



Eskbank House Museum

BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 August 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 24 July 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 - 28/08/2023 - Councillor S Ring - Draft Marrangaroo Structure Plan

Report by Councillor Steve Ring

Commentary

The potential to develop Marrangaroo for the expansion of Lithgow was first undertaken in 1982 by Kinhill Pty Ltd, who were contracted by Lithgow City Council to undertake a local environmental study.

No further work was undertaken on this concept (inclusive of purchasing land) until 2006, when Geolyse were contracted to prepare the Marrangaroo Local Environmental Study and a draft Marrangaroo Structure Plan.

In early 2017 Council contracted OCCULUS to finalise the Marrangaroo Structure Plan with an expected completion date of October 2017.

The Marrangaroo Structure Plan remains in draft due to ongoing issues with the RMS over access to the site from the Highway. RMS have determined that the only way that they could support this proposal if access from the highway was from an overpass from the west bound lane. It has been estimated that this would cost in the vicinity of \$160 million.

In addition, for this project to proceed key trunk infrastructure needs to be constructed at an estimated cost of 20 million dollars.

The draft plan as a desktop exercise is good and was promoted by the 2017 consultants as a long-term plan potentially 20 years plus. The sale of land within the Marrangaroo precinct is selling very slowly and I am aware of recent properties that have been withdrawn from sale because of the lack of perceived demand.

Without significant government support it is unlikely that this project will occur in the short to medium term, if at all. As such it is no longer feasible for the Administration to continue to allocate resources to this project particularly when there are privately funded projects that will satisfy the short to medium requirements for this community with respect to housing, commercial and industrial land.

Attachments

Nil

Recommendation

THAT

1. further work on the Marrangaroo Structure Plan is placed on hold until such time as there is demonstrated demand by legitimate developers.
2. the Administration priorities its resources to support alternate concepts that can deliver residential, commercial, and industrial lands for the growth of the LGA.

Management Comment

It has been widely acknowledged that the undersupply of housing across Australia is one of the greatest failures of governments and markets in the last four decades. The issue was long thought to be limited to urban settings, but it is well known that regional and rural locations are now also being gravely impacted. Council's administration has been undertaking a number of actions to

attempt to limit the social and economic impacts for the Lithgow community caused by housing supply constraints.

The forward planning of the MURA has been undertaken with a long-term view of Lithgow's role in providing local and regional housing opportunities and has Lithgow well placed to capitalise on the recent state and federal government's housing reform agenda.

The Marrangaroo Urban Release Area (MURA) has been identified within Council's adopted Local Strategic Planning Statement (LSPS) 2040 as the LGA's most significant growth precinct, providing for both residential and employment lands.

The administration has been working hard for many years now to collaborate with State Government agencies to remove the planning barriers to unlock this land supply.

A significant advancement has been made in recent months in identifying the Transport Infrastructure requirements to enable the MURA to access the Great Western Highway. This work is continuing with high level meetings with relevant government agencies.

Council officers have also received an increased level of investment and developer enquiry regarding the MURA over the past 12 -18 months.

There is currently a forward supply of at least five years in other zoned areas of Lithgow, Wallerawang and Portland to accommodate the short to medium term urban growth demand as indicated in the Lithgow Local Strategic Planning Statement (LSPS) These areas are at different stages within the supply chain ranging from zoned green and brownfield sites to subdivisions under construction. This in no way prevents other genuine and well-planned candidate areas being considered by Council should such be brought forward by private investment at any time.

In light of the very genuine social and economic impacts that loom for the Lithgow community if housing supply is not well matched to demand, it is recommended that Council maintain some focus on delivering development at the well-planned MURA. This can be managed without materially impacting other development concepts that may come forward.

Arrangements are also being made for a briefing of the Council on the many actions in train to attempt to limit the social and economic impacts for the Lithgow community caused by housing supply constraints. This forum would provide the opportunity for more discussion of MURA

9.2. NOTICE OF MOTION - 28/08/2023 - Councillor S Ring - Wolgan Road Tennis Courts - Lidsdale

Report by Councillor Steve Ring

Commentary

At a recent meeting of the Wallerawang – Lidsdale Progress Association residents raised the following concerns with respect to the Wolgan Road Tennis Courts:

No shade cloth over the children's playground equipment even though resident were allegedly advised over two years ago this was a mandatory shade area;

The lights in the public toilets do not work:

The toilets are missing signage to identify male /female toilet:

The former tennis courts building has been closed by Council and potentially has asbestos present:

Two of the tennis courts have been allowed to deteriorate and could be modified for skateboard or similar use:

What I assume would have been an electric bbq has been removed.

I raised the issues in General Business at the Operations Committee at the meeting of August 7th and was advised the Administration are currently working on a strategy in relation to parks and playground facilities within the LGA.

However, because of the subdivision of 109 Ian Holt Drive, upgrading of this facility should be a priority with works commencing during the current financial year. The subdivision will create 34 new large lots which will attract families. It was not a requirement of the development to include open space, due to the size of the blocks and proximity to the Wolgan Road Park

The Voluntary Planning Agreement for DA 196/18 (CC083/22) that was approved and endorsed resulted in \$3,000 per allotment to go towards community facilities and public open spaces and \$5,000 for stage 2 only (lots 2 to 6) to be put towards upgrades of part of Maddox Lane.

The voluntary planning agreement will return \$112,00 towards community spaces and open facilities and it is appropriate that these funds are allocated to upgrading the Wolgan Road Tennis Court Park.

Attachments

Nil

Recommendation

THAT the Council allocate the full amount of the voluntary planning agreement for DA 196/18 (CC083/22) to the Wolgan Road Tennis Court Park.

Management Comment

Funds provided in Voluntary Planning Agreements (VPAs) towards the provision of community facilities and open space are kept within a restricted asset fund of Council. These pooled funds are then allocated sequentially to a prioritised list of community infrastructure.

The funds are allocated through Council's yearly operational and four-year delivery plan process to capital works programs for infrastructure that has been planned and costed. There is not always a direct spatial nexus between the development that made the contributions and where the funds are

spent as these facilities and services can often be of wider community benefit such as district or regional facilities that the development also relies upon. The yearly operational and four-year delivery plan is consulted upon with the community and ensures that community infrastructure is spread across the LGA based on demand and need.

There would appear to be the need for upgrade of the recreation facilities in Lidsdale. But these works have not yet been designed and costed, or prioritised relative to other demand across the city. Nor are the works in any current program.

Council is undertaking a review of the city's growth patterns going forward. As a feature of this, there will be the development of a program of community infrastructure works caused by that growth. This will assist by determining the nature of the demand for recreation infrastructure in Lidsdale and the cost.

There is ample time still available between now and the payment of the monetary contributions and the arrival of more residents in Lidsdale to allow for clarification to be obtained about the scope of the village's required recreation infrastructure works. The funds from the Lidsdale subdivision could be held unallocated in the restricted fund in the meanwhile.

A suggested approach from the above:

- Hold the contributions in a restricted fund
- Determine recreation infrastructure needs for Lidsdale
- Design and cost the infrastructure
- Determine the means to fund the infrastructure, including through use of developer contributions

10. Staff Reports

10.1. General Manager's Reports

10.1.1. GM - 28/08/2023 - Local Government NSW Conference 2023

Prepared by	Trinity Newton – Executive Assistance
Department	Office of General Manager and Mayor
Authorised by	General Manager

Summary

The purpose of this report is to canvas potential motions and Council's position on attendance for the upcoming LGNSW Annual Conference 2023.

Commentary

The LGNSW Annual Conference provides an opportunity to share ideas, advocate for our priorities, seek inspiration, and help determine our sector's policy directions for the coming year.

This year the Annual Conference is being held at Rosehill Gardens Racecourse from 12 to 14 November 2023.

LGNSW Member standard registration is \$1,485 per delegate. Further costs include an optional Conference dinner with tickets costing \$250 each, accommodation cost of approximately \$750 each thus bringing the total for two councillors and a supporting executive staff member to \$2,485 per attendee or \$7,455 in total.

As a member of Local Government NSW, Lithgow City Council can nominate **three** voting delegates to the conference and **three** voting delegates for the Board election.

Motions submitted by Councils will be debated and resolved to set the advocacy priorities for the year ahead, while a tradeshow, workshop and training session will also occur to support delegates in their efforts to effectively represent their community.

Proposed LGNSW Annual Conference Motions

LGNSW encourages member Council to submit motions ASAP to allow for preparation of the Business Paper. Motion submissions close online on 15 October 2023. Proposed Councillor motions should be provided to the Administration at the earliest opportunity.

The following motions are proposed for the LGNSW Annual Conference:

1. Improvements required to better support local government in the context of an operating environment characterised by climate change and an increase in natural disasters:
 - Recurrent funding models and programs that reflect the extent of local government's asset management responsibilities (and limited capacity to pay), reducing the prevalence of competitive funding rounds, and recognising the benefits of proactive maintenance over end-of-life repair.
 - Fundamental review of the DRFA to reduce administrative burden, recognise capacity constraints on local government, and integrate the principles of asset betterment as an investment for the future.

- Inclusion of water and sewer reticulation and treatment infrastructure in the definition of an 'essential public asset'.
 - Financial opportunities which are cyclic, guaranteed and thereby reliable, allowing local government the ability to develop the necessary capacity to deliver on proactive maintenance obligations.
2. Financial assistance should better reflect the expectation that Council's manage around 90% of the entire NSW road network while also balancing the broader needs of diverse communities. Restoration of the prior FAG allocation of 1% of Commonwealth tax revenue is an essential starting point. Horizontal equalisation is also important to ensure that a council is funded for the true cost of delivering a service in their circumstances (regions and rural areas are more costly yet this is not fully accounted for in the funding approaches used today).
 3. Call upon the NSW Government to fully fund RFS maintenance and repair costs. Between \$300 and \$400K is received each year to maintain both fleet and buildings with insufficient consideration of what is actually required and small increases year-on-year. For example, with RFS buildings it is recognised that Council's asset management responsibilities cannot be sustainably met without some process of inspection, condition reporting and responsive funding allocation. In the past, the funding shortfall has led to Council subsidising the cost of operation to deliver necessary building works. However, going forward Council does not have the capacity to absorb these unplanned costs. A solution is required which honours the value of local volunteer firefighters, responds to the unique operational needs of this function, and assigns adequate and responsive funding without cost-shifting onto local government.

Policy Implications

Policy 9.5 Councillor Expenses and Facilities allows for a separate budget for State and National Local Government conferences.

Financial Implications

- Budget approved - separate budget provision for State and National Local Government conferences.
- Cost centre - 800154 – 8130 - 63205
- Expended to date - Nil in this financial year.
- Future potential impact – Nil

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT Council:

1. Endorse the tenor of the proposed motions to the LGNSW Annual State Conference (as canvassed in this report) and submit those, and,
2. Determine councillor attendance at the LGNSW Annual State Conference (Council can nominate up to three voting delegates).

