costs. Assistance for funding measures in the Lithgow FRMSP can be sought from Commonwealth and State funded floodplain management programs currently administered by the NSW Department of Planning and Environment.

The Lithgow FRMSP recommends that any measures undertaken from the report should be funded and completed in the following order:

1. Council to update Lithgow LEP 2014 to include the NSW Government's Special Flood Considerations clause and Lithgow DCP 2021 to incorporate the updated suggested form of wording set out in Appendix D of the Lithgow FRMSP.
2. NSW SES to update the Lithgow City Local Flood Plan using information on flooding patterns, peak flood levels, times of rise of floodwaters and flood prone areas.
3. Council to inform residents of the flood risk, based on the information presented in Lithgow FRMS 2023 (e.g., displays of flood mapping at Council offices, preparation of Flood Information Brochure for distribution with rate notices, etc).
4. Council to prepare a stormwater and flood risk management strategy for the Marrangaroo Creek catchment prior to the rezoning of land to facilitate future development.
5. Council to commission the investigation, design, and implementation of an integrated flood warning system for Lithgow.
6. Council to commission the Voluntary Purchase and House Raising Feasibility Study.
7. Council to commission investigations into the feasibility of implementing the George Coates Street Drainage Works, Lithgow High School Detention Basin and Farmers Creek Channel Works – Stages 3, 4, 5 and 6.
8. Council to develop and implement a Vegetation Management Plan for Farmers Creek and its major tributaries, as well as commission the review and update of the previous investigation into the operation of the existing sewerage system at Lithgow.

Public Exhibition

The Draft Lithgow Floodplain Risk Management Study and Plan will be placed on public exhibition for a period of 28 days starting in March 2023 to provide the community the opportunity to provide feedback.

The public exhibition phase will include the following:

- Mail-out to all affected landowners within the Flood Planning Area and PMF.
- Media Releases and Council's E Newsletter.
- Hard Copies of the Draft FRMSP available at Council's Administration Centre and Town Libraries.
- Information webpage on Council's website, including an enquiry form and FAQ's. All enquires of a technical nature will be passed onwards to the consultant for response.
- Presentation of the FRMSP and Q&A facilitated by the consultant for all interested members of the community to be undertaken mid exhibition period.

Following the exhibition period, Lyall & Associates will respond to all submissions received and the LFRMC will meet to discuss any changes that may be required to the final report. Upon completion of the final report the FRMSP will be reported back to Council for adoption.

Implementation and Review

Lithgow FRMP 2023 should be regarded as a dynamic instrument requiring review and modification over time. The catalysts for change could include new flood events and experiences, legislative change, alterations in the availability of funding, reviews of Council's planning strategies and importantly, the outcome of some of the studies proposed in this report as part of Lithgow FRMSP 2023. In any event, a thorough review every ten years is warranted to ensure the ongoing relevance of Lithgow FRMSP 2023.

Policy Implications

Nil arising from this report.

Financial Implications

The total estimated cost to implement Lithgow FRMP 2023 is \$36.55 Million, exclusive of Council, NSW SES and Bureau of Meteorology staff costs. Assistance for funding measures in the Lithgow FRMSP can be sought from Commonwealth and State funded floodplain management programs currently administered by the NSW Department of Planning and Environment.

- Budget approved - \$67,510 total project budget (2021/22 to 2022/23), partly grant funded.
- Cost centre - PJ 400106.
- Expended to date - \$43,420
- Future potential impact – a number of prioritised measures will require external funding to implement.

Legal and Risk Management Implications

Nil

Attachments

1. Recommended Measures Draft Lithgow Floodplain Risk Management Plan 2023 [10.1.2.2.1 - 2 pages]
2. Draft LFRM S& P Figures [10.1.2.2.2 - 140 pages]
3. Draft LFRM S& P Report [10.1.2.2.3 - 216 pages]

Recommendation

THAT Council endorse the Draft Lithgow Floodplain Risk Management Study and Plan to be placed on public exhibition for 28 days.

10.2. Infrastructure Services Reports

10.2.1. IS - 27/02/2023 - Glen Davis Road Bridge Replacement Update

Prepared by Sean Quick – Project Officer
Department Infrastructure & Services
Authorised by Director of Infrastructure & Services

Reference

Min No. 21-213 Ordinary Meeting of Council held on 27 September 2021
Min No. 21-262 Ordinary Meeting of Council held on 25 October 2021
Min No. 22-14 Ordinary Meeting of Council held on 24 January 2022

Summary

This purpose of this report is to provide an update on the Glen Davis Road bridge replacement project, as well as details of variations that have been made to the original contract.

Commentary

In 2020 Council was successful in obtaining \$5,043,774 in funding through Transport for NSW's (TfNSW) 'Fixing Country Bridges' program to replace three (3) timber bridges along Glen Davis Road with reinforced concrete structures. Council resolved to award the contract for the bridge design and replacement work to Central Industries for \$3,464,540.00, at the Ordinary Meeting of Council held on 24 January 2022.

Works are progressing as planned, with the Crown Creek and Airly Creek bridges replaced and open to traffic during the second half of 2022. Before and after photos of both bridges have been included as an attachment to this report.

Work is currently underway on the Coco Creek bridge, with a local detour for light vehicles in place. Completion is scheduled for late April 2023.

Further ancillary work will be carried out once the Coco Creek Bridge is open to vehicular traffic. These will include footpath works and the potential widening of the cutting at the Airly Creek site, as well as the installation of microbat nesting boxes under each of the bridges.

The replacement of the original bridge structures means that there are timbers salvaged with the potential for beneficial re-use of these materials for another public benefit. The administration will explore this further and report the options back to Council.

As the project has progressed, it has been necessary to seek variations to the original contract with Central Industries. Council's Purchasing and Contracting Standard Working Procedure notes that contract variations must be reported to the elected Council for information purposes, once the value exceeds \$250,000. It is important to note that the variations to the contract fall well within the project's total budget. The variations are outlined below:

- **Variation 1 (Consultancy)** – \$9,900 - a variation was sought to seek flood and flow rate studies for all three bridges which were not included in the original specification.
- **Variation 2 (Coco Creek Detour)** - \$212,205 - once a detour route was identified at the Coco Creek site, which uses private landholder's land, Council sought pricing from the

contractor to construct, and later deconstruct, a sealed bypass road. This road also includes a temporary bridge to allow lighter vehicles to traverse the creek.

- **Variation 3 (Sealing of Crown Creek Detour)** – \$11,760 - the detour route at Crown Creek was to originally remain unsealed. However, due to the large volume of rainfall throughout 2022, it was decided to seal the route to improve longevity and safety.
- **Variation 4 (Airly Creek Detour Seal)** – \$2,000 - the detour route at the Airly Creek bridge utilised part of Centennial Coal's Airly Mine access road. With permission, Council arranged to have a disused median strip removed on the access road, and have the void sealed to improve cornering.
- **Variation 5 (Glen Davis Road Repairs)** – \$59,520 - sections of Glen Davis Road were badly damaged during the rain events of 2022. Part of this damage could be attributed to the heavy vehicle movements during bridge construction. The badly damaged sections were repaired by removing and replacing the seal, while hotmix patching was used for potholes.
- **Variation 6 (Deletion of Centre Pier)** - (\$7,600) - the original bridge at the Airly Creek crossing included a centre pier. However, due to the narrower span at this site, the centre pier was able to be deleted, resulting in a saving.

Total contract variations to date - **\$287,785**.

Corrections to the 2021/22 carryover amount and for the value of contract variations (total \$770K fully funded from the Fixing Country Bridges grant) have been included in the Quarter Two Budget Review.

Policy Implications

In accordance with Council's Purchasing and Contracting Standard Working Procedure, variations to the contract for the design and construction of the Glen Davis Road bridges are being reported to Council for information as they exceed \$250,000

Financial Implications

- Budget approved - Total budget approved for the three bridge replacements \$5,043,774.
- Cost centre - Airly Creek (100665) \$1,720,122, Coco Creek (100666) \$1,950,472, Crown Creek (100667) \$1,373,180.
- Expended to date - Airly Creek \$1,348,222, Coco Creek \$515,397, Crown Creek \$1,315,654.
- Future potential impact – balance of budget will be expended during the 22/23 financial year.

Legal and Risk Management Implications

Council has a risk management plan in place which has been updated throughout the life of the project.

Attachments

1. Attachment 1 - Council Report 27022023 [**10.2.1.1** - 3 pages]

Recommendation

THAT Council note the project update, and information regarding contract variations, in relation to the Glen Davis Road bridge replacement project.

