

Business Paper



Trade Hall – Photo by Karen Hall

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 November 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

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

Councillors are reminded of the Oath or Affirmation taken of office, made under section 233A of the *Local Government Act 1993* when elected.

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. The test for conflict of interest:

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

There are two types of conflict:

- **Pecuniary** – regulated by the *Local Government Act 1993* and Office of Local Government. A person with a pecuniary interest should at least disclose and not vote, but it would also in these cases be appropriate to leave the chamber.
 - **Non-pecuniary** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, a person with a non-pecuniary interest can choose to either disclose and vote, disclose and not vote or leave the Chamber.
 - Local Government Act 1993 and Model Code of Conduct
-

For more detailed definitions refer to the *Local Government Act 1993*, Chapter 14 Honesty and Disclosure of Interest and adopted Code of Conduct.

Identifying problems

1st Do I have private interests affected by a matter I am officially involved in? **2nd** Is my official role one of influence or perceived influence over the matter? **3rd** Do my private interests conflict with my official role?

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 440AAA(3) of the *Local Government Act 1993* (pecuniary interests) and the Model Code of Conduct it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at

5. Confirmation of Minutes

Confirmation of the Minutes of the Ordinary Meeting of Council held 23 October 2023.

6. Commemorations and Announcements

On behalf of Lithgow City Council the Mayor expressed sincere sympathy and condolences to families who had 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 - 27/11/2023 - Councillor S McGhie - Commemorations and Announcements at Council Meetings

Report by Councillor Stuart M^cGhie

Commentary

In the interests of running a more streamlined and professional meeting I believe that Councillors should forward their commemorations and announcements directly to the Mayor before 6:30pm on the day of the meeting.

They will then be read them out in a respectful and orderly manner at the meeting.

Attachments

Nil

Recommendation

THAT the current code of meeting practice be altered to incorporate this change.

Management Comment

Acknowledgements and Commemorations is included in the Order of Business which is an attachment to the adopted Code of Meeting Practice.

There are no specific requirements for Acknowledgements and Commemorations included in the Code of Meeting Practice. The current practice is for the Mayor (as meeting Chair) to express sympathy and condolences to families who had lost loved ones since the last Council meeting.

The Office of Local Government stated in *Circular 21-35 2021 Model Code of Meeting Practice* - "a council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council."

9.2. NOTICE OF MOTION - 27/11/2023 - Councillor S Ring - Lithgow Halloween Review 2023

Report by Councillor Steve Ring

Commentary

Council Resolution 23 -188 RESOLVED

THAT Council approve a \$40,000 budget increase to \$140,000 expenditure budget for Halloween 2023 which will be funded from redirected salaries and additional sponsorship.

Halloween appears to have been successful, but several issues have been raised with me concerning the planning and funding of the event.

Debriefing sessions post Halloween with Main Street businesses used to be normal practice, given that the original function of Halloween was to revitalise Main Street.

A debriefing session would allow Council to document the strengths and perceived weaknesses of the recent event and how future events could be handled.

A report should be prepared summarising the debriefing session and tabled at the February 2024 Council meeting. That report should also include a complete financial report on how and when the funds were expended.

Attachments

Nil

Recommendation

THAT

1. The administration organise a Halloween 2023 debrief meeting with Main Street businesses and prepare a report for the February 2024 Council meeting.
2. The above report includes a full financial summary of revenue and expenditure with special reference to expenditure incurred after the Council meeting of 23 October 2023.

Management Comment

A detailed debriefing and review of the Halloween event has already commenced, with engagement occurring between Council, NSW Police and some service providers. A report is being drafted which will include matters as included below. The report will be presented to the February 2024 meeting.

It is proposed for the Council report to include:

- Overview of the event
- What went well? (Attendance, feedback from vendors, etc.)
- What will be improved for next year? (Lessons learned)
- Community feedback (both positive and negative)
- Summary of budget expenditure and details of any revenue collected.
- What will be the focus for the next 12 months to make Halloween 2024 the best it can be, and what are our measures of success? (Noting that Halloween 2024 is subject to Council approval as part of the 2024/25 Operational Plan).

9.3. NOTICE OF MOTION - 27/11/2023 - Councillor E Mahony - Review of Council's current response to drought events

Report by Councillor Eric Mahony

Commentary

Background

I recently attended a drought management workshop organised by the Lithgow Transformation Hub. It was a valuable chance to learn about current drought responses from local farmers, community members, and experts.

Commentary

To enhance our preparedness for drought events, particularly given current forecasted weather, this notice of motion proposes a review of current practices with an intention of forming a Council team utilising existing officers to periodically respond to these events.

This team would address current and emerging issues during droughts, including financial relief through rate payment adjustments, ensuring water availability, and other identified needs, while collaborating with Central Tablelands Local Land Services and other service providers for access to NSW State and Federal funded services.

The leadership structure of this team could resemble the Local Emergency Management Officer (LEMO) role in bushfire and other natural disaster responses. It would have identified positions across the structure activated for rate relief, integration with other service providers, and overall support during drought periods.

A well planned, whole of government approach involving all levels of government would ensure a more timely and effective response, providing crucial support to our farming and horticultural sector during challenging times.

Attachments

Nil

Recommendation

THAT a report be brought back to the Operations Committee outlining current and reviewed options for drought response and support to our farming and horticultural sector.

Management Comment

The matter raised is a significant issue. There has been recent work undertaken to identify measures of assistance to improve the resilience of the agricultural sector in the face of future disasters. Additionally, there are current procedures and legislation detailing how a Council (and other agencies) must respond if a disaster occurs. A summary of both matters is included below.

Drought Response

Council's Director of Infrastructure and Economy has worked in partnership with both Bathurst and Oberon Councils to develop a *Regional Drought Resilience Plan*. Each Council worked collaboratively to develop the scope of the project, which is jointly funded through the Australian Government's Future Drought Fund and the NSW Government.