10.1.2. GM - 28/08/2023 - Central NSW Joint Organisation Review

Prepared by	Trinity Newton - Executive Assistant to the Office of the General Manager and Mayor
Department	The Office of the General Manager
Authorised by	General Manager

Summary

Early in 2023 Lithgow Council formally joined the Central NSW Joint Organisation (CNSWJO) of councils.

This report provides a snapshot of the activities of the CNSWJO which Council's delegates have participated in and gives an indication of the value derived from these between February 1 and June 30, 2023.

Engagement in CNSWJO activities is the key to deriving value, and the Council's delegates at both the staff and elected level are ensuring good leveraging of the CNSWJO.

Advice is also provided on the value of the Western Regional Academy of Sport where CNSWJO administers collection of these fees given they are such a small amount. The report recommends that Council include in its 2024/2025 CNSWJO fees membership of the Western Regional Academy of Sport.

The value to Lithgow of its membership of the CNSWJO is also canvassed. In dollar terms for the period February 1 to 30 June Lithgow has received both direct and indirect grant funding from various State programs of \$203,259 and cost savings from contracts of \$43,437.

Commentary

Background

Joint Organisations have been mandated under the Local Government Act to deliver

- Leadership and advocacy;
- Regional Planning and Prioritisation;
- Intergovernmental Collaboration;
- Other outcomes - a focus of the CNSWJO is on providing operational support to member Councils.

This Council has been welcomed unanimously and with enthusiasm by the mayors of CNSWJO member councils. Having been proclaimed as a member on 2 March 2023 the CNSWJO staff have been working with the Executive Leadership Team of Lithgow City Council on transition.

Advice on progress is provided under the following headings:

- Program support
 - Grant Funding
 - Engagement in operational teams and working groups
 - Integration into existing programming
 - Value to Lithgow

Program support

Grant funding

The Council has been participating in two grants as a member of CNSWJO. These are:

1. The Business Case for Priority Investment in Infrastructure in The Nexus Between Net Zero and Energy Security. Council's share is \$100K of a \$1.1m grant. This will see development of a Business Case identifying the preferred option that both leads to energy security in Central NSW and will support its transition to net zero by 2050.
2. Regional Water Loss Management Hub Project. The focus of the past NSW Government was on water loss management for Local Water Utilities in NSW. Central NSW approached the NSW Government for direct funding to progress a hub for water loss management. This includes maturity auditing, leak detection, pressure management and the procurement and installation of valves, meters and other monitoring equipment. Lithgow's share of this project is close to \$100K and includes a direct spend on capital to support water loss management. The added value is that this is a codesigned project with the State Government with both ongoing funding potential and positioning for CNSWJO members as leaders in water loss management.

Lithgow has been included in the following successful grant funding applications:

1. "Come Out We're Open" tourism campaign. \$11.4K is this Council's share including a direct spend on marketing managed by the Lithgow team of \$5K.
2. Funding through the Joint Organisation Net Zero Accelerator (JONZA) Program from the NSW Office of Energy and Climate Change (OECC) of close to \$70K for projects including:
 - Renewable Energy Action Plan;
 - Emissions Reduction Plan* (including waste), including tool to track ongoing emissions and training in its use;
 - Fleet Transition Plan;
 - tariff review of all electricity sites; and
 - EV charging site assessment.
3. CNSWJO is one of eight successful Joint Organisations that have successfully secured Disaster Risk Reduction funding. This is a timely project for this Council with constant natural disasters since 2019. Research indicates that the weather is changing, there will be longer and hotter droughts interspersed with more significant rain events and there is the need to prepare better for these events. The close to \$647K secured for member Councils of CNSWJO will work towards addressing this disaster preparedness. CNSWJO will do this strategically alongside the eight jointly funded Joint Organisations, while integrating data and insights from regional risk assessments and climate projections at the regional scale, building on the previous JO experience while considering place-based approaches.
4. Lithgow participated in a regional grant application for load capacity assessments of bridges. While CNSWJO has been advised the application was successful, the Deed is yet to be signed. The value of this funding for this Council is \$50K.

Progress of the various collaborations

Working groups exist for a period of time to deliver a project. Operational teams are ongoing. All collaborations have Terms of Reference approved by the Board and the ongoing operational support teams also have strategies that they work on. It is the General Managers' Advisory Committee's (GMAC's) role to provide a greater degree of oversight of these collaborations.

Collaboration	Lithgow Representative	CNSWJO comments if required
The Board	Cr Maree Statham	Among her broader advocacy role on the Board, Cr Statham has taken on the responsibility of Portfolio Mayor for Health and Ageing and has been integral to advocacy on natural disaster funding. The next meeting of the Board is in Sydney with State Parliamentarians 23/24 August 2023.
GMAC	Craig Butler	Craig has taken on Sponsoring General Manager roles for three of the region's seven priorities: <ul style="list-style-type: none"> • Leveraging our successful collaboration • Regional Prosperity • Health and Aging
Disaster Risk Reduction Fund Project Steering Committee -a working group. The current focus is a needs analysis in region. This will inform funding to Lithgow City Council for a resource from the same funding round.	Jonathan Edgecombe	Jonathan is Chair of the Project Steering Committee for this initiative.
Transport Technical Committee – an operational committee This group has a natural disaster focus which is a good fit with Lithgow's priority. Current projects are a Grattan Institute Reference Group and developing collateral "Fix Me" for improvements to the funding framework for natural disasters while optimising funding into the region under the current arrangements.	Jonathan Edgecombe	This committee meets quarterly it has terms of reference and a strategy. Its current focus is funding for Councils' roads impacted by natural disasters and Road Rail interface agreements.
IT Group	Ally Shelton / Ross Gurney	The Regional IT Managers Group meets on a quarterly basis. The team is concentrating on Cyber Security and has been exploring different products and options to tackle Cyber Security requirements and Cyber Threats in the local government space. The team are also exploring different web platforms and opportunities for collaborative procurement processes, training opportunities and events. Recently every CNSWJO member council was represented at the Cyber

		Security Round Table Hosted by Cyber Security NSW and ID Support - held in Bathurst on 31 May 2023.
Tourism Group Current focus of the Come Out We're Open grant funded campaign	Simon Francis	This has funded new video and seen online content developed for Lithgow through the "Come Out We're Open" Campaign
The Planners' Group	Emma-Rose Cooper	This group meets quarterly and has a good working relationship with the Western DPE department.
CNSWJO Water Utilities' Alliance	Mathew Trapp	This nationally recognised collaboration of LWUs formed in 2009 meets bi-monthly and includes a stakeholder session with regulators, the NSW Water Directorate and others as opportunities arise. The Alliance has developed a Plan on a Page for the next 4 years. Programming is innovative and focused on compliance-based best practice service delivery to meet increasingly stringent regulatory standards for CNSW communities.
HR Group	Renae DeLosa & Michael McGrath in Erin Edgecombe's absence	The Group meets quarterly and is Chaired by Carly Jayet from Forbes Shire Council.
Training, Learning & Development Group	Renae DeLosa	The Group meets 3 x per year and is Chaired by Charlene Kaden from Parkes Shire Council. The Group's next meeting is scheduled for 18 October 2023.
WHS and Risk Group	Sally Hall & John Kearney	The Group meets 3 x per year and is Chaired by Ashley Hazell from Forbes Shire Council. The Group's next meeting is scheduled for 21 November 2023
Internal Audit Working Group	Ross Gurney	The group is new and has developed a Plan on a Page for the next 4 years.
Net Zero Group	Jonathon Edgecombe and Kirsty Sheppard	The Net Zero Group meets quarterly and is focused on emissions reduction activities and being grant ready. Lithgow has been provided funding for a number of activities to 'catch up' where other councils have completed such work and plans in prior years.

Projects administered by the CNSWJO beyond the work undertaken by the various teams that Lithgow has access to:

- **Spare Capacity in Housing** – fully funded by Regional NSW this project seeks to alleviate the housing shortage in the region by enabling the spare bedrooms in region to be available for occupancy.
- **Policy Labs with Charles Sturt University** – Councilors will have received an invitation to the first Policy Lab 29 September exploring democracy in Local Government and Social Media.
- **Community Strategic Planning Project with Regional NSW** – workshops with Council staff where State agencies outline their data for the Lithgow LGA and plans for this region for the next 5 years to help inform Council's engagement with the community in developing the next round of Community Strategic Plans.

Integration into existing programs

Online WHS Induction onboarding

CNSWJO staff met with Council staff on 26 April 2023 to commence discussions on the online WHS Induction program that is available to Council. The online WHS induction portal is based on individual workers and is not linked to a specific council. If the worker holds a current induction and leaves their organisation, the worker's induction can be transferred to the new organisation and will still be current.

19 staff members from Council have been issued with a log in to the online platform and CNSWJO staff process the induction requests on a daily basis.

Regional training courses

Council enrolled staff into the following CNSWJO Training Service's public courses that have been scheduled:

- Understanding LG Financial systems for Councillors
- Cert III Water Treatment and Cert III Networks
- Professional development training modules through Australian Regional Tourism

Current contracts that Lithgow are leveraging

The CNSWJO current regional contracts work with approximately 52 Suppliers across 17 contracts. As of 2023 the contracts Lithgow are engaging with are:

1. Regional Panel of Conduct Reviewers 2020-2024 – Lithgow has access to if requested;
2. Employee Assistance Program – Lithgow has been invited to participate at the completion of their current EAP contract;
3. Restocking of First Aid Kits (Fire Safety and Compliance) - Lithgow has been invited to participate as the recommended Service Provider offers Fire Safety and Compliance services a service Lithgow enquired about early on in the transition back into CNSWJO;
4. Printing and Mailing of Rates Notices;
5. Supply and Delivery of Bulk Fuel;
6. Supply and Delivery of Road Signs;
7. Asset Management Maturity Audits;
8. Regional procurement for CCTV, smoke testing, and pipe relining; and
9. Auditing of Performance Monitoring Data (& variation for Performance Monitoring Data Improvement Workshop)

Council's Purchasing Officer has been very active in keeping Council up to date on the CNSWJO procurement opportunities, and ensuring Council considers each opportunity that has been presented.

Local Water Utility Performance Improvement - Benchmarking and Audit Program - as part of the membership fees for the Water Utilities Alliance, members participate in a mandatory two yearly WUA Independent Performance Monitoring Audit to assess the integrity of data collected and reported by councils to DPE Water upon which operational, management and significant capital decisions are based. The audit is undertaken across the areas of:

- Water Resources
- Assets,
- Environmental
- Customers
- Health

In addition, there is the aggregated procurement and delivery of a two-yearly program of external audits of member's Drinking Water Management Systems in line with NSW Health Audit Guidelines.

Local Water Utility Membership Program

Over recent years the WUA has had the opportunity to achieve cost savings through offers from industry associations for one-in-all-in regional memberships. Under this arrangement WUA members can combine their total number of water supply connections as a region with associations calculating fees based on these numbers. Under these arrangements, each LWU enjoys all the benefits of an individual utility member at a reduced rate.