10.2.2. IS - 27/02/2023 - Rural Road Rehabilitation Tender

Prepared by Kirsty Sheppeard – Purchasing Coordinator, Paul Creelman - Transport Manager, Jonathon Edgecombe – Director Infrastructure Services & Ross Gurney – Chief Financial and Information Officer

Department Infrastructure Services

Authorised by Jonathon Edgecombe – Director Infrastructure Services

Summary

The purpose of this report is to provide Council with the results of the recent tender process for rural road rehabilitation and repair -post-natural disaster, as well as to seek approval to appoint several contractors to complete Council's rural road disaster recovery program.

Commentary

As a result of the significant rainfall throughout 2022, many of Lithgow's roads have fallen into disrepair with the required works to restore them ranging from minor patching to extensive rehabilitation. Works have occurred in the Lithgow township and some sections out of the township to restore many sections of road.

While Council continues to maintain and patch the rural road network it is understood that these works will only offer short term relief. In many cases, the surface damage reflects the underlying pavement saturation and permanent damage. To implement long-term repair in these areas, the pavement requires removal, stabilisation, reconstruction and reseal. This is the scope of work included in the tender.

With a predicted period of dry weather now forecast, this report seeks approval to engage several contractors and to accept a schedule of rates for the rehabilitation of segments of the Lithgow City Council rural road network.

The planned works are a combination of stabilisation and patching works with many sections of road requiring full pavement rehabilitation prior to any reseal. The intent to award the works to multiple contractors aims to speed up the rectification of the rural roads rather than awarding the block of work to 1 or 2 contractors and have the work take several years to complete.

An initial estimation of the cost of the works is up to \$9.5 million, although costs may exceed this estimate should the roads continue to degrade.

The initial package of work includes the following locations (and any intersecting damaged assets):

1. Portland Sunny Corner Road, Range Road and Pipers Flat Road
2. Glen Davis and Glen Alice Road
3. Wolgan Road and Hampton Road
4. Sodwalls Road and Magpie Hollow Road
5. Browns Gap Road, Harley Vale Road and Mid-Hartley Road
6. Coxs River Road, Ganbenang Road and Lowther Siding Road.

All of the funds spent on these works are expected to be able to be claimed back from Resilience NSW with Council able to claim full costs once contractor invoices are paid. While it remains a significant administrative burden, the Administration continues to modify and improve its disaster claims process to maximise the efficiency of this process.

Tender Processes

A closed tender (VP324418) and an open tender (TEN06.22) were publicised to provide a suite of works to repair many of the roads in our rural areas.

In September 2022, Council released a closed Request for Tender (RFT) using the Local Government Procurement (LGP) panel arrangement method to expedite the urgent program. The closed RFT was advertised on VendorPanel via the closed Local Government Procurement list which only included pre-approved suppliers who are part of their relevant panel lists.

The evaluation panel for the closed RFT comprised 3 Council Officers:

- Transport Manager (Paul Creelman),
- Works Coordinator Urban (Ryan Britten), and
- Works Coordinator Rural (Ray Kinney).

Three responses were received from the closed RFT:

- Bernipave Road Solutions Pty Ltd,
- Gracey's Earthmoving and Excavations, and
- T & L Excavations and Asphaltting Pty Ltd.

T & L Excavations and Asphaltting Pty Ltd only provided a schedule of rates, with no breakdown of individual areas.

Upon completion of the closed RFT it was decided to additionally release an open RFT to encourage local tendering and to maximise the likelihood of contractor responses, while also resulting in an equitable distribution of labour that amplifies productivity.

The evaluation panel for the open RFT comprised 3 Council Officers:

- Purchasing Coordinator (Kirsty Sheppard)
- Transport Manager (Paul Creelman)
- Building & Recreation Facilities Manager (David Anderson)

Council received responses from 5 respondents:

- Dukes Earthmoving Pty Ltd,
- Green Civil Services Pty Ltd,
- Nace Civil Engineering Pty Ltd,
- Peters Earthmoving Pty Ltd, and
- Stateline Asphalt Pty Ltd.

The 5 tenderers provided estimated pricing for individual projects. Stateline Asphalt received a low evaluation score, did not provide a schedule of rates and are not recommended to be awarded a contract.

Due to the range of works required from full road rehabilitation to minor patching, the recommended submissions provided estimated costs and a complete schedule of rates to inform more complex works. Each project location is changing every couple of weeks due to the instability of the various roads and continued rain further exacerbating pavement damage. This evolving situation will increase the cost of the repairs, but it is critical that Council wait for the wet weather to ease before attempting permanent repair. Similarly, there is variance in some of the prices offered due to the different treatments proposed by the applicant and their relevant capability and expertise. The effectiveness of suggested treatments will be assessed against the needs of each location prior to commencement of work. Similarly, works have been allocated based on Council's understanding of the contractor's capability, capacity and expertise, matching this to the needs of the road network.

A tender evaluation summary report is included as a confidential attachment to this report.

Recommended Allocation of Projects

Considering the urgent nature of these works, it is recommended that the following projects be allocated to contractors as outlined in the table below. The table also includes reasons for allocating the value of works. Considerations included the tenderer’s technical capacity, ability to complete projects in the required timeframe, value for money and the grouping of projects by locality.

Contractor	Length of road (not including side roads)	Locations
<p>Bernipave Road Solutions</p> <p>Specific reasons for allocation:</p> <ul style="list-style-type: none"> • Capable of insitu stabilisation • Can complete 18 km of road works based on current capacity <p>Estimated price: \$2,297,044</p>	<p>18.4 km-</p> <ul style="list-style-type: none"> • extensive works, stabilisation • Reinstated areas to be resealed 	<p>Fields Road, Hartley Vale Road, Browns Gap Road, and Mid-Hartley Road and those adjacent roads damaged after extensive rain events.</p>
<p>Gracey’s Earthmoving and Excavations</p> <p>Specific reasons for allocation:</p> <ul style="list-style-type: none"> • Offered early start due to urgent nature of road repair • Offered insitu stabilisation <p>Estimated price: \$2,500,000</p>	<p>24 km-</p> <ul style="list-style-type: none"> • extensive works in sections • Sections of pavement reinstatement 	<p>Cox’s River Road/Ganbenang Road/Lowther Siding Road and those adjacent roads damaged after extensive rain events.</p>
<p>Dukes Earthmoving P/L</p> <p>Specific reasons for allocation:</p> <ul style="list-style-type: none"> • Has a broad capability for pavement repair and drainage improvement. • Has existing contracts with Council, impacting capacity. • Good knowledge of local area. <p>Estimated price: \$980,526</p>	<p>28km-</p> <ul style="list-style-type: none"> • variable works, some reinstatement of pavement • Sealing to complete reconstruct in sections 	<p>Portland-Sunny Corner Road, Range Road, Pipers Flat Road and those adjacent roads damaged after extensive rain events.</p>
<p>Green Civil Services P/L</p> <p>Specific reasons for allocation:</p> <ul style="list-style-type: none"> • Has a broad capability with a focus on surface rehabilitation. • Larger, state-wide company with significant capacity. 	<p>45km-</p> <ul style="list-style-type: none"> • Remote works • Sections of road only • Mostly patching of road, lesser pavement rehabilitation • Shoulder reinstatement 	<p>Glen Davis Road and Glen Alice Road and those adjacent roads damaged after extensive rain events.</p>

Estimated price: \$1,870,560		
NACE Civil Engineering P/L Specific reasons for allocation: <ul style="list-style-type: none"> • Has a broad capability for pavement repair and drainage improvement. • Larger, state-wide company with significant capacity. 	34km <ul style="list-style-type: none"> • Some reinstatement of subgrade • Some isolated patching • Some large areas of pavement to be rectified 	Wolgan Road and Hampton Road and those adjacent roads damaged after extensive rain events.
Estimated price: \$1,640,019		
Peters Earthmoving P/L Specific reasons for allocation: <ul style="list-style-type: none"> • Can do a broad range of works. • Has existing contracts with Council maintaining unsealed roads, impacting capacity. • Good knowledge of local area. 	26km <ul style="list-style-type: none"> • Range of road defects • Some pavement reinstatement • Some drainage reinstatement • Multiple sideroads 	Sodwalls Road and Magpie Hollow Road and those adjacent roads damaged after extensive rain events.
Estimated price: \$604,114		
T & L Excavations and Asphalt	Schedule of rates only	Minor pothole lifting and patching only.

