



Photo by Karen Hall

BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 24 July 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 26 June 2023.

6. Commemorations and Announcements

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

7. Public Forum

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

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

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

8. Mayoral Minutes

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

9. Notices of Motion

9.1. NOTICE OF MOTION - 24/07/2023 - Councillor S Lesslie - Purchase of Art Work for Council Collection

Report by Councillor Stephen Lesslie

Commentary

Nil

Attachments

1. Policy 4.5- Art- Painting- Collection [9.1.1 - 4 pages]

Recommendation

THAT:

1. Lithgow City Council's Mayor be given the authority to purchase an art work such as, but not limited to, a painting, sculpture, pottery, tapestry each year from a local art show, gallery or exhibition:
2. This art work to form part of the council's art collection or placed on loan to reputable organisations.
3. The cost of the purchase to be authorised by Lithgow Council's General Manager. Should the General Manager refuse to authorise the expenditure then a report be presented to the next council meeting.

Management Comment

Summary

For the reasons outlined below, the administration recommends that a report canvassing all material considerations (some of which are discussed below) be presented to a future Council Meeting and, as a feature of that, the allocation of funds be considered through Council's budget processes.

Relevant Policy

The development and management of the Council artwork collection is undertaken in accordance with Council Policy 4.5 Lithgow City Council Artwork Collection, which is currently under review. The policy is included as an attachment.

The objective of Policy 4.5 is to acquire, care for and exhibit a permanent artwork collection which primarily reflects the development of art and artists in the Lithgow Local Government Area, and which include a diverse range of artforms that adequately reflect the practices from the Region.

Past Acquisitions

The major source of art (almost all are paintings) acquired under this policy in past years, was the Portland Art Purchase Society annual charity fundraising event where the sitting Mayor had a \$500 budget to acquire works for Council's collection. Some other works have been acquired through bequests and donations.

No Acquisitions have been made under the policy for several years as no acquisition budget has been allocated due to Council's financial position.

Management of the Collection

The collection is mostly catalogued with artworks either on display at various Council venues including the Administration Centre, Library, Eskbank House and Visitor Information Centre or, stored at the Administration Centre.

None of the works in the collection have been valued, and their quality and relevance to the Lithgow area is varied. Council's Cultural Development Officer is currently undertaking a review of the

collection to identify those works that have the highest significance or value and is also curating an exhibition of a selection from the collection at the Visitor Information Centre.

Future Acquisitions

There is merit in the Council acquiring (and displaying) quality artworks that, in accordance with Policy 4.5 objectives, *"include a diverse range of artforms that adequately reflect the practices from the Region"*. This would require the allocation of acquisition funds each year, as well as updated policies and procedures to guide the selection. Selection by an expert panel, independent of Council would help to ensure that only artwork of value and high relevance to the Lithgow area is acquired.

Council's Cultural Development Officer considers that another option would be some funding for an annual, acquisitive art prize – which could be hosted at the Union Theatre or Showgrounds, or alternate with Portland Bi-annually, with decent prize money and opportunities for artists to exhibit and sell their work (paying an entry fee and a small commission towards the acquisition prize pool). There may be the case for some small grant funding from the arts/ regional development sector and possibly some business sponsorship also. At the end of the competition an expert panel could choose to purchase work/s for the collection.

Financial Implications

The Council has recently set and adopted its budget for 2023/2024. Should Council wish to consider an annual allocation of art acquisition funds, then the administration recommends that existing budgeting procedures be followed. Council's Cultural Development Officer advises that funds would be required for storing, maintaining, and regularly displaying the collection (current and future) at various council locations.

Budget procedures include submission of a business case, where proposed new funding programs can be considered against other priorities and a funding source can be identified before presentation to Council. A proposed art allocation business case can be developed for the 2024/25 year as a Councillor initiative.



10. Staff Reports

10.1. People and Places

10.1.1. Building and Development

10.1.1.1. P&P 24/07/2023 Variations to Development Standard

Prepared by Lauren Stevens – Development Planner

Department Development

Authorised by Executive Manager Water & Wastewater

Summary

The purpose of this report is to advise Council of variations to development standards for the April to June 2023 quarter as per the NSW Department of Planning and Environment Guidelines.

Commentary

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

The objectives of clause 4.6 are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular developments,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In compliance with procedural and reporting requirements, variations approved under delegation by staff are to be reported to a meeting of the full Council on a quarterly basis. It is advised that **no** development applications involving variations to development standards were approved for the April to June 2023 quarter. This information has been submitted to the Department of Planning and Environment in accordance with their reporting and procedural requirements.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council note the information provided in the report relating to variations to Development Standards under Clause 4.6 of the Standard Instrument for the April to June 2023 quarter.

10.1.1.2. P&P 24/07/2023 - DA070/22 (Mod DA013/23) - Geotechnical Investigations, Lake Lyell - Magpie Hollow Road South Bowenfels

Prepared by	Lauren Stevens – Development Planner
Department	Development
Authorised by	Executive Manager Water, Wastewater and Waste
Property Details	Lot 103 DP 751651 – Lake Lyell, Magpie Hollow Road, Bowenfels
Property Owner	EnergyAustralia NSW Pty Ltd
Applicant	EnergyAustralia NSW Pty Ltd

Reference

Minute No. 22-94: Ordinary Meeting of Council held on 23 May 2022
 Min No 22-135: Ordinary Meeting of Council held on 25 July 2022
 Notice of Rescission: Extra Ordinary Meeting of Council held on 1 August 2022: Geotechnical Investigation Works, Lake Lyell.
 Min No 23-90: Ordinary Meeting of Council held on 22 May 2023

Summary

The purpose of this report is to assess and recommend determination of a modification of development consent application DA070/22 modification MODDA013/23. The modification seeks approval for additional bores/ monitoring sites on land known as Lot 103 DP 751651, Lake Lyell Magpie Hollow Road South Bowenfels.

Commentary

The development application seeks consent to undertake geotechnical investigation on land owned by EnergyAustralia. The works are proposed to take place over 3-6 months and are for the purpose of assessing the feasibility of the site for a future pumped hydro energy storage (PHES) system. The location of the proposal is in an isolated location adjacent to the foreshore of Lake Lyell and below Mount Walker in the locality of Bowenfels.

The specifics of the proposed modification involve:

- Up to 13 geotechnical boreholes comprising existing or new (groundwater monitoring) drill sites (approved and proposed);
- Drilling four groundwater monitoring boreholes on existing drill pads and within the approved disturbance footprint;
- Drilling six groundwater monitoring boreholes at three new drill pads outside the approved disturbance footprint, however utilising existing disturbed areas where possible to minimise the need for additional clearing or extensive earthworks; and
- Drilling up to four additional geotechnical boreholes within the investigation envelope.

The proposed modification is for works on the previously approved disturbance area of 0.97ha, or other already disturbed areas on the site.

No additional geotechnical investigations will be undertaken within 40m from a watercourse.

Access to the site is to be in accordance with the approved Traffic Management Plan dated 15 November 2022 and the associated Land Access Letter Agreement dated 14 November 2022 (pursuant to Condition 6 of development consent). Primary access to the site will be through Oakey Forest Road from the Great Western Highway. Secondary access is proposed through Girraween Drive from the Great Western Highway. A further Barge Access Route – (Lake Lyell entry point)

traverses Bloody Cutting Road (just south of Rydal township) to DP 1181411, which is owned by Energy Australia.

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.

The application has been called in by Councillor Coleman. As such, the advice to this Council meeting is pursuant to Council policy.

Lithgow Community Participation Plan

The modification application was subject to community consultation in accordance with the Lithgow Community Participation Plan. Additional consultation measures were undertaken beyond the requirements in the Community Participation Plan. The consultation undertaken included:

- Written notification to owners of land adjoining the site;
- Written notification to owners of land who may experience visual impacts from the works;
- Written notification to owners of land in Girraween Drive who may be impacted by the proposed site access;
- Written notification of the proposal to recorded stakeholders in the local Aboriginal community;
- Exhibition of application documentation in hard copy form at Council’s customer service counter;
- Exhibition of application documentation on Council’s website.

In response to the public exhibition of the modification proposal, one (1) submission was received with the following paraphrased concerns:

- *No results have been made publicly available for the initial borehole feasibility study.*
- *During the initial investigations, a milky-white discolouration was noted in Farmers Creek adjacent to the Borehole Operation.*
- *The safety and sustainability of the project.*

Applicants Response:

- ***Intent of studies and release of study information:*** *EnergyAustralia is seeking to extend its geotechnical investigation works to allow additional bore holes to be drilled for the purpose of establishing a groundwater monitoring network and to assess the technical and environmental feasibility of the Lake Lyell Pumped Hydro Project. Accurate geological and hydrogeological data is critical to understanding specifically how pumped hydro energy storage may be built within our intended project site.*

Some data collected via this investigation may relate to areas of our privately owned land that are later excluded from the project’s design footprint. As such, data that is collected as

part of this investigation needs to remain confidential and will not be made public. An interpretation of how the geotechnical and hydrogeological data has been relied on to inform the project's eventual design footprint will, however, be included in the Project's Environmental Impact Statement (EIS) which will be shared as part of our project Public Exhibition.

- **Purported drilling discharge to Farmers Creek:** Investigations were undertaken by EnergyAustralia's onsite environmental management team and program contractors GHD. GHD did not identify any specific issue for concern or establish a connection between this alleged pollution and our onsite drilling program. EnergyAustralia will continue to monitor water quality in Lake Lyell as per its usual routine monitoring program.

Council's Assessment Planner's Response:

The purpose of the geotechnical investigations is to facilitate testing and evaluation to determine the feasibility of the proposed pumped hydro project. Council is satisfied that the results, when released, will form part of the SSD statement of environment effects, and be publicly available should the development prove feasible.

- After the initial EA investigations were undertaken and concerns received regarding the milky-white water, Council consulted with EnergyAustralia, and undertook inspections of the site locations. These investigations and site inspections were inconclusive in respect to potential causes of some water discolouration.

It is to be noted that investigations associated with the modification will be further removed (more than 40m) from the watercourse than those associated with the initial investigation.

The plan below shows the location of the additional drilling locations. The red circles indicate the new sites that have triggered this modification and the green circles show the sites that were within 40m of a watercourse in the original DA. In the green circled areas there is hatching – this shows the amount of the site that is within 40m of a watercourse. The same trigger was applied to the new sites with no hatching within these sites indicating that they are all greater than 40m to a watercourse.



Council is satisfied with the response from EnergyAustralia during the investigation of the concerns and concluded that there was no evidence that the milky white water was from the project.

Effective soil and erosion management measures will be addressed through existing conditions on the consent.

An additional condition is also recommended (refer to attached assessment report) to ensure that effective monitoring of the drilling works is undertaken to ensure there is no impact to Farmers Creek or Lake Lyell.

Financial Implications

- Budget approved - N/A for the assessment of the development application.
- Cost centre - N/A for the assessment of the development application.
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Environmental Planning and Assessment Act 1979

The proposed development requires consent in accordance with the Environmental Planning and Assessment Act 1979 and under the Lithgow Local Environmental Plan 2014. In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the Act. These are addressed in the attached Planning Assessment Report. The application is recommended for approval and has been assessed as achieving compliance with relevant regulatory requirements.

Attachments

1. Submission - Geotechnical Investigation Works [10.1.1.2.1 - 2 pages]
2. Applicants Response to Submission [10.1.1.2.2 - 2 pages]
3. Modification Plan [10.1.1.2.3 - 1 page]
4. Community Notice, Lake Lyell Pumped Hydro - update 8 March 2023 [10.1.1.2.4 - 2 pages]
5. Planning Assessment Report and Recommended Consent Conditions [10.1.1.2.5 - 18 pages]

Recommendation

THAT

1. Modification of development consent application DA070/22 modification MODDA013/23 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

10.1.1.3. P&P - 24/07/2023 - Lithgow Women's Shed Section 94A Fee - Exemption Request

Prepared by	Lauren Stevens- Development Planner
Department	Development
Authorised by	Director of People and Places
Property Details	Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street Lithgow.
Property Owner	Crown Lands Department (Managed by Lithgow Council)
Applicant	EnviroTecture Projects Pts Limited on behalf on the Lithgow Area Women's Shed Inc

Reference

Min No. 23-32: Ordinary Meeting of Council held on 27 February 2023

Summary

This report deals with a Section 94A (Section 7.12) levy exemption request. The request has been made by the Lithgow Area Women's Shed Inc, in conjunction with a development application for a new multi-function/community facility on land known as Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street, Lithgow. The recommendation is that the request be supported.

The report also seeks Council's approval to vary from Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land, with the development application being open to be determined by the General Manager in lieu of being reported to Council. This may assist in expediting determination.