The objective of the plan is to:

- Increase understanding of the region's current and future drought resilience, including consideration of the region's unique economic, environmental and social characteristics.
- Identify actions, pathways and opportunities to improve drought resilience, mitigate risks and adapt to change; including identifying and scoping additional detailed technical studies.
- Place communities in a stronger position to implement strategic actions and take advantage of opportunities as they arise.
- Inform and supporting future Commonwealth, state and territory government, local government and private sector investment.
- Enable the region to identify and articulate drought resilience knowledge and data about the impact of drought on the region.
- Leverage and build upon existing strategic planning at the state, local, regional and issue-specific planning.
- Form stronger connections and relationships between and within regions.
- Support communities to consider the incremental, transitional and transformational opportunities needed to strengthen drought resilience and encourage innovative initiatives at the regional level.
- Facilitate increased community understanding of their drought resilience including by encourage communities to share their learnings with each other.
- Encourage improved natural resource management capability through planning.

Key deliverables are:

- Preliminary desktop review and initial resilience assessment of the region (complete).
- Stakeholder and Community Engagement Plan (complete).
- Preparation and facilitation of resilience assessment workshops (complete).
- Finalisation of resilience assessment (complete).
- Identification of 4-6 drought resilience projects across economic, social and environmental pillars (complete).
- Completion of Drought Resilience Plan (in progress)

The funding outline allows for an implementation phase, delivering the outcomes of the highest priority projects.

A Councillor briefing will occur prior to the finalisation of the plan and delivery of its findings.

Disaster Response

All disasters can be characterized as tumultuous and disruptive. It is critical that in the event of an emergency of any nature, response procedures are abundantly clear, and accountabilities are simple to understand. Generally, this means that there is just one applicable framework and response procedure.

Under the SERM Act (1989), every LGA must have a Local Emergency Management Committee (LEMC) which comprises a senior representative of all local emergency services organisations and representatives of each organisation that provides relevant services (Red Cross etc.).

Relevant to this Notice of Motion is the fact that the Local Land Services are part of the LEMC, as are several other services responsible for coordinating disaster preparedness measures and a disaster response as it might apply to lands management.

It is important to note that no committee can (or should) subrogate the functions of the LEMC. It couldn't have the responsibility to act during a declared emergency.

However, understanding the thrust of the Notice of Motion, the Council may consider forming a working group which may make suggestions for the endorsement of the Council and LEMC (and subsequently the State Emergency Management Committee).

To ensure that work is not duplicated, it might also be worthwhile to hear of the results of the *Regional Drought Resilience Plan* as this working group may be a very good opportunity to consider and give effect to the plan findings.

9.4. NOTICE OF MOTION - 27/11/2023 - Councillor E Mahony - Progress report on the management of urban stormwater and it's direct interaction with the sewerage system

Report by Councillor Eric Mahony

Commentary

Background

Effective management of our three water services, drinking water, stormwater and sewage is critical to supply of essential services, maintaining community health as well as protecting both private and public property and assets from significant stormwater damage.

If at any time any of these three water services directly interact with each other it can pose a significant health risk to our community.

Commentary

Given the recent storm event which saw rainfall of up to 60 mm in a very short time, while in other locations there was as little as a few millimetres. This surcharge into the sewer system continues to present an unacceptable public health risk in a number of urban settings in Lithgow to individual residents as well as the broader community. In addition, it presents significant water quality issues for Farmers Creek and its downstream receiving water bodies and creeks.

This recent rainfall event brought forward a number of community concerns regarding a potential pollution event in lower Farmers Creek.

Of particular concern is the recreational water body of Lake Lyell which is a popular fishing and boating site for both visitors and our community.

The health, economic and reputation risks associated with blue green algae blooms and maintaining water quality standards suitable for recreational contact is a critical consideration and management issue for the Council.

It should be noted that these considerations should also be applied to water bodies and streams downstream of urban settings in Portland and Wallerawang.

As part of the special rates variation, an undertaking has been given to better manage our stormwater and in turn its interplay with our sewer systems.

As part of this contract with the community it is critical that we communicate regularly the outcomes of these programs of work addressing these key issues.

To assist in facilitating this, can a report be brought back to the Operations Committee in the New Year outlining progress on these important issues.

Recommendation

THAT a progress report be brought back to the Operations Committee in the New Year on the management of urban stormwater and its direct interaction with the sewerage system.

Management Comment

N/A

Attachments

Nil

9.5. NOTICE OF MOTION - 27/11/2023 - Councillor E Mahony - Review of fees and charges associated with the utilisation of Council owned fields and facilities by community based sporting organisations

Report by Councillor Eric Mahony

Commentary

Background

Community sporting Organisations play a critical role in contributing to social connectivity, health and well-being of our communities across the Local Government Area.

Given the role they play, it is imperative that we ensure that Council provides for a fair, sustainable and equitable fee structure that supports their activities without undue financial burden on their ongoing operations and viability.

Commentary

This notice of motion aims to initiate a thorough assessment of the current fee framework, taking into consideration factors such as the socioeconomic landscape of our community, the positive impact of sports on public health, and the broader community liveability benefits derived from the activities of these organisations.

This report will enable us to gather insights, analyse data and trends, and formulate recommendations for a revised fee structure that aligns with the principles of accessibility, inclusivity, and sustainability.

By undertaking this review, we not only demonstrate our commitment to supporting grassroots community sports but also contribute to the overall wellbeing and social connectivity of our community.

Attachments

Nil

Recommendation

THAT a report be brought to both the Sports Advisory Committee and the Finance Committee which includes a detailed review of fees and charges associated with the utilisation of Council owned fields and facilities by community-based sporting organisations.

Management Comment

The Administration conducts an annual review of all fees and charges of part of the budget development process for each financial year.

Council's Financial Sustainability Plan includes an action to improve budgeting by returning to zero-based budgeting and reviewing cost drivers to ensure that costs are recovered from customers, as appropriate.

Budget Managers also take a conscious pricing approach to setting fees and charges. This involves consideration of pricing principles, e.g. whether pricing should be at market rates or full /

partial cost recovery, depending on the needs of the community. Budget Managers also review fees charged by neighboring Councils to provide a point of reference.

Overall, when there is a capacity to pay for use of public facilities, it is important that this occurs to at least partly cover the costs of ownership, maintenance and management. However, most requests received are for complete fee waivers.

Rather than try to accommodate all community groups under bespoke waiver clauses, it is recommended that the status quo be maintained to allow consideration of these requests as they are made. Doing otherwise may result in a considerable loss of revenue which is required to support delivery of the sporting field service.