It is envisaged that as the works are awarded, to ensure a quality result is delivered, the successful applicants will conduct a formal assessment of the road condition including the results of a geotechnical borehole investigation and thereafter provide Council with a detailed quote, based on the schedule of rates supplied under each tender response and the type and quantity of work. The scope of these projects will include hold points to ensure Council inspection and the results of moisture and compaction testing can be analysed prior to the application of a bitumen seal.

Public Works have agreed to be engaged to work alongside Council engineers to ensure that sufficient resources are diverted to this task, alongside all other engineering functions of the Council. Once works have been allocated, each tenderer will be required to develop their own schedule of work, for communication with the local community (likely through the development of a website illustrating progress and current location of work). Similarly, each contractor will be required to develop a cashflow model in order to predict and anticipate claims in advance, reacting accordingly. **Council will need to maintain its working capital short-term loan facility to ensure effective cashflow management.**

As noted above, it is intended to allocate projects across the contractors listed above to ensure projects can commence and run simultaneously rather than sequentially, one after the other. This will occur to reduce the time taken for repair. These projects will be allocated by scope and extent of damage, with each contractor to receive a volume of work that matches their capacity and Council's other requirements. This scope will include invasive pavement testing prior to the commencement of work and hold points prior to the application of seal to check pavement details such as compaction and shape.

Once the repair of these arterial assets (and their interconnecting assets) is complete, Council will commence the process of tendering for the reconstruction and repair of damaged assets within the urban town centres of Lithgow, Wallerawang and Portland. This is likely to be a smaller package of work. However, this cannot be completed alongside the works outlined in this report due to contractor unavailability, and the limitations of Council's cashflow.

Policy Implications

In procuring this work through LGP and open tender, Council's procurement policies and the Local Government Act have been followed. Similarly, through Council's close relationship with Transport for NSW, it has been confirmed that the process above meets the Disaster Recovery guidelines and costs are fully compensable. Lastly, the use of this tender to also collect schedules of rates from each contractor allows Council to utilise their services for other works across the LGA without going through further tender processes, only requiring quotes using the supplied rates approved by Council.

Financial Implications

- Budget approved – Nil - the funds used in this program will be reimbursed by Transport for NSW under the emergency declaration of July 2022
- Cost centre - 100823-8120-63138
- Expended to date - Due to the road failure and the risk to road users, \$793,326.60 has already been expended to date.
- Future potential impact – As a result of these works being undertaken all included roads will be restored to be of a good quality and safe for drivers to use. Also, the sections of road that are to be worked on will extend the life of the road pavement by 80 years or more, with overlying seals requiring replacement within 20 - 30 years.

Legal and Risk Management Implications

The works in this contract will fulfil Council's responsibility in providing safe roads for use by the public. These works will also reduce the risk to Council of claims being made for damage to vehicles.

Attachments

1. CONFIDENTIAL - Summary Report - TE N 06.22 - Rural Distributor Road Rehabilitation [10.2.2.1 - 12 pages]

Recommendation

THAT Council

1. appoint the following contractors for the repair of rural arterial road assets and their intersecting flood damaged roads:
 - a. Bernipave Road Solutions at an estimated cost of \$2,297,043.87,
 - b. Gracey's Earthmoving and Excavations at an estimated cost of \$2,500,000,
 - c. Dukes Earthmoving P/L at an estimated cost of \$980,526,
 - d. Green Civil Services at an estimated cost of \$1,870,559.92,
 - e. NACE Civil Engineering at an estimated cost of \$1,640,019, and
 - f. Peters Earthmoving at an estimated cost of \$604,111.
2. Approve a 2022/23 budget variation of \$8,000,000, as it is planned for the rural road rehabilitation program to commence in March 2023.
3. Note the remaining rural road rehabilitation works to the value of \$2,000,000 will be added to the draft 2023/24 capital works program.

10.3. Water and Wastewater Reports

10.3.1. WWW - 27/02/2023 - Clarence to Wallerawang Feasibility Study and Design

Prepared by Matthew Trapp - Executive Manager Water & Wastewater

Department Water & Wastewater

Authorised by Executive Manager Water & Wastewater

Reference

Min. No. 20-104 Extra Ordinary Meeting of Council held on 27 April 2020.

Min. No. 22-115 Ordinary Meeting of Council held on 27 June 2022.

Summary

The purpose of this report is to brief the Council on the preliminary work undertaken as a part of the Clarence to Wallerawang Pipeline project and to seek approval for a variation to the budget for the work completed to date.

Commentary

The Clarence to Wallerawang Pipeline project is a highly complex project that has been undertaken by Council with Centennial Coal and their contractor to deliver a Feasibility Study, design and full tender package for the construction of a 23km pipeline from the Clarence area through Lithgow to Wallerawang. This project represents a convergence between Centennial Coal's requirement to cease discharging underground mine water to the Wollangambe River and the need for secure water resources for the city into the future.

In 2020, Council entered a Memorandum of Understanding (MoU) with Centennial Coal to deliver the Feasibility Study and design works (Min. No. 20-104), as well as the environmental documentation to prepare the full pipeline for construction. As a part of the MoU, the work and costs would be shared equally between the parties to the agreement moving forward. The preliminary studies for feasibility and design have now been completed. Through the process a variety of expertise was required to review options for land ownership, geotechnical aspects, surveys, construction methods, pipeline and pumping requirements. Costs have been incurred to obtain the necessary expertise.

The initial costs for the Feasibility Study, design and tender package were estimated at approximately \$500,000 for each party in 2020 when the project was initiated. Through the study and the works for a full tender package, additional items were required based on expert advice, further investigation and regulatory requirements. The additional items minimise the risk of unexpected issues which could arise during construction, for example, an in-depth survey of the local mine subsidence and geotechnical works from the Newnes plateau to Wallerawang was completed. This has raised the total financial expense for Council to \$671,997.50 (excluding GST) for the Feasibility Study, concept design and tender documents. The final deliverables are comprehensive and complete, ready to be utilised for tendering and ongoing works to aid in delivering a long-term water security solution for the Lithgow Local Government Area.

Policy Implications

Nil.

Financial Implications

This report seeks a variation to the Council budget to enable payment for the works completed on the Feasibility Study, concept design and tender specification. The Feasibility Study has been ongoing since 2020 and no progress payments have been made by Council during this time. Other

expenses on the project have related to legal advice, project management, land matters and some approval pathways.

The recommended increase to budget is \$500,000, noting the following:

- The 2021/22 original budget of \$500K only allowed for the original estimated cost of the Feasibility Study.
- The 2021/22 budget was reduced to \$250K at a Quarterly Review, pending the completion of the study.
- As the current budget for the Feasibility Study is only \$250K, **\$422K** additional budget is required to fund the cost of the study (including \$250K deferred budget).
- The remaining **\$78K** of the additional funding request is to cover Council's related costs, e.g., probity, professional and legal advice, as well as project management.

\$500K of funding is available in the Water Fund reserve.

Legal and Risk Management Implications

There are significant risks with the project which are being actively managed.

Attachments

Nil

Recommendation

THAT Council approve a budget variation of \$500,000 for the Clarence to Wallerawang Pipeline project to fund 50% of the final cost of the Feasibility Study and related advice.