Commentary

The Lithgow Area Women's Shed Inc has received a grant of \$2,460,625 from the Federal Bushfire Recovery Grants program for the construction of a new multi-function/ community facility.

The proposal is for a multi-function building to comprise a workshop with ancillary tool rooms, meeting room/hall, two small commercial offices, 2 x kitchens, kids' room, and amenities.

The development is proposed for Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street, Lithgow.

The location of the development is to the south of the main oval, between the main showground grandstand to the west, the skate park to the southeast and the ballroom to the east.

The location of the development is shown on the plan below:



Request for Exemption from Council's Section 94A Contribution Plan

The Lithgow Area Women's Shed Inc has submitted a written request for an exemption from Council's Section 94A Contribution Plan, with the following justification:

1. *The Lithgow Women's Shed is a Council-led initiative aimed at improving the provision of essential infrastructure and services in the community.*
2. *The proposed works are being undertaken on behalf of Council as the ultimate owner of the asset, and therefore, there is no third-party developer who would be liable to contribute under the Plan.*
3. *The project is being funded by Federal Bushfire Recovery Grants program.*

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 applies to this development given it is for a "community facility", and the associated genuine building cost estimate is \$2,460,625, using the calculation method below:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

The Section 7.12 contribution would be **\$24,606.25**.

Clause 7 of the Development Contributions Plan sets the following exemption categories:

C7 Are there any exemptions to the Levy?

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

- a) *Development by or on behalf of Lithgow City Council;*
- b) *Development by or on behalf of NSW Government for public infrastructure such as hospitals, police stations, fire stations, education facilities and public transport infrastructure;*
- c) *Development that involves rebuilding or repair after natural disasters such as flooding or bushfires;*
- d) *Development involving alterations and additions to an existing single dwelling;*
- e) *Development involving the demolition of an existing dwelling;*
- f) *Development involving the rebuilding of an existing dwelling;*

- g) *An application for an industrial, retail, or commercial development where there is no intensification of use or increase in floor space of an existing building.*

In this circumstance, the development application is lodged on behalf of a not-for-profit community organisation on Council managed land (owned by Crown Land), with the intention of the facility being granted to Council and leased via a license agreement as per the Plan of Management for the site.

As the development will be dedicated to Council, and will also form part of Council's infrastructure asset and management program, it is considered that the Lithgow Area Women's Shed Inc are eligible for an exemption under a) *Development by or on behalf of Lithgow City Council.*

Status of the DA and a proposal from the administration to vary from policy

The development was not permitted to be undertaken on the land until such time as a Plan of Management was approved to facilitate this. When the grant was received by the Lithgow Area Women's Shed Inc, the Council resolved to commence that process. This task was prioritised over other Plans of Management and adopted by Council in September 2022. The development application was then lodged on 29 May 2023.

The development application is currently under assessment by Council staff.

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land
Development Applications on Council owned land requires development applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority.

The grant is time limited. Determination of the development application as soon as possible could assist to reduce the risk of this timeline not being met. The applicant has been requested to provide further information to allow the assessment to be completed. It may be helpful for the discretion to be available for the administration to determine this application if finalisation of the assessment does not coincide with Council Meeting dates. Councillors would still be furnished with a copy of the assessment report and that could also be posted on Council's website for public information.

Ownership and classification of land

The land is classified 'community' and categorised in Council's Tony Luchetti Sportsground Plan of Management as sportsground/general community use. The construction of a multi-purpose building is consistent with the core objectives for management of community land categorised as a sportsground under section 36F Local Government Act 1993, namely to:

- 1. encourage, promote, and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and*
- 2. ensure that such activities are managed having regard to any adverse impact on nearby residences.*

Ownership of building post construction

The general law provides that a building 'affixed' to land becomes part of that land. Therefore, as Council manages the land the building will automatically be vested in Council once constructed, with Council ultimately being responsible for insurance and maintenance.

Lease/License offer to The Lithgow Area Women's Shed Inc

By way of comment, in recognition of the time and effort that The Lithgow Area Women's Shed Inc has invested in obtaining the grant, benefiting the community for many years, it is recommended Council offer The Lithgow Area Women's Shed Inc a licence agreement in respect to the building for 10 years following completion of the work. Details of any licence agreement will be reported separately to Council for ratification.

Policy Implications

Policy 1.2 Acquisition and Disposal of Assets

This Policy needs to be considered when Council is considering the acquisition and/or development of assets. The Lithgow Women's Shed has received a grant for the construction of the building, once this building has been constructed, it will be dedicated to Council for maintenance and management.

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

Development Applications on Council owned land requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. See the earlier commentary about a request from the administration to potentially vary from this policy. .

Financial Implications

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact -
 1. It must be noted that the long term financial plan confirms that ongoing restraint is required in terms of future expenditure. Council does not have the financial capacity to increase its asset base. The acceptance of this project will need to be accounted for in Council's assets register and financial accounts at a capital value of around \$2.5M. It is not possible to predict with certainty the maintenance cost per year however, on average, asset maintenance represents 2 – 3% of its replacement cost, per year. The building will also depreciate over an expected life of 40 years, requiring a depreciation expense of 2.5% yearly. The administration will incorporate the asset into the Long Term Financial Plan and budget strategies.
 2. A licence agreement is proposed to be undertaken and detailed in a separate report once the application has been determined.

Legal and Risk Management Implications

Section 610E of the Local Government Act (the Act) sets the legislative framework for fee waivers or reductions and is relevant for Council's consideration:

Council may waive or reduce fees

610E Council may waive or reduce fees

(1) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

(2) However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under [section 610F\(2\)](#) or (3).

Council has set a "category of cases" for levy exemptions in the Development Contributions Plan 2015 which is consistent with the Act.

Section 610E of the Local Government Act 1993 further provides that:

Fee Waivers, Refunds and Reductions Section 610E of the Local Government Act 1993 provides that "...a council may waive payment of, or reduce, an approved fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the Council has determined payment should be so waived or reduced."

This circumstance does not exist in this case.

Attachments

1. Exemption to Section 94 A Contributions [**10.1.1.3.1** - 2 pages]

Recommendation

THAT

1. Council approve the Section 94A (Section 7.12) Development Contributions Plan exemption request for the proposed multi-function/community facility by Lithgow Area Women's Shed Inc, noting that the assessed contribution is \$24,606.25.
2. Council vary from Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land and delegate authority to the General Manager to determine the application (should that be required to expedite this decision), and subject to the arrangements outlined in this report.
3. Details of a proposed licence agreement be reported to Council at a future time.

10.1.2. People and Services General Reports

10.1.2.1. P&P - 24/07/2023 - Development Contributions Review - Proposed Revised Lithgow Local Infrastructure Contributions Plan (S.7.12) 2023

Prepared by Sherilyn Hanrahan - Strategic Land Use Planner

Department Strategic Land Use Planning

Authorised by Director of People and Places

Summary

The review of Council's development contributions system was identified as a planning initiative tied to the Regional Housing Fund Infrastructure Grants program. The development of a new and revised development contributions plan for public exhibition was identified as a milestone to be achieved by 31 December 2022. Council has been granted an extension to complete this milestone until 31 July 2023.

This report provides an overview of the findings of the independent review of Council's development contributions system and seeks a Council resolution to publicly exhibit a revised Section 7.12 Local Contributions Plan.

There will be ongoing work to revise Council's Planning Agreements Policy and improving the financial management and reporting of Development Contributions. This will be the subject of a further report to Council.

Commentary

Review Project

In July 2022, Council engaged an external consultant, Julia Kaul Planning and Policy, to review Council's development contribution system and provide direction for its improvement. The aim of this review was to ensure that Council is using the most appropriate mechanism for capturing development contributions and that the plans do what they are meant to do with a focus on compliance, practicality, and transparency.

The consultant prepared and presented to Council's senior officers a Directions Paper that examined:

- The structure of the current system used by Council including:
 - Mechanisms used
 - Where they are used
 - How they are used
- Administration of the contributions system
 - Compliance with legislative and regulatory requirements
 - Processes
 - Availability of information
- How effectively it is delivering the infrastructure required.

A draft 7.12 Local Infrastructure Contributions Plan was also prepared excluding the Infrastructure Works Schedule. Council's Infrastructure Services Department and Executive Management Team have completed the Infrastructure Works Schedule and inserted it into the Draft Plan as attached.

The Development Contributions System in NSW

Under the *Environmental Planning and Assessment Act 1979* (the Act) there are 4 mechanisms Council can use to require the delivery of infrastructure or a contribution towards infrastructure that is needed as a result of new development:

- Section 7.11 (formerly Section 94) contributions
- Section 7.12 (formerly Section 94A) levies in accordance with Clause 209(2) of EP& A Regulations 2021
- Planning Agreements (Section 7.4) and
- Section 4.17(1)(f) development works consent conditions

Although section 4.17(1)(f) conditions can be used as a means of providing infrastructure, they are not part of the contributions system and are therefore beyond the scope of this report. Their use should, however, be considered where the works proposed:

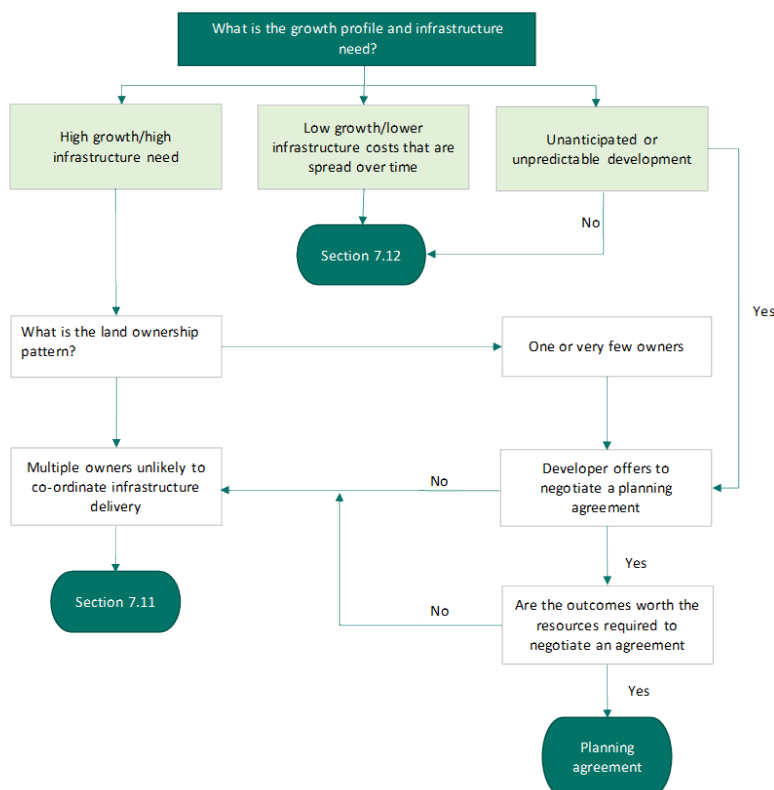
- Are required only as a result of the proposed development
- Are not covered by an existing contributions plan or planning agreement
- Can reasonably be provided by the developer as part of their development and
- Will be undertaken by the developer.

Choosing the most appropriate mechanism

The most appropriate mechanism for funding infrastructure depends on a variety of factors with the most common being:

- The rate of development
- The type of new development
- The scope of new infrastructure required and
- The predictability of development patterns.

Figure 1 shows a simple decision-making flowchart to guide the choice of the most appropriate mechanism based on these circumstances.



Implications for Lithgow

Lithgow City is classified as small regional town/city (OLG Group 4) under the Australian Classification of Local Governments (Australian Bureau of Statistics). With a population of approximately 21,000 (2021 Census) and a relatively low level of growth there is limited increased demand for significant new infrastructure due to new development. Although there are some areas identified for future greenfield development, most of the residential development is infill in nature. New industrial development is predominantly in the mining and energy sector.

Lithgow City Council currently uses a combination of a city-wide Section 7.12 plan (2015) and voluntary planning agreements. Based on the decision-making process outlined in Figure 1 the use of this combination of mechanisms appears reasonable in the circumstances. Council may, however, consider utilising a site-specific section 7.11 plan for urban release areas such as Marrangaroo, where the additional resources can be justified.

A revised Section 7.12 Plan is recommended to ensure the plan is current and fully compliant with legislation and current best practice.

Setting a strategic direction

Regardless of the mechanisms used, care needs to be taken to ensure the way they are used results in the community getting the infrastructure it needs, when it needs it. There needs to be clarity regarding the infrastructure that is to be provided and its timing. All infrastructure decisions should be underpinned by a strategic framework that demonstrates what will be provided, when and where.

This can be achieved by utilising existing strategic planning mechanisms available to Council to build a picture of what future infrastructure requirements will look like. These mechanisms may include:

- Development control plans
- Open space or community facility strategies
- Traffic management plans
- Masterplans
- Revitalisation/improvement plans or strategies.