9.6. NOTICE OF MOTION - 27/11/2023 - Councillor E Mahony - DA256/21- Three Tree Lodge Alterations & Addition 2A Col Drewe Drive South Bowenfels - Request for Waiving of Section 7.12 Development Contributions Plan

Report by Councillor Eric Mahony

Commentary

Background

At the meeting of the Ordinary Meeting of Council 28 November 2022, a report was brought to Council, DEV - 28/11/2022 - DA256/21- Three Tree Lodge Alterations & Addition 2A Col Drewe Drive South Bowenfels. The request for Waiving of Section 7.12 (former94A) ((Section 7.12) Development Contributions Plan 2015) is being brought back in front of the elected Council for reconsideration.

Commentary

The development proposed as part of DA256/22 is an important addition to existing community health and aged care infrastructure in the Local Lithgow Area.

The development has brought forward by a community based (not-for-profit) organisation that is also a registered charity. The organisation Three Tree Lodge is governed by a voluntary community-based board and provides employment to more than 80 local staff.

Three Tree Lodge's application for additional age care beds further enhances the well-being of members of our community, especially those facing challenges due to factors of age, health, disability, financial difficulties, or social circumstances.

This proposal emphasises the urgent need to provide services and facilities that benefit our community, particularly our growing elderly population. With a significant percentage of members of our community aged 60 and above, investing in tailored support is crucial to ensure their well-being and maintain a caring, thriving community into the future.

The development application builds on the existing health, aged care, and education precinct to make Lithgow a premier example of strategic industry co-operation and synergy.

Three Tree Lodge through this increase in capacity will be better placed to meet a growing demand for aged care services for our local ageing population. It allows more people to remain in their local community ('age-in-place') whilst providing a high standard of quality care and amenity for people living with dementia and those who are financially disadvantaged, providing new models to adapt to changing needs and opportunities.

Three Tree Lodge has previously applied for an exemption to any contributions/levies/fees payable for the above development including, but not limited to:

- Section 7.12 Contributions levy as set out in the Lithgow City Council (LCC) Section 94A Development Contributions Plan;
- Section 64 of the Local Government Act 1993 or Council's Development Servicing Plans for Water Supply and Sewerage 2018 ('DSP2018') or the Water Management Act 2000;
- Development Application Fees payable under Council's Fees and Charges 2021/2022. Section 7.12 (former94A) ((Section 7.12) Development Contributions Plan 2015) is applicable to the development having an estimated cost of development of \$2,004,471.70 with a 1% levy applicable. A contribution of \$20,044.71 is applicable.

By supporting one component of this request (dot point 3 waiving of Section 7.12, Development Contributions Plan 2015) Council can provide additional capacity for this organisation to enhance the overall well-being and quality of life for our elderly population, ensuring they receive the care and support they deserve. This initiative not only meets the immediate needs but also strategically addresses the future requirements of our aging community members.

As a fundamental community service that makes a significant contribution to the viability and liveability of the local regional community, Council should use its discretion to waive contributions as the proposed development provides a significant benefit to our community, through the provision of high-demand community residential aged care.

Attachments

1. DE V_-_28112022_-_ D A 25621- Three Tree Lodge Alterations Report [9.6.1 - 11 pages]

Recommendation

THAT

1. Council approve the request by Three Tree Lodge Lithgow Limited to waive contributions and fees applicable under DA256/22, as outlined in this Notice of motion and below in this recommendation, for Three Tree Lodge - alterations and additions.
2. This being the Development Application Fees payable under Council's Fees and Charges 2021/2022. Section 7.12 (former94A) ((Section 7.12) Development Contributions Plan 2015) which is applicable to the development having an estimated cost of development of \$2,004,471.70 with a 1% levy applicable.
3. The contribution of \$20,044.71 is to be waived.

Management Comment

The 28 November 2022 report on DA256/21 - Three Tree Lodge Alterations & Additions - Request for Waiving of Contributions is included as an attachment.

Min. No. 22-228 is provided below:

22 -228 RESOLVED

THAT the Council decline the request by Three Tree Lodge Lithgow Limited to waive contributions and fees applicable under DA256/22, as outlined in this Report, for Three Tree Lodge - alterations and additions.

The Administration's recommendation that Council decline the request by Three Tree Lodge Lithgow Limited to waive contributions was based on the premise that, in surrendering the contributions towards services and facilities, Council would instead need to draw those funds from general revenue and be subsidised by other customers.

9.7. NOTION OF MOTION - 27/11/2023 - Councillor E Mahony - Restricted access on Browns Gap Road for firefighting operations

Report by Councillor Eric Mahony

Commentary

Background

As we move into a forecasted summer with significant fire risk attached to it, the ongoing closure of and the restricted access resulting from the road closure of Browns Gap Road presents significant challenges for firefighting operations for the coming fire season in this locality.

Commentary

Given the behaviour of wildfires during fire events over the last decade, in the Vale of Clwydd, Doctor's Gap and the North Western portion of the Hartley Valley, the restricted access resulting from the road closure of Browns Gap Road is very problematic for the coming fire season. Particularly in regards to emergency response time for the Hartley and Kanimbla Valley based RFS Brigades to these locations.

Could an urgent meeting with representatives from the RFS, Hartley District Progress Association, Hartley RFS and Kanimbla RFS be arranged to discuss a feasible interim arrangement such as secured gates for emergency services access only.

Attachments

Nil

Recommendation

THAT an urgent meeting occurs with representatives from the RFS, Hartley District Progress Association, Hartley RFS and Kanimbla RFS to develop a short-term arrangement to address this issue.

Management Comment

The general practice is that operational meetings are held with the RFS management of the Silcock Street office before engaging with individual branches. This occurs at the request of the RFS themselves, to ensure consistency of messaging to all branches.

At the most recent meeting held with the RFS (the most recent Local Emergency Management Committee meeting held 15 November 2023), Council staff gave an update on several projects, including the closure of Browns Gap Road. Subsequent discussions between just Council and the RFS confirmed that:

1. The RFS will take the shortest route if required and will cut any lock required for access. This includes travel along Browns Gap Road.
2. The geotechnical risk associated with isolated access by a comparatively small number of RFS vehicles in the event of an emergency is lower than the risk associated with a late response, and that Council will ensure access for the RFS is maintained.
3. If the RFS require any changes to ease their access, the offer has been made to reach out directly and Council will immediately respond.