10.4. Finance and Assets Reports

10.4.1. FIN - 27/02/2023 - Adoption of Plan of Management - part of Tony Luchetti Sportsground and Showground

Prepared by Sandra Politi – Property & Legal Services Officer

Department Property & Legal Services

Authorised by Chief Financial & Information Officer

Reference

Min. No. 20-217 – Ordinary meeting of Council held on 28 September 2020

Min. No. 22-96 – Ordinary meeting of Council held on 23 May 2022

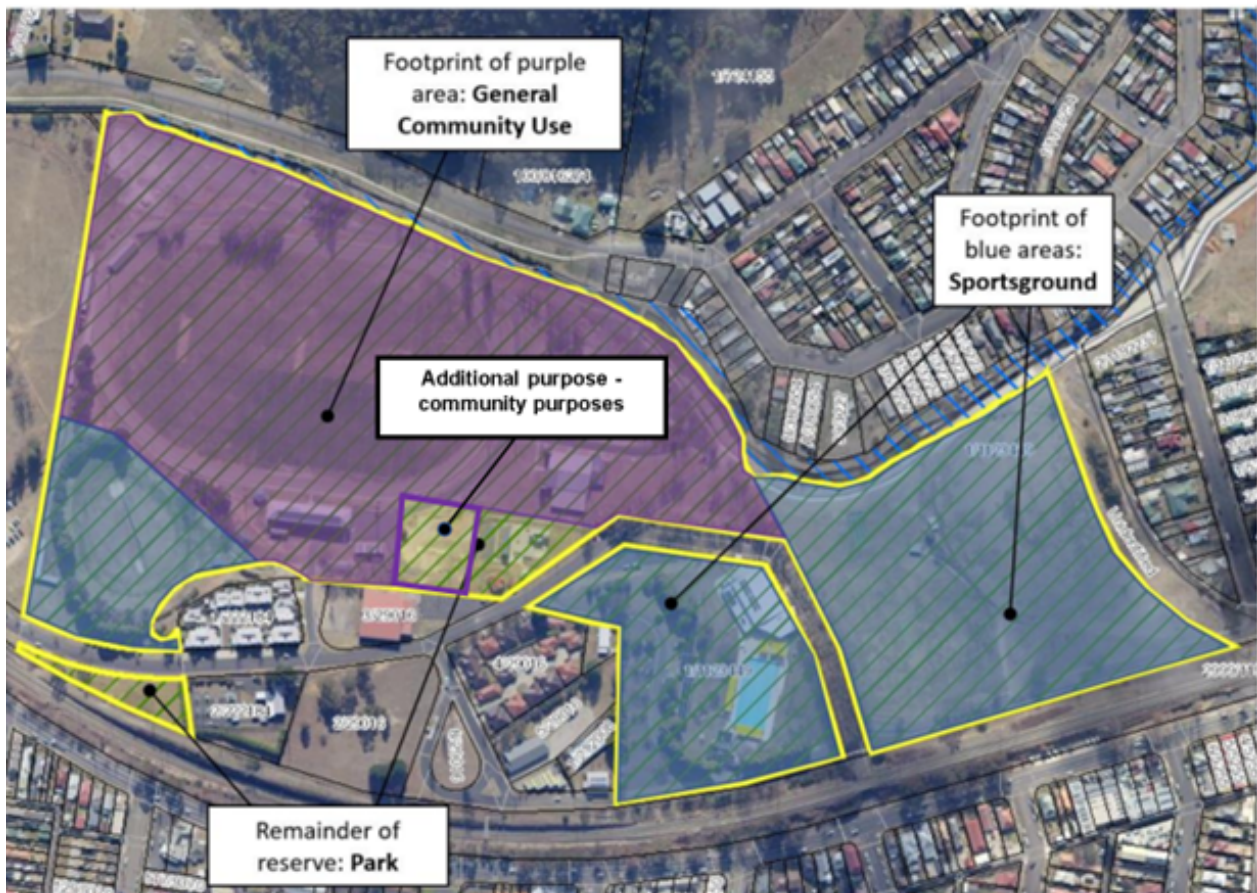
Min. No. 22-188 - Ordinary meeting of Council held on 26 September 2022

Summary

The purpose of this report is to ask Council to adopt the plan of management for part of Crown Reserve 590046 being Tony Luchetti Sportsground and Showground.

Commentary

The plan of management pertains only to the portion of land marked “Additional purpose – community purposes” framed in purple on the image below.



Once adopted, the plan will authorise the portion of land to be used for construction of a multi-purpose facility including a Women’s Shed (as outlined in section 6 of the plan of management) and the granting of leases, licences and other estates for the purposes outlined in section 7 of the plan of management.

A copy of the plan of management in final form is included as an attachment to this report.

Council resolution 26 September 2022

The following resolutions were made at the meeting of Council held on 26 September 2022:

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 any submissions received during the public exhibition period.

For convenience, a timeline of the actions taken in relation to the plan of management is provided below:

Timeline of actions take in relation to the plan of management	
2 June 2022	Letter to all known users of the reserve inviting comment in writing by 29 July 2022 on how the proposed facility might impact their use of the reserve. During this time, Council received one telephone enquiry and one email enquiry seeking clarification about the proposed location of the facility.
July-September 2022	Prepare draft plan of management.
12 September 2022	Prepare native title advice
26 September 2022	Council resolution providing in principle support to the draft plan of management (22-188).
28 September 2022	Letter and notice to DPE - Crown Lands requesting Minister's consent to the draft plan of management.
4 November 2022	Letter from DPE - Crown Lands requesting a few amendments and additions to the draft plan of management and authorising Council to place it on public exhibition.
8 November 2022	Amendments made to the draft plan of management, in accordance with the request from DPE – Crown Lands.
10 November 2022 – 23 December 2022	The draft plan of management was placed on public exhibition. This included signs located at the site, advertising in the local paper, publication on Council's website and placing a copy of the draft plan in customer service. Additionally, emails were sent to all known users of the reserve.

	A notice and opportunity to comment was sent to NTSCorp Limited (the Native Title Service Provider for Aboriginal Traditional Owners in New South Wales), Maddocks Lawyers (the representative for Warrabinga Wiradjuri #7) and Bathurst Local Aboriginal Land Council.
20-23 December 2022	Three submissions were received (see summary of submissions below).
28 December 2022 and 12 January 2023	Letters to DPE – Crown Lands enclosing a copy of the updated draft plan of management, confirming completion of the public exhibition period, providing a summary of submissions received and requesting Minister’s consent for Council to adopt the plan of management.
23 January 2023	Letter from DPE – Crown Lands providing Minister’s consent for Council to adopt the draft plan of management.

As mentioned above, during the public exhibition period Council received three submissions, which are summarised in the table below.

Date of submission	Concerns raised in submission	Response to concerns
20 December 2022	Construction in the location proposed will “deny easy traffic access to grandstand for sporting teams and patrons, also in case of emergencies re sporting functions for emergency response services, ie ambulance etc.”	The proposed facility will be built well away from internal roads/pathways leading to the grandstand, thus retaining clear access for emergency vehicles etc.
	The loss of present parking facilities which are heavily utilised in times of local show and other exhibitions, is an issue.	The land is used unofficially for parking of cars. While the building will prevent parking on the land, the land is not designed or approved for parking and is not an official carpark. If adequate parking is not available within a reasonable walking distance of the reserve for sports and other activities, it is recommended that a parking study be completed, and the situation be appropriately addressed by Council.
	Suggest that other vacant land in the precinct might be used for this proposal.	Other land was considered by the proponents, but the Land is the only site that checked all the boxes for the facility. Also, the location has high exposure to the community, therefore creating greater potential

		for use of the facility. For example, sporting groups may benefit from hiring the facility during the sports season.
23 December 2022	The parcel of land is used during the Lithgow Show for the large Showman's Guild Ride or in recent years, the site for the Circus tent. In wet years the parcel is utilized for large rides where a more stable surface is needed for support and safety.	The Land to be used amounts to only 1.5% of the total reserve area. The Lithgow Show is held once a year and other, potentially more suitable areas for the Showman's Guild Ride, the circus tent and rides in wet weather, may need to be explored by the hosts in consultation with Council staff.
	The parcel is now the only remaining link between the location of the Show Office and the Showground.	The Land size is around 3,000 m ² , whilst the building will be approximately 400 m ² . Also, the building will be well clear of internal roads/pathways, maintaining access to the Showground from the Show Office. Lithgow Show may benefit from hiring the new multi-purpose facility during its annual event.
	Urge Council to look for another solution.	Other land was considered by the proponents, but the Land is the only site that checked all the boxes for the facility. Also, the location has high exposure to the community, thus creating greater potential for use of the facility.
23 December 2022	The inclusion of a 400m ² structure on the land that is currently used as car parking for the facility substantially constrains the site for sporting activities on the showground. Seeks information as to how a substantial loss of parking area will be adequately rectified with the construction of the 400 m ² structure.	While the building will prevent parking on the land, the land is not designed or approved for parking and is not an official carpark. If adequate parking is not available within a reasonable walking distance of the reserve for sports and other activities, it is recommended that a parking study be completed, and the situation be appropriately addressed by Council.
	Urge Council to consider a relocation of the proposed facility	Other land was considered by the proponents, but the Land is the

	<p>taking into consideration flood mitigation mechanisms in that process</p>	<p>only site that checked all the boxes for the facility.</p> <p>Also, the location has high exposure to the community, thus creating greater potential for use of the facility. For example, sporting groups may benefit from hiring the facility during the sports season.</p> <p>All attributes of the Land (such as flood zones) will be considered during assessment of a development application.</p>
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The main concern stemming from the submissions received is that the multi-purpose facility will take up space presently used for parking during sports and other events. If there is inadequate parking available within a reasonable walking distance of the reserve, a parking study could be completed by Council to ensure that, going forward, adequate parking is available.