Infrastructure within the Plan

The focus of any contributions plan should be the provision of infrastructure when and where it is required. The follow are key factors that should be considered when determining the infrastructure to be included:

1. The need for the infrastructure should be supported by strategic documents
2. There should be clarity regarding what infrastructure is to be funded through the contributions levied
3. The extent to which contributions will fund the infrastructure identified, and,
4. There should be clarity regarding when the infrastructure is required.

This will ensure that the provision of infrastructure and associated expenditure of contributions can be appropriately programmed.

Clarity regarding what infrastructure is to be provided, where and when is critical to a plan that fulfils its purpose. The plan needs to contain sufficient information to identify the infrastructure that is to be provided including:

- A description of each item of infrastructure that is sufficient to determine what is to be provided
- Maps showing where infrastructure is to be provided

- A work program that sets priorities and indicative timing for provision of items within the plan, Clause 212(1)(g) of the EP&A Regulation requires a contributions plan to contain a works schedule showing the cost and staging of provision of items under the contributions plan (either by reference to date or thresholds). This works schedule should be developed based on the forecast development patterns in the area to which the plan applies. The development patterns on which the plan is based will also enable the projection of income across the life of the plan.

Proposed Draft 7.12 Plan Works Schedule

The proposed works schedule (Attachment 1 of the Draft Plan) includes \$2.95M of infrastructure in the following areas:

- Road and Traffic Management (including Active Transport)
- Open Space and Recreation Facilities
- Community Facilities
- Other

The works schedule has been prepared having regard to Council's current balances held in the contributions restricted reserve, projected future income from development contributions and the current resourcing requirements of the 2023- 2027 Delivery Plan.

The 2023/2024 program of works is extensive and is possible due to the current level of funds held in restricted assets.

The works schedule and implementation plan under the proposed revised S.7.12 Plan, will over time, be improved as Council fully develops its Asset Management Plans, its capital works and assets forward planning program and its links to the Integrated Planning and Reporting (IP& R) framework.

Without the significant injection of funds from the development contributions system, many of these projects would not be able to be undertaken at all or would at the very least be significantly delayed.

Voluntary Planning Agreements

Use and Content

The review project has identified that most agreements negotiated by Council to date are based on an established template and require a generic monetary contribution towards open space and community facilities for new urban release areas and mining/energy related developments with no details of the infrastructure to be funded provided. The contributions are levied in addition to any section 7.12 levies that might apply.

This approach can be problematic. It is for instance important that VPAs are not used as a form of value capture. This can be overcome where there is a strategic link between the monetary contribution sought and the provision of infrastructure.

Figure 1 above outlines the circumstances in which a planning agreement may be the best mechanism to use. This alludes to the approach that such agreements be the exception rather than the rule.

Identifying infrastructure within Voluntary Planning Agreements

Section 7.4(3)(c) of the EP&A Act requires a planning agreement to specify the nature and extent of the provision to be made by the developer under the agreement, the time, or times by which the provision is to be made and the manner by which the provision is to be made.

Where an item of infrastructure is to be provided under the agreement, the location, nature and nominal value of this infrastructure and the timing of its provision must be specified within the

agreement. This is generally done through a schedule to the agreement which would outline the infrastructure to be provided, the trigger for its provision and the scope of works.

Where a monetary contribution is being sought under an agreement it should be clear where that money is to be spent. This could either be addressed in the body of the agreement or through a schedule to the agreement and would typically address the location of the works, type of infrastructure, value of works.

Registration on Title

The review identified that current practice could be improved through registration of agreements on the title of the land to which they apply. By registering the agreement on the title, the requirements of the agreement will run with the title of the land rather than the owner.

It is recommended that Council, as a default position, require registration of all planning agreements on the title of the land to which they apply.

Planning Agreement Policy

Council has a planning agreements policy that is available on the website. This policy was last reviewed in 2014 and provides basic information regarding how Council may choose to use a planning agreement. It does not provide information regarding the process that will be followed by Council in negotiating an agreement or details of how proposals to enter into an agreement will be assessed. This policy has been identified for review in 2023.

In February 2021, the NSW Department of Planning, Industry and Environment (DPE) released a Practice Note on Planning Agreements, replacing the previous practice note released in July 2005. The new practice note contains significant additional advice to when and how a planning agreement should be considered.

To provide greater consistency in the negotiation, content, and implementation of planning agreements it is recommended that Council review its planning agreement policy to reflect the guidance provided in the 2021 Practice Note. In preparing this review it is also recommended that Council consider providing a process map for the negotiation.

The review of the Planning Policy will be reported to Council at a later date. In addition to a review of the Policy, Council officers are also seeking independent advice regarding the establishment of a Community Enhancement and Economic Development Fund/Plan, implemented through the planning agreements system, for larger developments that generate intergenerational impact and benefit.

Financial Management

Section 7.3 of the EP&A Act outlines the requirements for managing money received through the development contributions system. Under these provisions Council must hold the funds for the purpose for which they paid and spend those funds for that purpose within a reasonable time. More detail on their management is provided in clause 218 of the EP&A Regulation.

Managing income and expenditure

Contributions paid by developers are to 'held in trust' by Council and expended to be expended on the infrastructure for which they were paid. Procedures should be in place to ensure:

- Those that should be paying a contribution are paying it when it is due
- Contributions paid are held in a separate account that can be distinguished from other income
- Contributions held are expended in accordance with the contributions plan or planning agreement under which they were paid.

Section 7.3(4) of the EP&A Act requires that any interest earned on contributions held must be returned to the account in which contributions are held. Based on the information provided in Council's financial statements this is not currently occurring.

Not only are the above regulatory requirements that must be met to ensure compliance, they are also critical in ensuring that Council achieves maximum benefit from the community by having funds available for the infrastructure when and where it is needed.

Council will review its financial management processes relating to contributions to ensure all regulatory requirements are being fully met and are fit-for-purpose.

Links to Integrated Planning and Reporting (IP&R) Framework

As outlined in sections 8A(c) and (d) of the Local Government Act 1993 Council must use the IP&R framework to plan strategically for the efficient and effective provision of services to meet community needs and to achieve desired outcomes and continuous improvement.

Council's contributions system should form an integral part of the IP&R process to ensure the provision of infrastructure under the contributions system is integrated into the broader operations of council. Council's contributions plan and planning agreements would be considered as 'other Council strategies and plans' component of the framework and should be integrated into the overall Council delivery program, operational plan, and resourcing strategy.

Monitoring and Reporting

Monitoring and reporting are critical to ensuring transparency and accountability within the contributions system. For this reason, the EP&A Regulation outlines the information that must be made publicly available on Council's website and the planning portal as well as the reporting requirements relating to the operation of the contributions system by Council. Details of these requirements can be found in clauses 217 to 220 inclusive in the EP&A Regulation.

Publicly Available Information

As outlined in clause 220 of the EP&A Regulation, the following documents must be publicly available on Council's website and, in some instances, on the planning portal:

- The current contributions plan
- Current rates under this plan
- A register of contributions levied
- A register of all planning agreements that relate to the LGA (Note: This includes those that are entered into by other agencies eg DPE, RMS)
- Annual reports/financial statements

A desktop review of Council's website identified that Council's contributions plan and the annual reports/financial statements are available but not the remaining items on the list. This will be rectified.

Registers

Revised provisions in the EP&A Regulations regarding the content and availability of contributions/planning agreement related registers and annual reporting came into effect on 1 July 2022.

Council will need to develop a contributions register or a planning agreement register that is fully compliant.

Process Improvement

It is important that Council has processes in place to ensure:

- A condition is placed on all relevant development applications requiring the payment of a contribution in accordance with the contributions plan
- Arrangements are in place to ensure that all relevant complying development
- The contribution payable can be calculated easily
- The funds are paid when required
- When paid, those funds are allocated to the correct account

The Directions Report recommends that Council form working groups with the relevant sections of Council to map the following key processes:

- Determining whether a contribution applies and applying a relevant condition of consent
- Recording contributions payable (Contributions Register)
- Processing a payment
- Allocation of funds to projects

Summary of Proposed Actions

Council officers will develop an internal work program for implementation over time in accordance with the identified risk and priority status outlined in the Directions Paper that is reproduced below table below, as resources permit.

Action	Risk	Priority
Planning agreement register – preparation and publish online	High – regulatory non-compliance	Very high
Development contributions – register preparation and publish online	High – regulatory non-compliance	Very high
Review Contributions Plan to ensure compliance with EP&A Act and Regulations	High – regulatory non-compliance	High
Review and improve payment and accounting practices to ensure payments are properly recorded	High – governance of payments and potential for funds to be incorrectly spent	High
Develop strategic basis/business rules regarding allocation of funds	Moderate/high – would address current inconsistencies	High
Integration of contributions related actions to IP&R framework	Moderate – best practice is to integrate; some reporting is already required	High
Process mapping and improvement of contributions related processes	Moderate – would address governance issues	Medium to high
Review planning agreement policy	Low-moderate – review is already programmed for 2023	Medium
Online calculator		Low/Medium

Public Exhibition

The revised Draft Plan will require public exhibition for a period of not less than 28 days and consideration of submissions raised before being adopted by Council. The Draft Plan will be exhibited in accordance with Council's Public Participation Plan and the EP & A Act, 1979.

Recording of Voting on Planning Matters

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

A development contributions plan is a planning decision for the purposes of this provision.

Policy Implications

Nil

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – The funding of infrastructure under the revised Draft 7.12 Plan will reduce the balance held as restricted asset .

Legal and Risk Management Implications

Development Contributions in their various forms are required to be planned, delivered, and reported against in accordance with the EP & A Act, 1979 and its Regulations (2021).

Attachments

1. Draft Lithgow Local Infrastructure Contributions Plan (S 7.12) 2023 [**10.1.2.1.1** - 30 pages]

Recommendation

THAT

1. Council receive and note the information provided in this report.
2. Council endorse the Draft Local Infrastructure Contributions Plan (S. 7.12) 2023 attached to this report for public exhibition, and,
3. The matter be returned to Council for further consideration of adoption of the Draft Local Infrastructure Contributions Plan (S. 7.12) 2023 following public exhibition.

10.1.2.2. P&P - 24/07/2023 - Greenspot Scoping Proposal

Prepared by Sherilyn Hanrahan - Strategic Land Use Planner

Department Strategic Land Use Planning

Authorised by Director of People and Places

Summary

The purpose of this report is to provide a high-level assessment of the Scoping proposal for the Wallerawang Power Station and Surrounds Rezoning.

This assessment will form the basis of written advice issued to the proponent to:

- provide early feedback about the strategic and site merits of the proposal;
- understand the expectations for required justification and key supporting studies to support the planning proposal;
- facilitate early consultation with key agencies to understand and resolve any agency issues earlier in the process;
- identify infrastructure needs and determine what form of infrastructure funding may be needed to support the proposal and
- identify and resolve planning issues upfront.

Council officers have been assisted in the assessment of this Scoping Proposal by external planning consultants who were engaged by NSW Department of Planning and Environment to provide additional resources to this significant proposal. Government agencies have also provided preliminary comment on the proposal.

This advice is not a full merit assessment of the proposal but should be considered by the proponent in proceeding with and preparing a full Planning Proposal.

Declaration of Interests

Council has the following declarations of interest in relation to the Greenspot Site:

- Council is currently investigating the relocation of the Oakey Park Water Treatment to a site within the Greenspot land holding. Discussions with Greenspot commenced prior to the lodgement of the Scoping Proposal and are continuing in relation to this matter. Council will declare any or all interests in the site to the Department of Planning and Environment, should a gateway determination be requested;
- Council has a lease agreement with Greenspot as transferred from Energy Australia for part of the foreshores of Lake Wallace which obligates Council to manage and maintain the areas under lease;
- Council also recently facilitated with Greenspot the use of the "Old Wallerawang Schoolhouse" building to provide a temporary guest transfer area and vehicle compound to service the Emirates One and Only Wolgan Resort. due to natural disaster impacts resulting from the closure of Wolgan Road and suitability of the temporary road access via the "Donkey Steps Road". Greenspot also loaned the Council a 4wd vehicle for use in the conveying of residents out of the Wolgan Valley.

Planning Proposal Process

The lodgement of a scoping proposal is the first step in the planning proposal process (refer to Figure 1 below). It is not a legislative requirement but is highly recommended as early alignment with the strategic planning framework can reduce time and cost later in the preparation of a full Planning Proposal and making of a Local Environmental Plan.

It is important to note this step does not involve Council making a decision or determination on whether to proceed with the planning proposal. Rather this step is to ensure the proposal is aligned with the strategic planning framework and any matters of concern are raised early in the rezoning process.