Water Services Association of Australia (WSAA)

Benefits of the regional WSAA membership include access to the WSAA Standards and Codes for sewerage services and asset management resources. It also provides access to a wide range of industry services and products designed to help utilities provide quality services to their communities at a greatly reduced rate. Access to the full suite of WSAA Codes to load onto a utilities' intranet are worth thousands of dollars alone.

Australian Water Association (AWA)

Under a regional membership arrangement negotiated through the CNSWJO WUA, member Councils' LWUs enjoy the benefits of a silver corporate membership of the AWA at a discounted rate.

It is to be noted that WSAA and AWA are the two peak industry associations for water in Australia. WSAA is the peak industry body representing the urban water industry while AWA is Australia's biggest water network promoting sustainable water management. Where WSAA focusses on the urban water sector, AWA's membership base is multi-disciplinary, covering the entire water cycle and associated industries including professionals and practitioners working in utilities, science, research and academia, energy and resources, manufacturing and agriculture.

Smart Water Advice– regional agreement

Central NSW Joint Organisation and nine member councils currently subscribe to Smart Water Advice (now known as the Water Conservancy a company of WSAA). Smart Water Advice is a subscription resource developed to help water utilities, businesses and councils to provide professional water efficiency information to their customers. This will generate greater water literacy, increased value of household water and influence community behaviour when it comes to water efficiency and reduced water waste.

Benefits include:

- No need for every organisation to spend time developing water efficiency resources independently.
- Provides resources to organisations that do not have resources or time to produce such resources.

- The collaborative nature of the program means that resources can be produced at low cost to each subscriber.
- Central production ensures consistency of design and messaging.
- The online content is available for subscribers to embed within their own site or link directly to via provided banners and/or hyperlinks.
- Resources can be customised, regionalised and branded.
- The Smart Water Advice logo can be used by members to promote the materials and information available as part of this resource. (Style Guidelines provided).

Again, a regional agreement has been entered into that offers a discounted rate from individual membership.

This agreement is with the CNSWJO who in turn invoice member Councils for their share of membership fees. Unlike the WSAA and AWA memberships, fees for this membership is not included in the WUA membership fees. This agreement is up for renegotiation currently with a new agreement scheduled to commence from 1 January 2024.

Value to Lithgow

The CNSWJO has provided advice on grant funding and cost saving calculated per Council. In Lithgow's case, the CNSWJO considers that the values are \$203,259 and \$43,437 respectively. The below summary value table on annual basis is provided quarterly to members and includes:

- number of submissions;
- plans, strategies and other collateral that Lithgow can leverage;
- number grants sought;
- value of grants awarded;
- data projects that help Lithgow make the case for funding and inform strategy;
- cost savings on aggregated contracts where the formula CNSWJO uses is very conservative in comparison to other aggregators;
- representation opportunities Lithgow has either been able attend or Lithgow priorities have been raised on their behalf;
- media releases and social media boosts developed in the interest of the region's priorities and at member request; and
- Public Relations (PR) value of the destination marketing undertaken by the region.

VALUE FOR MEMBERS	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023
SUBMISSIONS	20	23	16	13
PLANS, STRATEGIES AND COLLATERAL	26	12	3	9
GRANTS SEEKING	3	3	1	5
GRANT FUNDING AWARDED	\$430k	\$713k	\$1.14m	\$2.8m
COMPLIANCE	13	9	11	15
DATA	6	3	1	14
COST SAVINGS	\$1.92m	\$2.22m	\$2.18m	\$800k
REPRESENTATION AND OPPORTUNITIES COUNCILS HAVE BEEN AFFORDED	147	159	210	111
MEDIA INCLUDING SOCIAL MEDIA	13	18	25	28
PR VALUE OF TOURISM	\$1.5m	\$2.4m	\$1.9m	\$1.4m

Western Region Academy of Sport (WRAS)

CNSWJO staff provided the following comments -

WRAS is one of eleven Regional Academies of Sport in NSW that offer regional athletes the opportunity to take part in high performance programs locally. WRAS is a not-for-profit organisation, covering 17 local government areas and has been operating since 1991. WRAS has provided scholarships to cover 4,500 regional athletes (420 from the Lithgow local government area).

WRAS works with State Sporting Organisations, the New South Wales Institute of Sport and NSW Office of Sport to provide regional athletes and coaches with a pathway to progress to higher levels of representation in their chosen sport. WRAS athletes and coaches receive opportunities that are not necessarily available to other regional sportspeople.

WRAS athletes receive intensive training sessions from highly qualified/experience coaching staff, education workshops, functional movement screenings, personalised strength and conditioning programs, travel subsidies and opportunities to attend high performance training camps and competitions (where they can be seen by state, national and international level coaches).

WRAS believes in the holistic development of young athletes and the off-field education workshops provide information and skills to improve their self-esteem and motivation and help in their day-to-day life. Examples of topics covered in workshops include healthy lifestyle, nutrition, leadership, teamwork, building team culture, positive thinking, injury prevention and financial fitness. WRAS aims to help them mature into better students and role models within their community.

Many athletes in WRAS programs have gone on to represent NSW and Australia in their chosen sport, including WRAS Hall of Fame recipient Joanne Banning from Lithgow.

In the last 2 Olympic cycles (Tokyo 2020 and Rio 2016), 56 Regional Academy graduate athletes represented Australia. 31% of Australia's medal count were won from Regional Academy graduates. Lachlan Sharp from Lithgow is one example. Lachlan remains linked to WRAS, attending hockey training sessions on a couple of occasions to talk about his experiences at a high level.

During 2022/23, WRAS supported 22 Lithgow athletes with their sport and personal development. Athletes in current WRAS programs include Lowan Francis, Maddison Hart, Lincoln Hutchison and Hannah Wallace (basketball) and Blake Livingstone, Ashton McDonald and Deklin Unsworth (hockey). 2023 is the 3rd year in the program for Ashton and Deklin, 2nd year for Lowan, Maddison and Hannah. Adam Marjoram (well-known and highly respected coach from Lithgow) has been the WRAS basketball head coach for the past 2 years.

WRAS provided the Lithgow athletes with travel subsidies to enable them to take part in inter-academy development camps at a greatly reduced cost to their families. Basketball athletes travelled to Canberra in December 2022 and hockey athletes travelled to Lithgow in February 2023.

WRAS athletes and coaches from Bathurst, Cargo, Cudal, Dubbo, Lithgow, Parkes and Peak Hill attended a hockey development camp on 4 and 5 February 2023 at the Lithgow Hockey Fields. Athletes from Southern Sports Academy, Illawarra Academy of Sport and Sydney Metro Hockey Academy joined WRAS at this event. A total of 60 athletes and coaches attended. The visiting athletes, parents and coaches contributed to the local economy through accommodation, meals and refreshments while staying in Lithgow.

CNSWJO administers WRAS fees annually. If Lithgow was in WRAS this year, total fees would have been \$1340. Fees are usually increased by the IPART annual rate increase. It is recommended that given the value of WRAS that Council be part of this program next financial year.

Policy Implications

Membership of CNSWJO exposes the Council and its administration to the knowledge and the experience of like councils that are dealing with similar issues. This facilitates more informed policy positions.

Financial Implications

- Budget approved - \$90,003 total for 2023/24 membership, final invoice was \$3K over budget which will be offset by operational budget savings.
- Cost centre – PJ 800155
- Expended to date - \$93,333 for 2023/24, including Water Utilities Alliance membership and the Regional Tourism Group.
- Future potential impact - approximately \$1,400 additional annual expense should Council decide to join WRAS.

Legal and Risk Management Implications

Membership of CNSWJO exposes the Council and its administration to the knowledge and the experience of like councils that are dealing with similar issues. This exposure is of itself of assistance with risk management.

Attachments

Nil

Recommendation

THAT:

1. Council note the report on the value of joining the Central NSW Joint Organisation of councils, and,
2. Include membership of the Western Region Academy of Sport program as part of the CNSWJO fees going forward.

10.2. People and Services Reports

10.2.1. Building and Development

10.2.1.1. PP - 28/08/2023 - DA 064/23 Energy Australia Industrial Development Boreholes & Pit Excavation-Boulder Road

Prepared by	Lauren Stevens – Development Planner
Department	Development
Authorised by	Director of People and Places
Property Details	Lot 101 & 103 DP1164619, Lot 1 DP829065, Lot 191 DP629212 & Lot 2 DP702619, 85 Boulder Road, Blackmans Flat.
Property Owner	TruEnergy Pty Ltd ABN (ENERGYAUSTRALIA Pty Ltd)
Applicant	Aurecon Group on behalf of EnergyAustralia P/L

Reference

Min No 23-89: Ordinary Meeting of Council held on 22 May 2023: Call In - DA 064/23 - Energy Australia – Industrial Development - Borehole Drilling & Pitt Excavation.

Summary

On 9 May 2023, the subject Development Application DA064/23 was lodged into Council seeking consent for an industrial development involving borehole drilling and pit excavation on 85 Boulder Road, Blackmans Flat.

The Development Application has been called in pursuant to Policy 7.7 “Calling in of Applications by Councillors. On 22 May 2023, the Call In Report was reported at the Ordinary Meeting of Council (reference Min No. 23-89).

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 22 May 2023 and concluded 14 June 2023. No known written submissions were received during the notification period.

The purpose of this report is to assess and recommend determination of Development Application DA064/23 for an industrial development involving borehole drilling & pit excavation on land known as Lot 101 & 103 DP1164619, Lot 1 DP829065, Lot 191 DP629212 & Lot 2 DP702619, 85 Boulder Road Blackmans Flat.

Commentary

The subject Development Application DA064/23 will help inform the design and constructability of a proposed future battery system at the site, including environmental and hazard assessments, local geotechnical conditions, potential engineering constraints, potential contaminants, and ground levels for the overall project.

It is noted that EnergyAustralia is currently investigating the development of a future grid scale battery energy storage system with a capacity of 500 Megawatt and duration of up to 4 hours, along with associated infrastructure. The subject Development Application DA064/23 will aid in determining the viability of the battery storage system.

The works required under Development Application DA064/23 will also further inform part of the Environmental Impact Statement for the battery energy storage system (BESS) project - State Significant Development (SSD-50903958), as required by the Secretary Environmental Assessment Requirements (SEARs) issued on 23 December 2022.

The subject development Application DA064/23 proposes the following:

- Drilling and subsurface sampling at approximately seventy-one (71) locations over an area of approximately 30ha.
- Clearing and establishment of approximately 1.7km of vehicle track(s) to enable access to all proposed drilling/sampling locations.
- Drilling of approximately sixty-two (62) boreholes to varying depths, of which approximately 5 would be converted to groundwater monitoring wells.
- Excavation of approximately nine (9) test pits.
- Excavation of approximately six (6) shallow test pits, adjacent to the above 9 test pits.
- Geophysical investigation and data collection along approximately five (5) intersecting lines.
- At the completion of the proposed work, all disturbed areas (drill sites) will be picked clean of any drilling related rubbish. Disturbed soil will be covered in straw and grass to prevent erosion.