Another concern expressed in one of the submissions is the loss of access to the land during the Lithgow Show each year. It is recommended that appropriate Council staff and the host of the Lithgow Show explore alternative locations for the Show's purposes.

All things considered, the concerns raised in the submissions can be addressed and the construction of a multi-purpose facility (including a Women's Shed) in the location proposed for the facility provides greater potential for use by the community, including sporting groups and event hosts.

All requirements in relation the draft plan of management have been satisfied and the delegate for the Minister administering the *Crown Land Management Act 2016* has given consent for Council to adopt the plan of management. Accordingly, Council may now adopt the plan of management for part Crown Reserve 590046 Tony Luchetti Sportsground and Showground, upon resolution.

Policy Implications

Compliance Policy 9.16.
Leasing and Licensing Policy 10.20.

Financial Implications

- Budget approved - N/A for the Plan of Management. Council utilised internal staff resources to prepare the Plan.
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – N/A for the Plan of Management

Legal and Risk Management Implications

Crown Land Management Act 2016.
Local Government Act 1993.

Native Title Act 1993 – as is the case with all Crown Land, 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 land has impacted on those native title rights and interests (per *Crown Land Management Act 2016*, s 8.12 and *Crown Land Management Regulation 2018*, cl 28).

Attachments

1. Plan of management - part Crown Reserve 590046 (final 25.01.23) [10.4.1.1 - 19 pages]

Recommendation

THAT Council adopt the plan of management for part Crown Reserve 590046 Tony Luchetti Sportsground and Showground.

10.4.2. FIN - 27/02/2023 - Provision of Photocopying and Printing Services

Prepared by Kirsty Sheppeard – Purchasing Coordinator

Department Finance and Assests

Authorised by Chief Financial & Information Officer

Summary

The purpose of this report is to summarise the tender process and to seek Council approval for awarding a Provision of Photocopying and Printing Services contract for a period of 5 years with the option of 2 x 12-month extensions.

Commentary

The previous Photocopying and Printing contract expired in 2022 and a new Request for Tender (RFT) process has been undertaken to seek a suitably qualified supplier to meet Council's needs.

The RFT was advertised via VendorPanel to the open marketplace under the categories, 'Office Related Supplies & Services, Desktop Printers and Printers & Multifunction Devices'.

Council received impressive responses from 7 respondents:

- Country Business Machines Pty Ltd,
- Enigma Business Products,
- Inland Digital,
- Select Digital,
- Torstar Holdings Pty Ltd,
- Viatek Central West Pty Ltd, and
- Winc.

The evaluation team was made up by 3 Council Officers:

- Purchasing Coordinator,
- IT Manager/Right to Information Officer, and
- IT Support Officer.

As a condition of responding to the RFT, respondents were required to provide answers to all response schedules which covered the following criteria:

- Capacity to meet the current Council requirements for Multifunction Devices and requirements and specifications,
- Best Value for money (lease agreement – most competitive pricing structure),
- Ability to maintain and service support,
- Demonstrated compatibility with existing infrastructure,
- Sustainability capacity to implement and deliver the products and services sought, and
- Local Procurement Policy.

Upon evaluating the submissions, the evaluation team concluded that the submission received from Viatek Central West Pty Ltd offered the best value and services for Council. Viatek received the highest score from the evaluation of submissions.

The advantages of engaging Viatek Central West are:

- Council has worked with this supplier previously and they have extensive experience and knowledge of Council's needs,
- The price evaluation meets Council's allocated budget, and
- Viatek Central West is located in Orange. (No suppliers who responded are located within the Lithgow Council LGA.)

Over the 5 year term of the contract, the value of the contract will exceed the tendering threshold of \$250,000 and thus requires Council's approval.

The Tender Evaluation Summary, including details of pricing and evaluation scores for each submission, is included as a confidential attachment.

Policy Implications

The RFT process and evaluation complies with Council's Tendering Policy and Council's procedures for Purchasing and Tendering.

Financial Implications

- Budget approved - \$29,467 for photocopiers annual lease fees. The printer usage fees budget is distributed across the organisation. Photocopier usage has been reduced in recent years as a budget improvement initiative.

Viatek's tender price is within Council's budget allocation for photocopying and printing services.

- Cost centre - 800161-8130-63007 for photocopier leasing.
- Expended to date - \$15,624 for photocopier leasing.
- Future potential impact – based on the past 12 months usage, there will be a reduction in lease costs and printing rates compared with the current contract. The estimated cost saving from the proposed new contract is \$9,700 p.a.

Legal and Risk Management Implications

The RFT and Tender process was conducted in accordance with the Local Government tendering legislation, including Section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government (General) Regulation 2005*.

Attachments

1. CONFIDENTIAL REDACTED - CONFIDENTIAL ATTACHMENT - Tender Evaluation Summary – Provision of Photocopying and Printing Service [10.4.2.1 - 2 pages]

Recommendation

THAT Council

1. Accept the tender from Viatek Central West Pty Ltd for the Provision of Photocopying and Printing Services.
2. Delegate to the General Manager authority to enter a contract with Viatek Central West Pty Ltd in accordance with the Tender for the Provision of Photocopying and Printing Services for a period of 5 years (60-month rental term) and 2 x 12-month extension options.

10.4.3. FIN - 27/02/2023 - Proposed Licence Agreements for use of Part Wallerawang Memorial Hall

Prepared by Sandra Politi – Property & Legal Services Officer

Department Property & Legal Services

Authorised by Chief Financial & Information Officer

Summary

The purpose of this report is to seek Council's approval to grant two licence agreements for use of part of the Wallerawang Memorial Hall.

Commentary

The Premises

Council owns the Wallerawang Memorial Hall, which is situated on Tweedie Street, Wallerawang being Lot 1 in DP15683 (the Premises). The Premises are community land and are categorised General Community Use under Council's 2013 Generic Plan of Management.

Use of part of the Premises

Since June 2020, the Wallerawang Kids Club Inc. (Kids Club) and the Anglican Parish of Lithgow (Anglican Parish) have shared the use of part of the Premises pursuant to respective licence agreements with Council and a shared use agreement between Council, the Kids Club and the Anglican Parish.

The Kids Club utilises the premises five days per week, while the Anglican Parish use the premises 2 days per week. The current licence term ends on 23 February 2023 and both parties would like a further term.

Key terms of the proposed licence agreements

Term of each licence - 5 years.

Licence fee - Equal to the prescribed minimum base rent for Crown land, pursuant to Regulation 38(1) of the Crown Land Management Regulation 2018, adjusted by CPI on 1 July each year. Presently this is approximately \$530. The licence fee is apportioned on a pro-rata basis between the two users and is contingent on the licensees remaining registered not for profit organisations.

Utility charges – The parties agree that the Anglican Parish will pay all utility and service charges in relation to the premises but can apportion charges with the Kids Club that exceed \$2,000 per annum.

Use of premises - Kids club (Tue – Sat, operated by the Kids Club) and church gatherings and associated services (Sun – Mon, operated by the Anglican Parish).

Termination right - The Kids Club and/or the Anglican Parish may terminate their respective licence agreement upon giving one month's notice in writing to Council.

Maintenance and repair - The licensees must maintain the premises in its condition at the commencing date and complete repairs needed to keep it in that state, except for fair wear and tear. Council must undertake all structural repairs and repairs required due to fair wear and tear.

Insurance - each licensee must maintain public liability insurance and workers compensation insurance for its staff, and any other insurances it is required to hold by law.

Compliance with laws - Each licensee must comply with all laws applicable to its use of the premises, and must hold and maintain all permits, licences, approvals for its use.

Indemnities - each licensee indemnifies Council in relation to any claim against Council arising out of the Licensee's breach of any laws in relation to its occupancy or use of the premises.

Council's power to grant leases or licences of premises on land classified community

Council's power to grant leases or licences in respect of community land is found in section 45(2) of the *Local Government Act 1993 (the Act)*, which states "A council may grant a lease or licence of community land, but only in accordance with this Division".

A summary of the applicable rules under division 2 regarding granting leases or licences of community land is as follows:

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

As the use of the Premises will constitute an exclusive occupancy, a licence is required to be entered.

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) of the Act).

The Premises is listed in Council's 2013 Generic Plan of Management and is categorised General Community Use. Under this category, a lease or licence may be granted for community activities.

3. Public notice and exhibition requirements apply to a proposed lease or licence (section 47(1) and 47A(2) of the Act).

If Council resolves to grant the licences proposed in this report, the draft licences will be placed on public exhibition for a minimum of 28 days, inviting submission.