Following this step, the proponent will be required to prepare a planning proposal, which will be accompanied by a number of specialist consultant studies. The planning proposal will need to include specific details of the proposal, detailed justification of the proposed amendments, outline consistency with strategic plans/documentation, address the matters raised in this report and outline a methodology to undertake engagement with the community and government agencies.

Figure 1

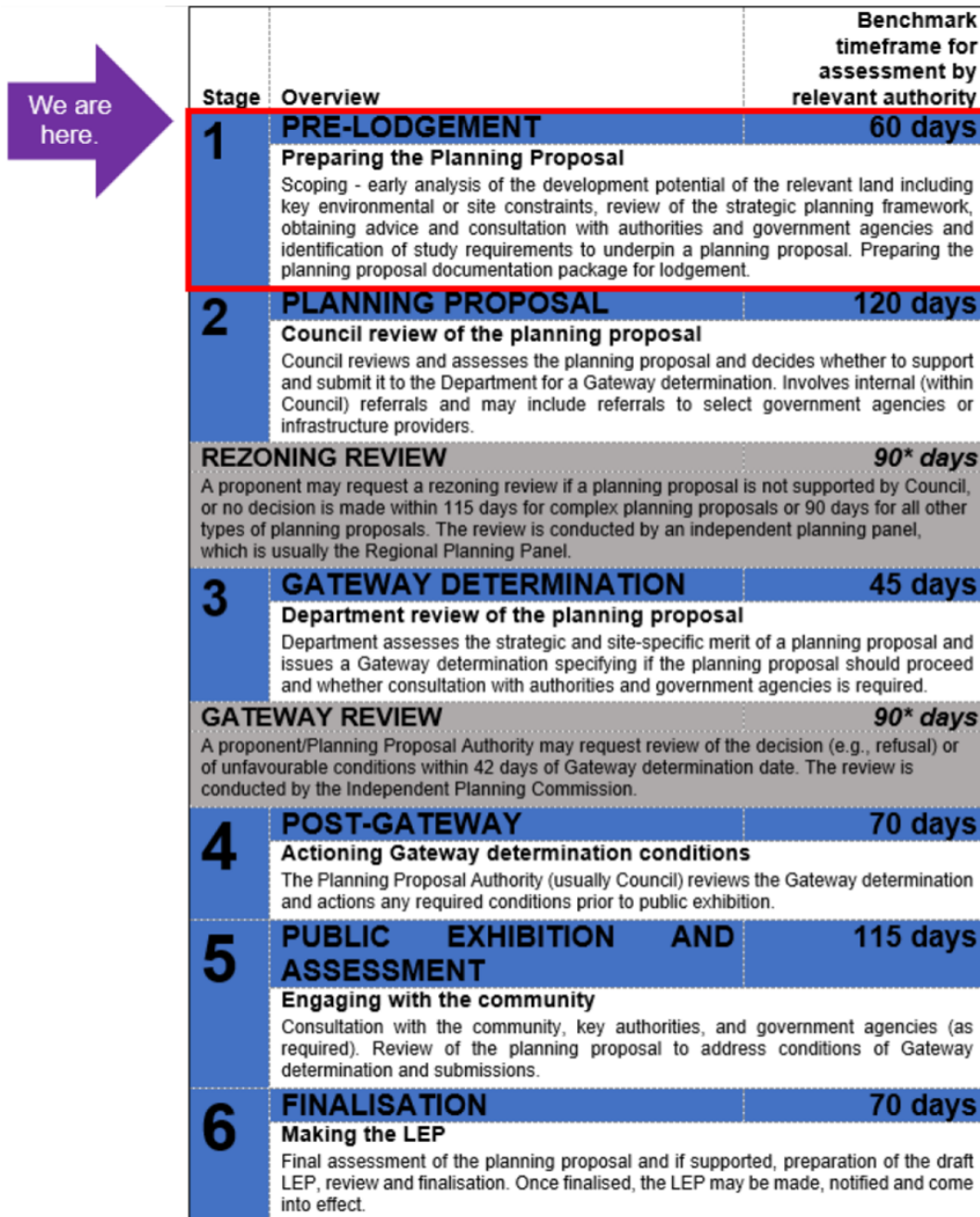


Figure 1: Planning Proposal Process (Source Department of Planning and Environment)

The Site

The site is located in the township of Wallerawang-. The site covers approximately 620 hectares and comprises 34 allotments.



Figure 2: The Site (Source: Scoping Proposal, Urbis)

The majority of the allotments are owned by Greenspot; however, the site also includes other allotments owned by NSW Electricity Operations Pty Limited, Water NSW and Perpetual Trustee Company Limited.

Table 1: Legal description and ownership

Legal Description	Owner
Lot 1-2 DP 1131955, Lot 3 DP 1087684, Lot 171 DP 1131959, Lot C-D DP 394440, Lot 171 1131952, Lot 10-11 DP 1139978, Lot 1 DP 1278148, Lot E DP 394440, Lot 100 DP 1043966, Lot 3 DP 1181412, Lot 4 DP 1016725, Lot 3 DP 1018958, Lot 3-4 DP 1226927, Lot 1 DP 1181412, Lot 6-8 DP 1016725, Lot 1 DP 443235, Lot 3-4 DP 778400, Lot 2 DP 1181412, Lot 231 DP 622326, Lot 1 DP 1196274, Lot 32 DP 827807, Lot 4 DP 1087684, Lot 3 DP 1278145.	Greenspot
Lot 101 DP 1043966	NSW Electricity Operations Pty Limited
Lot 1-2 DP 778400	Water NSW
Lot 1 DP 371608	Perpetual Trustee Company Limited

The site comprises a mix of different land uses, including:

- Wallerawang Power Station, a former power station (including ancillary structures and infrastructure) which has now been decommissioned. The power station was closed in 2014 and was acquired by Greenspot in 2020. Structures and infrastructure that have been retained include a private rail siding, service bridges, vehicular accessway over Coxs River, high-capacity Fish River Water Supply Scheme connections and Lake Wallace cooling water supply pumping station;
- Heritage-listed Wallerawang Public School;
- Lithgow City Rangers Soccer Club fields, which is under a licence agreement with Greenspot;
- Coxs River, which bisects the former power station footprint;
- 330kV transmission line easement that runs parallel to the Coxs River;

- Lake Wallace, a regulated dam constructed to supply cooling water to the former power station. The majority of the north/eastern lake foreshore is subject to a lease from Greenspot to Council and is currently used for recreational purposes such as fishing and boating;
- Areas around the lake are also used for caravanning, camping, sailing, rowing and sport and recreation activities; and
- Areas previously used for commercial pine forests. Some of these areas still vegetated, with other areas having been cleared.

The site will soon accommodate a battery energy storage, along the Castlereagh Highway frontage (adjacent to the Wallerawang substation). State Significant Development (SSD) consent for a battery energy storage system was granted in August 2022. Greenspot has partnered with Shell Energy to deliver the project.

Existing Planning Controls

The Lithgow Local Environmental Plan 2014 (LLEP) is the principal environmental planning instrument applicable to the site. The site is zoned a mix of SP2 Electricity Generating Works, RU1 Primary Production, IN1 General Industrial and E5 Heavy Industrial (refer to Figure 3).

Pursuant to the LLEP the site is also mapped as having the following:

- Environmentally sensitive area;
- Sensitive land areas;
- Groundwater vulnerable;
- Watercourse/sensitive waterways; and
- Heritage item, specifically the Old Wallerawang School (former National School).

The site is not subject to any height or floor space ratio provisions.

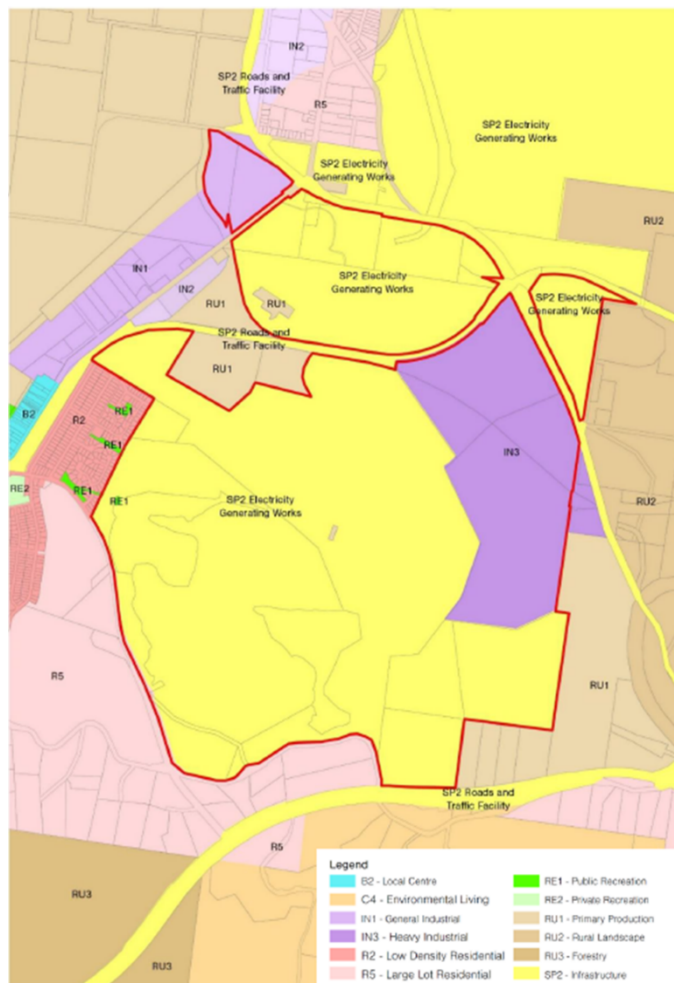


Figure 3: Existing zoning, site highlighted in red (Source: Scoping Proposal, Urbis)

Summary of Scoping Proposal

Greenspot have prepared a preliminary draft land use concept plan for the site, which has been divided into the following precincts. A wide range of potential land uses have been identified that align with the proponents' vision and preferred character of the precincts. These potential land uses (listed below) will be further investigated and tested against the outcomes from the relevant social, environmental, and economic studies being undertaken.

- **Old Power Station Precinct**, including the following land uses: education and training facilities, pilot plants, warehousing, manufacturing, resource recovery, battery storage, data centres, hydrogen production, hydrogen refuelling, ammonia production, road to rail intermodal, aeronautics/heliport, and minerals processing.
- **Industrial and Commercial Precinct**, including the following land uses: education and training facilities, pilot plants, construction materials, resource recovery, manufacturing, battery storage, data centres, hydrogen production, ammonia production, hydrogen refuelling, heavy vehicle service station/mechanical repairs, road to rail intermodal, aeronautics/heliport, minerals processing, food processing, water treatment facilities, warehousing, plant and equipment hire, depots, commercial premises, call centres, aquaculture and protected cropping.
- **Tourism and Recreation Precinct**, including the following land uses: optimisation and enhancement of existing recreational uses (sailing club, rowing/dragon boating club, baseball, caravanning and camping, giant tree arboretum, children's playground, off leash dog park, public amenities block and Bicentennial National Trail), publicly accessible open space, sporting facilities, markets, waterpark/adventure playground, water recreation structures, restaurants, cafes, short term accommodation, community facilities, function centre, seniors housing, information and education facilities, cultural centre.
- **Residential Precinct**, including a mix of housing typologies including large lots, medium lots, small lots, and residential flat buildings. It is proposed that this precinct will also include a provision of local services as an extension of the Wallerawang Main Street.
- **Old School Precinct**, including the adaptive reuse of existing heritage listed School building, education and training facilities, pilot plants, shared working spaces, light industrial complexes, depots, warehousing, manufacturing, water treatment facilities, community facilities and temporary workers accommodation.
- **Environmental Management**, including active and passive recreation, bike and pedestrian pathways, roads, environmental management, bush regeneration, education facilities and a cultural centre.
- **Lake Wallace**, including recreational use, floating solar, riparian, and aquatic regeneration, floating gardens/biofiltration, reservoir to enable water storage, access, and reticulation for various on-site uses and potentially for broader regional benefit.

The above proposed precincts will transform the Wallerawang town, by introducing new residential, tourism and environmental management precincts and the retention of employment areas. The proposed concept plan could accommodate 1,500 - 4,500 jobs and between 600 -800 dwellings.