RFS management have confirmed that the update has been provided to their branches.

10. Administration Reports

10.1. Caring for Our Community

10.1.1. P&P - 27/11/2023 - Disability Inclusion Action Plan

Strategic Direction:

Caring for Our Community

To retain, respect and strengthen both our overall sense of community, and the unique linked communities of groups, rural areas, villages and towns that make up the Lithgow LGA.

Author: Matthew Johnson
Department: Community and Culture
Responsible Officer: Director People and Places

Executive Summary

At the Ordinary Meeting of Council held on 23 October 2023, Council resolved to exhibit the draft Disability Inclusion Action Plan 2023-27 for public comment until 17 November 2023. Following the exhibition period, and no public comments received, the DIAP is reported to Council for final adoption.

Administration's Recommendation

THAT Council adopt the Disability Inclusion Action Plan 2023-27 following its public exhibition.

Attachments

1. Lithgow Disability Inclusion Action Plan (DIAP) 2023-27 [**10.1.1.1** - 55 pages]

Reference to any relevant previous minute

Min 23 -179 of the Ordinary Meeting of Council held on 23 October 2023.

Background and Discussion

As reported at the 27 October 2023 Ordinary Meeting of Council, the Disability Inclusion Act 2014 aims to improve the lives of people with disability and build a truly inclusive community, through planning and coordination across all levels of government.

Council is required under the NSW Disability Inclusion Act to develop a Disability Inclusion Action Plan (DIAP) and to submit it to the NSW Government by 30 November 2023.

Council's 2017-22 DIAP expired in June 2022. Due to staff workloads, work on the new DIAP didn't commence until towards the end of 2022/3. However, it was permissible for the previous DIAP to be advanced as a policy guide by the administration in the period up until adoption of the new DIAP.

The DIAP describes how the experience of living with disabilities is often one of facing barriers that stop people accessing information, services, transport, housing, education, training, employment, and social opportunities.

Consequently, the purpose of the Lithgow City Council Disability Inclusion Action Plan 2023 – 2027 is to set out strategies and actions as far as possible ensure that people with disability can fully take part in the day-to-day community activities without restrictions.

The new DIAP has been developed by way of:

- Consultation with disability service providers;
- Community surveys and focus groups;
- Consultation with relevant Council staff; and
- A review of relevant Council policy and procedures.

The focus areas/domains of the new DIAP are:

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

Implementation

The purpose of the DIAP is to establish the policy framework and to provide a guide for Council to identify and address gaps in accessibility. The DIAP does not deal with small capital projects, such as individual footpaths etc. Its purpose is for use as a guide to inform capital project selection to address gaps in appropriate accessible infrastructure and service delivery projects which will be undertaken in Council's normal budget and service delivery planning processes. Implementation of the action plan will be the responsibility of the relevant Council functional areas with overall oversight by the Community and Culture Department. An annual report card on implementation of the Action Plan will be prepared at the same time as Council's Annual Report.

Action Plan

The DIAP includes an action plan across a number of Council departments and functions in relation to each of these focus areas/ domains as outlined below.

Building Liveable Communities

Examples from the action plan include: ensuring that the needs of people with disabilities are considered in the Lithgow Library refurbishment plan; improving services for the hearing impaired by installing hearing loops at the Library and Council Customer Service Department; identifying ways to make the Council Administration centre more accessible; and applying universal design principles in the design of all new children's playgrounds.

Creating Meaningful Employment opportunities

Examples from the action plan include: surveying Council staff to identify their needs and make appropriate adjustments to support them; provide EEO training on disability for Council staff; and work with employment providers to identify opportunities to employ people with disabilities at Council.

Promoting Positive attitudes and behaviours

Examples from the action plan include: sensory story-time programs at the Library; celebration of International Day of People with Disabilities; applying inclusive event guidelines in all Council events; and collaborating with the Lithgow Business Chamber to promote accessibility.

Enhancing systems and processes to improve access

Examples from the action plan include: reviewing all Council communications including PDF forms, videos and other content on Council's website to improve accessibility; considering the needs of people with disabilities in disaster planning and response; and reviewing Council's complaint's policy.

Implications

Policy

Nil.

Legal

Council is required under the NSW Disability Inclusion Act to develop a Disability Inclusion Action Plan (DIAP) and to submit it to the NSW Government by 30 November 2023.

Risk Management

Nil.

Financial

- Budget approved – Nil, the DIAP was developed using internal resources.
- Cost centre – NIL.
- Expended to date – NIL.
- Future potential impact - – recommended actions from the DIAP that require future expenditure by Council will be considered in future budget deliberations.

Consultation and Communication

The draft DIAP has been developed in consultation with people with a disability and disability service providers through community surveys and focus groups, and in consultation with relevant Council staff. The draft DIAP was placed on public exhibition until 17 November 2023.

10.1.2. F&G - 27/11/2023- Proposed Licence Agreement - Lithgow Musical Society Inc.

Strategic Context for this matter:

Responsible Governance & Civic Leadership

To develop community confidence in the organisation by the way it is directed, controlled and manage

Author: Sandra Politi – Property & legal Services Officer
Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

This report seeks Council's approval to enter a licence agreement with Lithgow Musical Society Inc. (ABN 51 886 958 392) (**the Musical Society**) for use of the Lithgow Union Theatre located at 67 Bridge Street, Lithgow, for an initial term of two years plus one option term of one year.

The previous two year licence agreement with the Musical Society expired on 31 December 2022.

Council staff have been in discussions with the Musical Society in relation to a further term, which has been agreed in principle.

As the land is classified 'community', a Council resolution and public exhibition period is required as outlined in this report.

Administration's Recommendation

THAT

1. Council grant preliminary approval to enter the proposed licence agreement with Lithgow Musical Society Inc.
2. Council give public notice of the proposed licence agreement and place it on public exhibition for 28 days.
3. If no submissions are received during the public exhibition period, authorise the General Manager to sign the licence agreement and do all things necessary to give effect to the licence agreement.
4. If submissions are received during the public exhibition period and in the reasonable opinion of the General Manager a submission warrants further consideration by Council, the matter be returned to Council for further consideration.