Conclusion

In recognition of the valuable commitment and support that the Kids Club and the Anglican Parish contribute to the Lithgow LGA through provision of their respective community services, it is recommended that Council grant preliminary approval to enter licence agreements with these organisations as outlined in this report.

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 – licence income of approximately \$530 reviewed annually by CPI.

Legal and Risk Management Implications

Local Government Act 1993.

Attachments

Nil

Recommendation

THAT Council:

1. Grant preliminary approval to enter respective licence agreements with Wallerawang Kids Club Inc. and Anglican Parish of Lithgow as set out in this report.
2. Give notice of the proposed licence agreements and place them on public exhibition for 28 days.
3. If no submissions are received during the public exhibition period, Council proceed with the licence agreements and for this purpose the General Manager is authorised to sign all documents and do all things necessary to give effect to the licences.
4. If submissions are received during the public exhibition period and in the opinion of the General Manager the submissions can be adequately addressed by Council administration without referring the matter to Council, proceed with the licence agreements and for this purpose the General Manager is authorised to sign all documents and do all things necessary to give effect to the licences.

10.4.4. FIN - 27/02/2023 - 2022/23 Quarter Two Budget Review

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

Summary

This report provides the Quarterly Performance Report on the 2022/23 Operational Plan for the period of 1 October 2022 to 31 December 2022 with a recommendation that variations to income, expenditure and capital budget estimates are adopted and that the revised financial result of a \$6.9M consolidated operating surplus (before capital grants) be noted.

The Chief Financial and Information Officer (CFIO), as Responsible Accounting Officer, has reviewed the report and advises that Council's projected financial position at 30 June 2023 will be **satisfactory** compared with the original budget. The reasons for the large budget variations (+/-) and significant change in Council's projected operating result, compared with the original budget, substantively relate to the extraordinary event of road repairs following multiple natural disasters.

The report also provides an update on the capital expenditure budget, cashflow and reserve balances.

Executive Summary

The CFIO has stated in the Quarterly Performance Report that Council's projected financial position at 30 June 2023 will be **satisfactory**, having regard to the original budget position.

Council's projected position at 30 June 2023 has changed from an operating result (before capital) of \$6.4M surplus (Quarter One review) to an expected \$6.9M surplus (Quarter One review). The following factors were considered in determining Council's projected financial position at 30 June 2023 to be satisfactory:

1. The reasons for the significant change in Council's projected operating result (before capital) from original budget \$3.6M surplus to \$6.9M surplus, substantively relate to the extraordinary extent of road repairs following multiple natural disasters. Most of the change in the projected operating result occurred in Quarter One, although the Quarter Two review includes a \$2.26M increase in natural disaster expenditure budgets partly offset by a \$1.97M increase in income budgets.
2. Council is on target to achieve its 2022/23 total employment cost savings target of \$960.5K with \$600K of savings taken in the Quarter Two review together with net \$131K in the Quarter One review.
3. Council's projected operating result (before capital) has been impacted by the addition of \$717K depreciation expense for RFS Red Fleet assets which were recognised in the 2021/22 financial statements.

Council will continue to implement its budget improvement plan through the remainder of the 2022/23 year with identified budget savings / additional revenue of \$3.2M planned for the full year.

It is important to note that while this report points to a surplus result at the end of this year, the way in which disaster income and expenses budgets must be presented in the financial statements is masking the reality that Council continues to have an underlying actual shortfall in general revenues.

Original Budget Operating Result

In the 2022/23 Operational Plan report to the 27 June 2022 Ordinary meeting (Min. No. 22-114), the CFIO made the following statement with regard to the original budget consolidated operating result (before capital) of surplus of \$3.6M:

Although the budget operating result (before capital) has improved from a deficit to a surplus, the underlying structural deficit remains as an issue. The annual structural shortfall in Council's general revenues has been identified in the rating review report as \$6M p.a. at existing levels of service and growing year upon year. The improvement in the 2022/23 budget operating result mainly relates to one-off grants and timing differences for grant receipts. The focus for the 2022/23 budget is to present a balanced cash budget, that is, operating and capital expenditure can be covered within cash receipts for the year.

The most significant one-off grants for 2022/23 are for natural disaster claims and the financial impact has increased by \$7.8M over Quarters One and Two (to \$15.7M total expenditure budget). The scale of the natural disaster recovery works has strained Council's already challenged finances and staff capacity, as well as resulting in resources needing to be redirected.

Also, the funding is received retrospectively after stages or the full works are completed and Council has paid contractors and suppliers. With limited available working funds held by council, cashflows need to be carefully managed. The progress of works needs to be balanced with the timeframe it takes to complete claims and receive payments.

The preparation of natural disaster claims is also administratively intense with the need to gather invoices, timesheet records and photographic evidence. This re-directs resources from planned projects and the delivery of services to the community which will have ongoing impacts.

With natural disaster income and expenses budgets excluded, the 2022/23 original budget consolidated operating result (before capital) would have been a deficit of approx. (\$3.4M), rather than a surplus of \$3.6M.

In other words, the manner in which these disaster income and expenses budgets must be presented in the financial statements is masking the reality that Council continues to have an underlying actual shortfall in general revenues.

Financial Impacts of Natural Disasters

The financial impacts of the natural disasters on the projected operating result (over Quarters One and Two) are summarised as:

- \$7.8M increase in Natural Disaster operational grant income budgets.
- \$4.8M increase in Natural Disaster operational expenditure budgets.

Following Mayoral approval over the Christmas break, a natural disaster operational income and capital expenditure budget of \$2.18M for Wolgan Valley access works was added (noted by Council at the 23 January 2023 Ordinary meeting, Min. No. 23-6).

The \$3M nett increase in income over Quarters One and Two accounts for most of the \$3.2M growth in the projected operating surplus (before capital) compared with the original budget. All of the natural disaster claims income is classified as "operating grants" whilst the majority of the expense is in the capital works program due to the nature of the works being asset renewal. Asset renewal works are expensed over the useful life of an asset via depreciation. To a lay observer, this accounting treatment appears to suggest a positive result because of an increased surplus. This is not the case. Again, the Council has an on-going and material structural shortfall in general revenue.

Summary of the October to December Quarterly Budget Review Report

Details of the October to December Quarterly Budget Review Report are provided in the attachment to the Business Paper. Below is a summary table:

Budget	Result (before capital)
	\$'000
Original Budget	3,647
September Review	6,422
December Review	6,887

Reasons for Changes in Revenue and Expenditure Projections (Including Capital)

Projected total revenue to 30 June 2022 has **increased by \$3.48M** during Quarter Two, mainly due to the following reasons:

- \$1.97M increase in Natural Disaster Recovery Grant funding.
- \$315K Pothole Repair grant income added.
- \$187K cost recovery for gas outage works.
- \$135K dividend from the sewer fund to the general fund approved by the Department of Planning & Environment.
- \$409K budget added for the Fixing Country Bridges Program.
- \$250K correction to the grant income allocation for Main St Footpaths.

Projected total operating expenditure to 30 June 2022 has **increased by \$2.1M** during Quarter Two, mainly due to the following reasons:

- Nett \$2.26M adjustments to Natural Disaster expenditure budgets (employment and contractor costs).
- (\$600K) of employment costs savings (Road and Transport, Finance, Water and Sewer) plus on-costs, which was directed to offsetting other costs.
- \$315K Pothole Repair grant funded expenditure added.
- \$187K for gas outage works.
- The addition of \$717K depreciation expense for RFS Red Fleet assets which were recognised in the 2021/22 financial statements.
- \$135K transfer of sewer dividend to General Fund unrestricted working capital reserve.

The nett effect of the increase in projected total revenue less the increase in projected total expenditure is a significant change in the expected consolidated operating result from a surplus of **\$15.7M** (original budget) to a surplus of **\$22.8M** at 30 June 2023 (**including capital grants and carryovers**). The change is largely attributable to the extraordinary natural disaster events.

Projected End of Year Result (Before Capital)

The operating result **before capital grants** is a key Office of Local Government performance measure with a benchmark of a balanced operating result (i.e. nil surplus / deficit). Capital grants are excluded from the performance measure as they do not contribute towards funding Council's operations. Council's revised consolidated operating result (before capital grants) at 30 June 2023 is projected to be a **\$6.9M** surplus, which is **above the OLG benchmark** - largely attributable to the extraordinary natural disaster events.

At the end of Quarter Two 2022/23, it is projected that the General Fund will have a surplus (before capital grants) of \$6.4M at 30 June 2023. The Water Fund has a forecast surplus (before capital grants) of \$244K and the Sewer Fund has a projected surplus operating result (before capital grants) of \$224K.