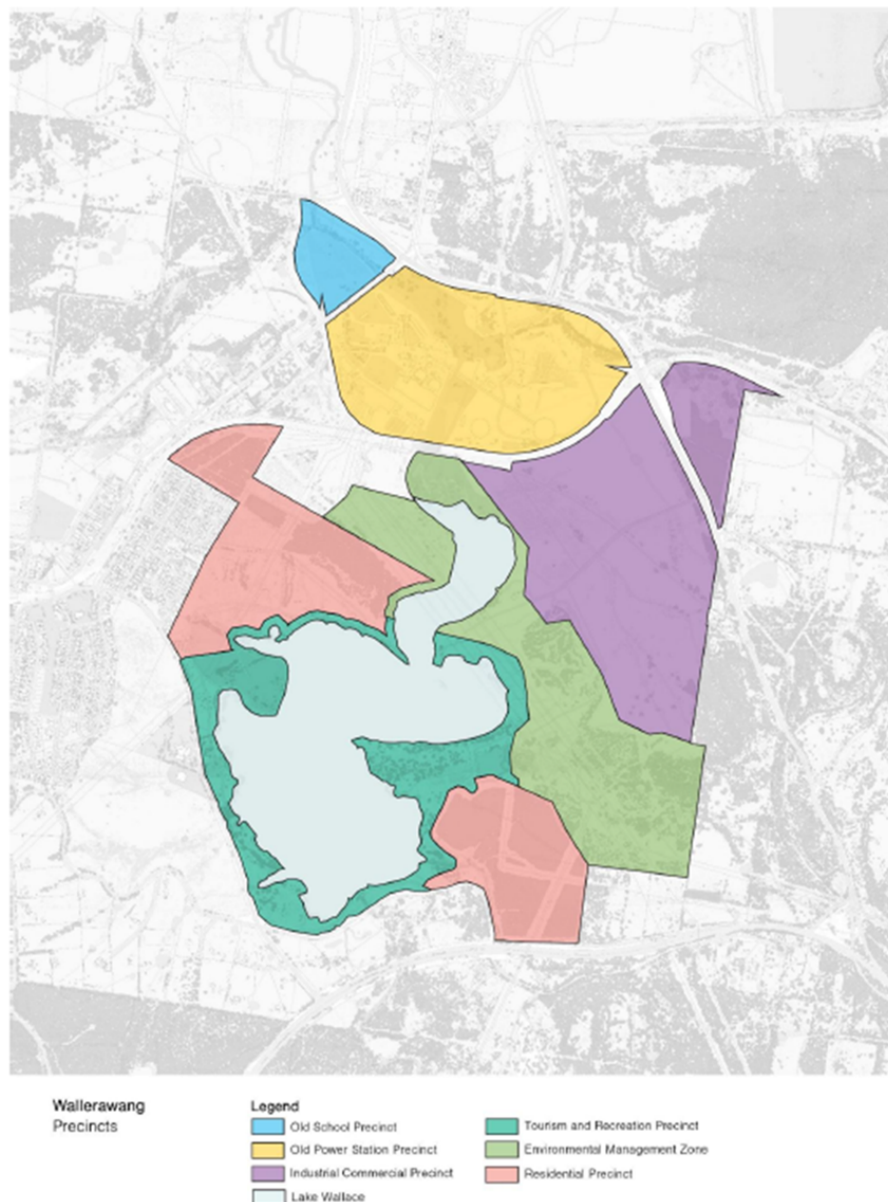


Figure 4: Proposed Precincts (Source: Scoping Proposal, Urbis)

Summary of the Assessment Report for the Scoping Proposal (full copy attached to this report)

On 19 April 2023, a scoping proposal was submitted to Council by Urbis and Arup on behalf of Greenspot Wallerawang Pty Ltd (Greenspot).

The Scoping proposal outlines an intention to pursue the rezoning of the Wallerawang Power Station, including the surrounding land, which was decommissioned in 2014 and was acquired by Greenspot in 2020. In addition to Greenspot, the boundary of the proposal includes land owned by NSW Electricity Operations Pty Limited, Water NSW and Perpetual Trustee Company Limited.

In accordance with the Lithgow Local Environmental Plan 2014, the site is currently zoned a mix of SP2 Electricity Generating Works, RU1 Primary Production, IN1 General Industrial and E5 Heavy Industrial. Future development of the site beyond the relatively narrow range of land-uses permitted by the current LEP requires a Planning Proposal.

The landowner proposes to seek rezoning of the land, into several different industrial, commercial, tourism, environmental and residential precincts. Specific land uses zones have not been proposed

at this stage, but a wide range of potential uses have been nominated for the precincts. The Scoping Proposal identifies that the proposed rezoning could accommodate the delivery of 1,500 - 4,500 jobs and 600 - 800 dwellings.

Council referred the proposal to external authorities and government agencies for initial comment and identification of requirements necessary to progress the proposal. A summary of the consultation feedback is provided in Table 9, which outlines that much more specific detail is required.

There are also several matters which require further clarification and justification - in particular, where the proposal is not consistent with current strategic policy. By way of example, while the reuse of the decommissioned power plant and adjoining employment land is consistent with the Central West and Orana Regional Plan 2041, the quantum of jobs and residential dwellings being proposed has the potential to be inconsistent with the regional plan, given it could impact the hierarchy of centres within the region. Additionally, the inclusion of residential dwellings is inconsistent with the Wallerawang Structure Plan in the Lithgow 2040 Local Strategic Planning Statement.

The following section of this report summarises the key considerations for the next phase of this proposal for rezoning. These will be conveyed to the landowner/applicant for addressing in the Planning Proposal.

Key Planning Considerations emerging from the Assessment Report for the Scoping Proposal

Understandably, the rezoning of a 620 hectare site attracts the need for detailed assessment of a wide range of economic, environmental and social considerations.

The following key local planning considerations have been identified during the early engagement and consultations with the proponent and the assessment of the Scoping Proposal (by government agencies and Council). In a sense, these represent “first principles” which should be further addressed within any future Planning Proposal:

- The Planning Proposal is to be consistent with and advance the objectives, actions, and desired outcomes of the Lithgow Emerging Economies Transition Plan;
- The quantum of land to be rezoned is extensive (610ha). Consideration should be given to the efficient staging/phasing of this land release to ensure that it is appropriately aligned with required infrastructure provision and market demand through appropriate planning mechanisms/ controls;
- The proposed land uses and zoning to be accommodated by the Planning Proposal are to be further refined and made consistent with the Standard Planning Instrument. Excessive use of Schedule 1 Additional Permitted Uses should be avoided;
- The primary focus of the Planning Proposal is to be directed towards the delivery of employment lands. The provision of residential land uses should be directly linked to and sequentially follow the take-up of employment lands within the site through appropriate LEP provisions;
- The business and commercial land uses within the site are not to unreasonably compromise the established centres hierarchy and/or lead to diminished service provision within those centres;
- The provision of new housing precincts should not detract from the established and identified future residential growth areas. The Planning Proposal will need to justify the demand and suitability for additional housing areas on this site compared to the future residential areas identified within the LSPS;
- The issue of local and regional water access sharing and security as it relates to Lake Wallace and Cox’s River is to be further investigated and reconciled with relevant stakeholders. To this end, Council will facilitate a working group of all relevant stakeholders during the next phase of the Planning Proposal development;

- Local connectivity and public access to Lake Wallace foreshores and other existing recreational and cultural areas on the site is important to the local community and visitors to the area. The Planning Proposal is to include an open space and recreation strategy for the site to determine the quantum and quality of open space and recreational land. This strategy should include:
 - **A concept plan** of the integrated network of active and passive recreation areas to be developed within the site and their connectivity to the town centre.
 - A **written statement** demonstrating how the public open space concept design will conform to the following contemporary best practice principles for open space:
 - In what way does the concept design respond to the specific Place and Community?
 - How does the concept design integrate Multi-functionality and Adaptability?
 - What are the means by which the concept design achieves Diversity?
 - How does the design encourage Social Interaction?
 - In what way does the concept design promote community Health and Wellbeing?
 - How does the concept design provide for Equity and Accessibility?
 - What initiatives does the concept design incorporate to promote Environmental Sustainability?
 - How will the design be financially sustainable over the life of the open space?;
- The Planning Proposal is to identify a funding mechanism for local and state infrastructure contributions;
- Should state infrastructure be required, the Planning Proposal should identify an appropriate 'satisfactory arrangements' provision in the LEP;
- Should public benefits be proposed within the development, Council would welcome negotiation of a Voluntary Planning Agreement prior to lodgement of the Planning Proposal;
- Council undertakes to facilitate a working party to address the issues around infrastructure provision and funding with all key stakeholders; and
- The Planning Proposal is to address the future management and governance structure of the green corridor and any proposed shared infrastructure within the site. Details of how that structure would work and its long-term sustainability are to be provided.

A full and detailed assessment of the scoping report is attached to this report. It outlines several additional matters which require further consideration and /or the provision of further technical studies and reports should Greenspot proceed to prepare and lodge a planning proposal.

Draft Planning Proposal Program

At the time the scoping proposal was submitted it was the intention of the proponent to develop and lodge a full Planning Proposal in August 2023 with baseline technical assessments well underway.

This program has been revised and Urbis have advised that the Planning Proposal is now targeted for lodgement with Council in December 2023. A revised working program is attached to this report.

Policy Implications

Canvassed extensively throughout this report.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. Greenspot Scoping Proposal Assessment Report [**10.1.2.2.1** - 33 pages]
2. Collated Agency Responses [**10.1.2.2.2** - 50 pages]
3. Revised Program Wallerawang Power Station Rezoning [**10.1.2.2.3** - 1 page]

Recommendation

THAT Council:

1. Endorse the assessment of the Greenspot Scoping Proposal, as outlined in this report and the attachment titled "Greenspot Scoping Proposal Assessment Report".
2. Invite the landowner to prepare a planning proposal, addressing all matters outlined in this report and the preliminary agency feedback.

10.2. Infrastructure and Economy

10.2.1. IS&E - 24/07/2023 - Endorsement of the Seven Valleys Beatlesfest

Prepared by Jonathon Edgecombe - Director of Infrastructure and Economy

Department Infrastructure and Economy

Authorised by Director of Infrastructure and Economy

Summary

This report seeks Council's endorsement of the proposed Seven Valleys Beatlesfest event, as well as the request for financial assistance made by the event organisers.

Commentary

Living Eyes Productions, a privately owned media company, has approached Lithgow City Council with a proposal to hold an event in Lithgow, to be known as 'Seven Valleys Beatlesfest'.

This event is the first of its kind in this region, consisting of a mix of both large and small events, with headline acts suitable for all ages. It has been scheduled for the October 2023 long weekend, being held from Friday 29 September to Sunday 1 October 2023.

The event will be held across a wide variety of locations throughout Lithgow, Wallerawang and Portland. Over 14 privately owned venues have signed up to host a variety of different music events and activities. A wide variety of artists have also agreed to participate, paying tribute to the Beatles over the course of the weekend.

According to the event organisers, the goal of the Seven Valleys Beatlesfest is, over time, to rival other major regional music events such as the Parkes Elvis Festival or the Tamworth Country Music Festival. This first year, the organisers expect to attract 2,000 visitors from Sydney, the Blue Mountains and Central West. Over time, the organisers hope to transition the event to non-profit/community management once the brand and event has been established.

There are several anticipated benefits associated with an event of this nature. As a summary, these are:

- Overnight stays due to the event covering a full long weekend,
- Activation of main streets and venues throughout Wallerawang and Portland, as well as Lithgow,
- Benefits flowing to existing local hospitality providers, not operators outside Lithgow,
- Opportunities to promote other local tourism destinations across the LGA,
- Expected annual growth with a long lifespan (the attraction of the Beatles has proven timeless),
- Reinforces and contributes to the life of the Seven Valleys brand, repositioning the area as a vibrant destination of note,
- Significant community involvement, building local spirit, and
- Relatively low cost to the Council.

While the majority of the event will be run at no cost to Council, the event organisers have requested some financial support to ensure that the event runs smoothly, with maximum benefit to the local community and economy. This request has been quantified as follows:

Transport

Buses between Lithgow, Portland and Wallerawang. Buses can stop at a variety of tourist destinations to collect visitors. Costs include bus stop temporary signage and directions for visitors.

Amount requested: \$5,500

Street Performers

Up to 10 street performers (buskers) along Main Street, Lithgow from 11am to 3pm. Costs will be approximately \$296 per performer according to the Musician's Union Award rate.

Amount requested: \$2,960

Activation of Queen Elizabeth Park

Organisation of public events covering Saturday 30/9 and Sunday 1/10 from 12pm to 3pm. Costs include an MC to bring life to the sessions and the waiving of associated hire fees.

Amount requested: \$2,000

Activation of Cook Street Plaza

Organisation of public events including a staffed tourism information stall for visitors, and a local Farmer's Market on Sunday. Costs include an MC, sound engineer, community stage and performers.

Amount requested: \$2,200

Event Marketing and Signage

Included is printing costs for maps, bringing awareness to a variety of tourist locations throughout the area. Assistance with the costs associated with a website and social media marketing campaign, and banners/signage along public roads and highways throughout the district.

Amount requested: \$3,850

TOTAL COST: \$16,510

To support events of this nature, the Council has allocated an untied budget to the following:

- 'Large Scale Events Attraction Program' (600337) with a budget of \$20,000, and
- 'Promotion/Events' (800027) with a budget of \$24,412.