Attachments

1. Proposed licence agreement - LCC + LMSI [10.1.2.1 - 17 pages]

Reference to any relevant previous minute

The previous licence agreement was approved by council per:
Council minute 20-226 – 20 September 2020
Council minute 20-278 – 23 November 2020

Background and discussion

Background

The previous two-year licence agreement with the Musical Society for use of the Lithgow Union Theatre expired on 31 December 2022.

Council staff have been in discussions with the Musical Society in relation to a further term, which has been agreed subject to a resolution of Council and public exhibition.

This report proposes to enter a new licence agreement with the Musical Society for 2 years plus one option term of one year (a total of 3 years).

Land classified community

The Union Theatre is classified as 'community land'. Division 2 of Chapter 6 of the *Local Government Act 1993 (the Act)* governs the use and management of 'community land'. The sections of the Act that are relevant to this transaction are:

1. exclusive occupation or exclusive use of 'community land' is prohibited, except in accordance with a lease or licence (section 47D);
2. a lease or licence of 'community land' can only be granted in accordance with an express authorisation in a plan of management (section 46(1)(b));
3. public notice and exhibition requirements apply to a proposed lease or licence (section 47(1) and 47A(2)).

The Musical Society would like to have exclusive use of the Lithgow Union Theatre on Mondays and Thursdays each week, and for up to 4 weeks around May and November each year during the Term. Therefore, a licence agreement must be in place to satisfy point 1 above.

The Lithgow Union Theatre is listed in Council's 2013 Generic Plan of Management and is categorised as general community use. This category authorises Council to grant a licence for community purposes. Consequently, point 2 above is satisfied.

Key terms of proposed licence agreement

The key terms of the proposed licence agreement are:

Term (clause 2) – Two years, commencing 1 July 2023

Option term (clause 9) – One year, commencing 1 July 2025

Designated days (clause 3) – Monday and Thursday each week and for 4 weeks around May each year, and 4 weeks around November each year

Permitted use (clause 1.1) – Meetings, rehearsals, performances and minor scene fabrication work directly associated with the Licensee's musical productions to be performed on the property

Licence fee (clause 6) - \$3,328.47 per annum plus GST, reviewed by CPI on 1 July 2024 and 1 July 2025

[Note: Council's leasing and licence policy 10.20 states that if a particular use, legal structure or business model of a proposed lessee/licensee does not fit neatly within Category A, B, C or D, the rent/licence fee will be as agreed between the parties, subject to a resolution of Council. The

licence fee is based on historical arrangements with the Musical Society and the commercial element of ticket sales.]

Insurance (clause 13.1) – The Musical Society must maintain public liability insurance for \$20,000,000, noting Lithgow City Council as an interested party on the policy, and any other insurances it is required to hold by law for the operation of its business.

Indemnity (clause 13.2) - The Musical Society indemnifies Council against all claims arising from the Musical Society's use of the property, but the indemnity does not extend to any claim arising from or contributed to by any negligent act or omission of Council

Ownership of Assets (clause 20) - All improvements and chattels on and in the property, other than the property of the Musical Society, vests in the Council and the Musical Society warrant that it will not make any claim against Council in this regard.

Capacity of Council (clause 21) - The Musical Society acknowledges that Council is a consent authority with statutory rights and obligations, but Council enters into the licence agreement in its capacity as licensor/property owner. The licence agreement does not, and is not to be construed as, conferring on the Musical Society any other right, licence, approval or consent required to be obtained from a consent authority.

Implications

Policy

Leasing and Licensing Policy 10.20 is applicable to this report. The Policy provides the framework and procedure for entering leases or licences for use of public land. The policy provides that a council resolution is required prior to entering a licence agreement in relation to land classified 'community'.

Legal

The subject matter of this report is a function of Council conferred by the Local Government Act 1993.

Community land may only be used in accordance with a lease or licence agreement. This report is prepared to ensure compliance with this requirement and avoid the risk of breaching an administrative law process. This report raises no legal concerns.

Risk Management

Documenting an arrangement between two parties in a licence agreement mitigates the uncertainty and risk that can arise when there is no agreement in writing.

Financial

- Budget approved - \$3,328.47 for the period 1 July 2023 to 30 June 2024.
- Cost centre - Community halls income.
- Expended to date - Not applicable.
- Future potential impact - Licence fee to be reviewed on 1 July each year.

Consultation and Communication

A public exhibition period of at least 28 days is required. Public exhibition consists of placing a notice on the premises, on council's website, in customer service, in a local newspaper and mailouts to premises that adjoin Lithgow Union Theatre, as well as anyone else Council believes may be affected by the proposal.

10.2. Developing Our Built Environment

10.2.1. P&P - 27/11/2023 - Lithgow Floodplain Risk Management Study and Plan 2023

Strategic Context for this matter:

Enhancing Our Natural Environment

To balance, protect and enhance our diverse environmental elements, both natural and built, for the enjoyment and support of both current and future generations

Author: Christian Matthews – Strategic Land Use Planner

Responsible Officer: Shaun Elwood - Director People and Place

Executive Summary

The purpose of this report is to seek Council's consideration of adoption of the Lithgow Floodplain Risk Management Study and Plan 2023. The Lithgow Floodplain Risk Management Study and Plan has been supported by the NSW Government's Floodplain Management Program.

Lithgow City Council engaged the services of Lyall & Associates Pty Ltd to prepare a Floodplain Risk Management Study and Plan (FRMSP) for Farmers Creek and its tributaries, and Marrangaroo Creek catchment. The FRMSP identifies the extent of the floodplain and its associated flood risk and recommends 17 management actions to better manage the current and future flood risk.

A FRMSP draws on the results of the flood study to identify, assess, and compare various flood risk management options and opportunities aimed at improving the existing flood situation in the LGA. It provides information and tools to allow considered assessment of flood impacts and management options. Management options have been categorised into property modification measures, response modification measures, and flood modification measures.