Subject Site and Surrounds

The subject site is formally known as Lot 101 & 103 DP1164619, Lot 1 DP829065, Lot 191 DP629212 & Lot 2 DP702619, 85 Boulder Road, Blackmans Flat. Pursuant to the Lithgow Local Environmental Plan (LEP) 2014, the site is zoned SP2 Infrastructure.

The site is surrounded by the Mount Piper Power Station infrastructure and associated land. The site was previously used as the construction compound and laydown area during the power station construction works. Part of the central area of the site includes infrastructure associated with the former Nu-Rock testing facility. Works at this facility have ceased due to the termination of the lease in December 2022 with removal of equipment in progress.

Access to the site is proposed to be via the existing entrance of the Mount Piper Power Station off Boulder Road.

The topography of the land is flat with majority of the site being cleared land with some trees bordering the property. The subject site is approximately 2km from sensitive land uses.

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 pursuant to Policy 7.7 by Councillor Stephen Lesslie and as such, this Application has been reported to this Council Meeting for determination.

Lithgow Community Participation Plan

Pursuant to the Lithgow Community Participation, the application was notified for a period of twenty-one (21) days commencing 22 May 2023 and concluded 14 June 2023.

The Community Participation Plan only requires notification of development applications to adjoining and adjacent landowners. In this instance, however, given the relative isolation of the site of the works (surrounded by Mt Piper Power Station infrastructure and land owned by Ivanhoe Colliery), the notification of the proposal was extended to landowners along Boulder Road.

In addition to the above, given the location of the works resulting in potential archaeological disturbance and likelihood of cultural significance, additional notification was provided to Aboriginal stakeholders.

No known written submissions were received during the notification period.

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

The proposed development requires consent in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and 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. The matters of relevant under Section 4.15 of the Act have been addressed in the attached Planning Assessment Report and is considered to demonstrate compliance with the relevant regulatory requirements.

Attachments

1. DA064-23 Location Plan [**10.2.1.1.1** - 1 page]
2. DA064-23 Development Assessment Report [**10.2.1.1.2** - 21 pages]

Recommendation

THAT

1. Development application DA064/23 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

10.2.1.2. PP - 28/08/2023 - DA199/22 Proposed Shed Lithgow Golf Club

Prepared by	Lauren Stevens – Development Planner
Department	Development
Authorised by	Director of People and Places
Property Details	Lot 1 DP 840412, Lithgow Golf Club 2 Golf Links Road Marrangaroo
Property Owner	Lithgow City Council
Applicant	Mr Gregory Peveril-Guest on behalf of The Lithgow Golf Club LTD

Summary

On 28 October 2022, the subject Development Application DA199/23 was lodged to Council seeking consent for a storage shed on land known as Lot 1 DP 840412, Lithgow Golf Club 2 Golf Links Road Marrangaroo.

The development is to be reported to Council as per Council’s Policy 7.6 ‘Development Applications By Councillors And Staff Or On Council Owned Land’, given that the land is owned by Council.

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 2 November 2022 and concluded 30 November 2022. No written submissions were received during the notification period.

The purpose of this report is to assess and recommend determination of Development Application DA199/22 for a storage shed on land known as Lot 1 DP 840412, Lithgow Golf Club 2 Golf Links Road Marrangaroo.

Commentary

The development proposes a new golf cart/storage shed to be located west of the existing carpark, southwest of the existing clubhouse. The development provides for an approximate setback of 178m from the eastern boundary that adjoins the Western Railway Line, 15m from the adjoining southern boundary, and 5m north of an existing storage shed.

The proposed metal framed colourbond clad shed has a floor area of 160m² (8m x 20m), ridge height of 3m, and will contain two (2) roller doors / one (1) personnel access door.

Policy Implications

Lithgow Community Participation Plan

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners have been notified of the proposal. The proposal documents were placed on public exhibition for 14 days in accordance with the Participation Plan commencing 2 November 2022 and concluded 30 November 2022.

No written submissions were received during the notification period.

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

Council’s policy states:

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

As such, this application has been referred to an Ordinary Meeting of Council for consideration and determination.

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 for the assessment of the development application.
- Future potential impact - This building will form part of Council's lease agreement with the Golf Club.

Legal and Risk Management Implications

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. DA199-22 Site Plan [**10.2.1.2.1** - 1 page]
2. DA199-22 Shed Plans [**10.2.1.2.2** - 1 page]
3. DA199-22 Planning Assessment Report [**10.2.1.2.3** - 20 pages]

Recommendation

THAT

1. Development application DA199/22 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

10.2.1.3. PP - 28/08/2023 - DA084/23 Lithgow Women's Shed Multi Purpose Building

Prepared by	Lauren Stevens- Development Planner
Department	Development
Authorised by	Executive Manager Water, Wastewater and Waste
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 - Adoption of Plan of Management - part of Tony Luchetti Sportsground and Showground.

Min No. 23-123 Ordinary Meeting of Council held on 24 July 2023 - Lithgow Women's Shed Section 94A Fee Exemption Request.

Summary

On 26 May 2023, the subject Development Application DA084/23 was lodged to Council seeking consent for a multi-functional community facility on land known as Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street Lithgow.

The application is also seeking exemption for the payment of Section 64 fees under the Local Government Act 1993 for Water and Sewer Charges.

The development is reported to Council as per Council's Policy 7.6 'Development Applications By Councillors And Staff Or On Council Owned Land', given that the land is owned by Crown Lands Department under the management of Council.

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 13 June and concluded 6 July 2023. No written submissions were received during the notification period.

The purpose of this report is to assess and recommend determination of Development Application DA084/23 for a multi-functional community facility on land known as Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street Lithgow.

Commentary

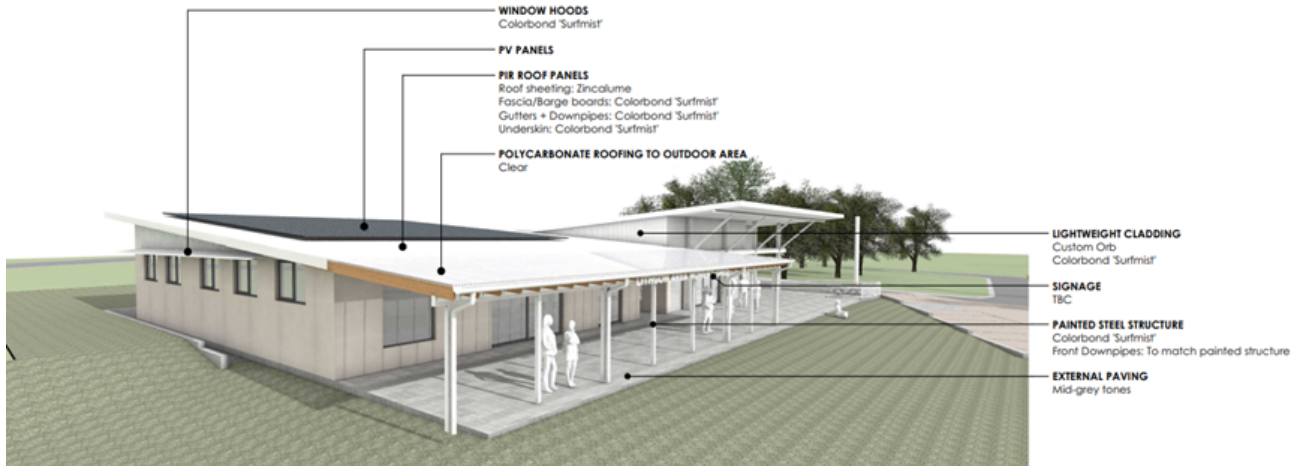
The Lithgow Area Women's Shed Inc has received a grant of \$2,460,625 from the Federal Bushfire Recovery Grants program for the construction of a new multi-functional community facility.

The proposal is for a multi-functional building to comprise a workshop with ancillary tool rooms, meeting room/hall, two small commercial offices, 2 x kitchens, kids' room, and amenities. The building envelope provides an approximate floor area of 627.78m².

The proposed development will cater to the needs of the Lithgow Women's Shed whilst providing opportunity for other community groups to utilise the space (i.e., meeting room / hall, office rooms etc).

The proposed built form has been designed with consideration being given to the historical significance of the subject site. The proposed development includes a selection of colours and finishes sympathetic to the existing built form with particular reference being made to the Grandstand and Ball Room. A Heritage Impact Statement and supplementary heritage statement has been prepared and submitted in support of the proposed development.

The elevation of the development is shown below:



Business identification signage is also proposed as part of this application and shall be located at the front of the structure.

The proposed development is to be located within the Tony Luchetti Sports Centre in the township of Lithgow. The subject site is Crown Land, managed by Lithgow City Council.

Access to the proposed community facility is via the main entrance of the Sports Centre.

The proposed community facility is to be situated south of the main oval. The grandstand is located to the west, the skate park to the south-east, and the ballroom to the east.

At present, the development site is a vacant portion of land with little grass cover. The area is primarily used as informal car parking during peak sporting events.

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



Request for Exemption from Section 64-Development Servicing Plan for Water Supply and Sewerage

The Lithgow Area Women's Shed Inc has submitted a written request for an exemption from Council's Section 64-Development Servicing Plan for Water Supply and Sewerage. The assessed contribution is \$138,813.166 The applicant has provided the following bases for their request to waive these fees:

- 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.*

The Lithgow Council's Development Servicing Plan was prepared in accordance with the 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands and Water, pursuant to section 64 of the LG Act 1993, exercising its function under section 305 & 306 of the *Water Management Act, 2000*.

Section 305 and 306 of *The Water Management Act 2000*, states:

305 Application for certificate of compliance

- (1) A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.*
- (2) An application must be accompanied by such information as the regulations may prescribe.*

306 Authority may impose certain requirements before granting certificate of compliance

- (1) This section applies to such kinds of development as are prescribed by the regulations for the purposes of this section.*
- (2) As a precondition to granting a certificate of compliance for development, a water supply authority may, by notice in writing served on the applicant, require the applicant to do either or both of the following—*
 - (a) to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,*
 - (b) to construct water management works to serve the development.*

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 development is eligible for an exemption.

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 and parcel of that land. Therefore, as Council manages the land the building will automatically vest in Council once constructed and Council will ultimately be 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

This policy 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. Given Council's management of this land the proposal is reported to Council for determination.

Lithgow Community Participation Plan

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners have been notified of the proposal. The proposal documents were placed on public exhibition for 21 days in accordance with the Participation Plan commencing 13 June and concluded 6 July 2023.

No known written submissions were received during the notification period.