Capital Expenditure Budget

The 2022/23 capital expenditure budget is projected to be **\$37.1M** (excluding loan repayments). The revised budget is an increase of \$3.6M on the \$33.48M (excluding loan repayments) original budget with carryovers. The nett effect of Quarter Two budget variations is a reduction in the projected capital expenditure budget of \$2M (excluding loan repayments).

The key changes to the Capital Works Program in Quarter Two are:

- (\$130K) deferral of Conran / Watsford Oval upgrade due to resources being redirected to natural disaster works.
- (\$715K) reduction in Natural Disaster expenditure (budget moved to operational works).
- \$770K addition of Fixing Local Bridges grant funded projects.
- (\$950k) deferral of Road and Transport Projects due to resources being redirected to natural disaster works.
- (\$834K) Cullen Bullen Sewer Scheme correction to carryover budget allocation to match total project budget.
- (\$149K) Tweed Mills SPS High Voltage Upgrade – project deferred to 2023/24.

Cash and Investments / Reserve Balances / Cashflow

The Cash and Investments Statement at 31 December 2022 is shown in the table below.

Cash and Investments Statement (\$'000)				
	30 June 2022	30 September 2022	31 December 2022	31 March 2023
	Position	Position	Position	Position
Externally Restricted				
Developer Contributions	1,945	1,764	1,755	
Special Purpose Grants	3,968	3,757	5,710	
FAGS	4,099	0	0	
Water Supplies	930	2,179	3,207	
Sewerage Services	8,310	9,991	8,714	
Domestic Waste	6,183	7,133	7,782	
Unexpended Loans	4,921	1,421	3,853	
	30,356	26,244	31,021	
Internally Restricted				
Land & Buildings	2,220	2,189	2,047	
Plant & Equipment	105	105	224	
Bonds, Deposits & Retentions	319	349	336	
Works in Progress	653	653	653	
Carry Over Works	327	212	56	
ELE	754	754	754	
Election	50	62	75	
Total Internally Restricted	4,428	4,324	4,145	
Unrestricted (working capital)	-	80	134	
Total Cash and Investments	34,784	30,648	35,300	

There is sufficient cash and investments to fund Council's external and internal restrictions.

The Administration took action to initiate the \$3.5M working capital short-term loan facility to cover anticipated high cash outflows from July 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. The working capital loan balance is reviewed quarterly with the next review in March 2023.

Accounts Payable transactions have peaked between \$1M-\$2M per week, around \$500K per week above the trend. To stem the high cash outflows, action has been taken to pause larger scale contracted natural disaster recovery works until cash inflows from claims income catch up with cash outflows.

In Quarter Two, the unexpended loans reserve increased by \$2M due to the receipt of upfront grant payments upon sign-off of funding deeds. This included \$315K for the Pothole Repair Program, \$750K for the Main Street Footpath Revitalisation and \$700K for the Hillcrest Number 3 Pumping Station project.

Cashflow continues to be carefully managed to ensure that Council has sufficient liquid funds available to make payments on time. The action taken by management has ensured that cash inflows can match cash outflows with the utilisation of the short-term working capital loan facility.

Policy Implications

Nil.

Financial Implications

As detailed in this report.

Legal and Risk Management Implications

The Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009 sets out the requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

Attachments

1. Quarterly Report December 2022 [**10.4.4.1** - 18 pages]

Recommendation

THAT Council:

1. Note the contents of the report and the projected consolidated operating result (before capital) of \$6.9M surplus for the 2022/23 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 October 2022 to 31 December 2022.
2. Note that the reasons for the significant change in Council's projected operating result over Quarters One and Two substantively relate to the extraordinary event of road repairs following multiple natural disasters.
3. Adopt the income, expenditure and capital budget variations to the 2022/23 Council budget as outlined in the attached report.

10.4.5. FIN - 27/02/2023 - Investment Report January 2023

Prepared by Sharon Morley – Finance Officer

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Reference

Min No 23-18 Ordinary Meeting of Council held on 23 January 2023.

Summary

The purpose of this report is to advise Council of investments held as at 31 January 2023 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 January 2023, when compared to 31 December 2022, has decreased by \$4,248,823 to \$30,731,270. Investments decreased from \$34,980,093 to \$30,731,270. Cash in Council's bank account increased from \$320,080 to \$653,081.

The \$3.9M decrease in cash and investments is mainly due to the ordinary business of Council, with a lower value of payments received in January and higher cash outflows, particularly related to natural disaster works and grant funded projects.

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 January 2023 were as follows:

Opening Balance of cash and investments as 01 January 2023	\$35,300,173
<u>Plus</u> New Investments – January 2023	\$2,333,000
<u>Less</u> Investments redeemed – January 2023	-\$6,248,822
Closing Balance of cash and investments as at 31 January 2023	\$31,384,351

CFIO comment on the cash and investments balance – the \$3.9M decrease in cash and investments in January 2023 was generally anticipated due to lower cash inflows and a fast pace of cash outflows. Cash outflows are being managed to ensure that the timing of natural disaster claims and grant funding milestones matches the pace of works undertaken.

There was a high volume of Accounts Payable transactions in January 2023. There were 2 weeks of payments runs over \$2M in value (the average is around \$500K per week). High value transactions included \$213K for asphalt, \$299K for Wolgan Valley geotechnical advice, \$1.061M for natural disaster road remediation works, \$411K for the Glen Davis bridges project, \$588K for Cullen Bullen Sewer Scheme, \$234K for the Green Waste Removal Program, \$169K for gas outage works and \$183K for domestic waste collection.

The pace of works and expenditure on high value contracted natural disaster projects has been slowed to allow time for claims to be submitted and paid.

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 – Council had sufficient cash and investments at the 31 December 2022 Quarterly Budget Review to fund \$31M of externally restricted reserves and \$4.1M of internally restricted reserves.

The Administration took action to initiate the working capital short-term loan facility to cover anticipated high cash outflows throughout the 2022/23 year 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 – \$768,680
- Cost centre - 3259
- YTD Income to date - \$575,824
- Future potential impact – Nil.

The Council's interest income for 2022/23 is on budget for year-to-date. Investment returns have increased with Council being able to achieve up to 4.55% return 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. January 2023 Investment Attachment [**10.4.5.1** - 1 page]

Recommendation

THAT:

1. Investments of \$30,731,270 and cash of \$653,081 for the period ending 31 January 2023 be noted.
 2. The enclosed certificate of the Responsible Accounting Officer be noted.
 3. The commentary on funding requirements for restricted reserves be noted.
-

11. Council Committee Reports

11.1. COMM - 27/02/2023 - Women's Advisory Committee Minutes 2 August 2022 and 24 January 2023

Prepared by Cristina Portilla
Department Community and Culture
Authorised by Matthew Johnson

Summary

The Minutes of the Women's Advisory Committee meetings held on 2 August 2022 and 24 January 2023 are reported for Council's endorsement.

Commentary

Women's Advisory Committee meeting held on 2 August 2022

The Women's Advisory Committee meeting held on 2 August 2022 was the first meeting of the newly constituted Committee. The committee members read and affirmed the Committee Terms of Reference, appointed the Chairperson and Deputy Chairperson and discussed the holding of an International Women's Day event in 2023.

Women's Advisory Committee meeting held on 24 January 2023

At the Women's Advisory Committee meeting held on 24 January 2023 the committee considered several matters including the organisation of an International Women's Day at the Union Theatre on Wednesday, 8th March 2023.

The theme for International Women's Day 2023 is 'Cracking the Code: Innovation for a Gender Equal Future'. This theme is based on the United Nations 67th mission on the Status of Women priority theme 'Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls. There will be several speakers and entertainment.

The group agreed that fair payment be made to local artists participating in the event and for the Welcome to Country address.

Policy Implications

NIL

Financial Implications

- Budget approved - \$2,500 for an International Women's Day event
- Cost centre - 600071
- Expended to date - nil
- Future potential impact -NIL

Legal and Risk Management Implications

NIL

Attachments

1. Women's Advisory Committee meeting 24 Jan 2023 [11.1.1 - 5 pages]
2. Women's Advisory Committee Minutes 2 August 2022 [11.1.2 - 4 pages]

Recommendation

THAT Council endorse the minutes of the Women's Advisory Committee meetings held on 2 August 2022 and 24 January 2023.