As an additional task, Council requested Lyall & Associate, on advice provided by the NSW Government, to update the flood modelling undertaken in the Lithgow Flood Study Review 2017 for the Lithgow and Marrangaroo Catchments to be line with the Australian Rainfall and Runoff Guidelines 2019.

The FRMSP was placed on public exhibition for a period of six weeks from the 17 March 2023 to the 28 April 2023. Fifty-one (51) written submissions were received and evaluated and proposed amendments for the FRMSP have been made.

Administration's Recommendation

THAT Council:

1. Adopt the Lithgow Floodplain Risk Management Study and Plan 2023.
2. Develop an implementation plan to be delivered through the forward Operational and Delivery Plans.

Attachments

1. Lithgow Floodplain Risk Management Study and Plan August 2023 Voume 1 - Report [10.2.1.1 - 218 pages]
2. Lithgow Floodplain Risk Management Study and Plan August 2023 Volume 2 - Figures and Appendices [10.2.1.2 - 140 pages]

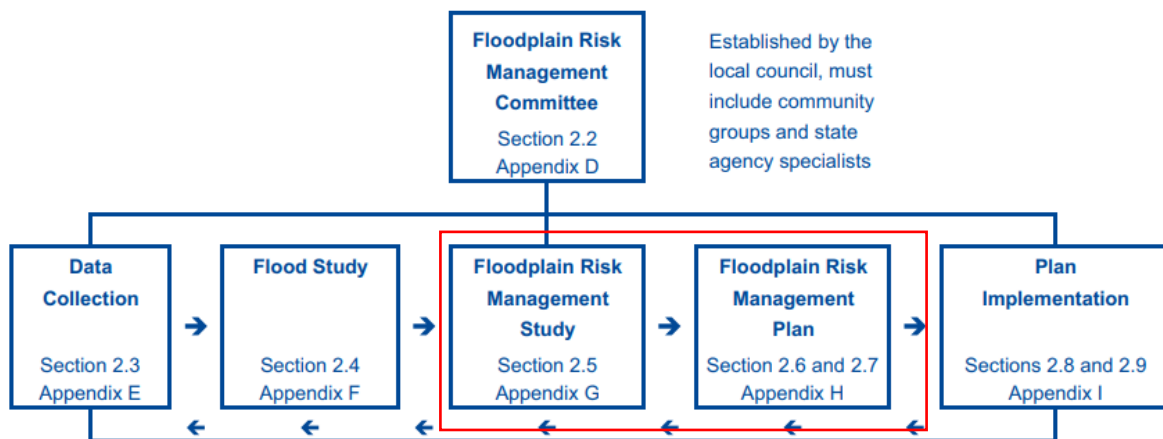
Reference to any relevant previous minute

Min No 23-28 Ordinary Meeting of Council held on 27 February 2023.

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

Background and discussion

The FRMSP constitutes step 3 and 4 (as shown in red outline below) of the Floodplain Risk Management Process as outlined in the Floodplain Development Manual 2005 (updated to Flood Risk Management Manual in 2023). Council to date has completed steps 1 and 2 of the Floodplain Risk Management Process being the Lithgow Flood Study Review 2017.



The production of the FRMSP has been supported by the NSW Government's Floodplain Management Program on a 2:1 funding ratio with Council.

On the 17 March 2023, the Draft Lithgow Floodplain Risk Management Study and Plan was placed on public exhibition for a period of 42 days in accordance with Council's resolution (Min. No. 23-28). A total of 2839 letters were sent out to the owners of properties identified as being flood prone land, i.e. land that is subject to flooding up to the Probable Maximum Flood (PMF) event under the FRMSP. An additional 50 letters were sent to property owners whose property had been identified for potential entry into the voluntary house raising and purchasing schemes.

During the exhibition process, Council hosted a public information session at the Maldhan Ngurr Ngurra Lithgow Transformation Hub where Lyall & Associates presented a summary of the draft FRMSP. This session was attended by over 150 participants. While questions were taken from the floor on the day, Council offered residents access to 15-minute book-in sessions in the days after the event to discuss more personal matters in a face-to-face environment.

Upon the closing of the exhibition period, a total of 51 written submissions were received by Council.

Lithgow Floodplain Risk Management Committee

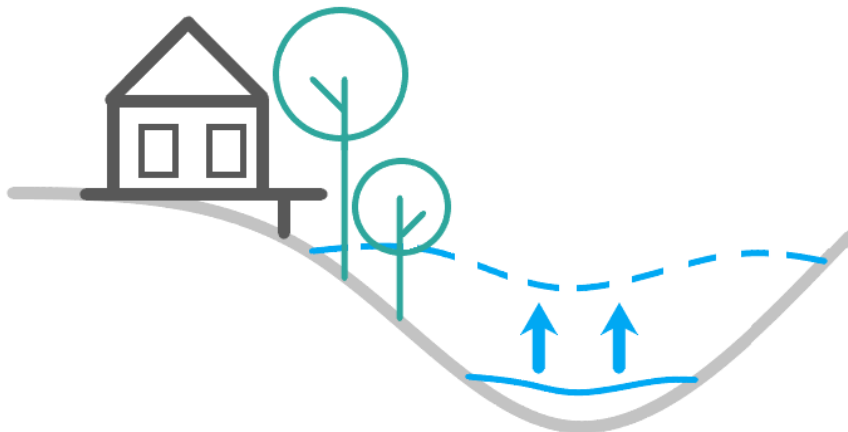
Throughout the lifespan of the project, the Lithgow Floodplain Risk Management Committee has overseen the development of the document and provided advice on local flood related matters. The committee is comprised of Council officers, Councillors, State Government institutions (including NSW State Emergency Service and the Department of Planning and Environment), and community representatives.

The committee has convened five times since the inception of the program. At its last meeting held in October 2023, the committee received the final FRMSP, and raised no objection to it being recommended to Council for adoption.