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 to be provisioned at \$62 500 per annum (and indexed). The administration will need to 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. DA084/23 Elevation Plan [**10.2.1.3.1** - 1 page]
2. DA084/23 Landscaping - Site Plan [**10.2.1.3.2** - 1 page]
3. DA084/23 Development Assessment Plan [**10.2.1.3.3** - 43 pages]

Recommendation

THAT:

1. Development application DA084/23 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. Council approve the Section 64 (Water and Sewer Charges) exemption request under the Local Government Act 1993 for the proposed multi-function/community facility by Lithgow Area Women's Shed Inc, noting that the assessed contribution is \$138,813.166.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
4. Details of a proposed licence agreement be reported to Council at a future meeting.

10.3. Infrastructure Services Reports

10.3.1. I&E - 28/08/2023 - Storm Recovery Related Works

Prepared by Paul Creelman – Transport Manager

Department Infrastructure

Authorised by Jonathon Edgecombe

Summary

The purpose of this report is to provide Council with information on two emergency works projects related to 2022 natural disasters and to seek Council approval of a budget variation for work on Coxs River Road, Hartley.

Commentary

Background

As a result of the extensive wet weather during 2022, emergency work was initiated on 2 projects to prevent road closure and separately, the possibility of a sewerage leak into Farmers Creek.

1. Farmers Creek sewer line protection - after the significant storm events in July/August 2022, a section of sewer main was exposed due to erosion of the embankment of Farmers Creek, adjacent to Tank Street and leading to a pump station. Council developed several strategies to retain the embankment and protect the sewer main. Due to lack of materials and the availability of contractors, Schumack Engineering was approached as they make the retaining blocks 'in house' and have conducted similar work previously. Schumacks indicated that if they were engaged, they could start work manufacturing the required retaining block straight away and start work once the blocks were made. A quote of \$440,000 was supplied for the blocks and providing the works needed to secure the sewer line and protect it from further exposure. Due to the urgent nature of the work, Schumack Engineering was engaged to complete this work.
2. Coxs River Road, Hartley has been under rehabilitation for the last 6 months with current works now complete. As works progressed along the site, further areas of road failure developed which required additional works to rehabilitate the road and supporting infrastructure to provide a safe road for road users. Unanticipated latent site conditions and poor subgrade quality also necessitated increases to project costs to ensure the repair was permanent and resilient in the face of future disaster. Due to the additional works that were required, the initial budget of \$2.5 million has required an additional \$1.5 million to complete current works. The engagement of Gracey's Earthmoving and Excavations was approved at the 27 February 2023 Council meeting (Min. No. 23-30) to conduct the works with an initial quote of \$2.5 million.

Farmers Creek Sewer Line Protection

As the issue of the exposed sewer line was raised, the site was inspected and Council officers considered how to resolve the issue. The water flow in the creek took about 18 days to subside to a point where the full scope of works could be assessed. The works included re-establishment of the creek embankment, constructing a new retaining wall and concrete encasing the sewer main.

Enquiries were made about the concrete blocks for the retaining wall with suppliers, which was a 4-6 month wait at the time (without guarantees) due to related works around the state. When asking contractors to quote, none were available for 2 to 3 months due to high workload. When the enquiry was sent to Shumacks, they indicated they would be available within weeks and could make the concrete blocks for the retaining wall 'in-house'. Shumacks were asked to provide a quote and it was assessed as providing value for money, for the work required.

Enquiries were made to Transport NSW with regard to funding through the Natural Disaster Recovery arrangements. Council was informed that as the Water / Sewer operation was a business function of Council, the project was ineligible for recovery funding. This limitation is specifically referenced by the Natural Disaster Recovery Arrangements, which is a subject of Lithgow Council's advocacy for substantial change to this program. The Executive Manager, Water & Wastewater, was approached to identify funding from reserve funds. The administration is also making enquiries to ascertain whether costs can be claimed on Council's insurances.

Once Shumacks were engaged, they started the construction of the concrete interlocking blocks for the retaining wall.

With several large rain events occurring after the initial discovery of the exposed sewer main, the area was monitored to ensure that the sewer main was intact and no further scouring took place. As the large rain event continued, further scouring around water infrastructure was found to be occurring around the water mains that run between Bells Road and the creek. Works to protect the water main at this location were included in the quote.

Once the concrete blocks had been manufactured, construction works commenced. Works have been completed with the previously exposed mains now protected against high water flows in Farmers Creek. Some minor ancillary works are still to be completed.

Coxs River Road

Works have been completed along Coxs River Road, following sections of road being found to be built on clay-based and organic materials which have been critically affected by the extended wet weather. This was unanticipated at the commencement of the project, largely due to the urgency with which the works had to commence, thereby prohibiting geotechnical investigation which was claimed to take up to 10 weeks to complete at the time.

Much of the unsuitable material was either removed and/or bridged to provide a solid base to rehabilitate the road. The affected section was between Morris Place and Blaxland Road with the drainage infrastructure blocked by silt and areas of minor landslip. Coxs River Road was constructed on a clay material that had been contaminated with vegetation (tree roots, old stumps etc) which combined with the wet subgrade the road continued to fail as works continued with the depth of excavation of up to 400mm. The depth and extent of unsuitable road base material was far greater than first estimated with some of the pipes being damaged beyond repair and having to be replaced. Works were also conducted in Cranbrook Park Road, Morris Place, and the entries to adjacent roads to maintain access for residents, who were also affected by similar road failures.

The overrun of expenditure arose from the uncertainty of the project. The road works along Coxs River Road grew from the continued failure of the road as works continued. As works had started on the road the contractor was asked to continue, using the schedule of rates that had been approved on the tender for the project. It would have left the road in a potentially dangerous state if works had been stopped prior to the current extent of the project. It was very difficult to estimate the final cost of the project due to the extent of the damage of the road and the dynamic nature of the failure of the road that continued to fail in different section as the project continued.

Under the funding agreement with Resilience (through Transport for NSW), these works cannot be targeted to improve the road but can be used to restore the road to its prior state, which has been achieved. This allows full reimbursement to Council for the costs. Purchasing controls have been strengthened to ensure that appropriate approval for emergency works is obtained in similar circumstances, where works need to be continued for reasons of safety and resident access.

The costs for the rehabilitation of Coxs River Road and associated works have come to \$4,070,000, which is an additional \$1,570,000 above the original approved expenditure. This has rehabilitated approximately 5.9 kilometres of road and associated infrastructure.

Policy Implications

The works for both projects have been required due to the extensive wet weather during 2022 and were essential to continue to provide safe and functional services to the community. The protection of the sewer main in Farmers Creek has potentially stopped raw sewer flowing into the creek, which would result in disruption to the sewer system and reputational harm for Council. The works on Coxs River Road maintained access for road users and provided a safe passage.

Farmers Creek Work - the procurement policy was followed under the exemptions allowed under the Local Government Act, due to the emergency nature of the work, sole supplier (at that time) of required products and availability of the contractor.

Coxs River Road - initial procurement was followed under the SWP with a full tender through LGP (Local Government Procurement), approved at the Council meeting of 27 February 2023, including the original quote and schedule of rates under which the added expenditure followed.

Financial Implications

- Budget approved -
 - Farmers Creek- \$400,000 was approved under the delegation of the Mayor due to the urgent nature of the works with this report to Council to ratify the expenditure.
 - Coxs River Road- \$2.5M was approved initially at the February Council meeting with the approved schedule of rates used for the additional works.
- Cost centre - Farmers Creek- 300080, Coxs River Road - 100854
- Expended to date - Farmers Creek- \$349,801, Coxs River Road- \$4,070,000 (final cost for works to date).
- Future potential impact
 - Farmers Creek- The sewer main adjacent to Tank Street, Lithgow that runs along the bed of Farmers Creek is now protected from high water flows and erosion of the embankment around the pump station has been re-enforced to stop erosion.
 - Coxs River Road- has been rehabilitated for approximately 5.9 kilometres including new seal and adjacent infrastructure which will reduce maintenance and increase the life of the road.

There are no ongoing costs related to these projects.

Legal and Risk Management Implications

Both of these projects have reduced risk to the public and the natural environment and are a part of Council's responsibilities in managing wastewater and road assets. Approvals were sought and given for Council to work in the bed of Farmers Creek for this project.

Attachments

Nil

Recommendation

THAT Council:

1. Note Mayoral approval of the budget required and a tender exemption for the protection of Council's wastewater assets in Farmers Creek, undertaken by Shumack Engineering P/L. with a budget of \$400,000 for works to be completed.
2. Approve the additional budget and expenditure to rehabilitate Coxs River Road, between Morris Place and Blaxland Road, of \$1,570,000. The works were completed by Gracey's Earthmoving and Excavations P/L.

10.3.2. I&E - 28/08/2023 - South Bowenfels Link Road - Tender Acceptance

Prepared by James McGee - Engineering Officer
Department Infrastructure and Economy
Authorised by Director of Infrastructure and Economy

Summary

This report summarises the tender process for the construction of South Bowenfels Link Road and recommends that Council enter a contract with Gracey's Earthmoving and Excavations Pty Ltd in accordance with the Tender for "Construction of Three Tree Drive".

Commentary

Background

South Bowenfels Link Road is required to provide access to the Three Tree Estate. The construction is expected to be completed by 31 January 2024. The construction of the South Bowenfels Link Road and the construction of the Hillcrest No 2 Sewer Pumping Station, are funded externally by a \$1.4 million grant from the New South Wales State Government Regional Housing Fund.

At present, the 2023/24 budget for the Regional Housing Fund grant has been allocated as follows:

- South Bowenfels Link Road - \$481,075.
- Hillcrest #2 Sewer Pump Station - \$918,925 (including proposed 2022/23 carryover budget, remainder to be funded from the Sewer Reserve / future developer contributions).

The initial budget for the South Bowenfels Link Road was estimated and proposed in late 2022 and was restricted to the construction of the roadway and provision of necessary stormwater provisions for the road. Since that time an increase in material, fuel and labour costs has impacted construction costs and this is reflected in the tender submissions. The request for tender also included a detention basin to reduce sedimentation during and post construction. The detention basin has been designed with capacity for future development.

Management is investigating whether an additional \$204,525 of the grant funding can be reallocated to the Link Road which will require more of the cost of the Sewer Pump Station to be funded from the Sewer Reserve / future developer contributions. Meetings have been set with the preferred contractor to negotiate potential contract savings.

Since the tender process was conducted, several changes to the road design have occurred. Most significantly this relates to a relocation of the road alignment to ensure construction immediately adjacent to the hospital fence, rather than further up hill. This change makes good sense as it will greatly reduce site earthworks and thereby further reduce the cost of the project.

Tender Process

A tender process was conducted via VendorPanel as prescribed in Clause 169 of the Local Government Regulation 2005. 5 contractors were invited to tender, including 3 local and 2 statewide contractors.

The tender scope of works included:

- Proposed construction for a 2-way road with kerb and gutter.
- The length of the road is 331.69 m.
- The width of the seal is 10 m.

Initial design for the pavement is:

surface layer	AC40 Asphalt or 14/7 2-coat bitumen Seal.
Base	150 mm DGB20.
Sub-base	300 mm DGS40.
subgrade	Compaction and Stabilisation as required.