Should Council endorse the proposal, it is recommended that the requested amount of \$16,510 be funded from the 'Large Scale Events Attraction Program' (600337).

Under Part 3.3 of Policy 4.9 (Events Attraction Package – Section 356 of the Local Government Act), the event organisers must submit an acquittal form, an audited financial statement and a written report that indicates how monies were spent and whether the outcomes identified in the application were achieved, within 4 weeks of the conclusion of the Seven Valleys Beatlesfest event. The results of this investment will be reported to a subsequent Ordinary Meeting of Council.

Policy Implications

Council Policy 4.9 (Events Attraction Package – Section 356 of the Local Government Act) requires that payments are limited to \$5,000. Noting the extent of local buy in from business owners and the anticipated benefits, Council may resolve to accept a deviation from this policy requirement. The payment limit, which was set in 2017, will be reviewed at the time of the next review of Policy 4.9.

Financial Implications

- Budget approved - \$20,000
- Cost centre - 600337
- Expended to date - \$0
- Future potential impact - \$16,510

Legal and Risk Management Implications

Section 356 of the Local Government Act 1993 allows the council to grant financial assistance to any person or business, as long as the assistance is for the purpose of exercising its functions. Public notice is not required if the financial assistance is part of a specific program and the program's

details have been included in Council's Operational Plan. A function of the Council is to "provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and of the wider public" (Section 24 of the Local Government Act 1993). Growth of tourism visitation is a broad community need, as identified by Council's Community Strategic Plan 2035.

Attachments

Nil

Recommendation

THAT Council:

1. Receive this report on the proposed Seven Valleys Beatlesfest event,
2. Approve the request for \$16,510 of financial assistance, to be costed to 600337 - Large Scale Events Attraction Program, and
3. Receive a report upon the conclusion of the event, detailing the outcomes of the event against the anticipated benefits outlined in this report.

10.3. Water, Wastewater and Waste

10.3.1. W&WW - 24/07/2023 Cullen Bullen Sewerage Scheme

Prepared by Matthew Trapp - Executive Manager Water & Wastewater

Department Water & Wastewater

Authorised by Executive Manager Water & Wastewater

Summary

The purpose of this report is to provide Council with details of proposed variations from SNG Engineering Pty Ltd for the design and construction of the Sewerage Treatment Plant at Cullen Bullen

Commentary

Council has been working with the contractor SNG Engineering Pty Ltd on the design and construction of the Cullen Bullen Sewerage Treatment Plant since the tender was awarded in October 2021. Since then, the contractors have been working with Council through a variety of issues including the impacts of the COVID-19 pandemic and natural disasters. Throughout the project, SNG Engineering have continued to develop designs and identify cost savings in discussion with Council and the Department of Planning and Environment – Water. Where possible, SNG Engineering has absorbed increases in costs due to changing markets.

SNG Engineering Pty Ltd have forwarded to Council a list of variations for the works being undertaken that were outside of the scope of works originally tendered. The variations are partly offset by the identified savings, as summarised in the tables below.

Savings Proposal	Ex. GST
Extra over for provision of surface aspirators for aeration in lieu of diffused air system In lieu of Item 2.06, 6.08, 6.09	\$-100,170.00
Extra over for Use an in-line UV disinfection system in lieu of a low-pressure UV unit with working module only. In Lieu of Item 8.01	\$-41,997.00
Extra over for Cost of Deleting stilling chamber In lieu of Item-3 Construct IBC type Stilling Chamber in place of Concrete inlet structure	\$-26,000.00
Extra over for Cost for self bunding system In lieu of Item 17.02	\$5,500.00
Extra over for Cost for deleting Irrigation tank In lieu of Item 9.01	\$-43,694.00
Insurance Saving	\$-80,000.00
Total Proposed Savings	\$-286,361.00

The savings result in a total cost of the STP to be constructed at \$3,610,969 ex GST.

Variations provided to Council from SNG Engineering Pty Ltd	Ex. GST
Variation-1 -Construction of Approach Road	\$130,181.00

Variation-2 -Supply and Laying of Sewer Rising Main	\$39,652.00
Variation-3- Additional works Level 3 Design – 200A ASP Network	\$30,976.00
Variation-4- Additional Design and Drafting Charges due to shifting the location of plant on upside of power line	\$82,184.00
Variation-5-Additional Land Clearing to Relocate tank	\$5,980.00
Variation-6- Additional Excavation work due to relocation of tank	\$100,760.00
Variation-7- Additional Cranage Charge due to relocation of tank	\$66,000.00
Variation-8- Consumer Price Index Equates to 8.2% escalation on original 2021 pricing	\$320,000.00
Total	\$ 775,733.00

The variations addition to the above pricing provides Council a total cost of \$4,386,702 ex GST. This provides a net variation amount (variations less savings) of \$489,372 ex GST.

The above variations have been made due to the changes in the ongoing works. Some of the variations are items that were initially not within scope of either the reticulation contract or the STP construction contract. Comments from staff on the proposed variations are provided below.

Variation-1 - Construction of Approach Road	Not initially a part of the scope as Council were planning to undertake this work, however, contractors and staff were unavailable.
Variation-2 -Supply and Laying of Sewer Rising Main	Not initially part of the scope and item was not included in tenders for reticulation and STP construction.
Variation-3- Additional works Level 3 Design – 200A ASP Network	Council initially engaged another electrical contractor, however, the contractor became uncontactable and did not deliver. SNG provided a competitive quote for the works.
Variation-4- Additional Design and Drafting Charges due to shifting the location of plant on upside of power line	SNG had submitted a design layout to suit site access, site geotech and site contours for the hydraulics. Overhead powerlines passing through the site were to be relocated, however, the electrical contractor was uncontactable and the lines were not able to be moved quickly, Without considerable redesign, the project may have been halted.
Variation-5-Additional Land Clearing to Relocate tank	As per shift of location of IDEA and sludge tank.
Variation-6- Additional Excavation work due to relocation of tank	As per shift of location of IDEA and sludge tank, SNG were required to excavate Avg-3.75-meter height of tank. The excavated quantity was approx.1580 m3. Whereas, in the original location, SNG were required to excavate only 2.00 meter in one side and excavation quantity approximately 316 m3.
Variation-7- Additional Cranage Charge due to relocation of tank	Original Tank had easy access from all sides to easily shift shuttering, steel, and fix the form work board by using a 23 tonne excavator and 20 tonne crane. In the shifted location, the condition was completely different with limited access to all sides and an 80 tonne crane was required.

Variation-8- Consumer Price Index	Please see attachments. The CPI (Consumer Price Index) has raised costs for the project and total amount significantly since the tender. The CPI increase is outside Council and SNG Engineering's contingency and control.
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It is the view of the Project Manager that the construction variations 1 through to 7 are all associated with controllable variances and should be viewed as requirements of the change to works outside the contractor's control. Variation 8 for adjustment with CPI is an uncontrollable variance.

CFIO Comment on CPI Escalation

An Australian Constructors Association report on industry-wide construction cost inflation is included as an attachment. The document discussed the impacts of double-digit inflation of input prices in an industry with single digit margins. The report proposes that Government and industry work collaboratively to address the challenges associated with input cost escalation. A proposed solution is to appropriately allocate risk between contractual parties to prevent losses in the circumstances of unprecedented and unforeseen hyper-escalation of construction input costs. Finally, the report provides examples of governments behaving as a 'model client' and acting ethically and fairly without seeking to gain an unfair benefit.

SNG's escalation claim document is also included as an attachment. The claim includes the reasons for delays to the long-term Cullen Bullen Sewer Scheme project. The claims states that the total escalation index calculation is around \$568,000. The claim has been reduced to \$320,000 upon negotiation, to share the risk between the contractor and Council.

The CFIO has assessed SNG's claim and \$320,000 is considered to a reasonable and acceptable claim in the circumstances of the multi-year Cullen Bullen Sewer Scheme construction project.

Cullen Bullen Sewer Scheme Project Budget

Council's Cullen Bullen Sewerage Scheme project is a large project, identified many years ago to be an enabler to develop the area of Cullen Bullen. The sewerage infrastructure is key to removing environmental issues associated with onsite sewerage management systems and the potential impacts on the downstream water courses. Council's budget throughout the project since inception has been \$6.8 million with a \$2 million contribution from Council and \$4.8 million from NSW Government via the Resources for Regions Round 4 fund.

Cullen Bullen Sewer Scheme				
Financial Year	Original budget	Revised budget	Actuals	Committed
2018/19	\$4,000,000	\$799,750	\$194,574	
2019/20	\$2,087,478	\$242,964	\$115,231	
2020/21	\$1,800,000	\$202,000	\$168,931	
2021/22	\$4,000,000	\$1,033,629	\$571,320	
2022/23	\$6,121,624	\$5,743,184	\$4,230,993	
2023/24	\$ 0	\$ 0	\$ -	\$1,108, 248
		Total Spent	\$5,281,049	
Original Project Budget	\$6,800,000	Balance remaining	\$1,518,951	
Proposed Project Budget	\$7,200,000	Balance remaining	\$1,918,151	

Please note the above table shows the expenses (Actuals) on the project since the initial funding deed was signed in 2018. The proposed carryover budget for 2023/24 of \$1,108,248 has not been

added to the budget as yet. Commitments include all expenses on open orders such, as for the remainder of the STP construction and the reticulation works.

As per the above, the variations to SNG Engineering Pty Ltd Purchase order would raise the total cost to \$4,386,702 ex GST and total project budget to \$6,878,669 ex GST. Noting this, it is envisaged that there may be some further savings as staff will review all areas to remove any items that are not necessary to complete the project and there will also be some other variations to the project due to a need for ongoing water testing in Cullen Creek, Waste Activated Sludge delivery for seeding in the plant, electrical connection, potential additional infrastructure and remobilisation for reticulation contractor. These items will be additional budget items for Council to consider at quarterly budget reviews.

The proposed revised project budget is summarised as follows:

- Original budget - \$6,800,000.
- Additional required for current net variations - \$489,372.
- Less amount available in current contingency - (\$410,703).
- Net current required budget - \$6,878,669.
- Expected further variations less savings - \$321,331.
- **Proposed revised project budget - \$7,200,000.**

Council's externally restricted sewer reserve has been maintained at a healthy financial position due to identified efficiencies and reduced employment costs through vacancies. At 31 March 2023, the Sewer Fund had a balance of \$8M. The proposed additional withdrawal from the reserve to the project would be approx. \$400,000 to cover the items above, including any further variations associated with the project.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$6.8M approved total project budget.
- Cost centre - PJ 300034
- Expended to date - \$5,281,049
- Future potential impact - the new Sewerage scheme will deliver to the residents of the Cullen Bullen village a reticulated sewerage scheme including full treatment as an additional service to the area. Council will maintain and operate the service and scheme as per its policies 3.7 Low Pressure Sewer and as per legislation, regulations, and applicable standards.

Legal and Risk Management Implications

Financial project risks are being mitigated with close attention to possible variations and the identification of savings to remove any items that are not necessary to complete the project. Risk management continues to be completed by the project team

Attachments

1. CONFIDENTIAL - Australian Construction Association - Construction cost inflation [**10.3.1.1** - 10 pages]
2. CONFIDENTIAL - Escalation Claim CB [**10.3.1.2** - 1 page]
3. CONFIDENTIAL - Direct Cost Estimates - Variation No.06- Additional Cranage Charges for relocated tanks Cullen Bulle [**10.3.1.3** - 1 page]
4. CONFIDENTIAL - Project Summary - Variation No.06- Additional Cranage Charges for relocated tanks Cullen Bullen WWTP [**10.3.1.4** - 1 page]
5. CONFIDENTIAL - Direct Cost Estimates - Variation No.05- Additional Excavation for relocated tanks Cullenn Bullen WW [**10.3.1.5** - 2 pages]

6. CONFIDENTIAL - Project Summary - Variation No.05- Additional Excavation for relocated tanks Cullenn Bullen WWTP [10.3.1.6 - 1 page]
7. CONFIDENTIAL - Submission Schedule - Variation No.05- Additional Excavation for relocated tanks Cullenn Bullen WWTP [10.3.1.7 - 1 page]
8. CONFIDENTIAL - Direct Cost Estimates - Variation No.04- Additional land clearing to relocate the plant. - Cullen [10.3.1.8 - 1 page]
9. CONFIDENTIAL - Project Summary - Variation No.04- Additional land clearing to relocate the plant. - Cullen Bullen [10.3.1.9 - 1 page]
10. CONFIDENTIAL - Submission Schedule - Variation No.04- Additional land clearing to relocate the plant. - Cullen Bu [10.3.1.10 - 1 page]
11. CONFIDENTIAL - Project Summary - Variation No.03- Cullen Bullen Design Variation [10.3.1.11 - 1 page]
12. CONFIDENTIAL - Submission Schedule - Variation No.03- Cullen Bullen Design Variation [10.3.1.12 - 1 page]

Recommendation

THAT Council:

1. Approve the variations to the engagement with SNG Engineering Pty Ltd as per the report to bring the total cost of the contract to \$4,386,702 ex GST.
2. Delegate authority to the General Manager to vary the purchase order for SNG Engineering Pty Ltd in accordance with point 1.
3. Approve a variation to the project 300034 – Cullen Bullen Sewerage Scheme budget to bring the revised project budget to \$7,200,000 with the additional \$400,000 to be funded from the sewer reserve.