11.2. COMM - 27/02/2023 - Community Development Committee Minutes 17 January 2023

Prepared by Matthew Johnson – Community & Culture Manager

Department Community & Culture

Authorised by Director of People & Services

Reference

Min 22-247 Ordinary Meeting of Council held 8 November 2022

Min 22-195 Ordinary Meeting of Council held 26 September 2022

Summary

The minutes of the Community Development Committee meeting held on 17 January 2023 are presented for Council endorsement.

Commentary

At the Community Development Committee meeting held on 17 January 2023 various matters were discussed including:

1. A condolence motion for Bryan Williamson who passed away recently. Bryan had been a member of the Community Development Committee for several years and had contributed a great deal to the Committee's work.
2. 2023 Australia Day Awards. The committee considered the nominations received and approved the following:

Citizen of the Year Award, Young (16 – 26yrs)

Christian Broome

Citizen of the Year Award, Open

Kay Adams

Volunteer of the Year, Young (16 – 26yrs)

Lauren Trounce

Volunteer of the Year, Open

Bill Evans

Service to the Community - Organisation Award

Lithgow Bellringers

Heritage Conservation Award

Donna White

Outstanding Event of the Year

Ear to the Ground Community Festival

The awards were presented at a successful Australia Day event held at Queen Elizabeth Park.

3. Discussion of a music performance event to be held at Blast Furnace or the Union Theatre in 2023.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. CDC Minutes 17 January 2023 [**11.2.1** - 5 pages]

Recommendation

THAT Council endorse the minutes of the Community Development Committee meeting held on 17 January 2023.

11.3. IS - 27/02/2023 - TALC Committee Meeting Minutes - 2 February 2023

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 2 February 2023.

Commentary

At the TALC Committee held on 2 February 2023, there were several matters discussed including:

1. Surveyors Way, South Bowenfels – Speeding Motorists,
2. LINC – Loading Zone Request, and
3. Wolgan Street / Williwa Street, Portland – Sight Distance Concerns.

These items were outside the Committee's delegations and require Council to formally approve the recommendations. The recommendations are made below.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes TALC Committee Meeting 2nd February 2023 [**11.3.1** - 6 pages]

Recommendation

THAT:

1. Council notes the minutes of the TALC Committee Meeting held on 2 February 2023.
2. **Surveyors Way, South Bowenfels - Speeding Motorists** -
 - Council seek the services of a consultant to prepare a Local Area Traffic Management (LATM) Plan for the entire Bowen Vista Estate to recommend actions Council can implement to change driver behaviour and increase amenity, liveability, and improve safety and access for all road users when funding resources are available; and
 - The results from the traffic counts currently being completed be used in the Local Area Traffic Management Plan.
3. **LINC - Loading Zone Request** - Council relocate the existing disabled parking space adjacent to the LINC building in Railway Parade, Lithgow east to allow the installation of a Loading Zone in Railway Parade, Lithgow.
4. **Wolgan Street / Williwa Street, Portland - Sight Distance Concerns** – Council extend the “No Stopping” zone on the southern side of Williwa Street, adjacent to the intersection with Wolgan Street, Portland by 10 metres due to safety concerns.

11.4. IS - 27/02/2023 - Operations Committee Meeting Minutes - 2 February 2023

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 2 February 2023.

Commentary

At the Operations Committee Meeting held on 2 February 2023, there were several matters discussed by the Committee including:

1. Wolgan Valley – Review of Slope Hazards – January 2023,
2. Rural Roads Rehabilitation Tender,
3. Policy 3.1 - Water Meter and Service Installation,
4. Sewer Infiltration and Management Strategies, and
5. Operational Plan – Major Projects Progress.

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

1. Operations Committee – Terms of Reference

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 Operations Committee Meeting 2nd February 2023 [11.4.1 - 9 pages]

Recommendation

THAT Council:

1. Note the Minutes of the Operations Committee Meeting held on 2 February 2023; and
2. Adopt the amended Terms of Reference with meetings now being held once every two months.

11.5. IS - 27/02/2023 - Sports Advisory Committee Meeting Minutes - 8 February 2023

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 8 February 2023.

Commentary

At the Sports Advisory Committee Meeting held on 8 February 2023, there were several matters discussed by the Committee including:

1. 2022 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards, and
2. Bookings Requests.

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 Sports Advisory Committee Meeting 8th February 2023 [**11.5.1** - 10 pages]

Recommendation

THAT Council note the minutes of the Sports Advisory Committee held on 8 February 2023.

11.6. COMM - 27/02/2023 - Community Development Committee Minutes 14 February 2023

Prepared by Matthew Johnson – Community & Culture Manager

Department Community & Culture

Authorised by Director of People & Services

Reference

Min 22-247 Ordinary Meeting of Council held 8 November 2022

Min 22-195 Ordinary Meeting of Council held 26 September 2022

Summary

The Minutes of the Community Development Committee meeting held 14 February 2023 are presented for Council endorsement.

Commentary

At the Community Development Committee meeting held 14 February 2023, various matters were discussed including:

1. A proposed Opera event at the Union Theatre in April 2023.
2. A report on the Disaster Recovery Community Development project.
3. Financial Assistance Requests

The Committee considered the following financial assistance requests:

Lithgow and District Family History Society

\$1,200 to purchase an overhead scanner to allow digitisation of their records to allow easier access for the community.

Allegrì Singers c/o Mitchell Conservatorium

\$2,400 to hold a Vivaldi Gloria orchestral and choral concert

Wolgan Valley Community Association

\$7,000 to purchase two emergency defibrillators and associated materials and training for residents isolated by the Wolgan Road landslip.

Policy Implications

Nil

Financial Implications

- Budget approved - \$110,142
 - Cost centre - 800071
 - Expended to date - \$96,223 (actual and committed)
 - Future potential impact – Approval of the recommended \$10,600 will increase the actual and committed total to \$106,823
-

Legal and Risk Management Implications

Nil

Attachments

1. Community Development Committee Minutes 14 February 2023 [11.6.1 - 6 pages]

Recommendation

THAT Council

1. Endorse the minutes of the Community Development Committee meeting held 14 February 2023.
2. Approve \$10,600 2022/23 financial assistance to the following organisations:

Lithgow and District Family History Society

\$1,200 to purchase an overhead scanner to allow digitisation of their records to allow easier access for the community.

Allegri Singers c/o Mitchell Conservatorium

\$2,400 to hold a Vivaldi Gloria orchestral and choral concert

Wolgan Valley Community Association

\$7,000 to purchase two emergency defibrillators and associated materials and training for residents isolated by the Wolgan Road landslip.

11.7. FIN - 27/02/2023 - Finance Committee Meeting Minutes 14 February 2023

Prepared by Ross Gurney – Chief Financial & Information Officer

Department Finance

Authorised by Chief Financial & Information Officer

Reference

Min No 23-21 Ordinary Meeting of Council held on 23 January 2023.

Summary

This report provides a summary of the Minutes of the Finance Committee Meeting held on 14 February 2023.

Commentary

At the 14 February 2023 Finance Committee Meeting, there was a lack of a quorum and standing orders were suspended. The following report items were discussed by the Councillors and staff present.

- **2022/23 Quarter Two Budget Review** - The CFIO presented the 2022/23 Quarter Two Budget Review report to the Committee. The CFIO has stated in the Quarterly Performance Report that Council's projected financial position at 30 June 2023 will be satisfactory, having regard to the original budget position.
- **Investment Report January 2023** - The CFIO presented the Investment Report and explained the movements in the cash & investments balance and high value Accounts Payable transactions.
- **Audit Action List** - progress towards completing internal and external audit actions was noted by the Committee.

The Committee was also provided with a brief verbal update on the Financial Sustainability Plan, the Special Rate Variation application and other actions to enhance financial sustainability.

Policy Implications

Nil.

Financial Implications

As detailed in the Finance Committee meeting minutes.

Legal and Risk Management Implications

Nil.

Attachments

1. Minutes Finance Meeting 14 February 2023 [11.7.1 - 5 pages]

Recommendation

THAT Council endorse the minutes of the meeting held in lieu of the Finance Committee (because of the lack of a quorum) on 14 February 2023.

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

8.1. **CONFIDENTIAL - Mayoral Minute - 27/02/2023 - Staff Matters**

Report by Mayor – Councillor Maree Statham

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: -

- (a) personnel matters concerning particular individuals (other than councillors)
- (f) matters affecting the security of the council, councillors, council staff or council property

Summary

This item deals with individual staffing matters concerning employment and remuneration.

Recommendation

THAT Council Resolve to move into Closed Council to consider the confidential reports as listed in the Agenda