The tenderer to provide separate costing for:

1. Bulk earth works.
2. Pavement materials and construction.
3. AC40 Asphalt seal.
4. 14/7 2-coat Bitumen seal.
5. Stormwater construction.
6. Roll top kerbing to Lithgow City Councils standard detail, EN1006.

The contractor to provide all site costs, including but not limited to, site establishment, traffic control, work site scene lighting, plant transportation, etc.

Completion of the works is required before February 2024.

The contractor to supply certificates of currency for all insurances prior to commencement of works.

Stormwater shall comply with Lithgow City Council's Guidelines for Civil Engineering Design and Construction for Development.

The contractor to provide warranty and maintenance of the road for 24 months from the date of practical completion as a 5% of works cost bank guarantee.

Conforming responses were received from the following parties (in alphabetical order):

- Dukes Earthmoving Pty Ltd.
- Gracey's Earthmoving and Excavations Pty Ltd.
- Green Civil Services Pty Ltd.

Evaluation Results

Received tenders were all assessed as conforming and ranked and weighted against the requested information and costs to complete the works.

A summary of results is provided below:

Company	WHS	TMP	Insurance	Warranty	Local	Price	Total
weighting %	10	10	10	5	5	60	100
Gracey's Earthmoving and Excavation Pty Ltd	10	10	10	5	5	42	82
Dukes Earthmoving Pty Ltd	10	10	10	5	5	34	74
Green Civil Services Pty Ltd	10	10	10	5	0	30	65

Policy Implications

The Tender process and evaluation comply with Council's Tendering Policy 1.4 and Council procedures for Purchasing and Tendering.

Financial Implications

- Budget approved - \$481,075 for 2023/24 - funded by grant – balance to be funded from Regional Housing Fund grant pending confirmation from Water & Wastewater.
- Cost centre - 100877-8020-63131
- Expended to date – Nil.
- Future potential impact – Additional funding of \$204,525 required from the sewer reserve / future developer contributions.

Legal and Risk Management Implications

The Tender process for the “Construction of Three Tree Drive” was conducted in accordance with Local Government tendering legislation, including Section 55 of the Local Government Act 1993 and Part 7 of the Local Government (General) Regulation 2005.

Attachments

Nil

Recommendation

THAT Council:

1. Accept the submission from Gracey’s Earthmoving and Excavation Pty Ltd for the Construction of the South Bowenfels Link Road at a cost of \$685,600 (excluding GST).
2. Subject to pending budget negotiations, approve a budget variation up to a maximum of \$204,525 to complete the project (funding from the sewer reserve to be confirmed).
3. Delegate authority to the General Manager to enter a Contract with Gracey’s Earthmoving and Excavation Pty Ltd in accordance with the Tender for “Construction of Three Tree Drive”.

10.3.3. I&E - 28/08/2023 - Glen Davis Road Bridge Replacements - Project Variations

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

Reference

Min No. 21-213 Ordinary Meeting of Council held on 27 September 2021
Min No. 21-262 Ordinary Meeting of Council held on 25 October 2021
Min No. 22-14 Ordinary Meeting of Council held on 24 January 2022
Min No. 23-29 Ordinary Meeting of Council held on 27 February 2023

Summary

This report provides an update on the Glen Davis Road bridges replacement project and provides information on contract variations to date. The report also seeks Council's approval of a large contract variation for the widening of a rock cutting near the Airly Creek bridge.

Commentary

In 2020, Council was successful in obtaining \$5,043,774 in funding through Transport for NSW's (TfNSW) 'Fixing Country Bridges' program to replace three (3) timber bridges along Glen Davis Road with reinforced concrete structures. Council resolved to award the contract for the bridge design and replacement work to Central Industries for \$3,464,540, at the Ordinary Meeting of Council held on 24 January 2022.

The project is now almost complete, with the three bridges open to traffic and only ancillary works, such as fencing, vegetation rehabilitation and line marking remaining.

A report to the Ordinary Meeting of Council held on 27 February 2023 noted six (6) contract variations that had been approved to date, totalling \$287,785. In recent times, two additional contract variations have been sought for the following items:

- **Variation 7 - \$5,600 (hand railing)** - a pedestrian handrailing has been fabricated and installed at the Airly Creek bridge site. This has been installed to provide a lookout area for bird-watchers to congregate.
- **Variation 8 \$19,144 (additional linemarking)** - due to the large contingency that was remaining from the project budget, linemarking will be undertaken outside of the bridge construction footprint. This will extend road linemarking from Coco Creek Bridge to the intersection of Glen Davis Rd and Glen Alice Rd.

In addition, when works were being scoped, Council determined that the rock cutting on the eastern approach to the Airly Creek bridge would benefit from being widened for safety reasons. Undertaking this work will improve visibility for traffic, as the cutting is located on a sweeping corner leading up to the bridge crossing. Previously, as the old bridge was on a slightly different alignment, this work was not necessary. Now, with vehicles following an amended path and at greater speed as a result of the bridge being dual rather than single lane, this rock cutting is necessary.

Council accounted for this when applying for the project funding, but did not include this as a requirement of the original contract, and instead used the cost estimate as a project contingency, in

case unknown conditions caused the budget to be exceeded. Being a fully grant-funded project, it is important for Council to keep costs within budget.

Fortunately, no unexpected conditions were found, and the project has fallen considerably under budget. As a result, Council plans to seek a variation from the project's Primary Contractor, Central Industries, to undertake this work.

After conducting a joint site inspection, representatives from TfNSW noted that the proposed safety works would be beneficial for motorists approaching the bridge, and that the works are eligible under the grant guidelines. Transport for NSW also agree with Council's current position that this work is a direct requirement of the bridge replacement, thereby representing a reasonable variation to the existing contract with Central Industries.

With respect to the scope of the safety works, the contractor has proposed widening the cutting adjacent to Airly Creek Bridge by one (1) metre, with the cliff tapering outwards. The road would be realigned, ripped and graded. A single lane of traffic will be closed for safety, and concrete barriers installed, whilst the works are being carried out with traffic controlled in a contraflow manner. The cost of this additional work has been quoted at \$283,600 (plus GST). This falls well within the remaining grant funded budget for the project.

As per Council's Purchasing and Contracting Standard Working Procedure, when contract variations exceed \$250,000, approval is required from Council.

Lastly, the funding deed for this project expires April 2024. Should any funding associated with the deed be unspent by April 2024, it must be repaid to the funding body.

Policy Implications

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

When any one variation exceeds \$250,000, resolution is to be sought from Council before proceeding.

It is noted that these contract variations fall within the scope of works for the Airly Creek Bridge replacement, and is not a separate project.

Financial Implications

- Budget approved - Total budget approved for the three bridge replacements \$5,043,774.
- Budget by individual project - Airly Creek (100665) \$1,720,122, Coco Creek (100666) \$1,950,472, Crown Creek (100667) \$1,373,180.
- Expended to date total - \$4,237,735.
- Expended to date by individual project - Airly Creek (100665) \$1,376,997, Coco Creek (100666) \$1,524,006, Crown Creek (100667) \$1,336,732
- Future potential impact - \$17,608 currently committed to undertake fencing replacement at Coco Creek (100666)

Legal and Risk Management Implications

Council has a risk management plan in place which has been updated throughout the life of the project. The contractor has assessed the risks associated with the proposed widening of the cutting at the Airly Creek bridge site.

Attachments

Nil

Recommendation

THAT Council

1. Note the project update, and information regarding contract variations, in relation to the Glen Davis Road bridges replacement project.
2. Approve a contract variation in the amount of \$283,600 to allow the contractor to undertake road widening works within the cutting on the eastern approach to the Airly Creek bridge.

10.4. Finance and Assets Reports

10.4.1. F&G - 28/08/2023 - ALGWA Executive Appointment Cr C Coleman - Requesting Support

Prepared by Sarah Lewis - Executive Assistant to the General Manager & Mayor

Department Governance

Authorised by Chief Financial & Information Officer

Summary

Deputy Mayor Coleman has notified Council that she has been elected as Treasurer of the Australian Local Government Women's Association (ALGWA) for a period of 12 months. Deputy Mayor Coleman is requesting Council's support to attend meetings over this period.

Commentary

ALGWA's website describes that the organisation seeks to strengthen networking, mentoring and innovative opportunities that encourage and support women in local government.

Deputy Mayor Coleman has been elected as Treasurer to the ALGWA Committee, following previous appointments as President. The current ALWGA President has written to Council seeking Council's support for Councillor Coleman in assisting her to undertake her duties in the position, not only in her attendance at conferences, but also to fulfill her role at the executive and board meetings.

The ALGWA executive meets six times a year, shared between Metropolitan and Rural Councils. Cr Coleman has indicated that she will attend meetings and forums online when the opportunity arises. Cr Coleman requests assistance with travel (either by car or a flight), accommodation, and food allowance. Cr Coleman has requested the same support when attending these meetings, similar to when a Councillor attends a local government conference.

Over recent years, Council has supported Cr Coleman in executive roles with ALGWA. The budget notionally allocated for this purpose in previous years has been \$3000. It is considered that this amount should be sufficient again.

The funding requested by Cr Coleman is not covered in Policy 9.5 Councillor Expenses & Facilities. All expenses provided under the policy are for a purpose specific to the functions of holding civic office. A resolution of Council is required to direct funds from the Councillor expenses budget to support Cr Coleman's role at ALGWA executive and board meetings. An allocation to support Cr Coleman will reduce the budget available for other Councillor expenses, unless Council resolves to increase the budget.

Policy Implications

The relevant policy is Policy 9.5 Councillor Expenses and Facilities.

Financial Implications

The 2023/24 Councillor expenses and facilities budget is set out in the table below:

Expense or facility	Maximum amount	Frequency
General travel expenses	\$9,500 pooled total for all Councillors	Total per year
Interstate, overseas and long-distance intrastate travel expenses	Requires a Council resolution including a vote of funds	
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$18,000 pooled total for all Councillors	Total per year
Conferences and seminars	\$9,000 total for all Councillors Separate budget provided for State and National Local Government Conferences	Per year
ICT expenses	\$100 per Councillor	Per year
Carer expenses	\$1,800	Total per year
Postage stamps	Use of Council's postage facilities for official communications	
Christmas or festive cards	Provided by Council upon request	
Council vehicle and fuel card	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office	Provided to the mayor	Not relevant

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council:

1. Support Deputy Mayor Coleman to fulfil her role as ALGWA Treasurer by approving Cr Coleman's travels costs to be funded from the councillor expenses budget allocation, and,
2. Determine whether the \$3000 allocation for this purpose is funded from within the existing councillor expenses budget, or if the budget is to be increased by that amount.