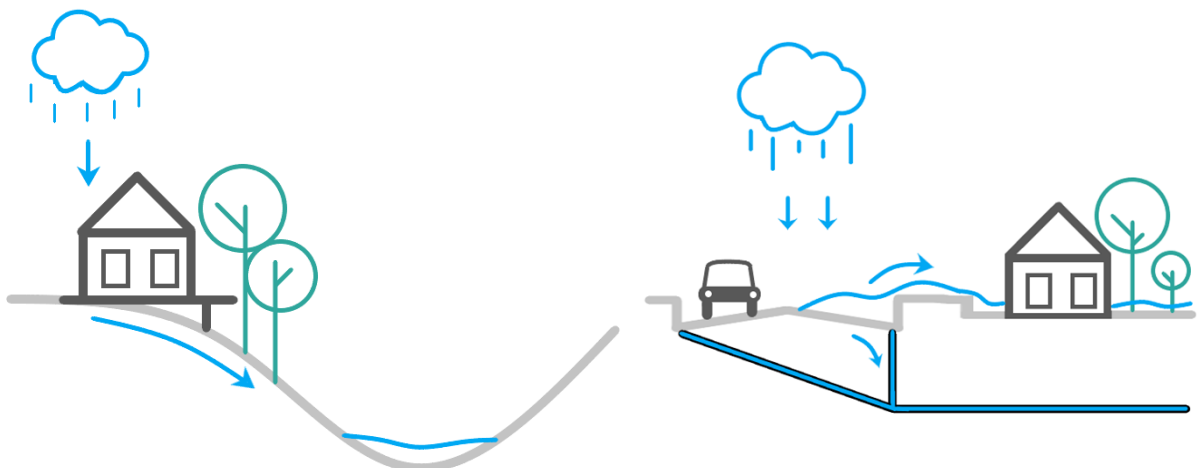
What is Flooding?

Flooding is often associated with inundation of water where a large river system overflows its banks and submerges nearby properties underwater. While this understanding of flooding is partially correct, the proper statutory definition of flood for development purposes is defined under the Flood Risk Management Manual. Flood is defined as *a natural phenomenon where water covers land that is normally dry*. When considering what constitutes flooding in the Lithgow and Marrangaroo catchments, it is broken up into two (2) types;

Mainstream (Riverine) Flooding: Inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake, or dam.



Major Overland Flow: Inundation by local runoff **other than** discharge from a stream, river, estuary, lake, or dam (including overflow of drainage stormwater infrastructure and run-off). For the purposes of the Lithgow FRMSP, the depth of overland flow must exceed 100mm to be considered as flood affected.



Flooding is also defined based on the occurrence of a flood event, often referred to as an annual exceedance probability (AEP) or average recurrence interval (ARI). These terms give a measure of the chance of a flood event being reached or exceeded in any given year. For example, a 5% AEP flood will have a 5% or 1 in 20 chance of being exceeded in any given year.

For land use planning, a 1% AEP, or 1 in 100 chances of being exceeded in any given year, is used as the statutory basis for assessing risk in relation to flood development controls as per Clause 5.21 of the Lithgow Local Environmental Plan 2014.

There is a common misconception about the probability associated with a one-in-100-year event. It does not mean the event will occur exactly once every 100 years, or that it will not happen again for another 100 years. Over a period of 1000, years, you would expect the one-in-100-year event would be equalled or exceeded 10 times. But several of those 10 times might happen within a few years of each other, and then none for a long time afterwards (UNISW, 2021).

For reference, the storm events experienced in Lithgow in January 2011 and February 2013 were estimated to be between a 10% AEP and 5% AEP.

Recently in 2021, the Department of Planning and Environment introduced a range of reforms as part of the Flood Planning Package to provide more clarity on assessing flood risk, particularly surrounding flood risk in a probable maximum flood (PMF) event. A PMF event is defined as the largest flood that could conceivably occur at a particular location, estimated from probable maximum rainfall, and coupled with the worst flood-producing catchment conditions. There is no set exceedance probability for a PMF event however a general assumption is to be in the range of greater than a once in 10,000 years.

While the package emphasised the importance of the PMF, it had been a standard requirement for consideration since 2001.

Community Engagement Outcomes

At the conclusion of the public exhibition period, Council had received 51 written submissions with the overwhelming majority relating to objections that their property had been identified as flood prone land. The table below presents an overview of the generalised concerns raised by members of the community, and a response to those concerns by Council and Lyall & Associates. No formal submissions by the community were made regarding the proposed flood management options.

Submission	Council Response
<p>The FRMSP has identified my property as flood prone land. Will I now be required to pay for flood insurance?</p> <p>And;</p> <p>My insurance provider has either;</p> <ul style="list-style-type: none"> a) Identified my property as flood prone and requires flood insurance b) Significantly increased my premium for flood insurance 	<p>The Lithgow FRMSP 2023 is not an insurance document. The purpose of the document is to provide Council and other relevant State Government agencies the ability to mitigate the impacts of future flood events either by informing future disaster recovery and rescue, or ensuring development is appropriately designed and located according to its flood risk.</p> <p>Council does not play any role in how an insurance company determines what property is a flood risk. Insurance companies will use their own data (whether the data be publicly available or held internally) to determine policy provision based between the likelihood of a claim event and revenue gained over the life of a policy. The technical data which sits behind the FRMSP is not publicly accessible nor is it available to insurance providers or others unless approved by Council.</p>

<p>Since the exhibition of the FRMSP. Why has this occurred?</p>	<p>There is a distinct difference for the definition of flood for insurance purposes and the creation of a FRMSP. While the definition of flood is set out in the <i>Floodplain Development Manual</i>, the <i>Insurance Contracts Regulations 2017</i> is the prescribed tool for insurance provision regarding flood. The <i>Insurance Contracts Regulations 2017</i> defines flood as the following:</p> <p style="padding-left: 40px;"><i>...flood means the covering of normally dry land by water that has escaped or been released from the normal confines of any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) a lake (whether or not it has been altered or modified);</i> <i>(b) a river (whether or not it has been altered or modified);</i> <i>(c) a creek (whether or not it has been altered or modified);</i> <i>(d) another natural watercourse (whether or not it has been altered or modified);</i> <i>(e) a reservoir;</i> <i>(f) a canal;</i> <i>(g) a dam.</i> <p>The key difference as per the definition above is that major overland flow is not considered to form part of the definition of flood for insurance purposes. Instead, major overland flow is treated as stormwater and should in most cases be covered by an insurer's home and contents policy.</p> <p>Council urges residents to contact their insurance provider in the first instance to seek clarification from their provider.</p>
<p>My property is in an elevated area of town. It is inconceivable that my land would be flooded.</p>	<p>The definition of flood prone land goes beyond the identification of water escaping the banks of a natural waterbody (i.e., Farmers Creek). The definition of flood prone land also includes land that would be impacted by stormwater run-off which is identified as Major Overland Flow. The definition of flood prone land as per the Flood Risk Management Manual is as follows:</p> <p style="text-align: center;"><i>"Land susceptible to flooding by the PMF event"</i></p> <p>In significant storm events ranging up to the Probable Maximum Flood event, stormwater infrastructure will not be able to accommodate the volumes of water that would be generated from rainfall run-off. The Australian design standard for stormwater infrastructure is set between a one in five-year event (20% AEP) to a one in twenty-year event (5% AEP), not for the envisaged flood events in a 1 in 100-year flood event or greater.</p> <p>The resulting excess water would either pool in areas of depression or create new flow paths to lower elevations. While these flood waters in general would have less risk involved than mainstream waters due to their reduced velocity and depth, they still pose a threat to life and property in areas identified in the mapping.</p>