10.4. Finance, Assets and Legal

10.4.1. FIN - 24/07/2023 - Referral of Financial Reports for External Audit - Year Ended 30 June 2023

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

Summary

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

Commentary

Financial Statements Timeline

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

Work has commenced on the 2022/23 financial reports prior to audit in September 2023. It is a requirement of the Act that the financial reports be referred for audit by resolution of Council prior to the audit commencing.

The key dates agreed between Council and the Audit Office of NSW which are included in the 2022/23 Annual Engagement Plan are as follows:

- 24 July 2023: Council resolves to refer the financial reports for audit.
- 1 September 2023: Council provides draft financial reports and supporting workpapers to the audit team.
- 11 September 2023: on-site audit commences (Crowe - contract auditor).
- 19 October 2023: Audit Office issues Engagement Closing Report.
- 23 October 2023: Council resolves to approve the financial reports for lodgement to the OLG and for public exhibition and the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer sign the Statements.
- 27 October 2023: Audit Office issues the Auditors' reports.
- 28 October 2023: Council lodges financial statements with OLG.
- November 2023: Audit Office issues final Management Letter.
- 27 November 2023: Council presents its audited financial statements and the Auditors' Reports to the November meeting.

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

Format of Financial Reports

The financial reports comprise the following:

1. General purpose financial reports consisting of an Income Statement, a Statement of Financial Position, a Statement of Changes in Equity, and a Statement of Cash Flows along with a number of explanatory notes. These are presented for audit by the Audit Office;

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

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

Policy Implications

Nil.

Financial Implications

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

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

Legal and Risk Management Implications

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

Attachments

Nil

Recommendation

THAT Council refer the 2022/23 financial statements for audit (in accordance with S413 of the Local Government Act 1993) and note the proposed process and timeline for the audit of the financial statements.

10.4.2. FIN - 24/07/2023 - Investment Report June 2023**Prepared by** Sharon Morley – Finance Officer**Department** Finance & Assets**Authorised by** Chief Financial & Information Officer**Reference**

Min No 23-100 Ordinary Meeting of Council held on 22 May 2023.

Summary

The purpose of this report is to advise Council of investments held as at 30 June 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.

CommentaryMovements in the Cash and Investments Balance

Council's total investment portfolio as at 30 June 2023, when compared to 31 May 2023, has increased by \$4,501,372 to \$42,337,579. Investments increased from \$37,836,207 to \$42,337,579. Cash in Council's bank account decreased from \$2,506,547 to \$585,472.

The \$2.58M increase in total cash and investments is mainly due to the receipt of the 100% advance payment of the 2023/24 Financial Assistance Grant (\$6M). June is usually a cashflow negative month with no rates instalment due in the month. In June 2023, there were high cash outflows for Accounts Payable transactions.

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 June 2023 were as follows:

Opening Balance of cash and investments as 01 June 2023	\$40,342,754
<u>Plus</u> New Investments – June 2023	\$11,000,000
<u>Less</u> Investments redeemed – June 2023	-\$8,419,703
Closing Balance of cash and investments as at 30 June 2023	\$42,923,051

CFIO comment on the cash and investments balance – the \$2.58M increase in cash and investments in June 2023 was mainly due to the receipt of the advance payment of the 2023/24 Financial Assistance Grant, partly offset by high cash outflows for payments. 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 June 2023 with \$4.9M in Accounts Payable transactions. There were high value transactions for natural disaster works and large scale capital works projects. The administration continues to pay close attention to managing this aspect – which might be referred to as cashflow.

High value transactions included \$346K for natural disaster road remediation works, \$577K for the Donkey Steps project, \$298K for Wolgan Gap survey work, \$493K for water purchases, \$120K for

the Resource Recovery Centre, \$317K for Cullen Bullen Sewer Scheme and \$403K for the Glen Davis bridges project.

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 March 2023 Quarterly Budget Review to fund \$32.5M of externally restricted reserves and \$4.1M of internally restricted reserves.

The Administration took action to initiate a \$3.5M 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 loan amount is reviewed quarterly. 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 – \$1,268,680
- Cost centre - 3259
- YTD Income to date - \$1,297,283
- Future potential impact – Nil.

The Council's interest income for 2022/23 is \$29K above the revised 2022/23 budget. Investment returns have increased with Council being able to achieve up to 5.7% return on six month investments. Also, Council's average investment balance has been above the budgeted average investment balance of \$36M.

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. June 2023 Investment [**10.4.2.1** - 1 page]

Recommendation

THAT:

1. Investments of \$42,337,579 and cash of \$585,472 for the period ending 30 June 2023 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

10.5. Policies and Governance

10.5.1. FIN - 24/07/2023 - Model Media Policy

Prepared by Deborah McGrath - Corporate Planning & Communications Officer

Department Corporate Planning and Communications

Authorised by Chief Financial & Information Officer

Reference

Min 22-192 Ordinary Meeting of Council held 26 September 2022

Min 22-240 Ordinary Meeting of Council held 28 November 2022

Summary

The purpose of this report is to seek adoption of the draft (new) Model Media Policy. The document is based on the Model Media Policy developed by the Office of Local Government (OLG) for NSW Councils and was released in December 2022.

The Model Media Policy has been developed to provide a framework to assist Councils when dealing with the media and to ensure that media engagement by councillors and staff is consistent, accurate, professional and enhances the Council's reputation. The draft policy has the effect of informing staff and councillors of obligations which currently exist, and which recognise media (print, broadcast and online media) relating to Council's operations as a public record. In this regard, the policy, if adopted, would provide Council with a robust framework and guidance for the administration, training of users and management of media platforms.

The adoption of the draft Model Media Policy also necessitates minor updates to Policy 9.8 - Records Management Policy and S355 Committee Terms of Reference.

Commentary

Background

At the 26 September 2022 Ordinary Meeting, Council adopted the Model Social Media Policy (Min. No. 22-192).

The Model Social Media Policy applies to both Council social media pages and Councillor social media pages. It sets standards of conduct for all Council officials (i.e. staff and councillors) who use social media in an official capacity. It was developed by the OLG to be fit-for-purpose in a digital age where innovation and emerging trends are the norm.

The OLG developed the Model Media Policy to complement the Model Social Media Policy as best practice governance policies.

Draft Model Media Policy

The Draft Model Media Policy was developed by the OLG following consultation with the local government sector. OLG assert that the policy represents a 'best practice' approach to governance in this area.

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

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

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

- Resilience NSW.

The Draft Policy (attached) contains eight parts:

1. Principles;
2. Administrative framework for engagement with media;
3. Who can engage with the media;
4. Standards of conduct when engaging with media;
5. Use of social media during emergencies;
6. Media engagement in the lead up to the elections;
7. Records management requirements; and
8. Definitions

Should Council adopt the Draft Model Media Policy, the policy will supersede current Policy 9.12 - Media and Social Media Policy which would be rescinded.

Media and local government in NSW

Effective media engagement can assist Councils to keep their community informed, explain decisions and promote community confidence in the Council and its decisions.

The term “media” used in this policy means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters.

The advancement of technology and the development of non-traditional media means that the media now has unprecedented reach and accessibility. Anyone with a computer or hand-held device can access media platforms and actively engage in content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

How a Council is portrayed in the media impacts greatly on how the organisation is perceived. Media can be an effective tool to promote council programs, events, and initiatives. In addition, media can be invaluable in times of crisis or emergency when information needs to be communicated to the public.

Despite its obvious benefits, media also presents a variety of challenges and risks. These include:

- maintaining the accuracy, reliability, and integrity of information,
- ensuring confidential information is managed appropriately, and
- an increased exposure and risk to reputation where information is not managed appropriately.

The development and intent of this policy

The Model Media Policy incorporates examples of best practice from the media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

The Model Media Policy provides councils with a robust framework for the administration and management of their interactions with the media. It also sets standards of conduct for all council officials who are required to interact with media in their official capacity.

The Model Media Policy recognises that councils interact with media differently depending on factors such as a council’s size and resources and the demographics of a local government area. For these reasons, the Model Media Policy ensures a degree of flexibility by including optional and adjustable provisions which enables each Council to tailor the policy to suit its own unique circumstances.

The Model Media Policy acknowledges that the Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities. In addition, If the Mayor is unavailable, the Deputy Mayor may act as the Council’s spokesperson. Furthermore, the Mayor may delegate their role as spokesperson to other councillors

where appropriate, (for example, where another councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

The Model Media Policy acknowledges that as a member of the governing body and as a representative of the community, councillors are free to express their personal views to the media. the policy provides that when engaging with the media, councillors -

- must not purport to speak for the Council unless authorised to do so;
- must clarify when speaking to the media that they are expressing their personal views as an individual councillor and that they are not speaking for the Council (unless authorised to do so);
- must uphold and accurately represent the policies and decisions of the Council;
- must not disclose Council information unless authorised to do so; and
- must seek information and guidance from the General Manager where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.

Where councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the General Manager.

Records Management Requirements

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

Media content created and received by council officials (including councillors) acting in their official capacity is a council record and may be subject to information access applications made under the Government Information (Public Access) Act 2009. These records must also be managed in accordance with the requirements of the State Records Act 1998 and the Council’s approved records management policies and practices.

Policy 9.8 - Records Management Policy (Version 7) has been amended to include the Model Social Media Policy and Model Media Policy, as well as other minor changes.

Adoption Without Public Exhibition

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

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

S355 Committee Terms of Reference

Members of committees that are delegates of the Council are defined as “council officials” in accordance with the draft Model Media Policy. As such, the Terms of Reference for all s355 Committees of Council will need to be updated to include the following under the Committee Member’s Responsibilities:

- Observation and compliance with Council’s Model Media Policy 2022.

Advice in relation to the policy will also be provided to all members of committees.

Policy Implications

The Model Media Policy is consistent with Council's current media practices and protocols as set out in Policy 9.12 Media and Social Media Policy. As such, the adoption of this policy, in addition to the Model Social Media Policy and the Model Code of Conduct thereby rescind Policy 9.12.

Policy 9.8 - Records Management Policy (Version 7) has been updated to include the Model Social Media Policy and Model Media Policy as well as minor changes to correctly reflect positions within Council's organisational structure.

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Model Media Policy [**10.5.1.1** - 13 pages]
2. Policy 9 8 Records Management Policy Version 7 [**10.5.1.2** - 11 pages]

Recommendation

THAT Council:

1. Adopt the Model Media Policy (2022) for immediate implementation.
2. Rescind Policy 9.12 - Media and Social Media Policy.
3. Adopt Policy 9.8 - Records Management Policy (Version 7) with updates to include the Model Social Media Policy and Model Media Policy, as well as other minor changes.
4. Update the Terms of Reference for s355 Committees to include under Committee member responsibilities "observation and compliance with Council's Model Media Policy 2022".
5. Provide a copy of the Model Media Policy to all staff and members of s355 Committees.

11. Council Committee Reports

11.1. FIN - 24/07/23 - Audit Risk & Improvement Committee (ARIC) Minutes - 20 June 2023

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

Reference

Min No. 23-62 Ordinary Meeting of Council held on 27 March 2023.

Summary

This report summarises the minutes of the Audit Risk & Improvement Committee (ARIC) meeting held on 20 June 2023.

Commentary

At the ARIC meeting held on 20 June 2023, the following items were presented and discussed:

- **Terms of Reference Actions:** the Committee nominated independent member Neil Maltby to be appointed as Chair, with the appointment to be reviewed at the end of December 2023.
- **Risk Management:** the Committee discussed the Enterprise Risk Management (ERM) Maturity Review actions, the planned ERM Framework review and the Risk Register.
- **Compliance:** the Committee discussed the compliance work plan matters for the June meeting.
- **Internal Audit:** the Committee reviewed the 4 year Internal Audit Plan and the Internal Audit Action Lists.
- **External Audit:** the Committee received an update from the external auditors on the finalisation of the interim audit. The Committee discussed the Audit Engagement Plan and the importance of completing the financial statements on time.
- **Internal Controls:** the CFIO reported on the status of policy and procedure reviews. The ARIC were informed that high risk policies and procedures are being reviewed as a matter of urgency.
- **Fraud and Corruption:** the Committee discussed the proposed review of the Fraud and Corruption Prevention Framework.
- **Financial Management:** the CFIO reported that Council is on target for a large operating surplus for the 2022/23 financial year due to the receipt of natural disaster grant income. Council should also achieve its savings target, even with the natural disaster spending.
- **Governance:** the CFIO reported that no major conflicts of interests have been reported in the 2022/23 year.
- **Strategic Planning:** the CFIO reported that planned savings targets are being achieved.
- **Service Reviews and Business Improvement:** the Committee discussed recent NSW Audit Office performance audit reports.
- **Performance Data & Measurement:** The Committee discussed the importance of monthly financial reporting and regular reporting on IP&R outcomes.