10.4.2. F&G - 28/08/2023 - Amendment to right of way benefiting Council land

Prepared by Sandra Politi – Property & Legal Services Officer
Department Property & Legal Services
Authorised by Chief Financial & Information Officer

Summary

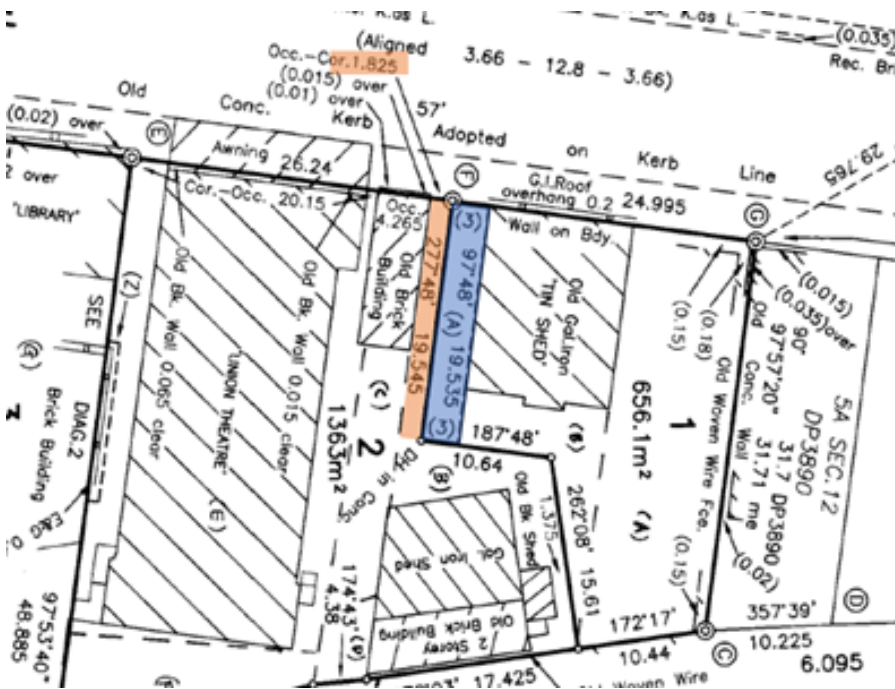
This report seeks Council’s approval to reduce the width of a right of way which burdens 69 Bridge Street, Lithgow (privately owned land - Tin Shed - Lot 1 in DP1077295) and benefits 67 Bridge Street, Lithgow (Council owned land - Union Theatre – 2/1077295).

Commentary

It is unclear whether a Council resolution is required for this purpose, however as this matter touches upon Council owned community land, a council resolution is requested for abundant caution.

Council has received a development application with respect to the Tin Shed Lithgow. The development application includes the addition of a cool room to the southern side of the building. Plans submitted with the development application show that the cool room will measure 9800 long x 1820 wide (see plan attached to this report).

The Tin Shed Lithgow adjoins Council owned community land, being the Union Theatre. Vehicle access to the Union Theatre side entrance is gained via the driveway between the two properties. Driveway access consists of a right of way 3m wide over Tin Shed land (shown in blue on the image below) and 1.825m wide over Union Theatre land (shown in orange on the image below), totaling an access width of 4.825m wide.



The addition of a cool room to the southern side of the Tin Shed will infringe on the right of way by 1.820m wide for the length of the cool room. Accordingly, for the development to proceed the right

of way which benefits the Union Theatre will need to be reduced from 3m wide to 1.180m wide for the length of the cool room.

If approved, driveway access will continue to be 4.825m wide (comprising 3m over Tin Shed land and 1.825m of Union Theatre land) but reduce to 3.005m wide (comprising 1.180m of Tin Shed land and 1.825m of Union Theatre land) for the length of the cool room, 9.8m long.

Council officers have collaborated to consider the matter and have determined that a minimum width of 3m for the length of the cool room will be sufficient to accommodate vehicle access for utility vans and trucks to the Union Theatre. Therefore, it is recommended that Council agree to reduce the width of the right of way as outlined in this report.

Policy Implications

N/A

Financial Implications

All costs associated with amending the right of way are to be borne by the applicant.

If approved, the development consent will include a condition requiring the applicant to update the Deposited Plan, Section 88B instrument and Titles to reflect the amended right of way, at its cost, and produce evidence of same prior to the issue by Council of an occupation certificate in relation to the development.

Legal and Risk Management Implications

Real Property Act 1900
Conveyancing Act 1919

Attachments

1. DA046-23 Plan proposed awning and cool room - Tin Shed [10.4.2.1 - 1 page]

Recommendation

THAT Council agree to reduce the right of way burdening Tin Shed land and benefiting Union Theatre land for the length of the cool room (being 9.8m) from 3m wide to a minimum of 1.18m wide, in the event that development application DA045/23 is approved.

10.5. Policies and Governance

10.5.1. FIN - 28/08/2023 - Review of Policy 8.4 Debt Recovery

Prepared by Rhiannan Whiteley – Senior Revenue Officer - Rates & Water

Department Revenue

Authorised by Chief Financial & Information Officer

Reference

Min No 17-311: Ordinary Meeting of Council 23 October 2017

Min No 22-122: Ordinary Meeting of Council 27 June 2022

Summary

The purpose of this report is to seek Council's adoption of revised Policy 8.4 Debt Recovery.

Commentary

As part of the regular policy review cycle, Policy 8.4 - Debt Recovery has been reviewed by management and is recommended for approval following a public exhibition period where no submissions were received.

Policy 8.4 - Debt Recovery

The policy has been updated to include the current due dates for water and rates instalments and to reference the relevant sections of the Local Government Act.

The policy was presented to the 9 August 2023 Finance Committee meeting. The Committee asked that the Payment of Rates and Charges section be amended to "Council will commence legal action with the issue and service of a statement of claim against any ratepayer who is not a pensioner, *with at least two quarterly instalments unpaid.*" This change has been made to the draft policy. The Finance Committee endorsed Draft Policy 8.4 - Debt Recovery.

The reviewed policy outlines the process for recovery of overdue amounts in relation to rates, water and debtors. This includes arrangements to pay, interest and legal costs, hardship and sale of land for unpaid rates.

The policy includes provision for payment arrangements, as well as for personal hardship. The Act provides a number of circumstances where a discretion is available to Council to release ratepayers from some (or all) of their obligations due to what has come to be termed hardship. The sections include:

- Section 567 – writing off accrued interest,
- Section 577 – concessions for pensioners, and
- Section 582 – waiver or reduction of amounts owing by pensioners.

The policy was placed on public exhibition for a period of 28 days from 1 July 2022 to 28 July 2022. No submissions were received and it is now put to Council to determine whether the policy be adopted.

Due to an administrative oversight, the policy was not returned to Council for adoption immediately following public exhibition.

Policy Implications

Update of Council policies as they become due for review.

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

Policies are prepared to assist in decision making and provide further guidance with regard to statutory obligations.

Attachments

1. Policy 8 4 Debt Recovery Version 5 - Draft August 2022 [**10.5.1.1** - 6 pages]

Recommendation

THAT Council adopt and implement revised Policy 8.4 - Debt Recovery.

10.5.2. FIN - 28/08/23 - Public Interest Disclosure Policy

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

Summary

The new Public Interest Disclosures Act 2022 (PID Act) will commence on 1 October 2023. All NSW agencies are required to have a Public Interest Disclosure (PID) policy under the PID Act. A new PID policy has been developed from the Ombudsman's template policy.

Council currently has Policy 9.9 Internal Reporting to meet Council's obligations under the PID Act 1994. The new PID Policy would replace Policy 9.9 from 1 October 2023.

Commentary

The PID Act provides the framework for the handling of public interest disclosures (PIDs) of serious wrongdoing in the NSW public sector, and for the protection of those who make them.

Key changes under the new PID Act

The PID Act will replace the current 1994 legislation in its entirety. This means that there will be changes to the way Council receives and deals with PIDs. The new legislation requires a new PID policy, as well as enhanced obligations to report certain information to the Ombudsman's office.

The new PID Act provides additional pathways through which a PID can be made. One of the more significant practical changes is that anyone with supervisory responsibilities, or to whom staff report ('managers'), will be able to receive a PID. A manager's core obligation, if they do receive a report that might potentially be a PID, is to ensure that it is communicated to a designated disclosure officer, so that it can be assessed and dealt with appropriately.

An overview of the PID Act 2022, provided by the Ombudsman's office, is included as an attachment.

Supporting the cultural objects of the new Act

The new PID framework recognises that a strong 'speak up' culture that encourages public officials to report wrongdoing is important to ensuring the integrity of the public sector. An integral part of that 'speak up' culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detriment,
- taking active steps to maintain the confidentiality of reports, and
- imposing duties on agencies that receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

An express object of the new Act is "to promote a culture in which public interest disclosures are encouraged". This is mirrored by a requirement to provide information annually to the Ombudsman's office on measures taken to promote a culture in which PIDs are encouraged.

To support agencies as they prepare to meet their responsibilities under the new PID Act, the NSW Ombudsman's office has prepared a model PID Policy which agencies can adopt (and adapt as necessary) to meet their requirements for a PID policy under the PID Act. The new Council policy has been adapted from the model policy and would be implemented and distributed to staff from 1 October 2023.

Adoption Without Public Exhibition

The recommendation does not include placing the policy on public exhibition as:

1. The policy is an internal policy, and,
2. The Public Interest Disclosure Policy has been developed using the Model PID Policy prepared by the Ombudsman's office.

Policy Implications

Adoption of a new Policy 9.9 Public Interest Disclosures to meet Council's requirements for a PID policy under the new PID Act.

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

Policies are prepared to assist in decision making, minimise risk and provide further guidance with regard to statutory obligations.

Attachments

1. Model Public Interest Disclosure Policy - July 2023 [**10.5.2.1** - 23 pages]
2. Overview of the new PID Act 2022 Information sheet [**10.5.2.2** - 5 pages]

Recommendation

THAT Council:

1. Note the information provided on the new Public Interest Disclosure Act 2022.
2. Adopt the new Policy 9.9 Public Interest Disclosure, to be implemented from 1 October 2023.
3. Rescind current Policy 9.9 Internal Reporting effective from 1 October 2023.

11. Council Committee Reports

11.1. I&E - 28/08/23 - Seven Valleys Tourism Committee Minutes - 31 July 2023

Prepared by Simon Francis - Tourism Manager
Department Tourism
Authorised by Director of Infrastructure and Economy

Reference

Minutes of Seven Valleys Tourism Committee Meeting 31st July 2023

Summary

Minutes of Seven Valleys Tourism Committee Meeting 31st July 2023 are attached to this report for Council adoption.

Commentary

Seven Valleys Tourism Committee met on 31st July 2023. Matters discussed included:

- the Main Street revitalisation project,
- updates on patronage and other matters related to the Zig Zag Railway,
- updates on progress relating to the Gardens of Stone State Conservation Area, and
- various other tourism projects being advanced by Council.

The Minutes of Seven Valleys Tourism Committee Meeting 31st July 2023 are attached to this report for Council's consideration.

Policy Implications

Nil

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Draft Seven Valleys Tourism Minutes - 31 July 2023 [11.1.1 - 10 pages]

Recommendation

THAT Council endorse the minutes of the Seven Valleys Tourism Committee meeting of 31st July 2023

11.2. PP - 28/08/2023 - Crime Prevention Committee Minutes 7 August 2023

Prepared by Matthew Johnson – Community & Culture Manager
Department Community & Culture
Authorised by Executive Manager Water, Wastewater and Waste

Reference

Min 23-99 Ordinary Meeting of Council held on 24 May 2023.

Summary

The Minutes of the Crime Prevention Committee meeting held on 7 August 2023 are reported for Council's information.

Commentary

At the Crime Prevention Committee meeting held on 7 August 2023 various matters were discussed including:

6.1 Bureau of Crime Statistics (BOCSAR) quarterly report

The Committee discussed the latest Bureau of Crime Statistics (BOCSAR) quarterly report dated 31 March 2023 which includes comparative crime data for Lithgow over time and compared to the NSW average.

Crime data discussed included:

Trends in recorded Criminal Incidents in Lithgow LGA for major offences over the 24 months to March 2023.

The ratio to the NSW rate (per 100,000 population) of recorded criminal incidents in Lithgow for the 12 months to March 2023

The actual number of recorded criminal incidents in Lithgow LGA for major offences for the 12 months to March 2023 and for the 12 months to March 2022.

Police reported that they actively encourage the reporting of domestic violence offences and actively enforce AVO compliance which can contribute to higher rates of reported offences. There was also discussion on firearm offences and that the Police undertake home inspections of registered firearms.

6.2. Police Report

Police representatives provided a report on local crime and Policing matters, including a comparison of recorded crime incidents in Lithgow for the May to July 2022 and May to July 2023 periods.

Police reported that levels of crime across all categories are relatively stable in the Lithgow area. There was also discussion on vandalism and other anti-social behaviours by school aged young people in Portland and Wallerawang, including around the Wallerawang skatepark and playground precinct. There are limited options for the Police to act unless they are advised at the time of the incidents and if the perpetrators are found. Council staff will contact Portland Central School to discuss any other interventions that might be attempted.

6.3. Committee Terms of Reference

The Committee was asked to review the Terms of Reference and consider ways in which the Committee can work most effectively. The Committee Terms of Reference were adopted several years ago and have not been reviewed recently.

The committee discussed that the functioning of the Committee would be enhanced by inviting representation from organisations that form part of the adopted committee membership list but have not attended in recent times including:

- Lithgow Business Chamber.
- Housing NSW.
- Liquor Accord.
- Transport for NSW and/or Lithgow Railway station.
- Department of Education.

Inspector Sammut advised of the next meeting of the Liquor Accord. Council staff will attend.

Policy Implications

Nil.

Financial Implications

Nil.

Legal and Risk Management Implications

Nil.

Attachments

1. NSW Recorded Crime March 2023 [11.2.1 - 57 pages]
2. DRAFT Crime Prevention Committee Minutes 7 August 2023 [11.2.2 - 6 pages]

Recommendation

THAT Council note the minutes of the Crime Prevention Committee meeting held 7 August 2023.

11.3. FIN - 28/08/2023 - Finance Committee Meeting 9 August 2023

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

Reference

Min. No. 23-134 Ordinary Meeting of Council held on 24 July 2023.

Summary

This report provides a summary of the Minutes of the Finance Committee Meeting held on 9 August 2023.

Commentary

At the 9 August 2023 Finance Committee Meeting, the following reports were discussed by the Committee.

- **Policy 8.4 Debt Recovery** - the policy was reviewed by the Committee. The Committee noted and endorsed the revised Draft Policy 8.4 - Debt Recovery.
- **Audit Action Lists** - the Committee discussed rates harmonisation options, with models to be presented to the Finance Committee once completed in 2024.
- **Natural Disaster Works & Cashflow Update** – the Committee discussed and noted the update on natural disaster works, claims and cashflow.

The following business paper recommendation was endorsed by the Committee:

Investments Report July 2023

THAT:

1. Investments of \$39,200,534 and cash of \$884,074 for the period ending 31 July 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 9 August 2023 [**11.3.1** - 5 pages]

Recommendation

THAT Council note the minutes of the Finance Committee meeting held on 9 August 2023.

11.4. PP - 28/08/2023 - Community Development Committee Minutes 15 August 2023

Prepared by {author-name} - {position}

Department {department}

Authorised by Executive Manager Water, Wastewater and Waste

Reference

Min 23-132 Ordinary Meeting of Council held 24 July 2023

Summary

The Minutes of the Community Development Committee meeting held on 15 August 2023 are presented for Council's consideration.

Commentary

At the Community Development Committee meeting held on 15 August 2023, various matters were discussed including:

Opera Gala Event

An Opera Gala event is to be held at the Union Theatre on 3 and 4 November 2023. The Cultural director and singers have been engaged and early promotion and ticket sales are about to commence.

Disability Inclusion Action Plan

A staff report was provided on progress with a new Disability Inclusion Action Plan to be completed by 30 November 2023.

The Disability Inclusion Act 2014 aims to improve the lives of people with disabilities and build a truly inclusive community, through planning and coordination across all levels of government. Council is obligated under the NSW Disability Inclusion Act to develop a Disability Inclusion Action Plan. Council's first DIAP, adopted in 2017, expired in July 2022.

The focus areas/domains of the new DIAP are:

- Building Liveable Communities
- Creating Meaningful Employment opportunities
- Promoting Positive attitudes and behaviours
- Enhancing systems and processes to improve access

Cultural Programs

A staff report was provided by the Cultural Development Officer on currently underway and planned cultural events and programs.

Waste 2 Art Regional Exhibition

- Lithgow artists swept the winners tally at the Waste 2 Art Regional competition opening awards event at the Platform Arts Hub, Blayney, on 22 July with multiple wins and prizes across various categories totalling \$1,500, as well as high praise for a number of Lithgow entries.

Lithgow City Council Art Collection

- Selections of the collection are on exhibition at Seven Valleys Visitor Centre Gallery until 30 September with further exhibitions to be held at Eskbank House Museum and Lithgow Libraries.
-

- A Wallerawang Power Station Print commissioned by Green Spot to record the dismantling of the old power station is to be donated to Council's art collection for public display at Wallerawang Library.
- Antony Symons' body of work relating to the making of the Marjorie Jackson statue in Cook St Plaza, is to be bequeathed to the Lithgow Art Collection on behalf of its custodians.
-

Live and Local Music program

- The highly successful Lithgow Live and Local Music program is ending with over 30 local musicians registered in the program and engaged at various events and venues over the past year.

Beatles Fest

- Some seed funding has been approved by Council to support this event to be held on the October long weekend. Promotions are in full swing. The organisation of all events and promotions appears to be going well.

Union Theatre

- Inquiries for venue bookings are picking up including discussions for hosting the Lithgow Comedy Festival closing event in March 2024 and other touring productions.
- The Fleetwood Mac Tribute Show Dreams had a great turnout of over 150 people and reported that they loved the venue and will be back next year.

Community Resilience Officer Report

A report was provided by Council's Community Resilience Officer (CRO) on recent activities, including supporting the Wolgan Valley community.

The CRO has been particularly involved with the Wolgan Valley and their unique set of issues and has visited the area and met with affected residents and business holders to see first-hand what they are dealing with.

In coordination with NEMA, Telstra, NBN Co, and Tech Hub NSW, the CRO helped to organise two Telco Roadshow events, one in Lithgow town and another in Capertee. The purpose of the events was to bring telco representatives directly into the community to hear from community members affected by poor communications, and put forward plans and options on what is happening, or may soon happen to ameliorate the current and ongoing issues.

The CRO is also working on a Pre-Event Recovery Plan for the Lithgow LGA, an initiative involving Council, the NSW Reconstruction Authority, and the Local Emergency Management Committee (LEMC). Once completed, the multi-hazard Pre-Event Recovery Plan will offer Council a valuable go-to resource that outlines and gives quick access to information on how key state and local service providers and other stakeholders will coalesce to form operational working parties in preparation for, response to, and recovery from local emergencies.

The CRO will also be working on development of Council's Climate Change plan/policy.

Eskbank House Museum

A report was provided on recent programs and events at Eskbank House including planned capital works.

Council has been successful in winning a \$120,000 Caring for State Heritage Grant, matched \$ for \$ by Council, to undertake much needed capital works and repairs.

Works have been designed and specified by a heritage architect and should be completed within the current financial year.

Several school holiday programs have been held, including Nature Journal sessions in the Museum grounds.

The Museum recently participated in the National Heritage Trust Heritage Festival by presenting an exhibition of Textiles held by the Museum.

Highlights from Council's Acquisitive Art Collection are currently on exhibition at the Museum

Other Current and planned projects within the Community and Culture Division

A report was provided on other current and planned programs and events being undertaken within the Community and Culture Department.

Update of Village Improvement Plans

Village Improvement Plans aim to strengthen Council's partnership with the rural villages of Rydal/Hampton, Tarana/Sodwalls, Hartley, Cullen Bullen and Capertee and promote community cooperation and engagement by implementing a shared direction for the future, based on prioritised and practical solutions derived from identified issues within the community.

The current plans have been in place for years, and Council staff will be undertaking community consultation and needs analysis in the current financial year to update them. Measures to increase community resilience will form part of the new plans.

Union Theatre seating and kitchen upgrade

The seating supplier has re-affirmed that delivery of the new seats will be around 11 October in time for the Opera Gala and Lithgow Musical Society performance dates in November.

Final design work is still underway for a fire-retardant shutter between the kitchen and theatre followed by submission of a Development Application for the kitchen renovation.

Blast Furnace and Lake Pillans grant funded works

Lake Pillans – The design for carparking, pathway enhancements, landscaping, lighting and associated works has been received and will be exhibited shortly for community comment.

Blast Furnace – design of the performance stage and the lighting concept plan are complete. The proposed works will soon be submitted to the Heritage Office for consent.

Grant application for further works along Farmers Creek.

A Growing Regions Fund grant application was submitted recently to further extend the shared pathway network and to undertake other embellishments with a focus on the Oakey Park area, replacement of the narrow asphalt pathway along Sandford Avenue and replacement of the narrow footpath along Inch Street between Eskbank House and Tank Street. Success or otherwise won't be known until early 2024.

General Business

The committee discussed a proposal for lighting Queen Elizabeth Park, Main Street and elsewhere to activate these spaces of a night for the community and to attract visitors, something that has been done to great effect in other towns and cities.

Council staff will investigate potential sources of funds for concept design development which could then be progressively implemented as further funds are found.

Policy Implications

Nil

Financial Implications

Nil

Legal and Risk Management Implications

Nil

Attachments

1. Draft Minutes Community Development Committee 15 August 2023 [11.4.1 - 9 pages]

Recommendation

THAT Council note the minutes of the Community Development Committee meeting held 15 August 2023.

12. Business of Great Urgency

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

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