Policy Implications

Nil.

Financial Implications

Nil.

Legal and Risk Management Implications

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

Attachments

1. Draft Minutes ARIC 20 June 2023 [11.1.1 - 11 pages]

Recommendation

THAT Council:

1. Note the minutes of the 20 June 2023 Audit Risk & Improvement Committee meeting.
2. Appoint Neil Maltby as Chair of the Committee, with the appointment to be reviewed at the end of December 2023.

11.2. P&P - 24/07/2023 - Community Development Committee Minutes 20 June 2023

Prepared by Matthew Johnson – Community & Culture Manager

Department Community & Culture

Authorised by Director of People & Services

Reference

Min 22-195: Ordinary Meeting of Council held 26 September 2022
Min 22-247: Ordinary Meeting of Council held 28 November 2022
Min 23-38: Ordinary Meeting of Council held 27 February 2023
Min 23-42: Ordinary Meeting of Council held 27 February 2023
Min 23-79: Ordinary Meeting of Council held 24 April 2023

Summary

The minutes of the Community Development Committee Meeting held on 20 June 2023, including Round 1 of 2023/4 Financial Assistance recommendations, are reported for Council's consideration.

Commentary

At the Community Development Committee Meeting held on 20 June 2023, various matters were discussed including:

1. An update on current projects in the Community and Culture Department:

- The 2023 Waste 2 Art competition is being held in partnership with Lithgow Library.
- Two final events, funded under a Bushfire Community Recovery grant on winter pruning and working with bees have been held at Eskbank Museum's Heritage Garden.
- Work is about to commence on the update of Council's Disability Implementation and Action Plan.
- A report was provided on recent activities of the Planet Youth Program.
- Progress with the installation of new seating and kitchen refurbishment in the Union Theatre and an update on recent performances and events in planning for the remainder of 2023.
- An exhibition showcase of pieces from Council's Art collection is being held at the Tourism Centre Art Gallery, that will be free and open to the public from Thursday 29 June.
- Design work for the Blast Furnace performance stage is being finalised and the design of feature lighting is largely complete. Next step is seeking NSW Heritage Office approval for the works then seeking of tenders/quotes. Works are expected to commence later in 2023 and be finished in the first half of 2024.
- Design work is being finalised for carparking, landscaping, lighting and pathway upgrade works at Lake Pillans. Council will be seeking tenders in the next 2-3 months with works expected to commence later in 2023 and be finished in the first half of 2024.
- Council has recently appointed a new Community Resilience Officer, Greg Thurling, who will be working within Council and with community groups, businesses, and other stakeholders to develop disaster preparedness and resilience strategies. Initially Greg will be giving some focus to the Wolgan Valley.

2. Planning for an operatic performance at the Union Theatre in early November 2023

Two Performances of Donizetti's Rita will be held at the Union Theatre on Friday 3 and Saturday 4 November 2023.

3. Round 1 of 2023/4 Financial Assistance recommendations

Council has allocated a total of \$110,142 in the 2023/24 Operational Plan for Financial Assistance to not-for-profit community organisations.

As in previous years, some of this allocation is earmarked for specific projects and purposes as follows:

Portland Community Pool Operating Subsidy (CPI of 7% added as per February 2021 resolution)	\$44,085
Arts Outwest	\$14,000
Lithgow Show Society	\$15,000* * Most of this allocation is to offset Civic Ballroom/Showground hire charges, cleaning costs and Council staff costs during the event. This amount is \$3,500 greater than in 2022/3 to better reflect actual Council staff costs.
Delegation to the General Manager for waivers/reductions, of Council facility hire charges.	\$2,000
Ballroom and Showground Fee waivers for major events	\$5,000
Sporting Assistance	\$2,500
School end of year awards (\$50 per school)	\$800
Total	\$83,385

This leaves \$26,757 for allocation in Non-Recurrent Financial Assistance Rounds 1 and 2 to local projects and programs throughout the year.

Council called for applications from the community during April 2023 for Round 1 2023/24 Financial Assistance.

Eleven applications to the value of \$25,688 were received with ten projects to the value of \$19,098 recommended for approval. Applications were initially reviewed by Council staff and then assessed by the Community Development Committee.

The Committee reviewed each application against the assessment criteria used in past years:

- Provides evidence and understanding of unmet need.
- Demonstrates experience delivering activities/services.
- Demonstrates a collaborative approach.
- Includes timeframes and an evaluation for determining how outcomes are achieved.
- Skilled/trained staff, volunteers and support are available.

One application to the value of \$6,590 was deemed ineligible as it was from a group outside of Lithgow LGA and no evidence was provided of local consultation or engagement.

Organisation	Project	Amount Requested
Lithgow Arts Council	Sponsorship of the 2023 Lithgow Arts Council awards.	\$2,000
Daffodils at Rydal 2024	Daffodils at Rydal 2024 event.	\$1,500
Tarana Tanker Trailers Inc	Registration of 12 firefighting tanker trailers.	\$1,400
Portland Golf Club	To provide family nights for the local community to meet and socialise.	\$3,000
Re-Knighted Workshops	Run a series of workshops in local high schools to promote personal and emotional development.	\$6,590 This project was deemed ineligible as the applicant is located out of the area and didn't demonstrate consultation with local schools.
Nanna's Touch Community Connection Lithgow	Provide weekly meals to local homeless people and people on low incomes impacted by the Covid pandemic and facing food insecurity.	\$3,000
Mingaan	NAIDOC 2023 event.	\$3,000
Rydal A H & P Society	Prize money sponsorship of Heavy Horse and Dog Yard sections of 2023 Rydal Show.	\$1,000
Lithgow District Car Club	General Rate component reimbursement for Yvonne Martin Motor Sport Club circuit Portland.	\$1,143
First Australian Muzzle Gun Club / Lithgow Valley Archers	General Rate component Reimbursement for premises in Doctors Gap Rd Lithgow.	\$1,055
Portland Tidy Towns	Refurbish Pioneer Park Portland and Cullen Street footpath garden. Maintain Williwa and Wolgan Street footpath gardens.	\$2,000
Total		\$25,688

Policy Implications

Financial Assistance is allocated in accordance with Section 356 of the Local Government Act 1993.

Financial Implications

- Budget approved - \$110,142
- Cost centre - 800158

- Expended to date - nil
- Future potential impact - \$102,483 is recommended in this report for allocation with a remaining \$7,659 for allocation later in 2023/24.

Legal and Risk Management Implications

Nil

Attachments

1. Draft Minutes - Community Development Committee - 20 June 2023 [11.2.1 - 7 pages]

Recommendation

THAT Council:

1. Note the Minutes of the Community Development Committee meeting held 20 June 2023.
2. Allocate the following amounts of Financial Assistance in 2023/24:

Portland Community Pool Operating Subsidy	\$44,085
Arts Outwest	\$14,000
Lithgow Show Society	\$15,000* * Most of this allocation is to offset Civic Ballroom/Showground hire charges, cleaning costs and Council staff costs during the event. This amount is \$3,500 greater than in 2022/3 to better reflect actual Council staff costs.
Fee waivers, delegated to the General Manager, for the use of Council facilities	\$2,000
Ballroom and Showground Fee waivers for major events	\$5,000
Sporting Assistance	\$2,500
School end of year awards (\$50 per school)	\$800
Rounds 1 and 2 Non-Recurrent Financial Assistance	\$26,757
Total	\$110,142

3. Approve \$19,098 in Round 1 2023/4 Financial Assistance to the following 10 organisations.

Organisation	Project	Recommended Amount
Lithgow Arts Council	Sponsorship of the 2023 Lithgow Arts Council awards	\$2,000
Daffodils at Rydal 2024	Daffodils at Rydal 2024 event	\$1,500

Tarana Tanker Trailers Inc	Registration of 12 firefighting tanker trailers	\$1,400
Portland Golf Club	To provide family nights for the local community to meet and socialise	\$3,000
Nanna's Touch Community Connection Lithgow	Provide weekly meals to local homeless people and people on low incomes impacted by the Covid pandemic and facing food insecurity.	\$3,000
Mingaan	NAIDOC 2023 event	\$3,000
Rydal A H & P Society	Prize money sponsorship of Heavy Horse and Dog Yard sections of 2023 Rydal Show	\$1,000
Lithgow District Car Club	General Rate component reimbursement for Yvonne Martin Motor Sport Club circuit Portland	\$1,143
First Australian Muzzle Gun Club / Lithgow Valley Archers	General Rate component Reimbursement for premises in Doctors Gap Rd Lithgow	\$1,055
Portland Tidy Towns	Refurbish Pioneer Park Portland and Cullen Street footpath garden. Maintain Williwa and Wolgan Street footpath gardens.	\$2,000
Total		\$19,098

4. Note that there will be \$7,659 available for allocation in Round 2 of Non-Recurrent Financial Assistance later in 2023/24.

11.3. IS&E - 24/07/2023 - Operations Committee Meeting Minutes - 21 June 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 21 June 2023.

Commentary

At the Operations Committee held on 21 June 2023; there were numerous items discussed by the committee which do not require further action from Council, including:

- Mt Piper to Wallerawang Transmission Network Project Proposed Route Option,
- Asset Management Improvement Project – Progress Update,
- EV Strategy Implementation Update,
- Queen Elizabeth Park Trees,
- Emission Reduction Plan, and
- Project Updates.

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 21 June 2023 [**11.3.1** - 8 pages]

Recommendation

THAT Council note the minutes of the Operations Committee Meeting held on 21 June 2023.

11.4. FIN - 24/07/2023 - Finance Committee Meeting 22 June 2023

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

Reference

Min. No. 23-100 Ordinary Meeting of Council held on 22 May 2023

Summary

This report provides a summary of the Minutes of the Finance Committee Meeting held on 22 June 2023.

Commentary

At the 22 June 2023 Finance Committee Meeting, the following report items were discussed by the Committee.

- **Audit Action List** - the audit action lists were provided for the Committee to note progress towards completing the actions arising from each completed audit project.
- **Local Government Remuneration Tribunal Determination 2023** - the Committee discussed the Tribunal determination which was considered at the Ordinary Meeting of Council on Monday 26 June 2023.
- **2023/24 Budget Update** - The Committee discussed the updated budget which was considered at the Ordinary Meeting of Council on Monday 26 June 2023.

The following business paper recommendation was endorsed by the Committee:

Investments Report May 2023

THAT:

1. Investments of \$37,836,207 and cash of \$2,506,547 for the period ending 31 May 2023 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

Policy Implications

Nil.

Financial Implications

As detailed in the Finance Committee meeting minutes.

Legal and Risk Management Implications

Nil.

Attachments

1. DRAFT Minutes - Finance Committee Meeting - 22 June 2023 [11.4.1 - 5 pages]

Recommendation

THAT Council note the minutes of the Finance Committee meeting held on 22 June 2023.

11.5. IS&E - 24/07/2023 - TALC Committee Meeting Minutes - 6 July 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 6 July 2023.

Commentary

At the TALC Committee Meeting held on 6 July 2023, there were several items discussed by the Committee, including:

- 2023 Bathurst Rally – North Shore Sporting Car Club, and
- Race Across NSW (Boarder 2 Beach) - Special Event.

These items were outside the Committee's delegation and requires Council to formally approve the recommendations.

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 6th July 2023 [**11.5.1** - 6 pages]

Recommendation

THAT Council:

1. Note the minutes of the TALC Committee Meeting held on 6 July 2023; and
2. Approve the proposed temporary road closures for Mt Horrible Road, Palmer Oakey and Dark Corner Road, Dark Corner for the conduct of the 2023 Bathurst Rally by North Shore Sporting Car Club on Saturday, 23 September 2023, subject to formal Temporary Road / Footpath Closure Application and payment of appropriate fees and charges.
3. Note the Race Across NSW (Border 2 Beach) event proposed to be conducted in the Lithgow Local Government Area between 21 September 2023 and 2 October 2023.
4. Requests confirmation from the Race Across NSW (Border 2 Beach) event organiser that NSW Police have been informed and approve of the event.



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.