<p>My property had been identified as being impacted by major overland flooding. Is it not Council's obligation to reconcile this issue immediately?</p>	<p>As stated above, stormwater infrastructure is not designed for significant flood events such as the 1 in 100-year event. To construct and retrofit all stormwater infrastructure to a 1 in 100-year level would not be financially feasible for any government authority to undertake.</p> <p>The FRMSP is not the policy document in which stormwater issues are to be addressed. A stormwater management policy is far more suited to deal with stormwater issues.</p>
<p>Will the identification of flooding remove my development potential?</p>	<p>The FRMSP will introduce two new management measures which will place development controls/standards on new developments that are within the floodplain. These controls are to provide guidance on how Council will assess new developments to ensure that they are suitably designed and located to match their flood risk. It does not restrict development in all areas which are defined as flood prone land.</p> <p>The first of these measures is new flood development controls which will be introduced into the Lithgow Development Control Plan 2021, located in Appendix D of Volume 1. These risk controls are graded based on the severity and frequency of potential flooding, shown in Figure D1.2 (Sheet 1 to 4). This includes controls ranging from building components to habitable floor levels. These controls will give stronger guidance to Council's development assessment process when Clause 5.21 <i>Flood Planning</i> of the Lithgow Local Environmental Plan 2014 is triggered.</p> <p>The second of these measures is the introduction of Clause 5.22 <i>Special Flood Considerations</i> of the Standard Instrument into the Lithgow Local Environmental Plan 2014. This clause applies to land that lies between the extent of the 1 in 100-year flood level (flood planning area) and the probable maximum flood. Clause 5.22 relates to development with particular evacuation or emergency response issues such as aged care housing or hospitals. The development controls under clause 5.22 do not apply to standard residential dwelling applications.</p>
<p>I have lived in my property for 30+ years and it has never flooded. Why are you saying now that it is flood prone?</p>	<p>As per the Floodplain Development Manual, the statutory occurrence rate for the flood planning area is set at the one in one-hundred-year flood event (1% chance of occurring per year). The standard level is not set by Lithgow City Council.</p> <p>The FRMSP has had to rely on estimated flood modelling due to the lack of detailed historical flood surveys and that a 1 in 100-year flood event has not been experienced in recorded history. A review of previous flood events has been undertaken in the FRMSP as well as the Lithgow Flood Study Review 2017 identified that the largest recorded flood event that has occurred was in 1978 which was recorded as a 7% Annual Exceedance Probability (~ 1 in 15-year flood event).</p>

<p>My property was identified for voluntary house raising yet it is of brick construction</p>	<p>Following these enquiries, Council sought clarification on why properties were being identified for the scheme when they were not suitable for raising under the Guidelines for the Voluntary House Raising Scheme.</p> <p>Upon a review of the spreadsheet, an error was discovered and was amended which reduced the total houses eligible for the scheme down to 9 from the original 27, subject to the implementation of proposed Farmers Creek Channel Works.</p> <p>Council will write to the property owners who are no longer eligible to be considered under the House Raising Scheme post the adoption of this plan.</p>
<p>There have been significant developments occurring in vicinity of my property. Does this not affect the modelling?</p>	<p>The flood models in the FRMSP were developed based on the best information that was available to Council at the time the study was undertaken.</p> <p>Their structure would therefore need to be updated using additional information should they not reflect contemporaneous conditions. An additional management option to commission new LiDAR survey data has been included into the FRMSP.</p>

Next Stages – Implementation

Following the adoption of the FRMSP, the next step of the Floodplain Risk Management Process is to implement the management options that have been identified in the FRMSP. The adoption of the FRMSP is a prerequisite to gaining access to grant funding assistance from the NSW Government for costs associated with the implementation of the recommended flood management options.

Measures one and two, the introduction of Clause 5.22 *Special Flood Considerations* into the Lithgow Local Environmental Plan 2014 and the introduction of flood related development controls to the Lithgow Development Control Plan 2021 respectively, will be undertaken in Q1 2024 with a separate report being submitted to Council. Additionally, changes to the notations on 10.7 planning certificates is required.

Implementation of measure three has already been completed with the spatial data being recently uploaded to the NSW Flood Data Portal.

Measures four to seventeen will be undertaken subject to allocation and budgeting undertaken by Council in its Operational Plan.

Should Council proceed with not adopting the FRMSP, Council will rely on the Lithgow Flood Study Review 2017 as the most relevant source of flood information. Council will be ineligible for any future state government grant funding offered under the floodplain grant schemes leading to increased flood risk to the community.

Implications

Policy

Nil.

Legal

Pursuant to Clause 733(1) of the Local Government Act 1993, Council does not incur liability when providing advice given in good faith relating to the likelihood of land being flooded or the nature or extent of any such flooding. As the FRMSP has been undertaken in accordance with the Floodplain Development Manual 2005 and subsequently the Flood Risk Management Manual, any advice given, or things done or not done, relating to flooding or the extent of flooding by Council, is considered to have been undertaken in good faith.

Risk Management

The management of flood prone land is primarily the responsibility of local council which is mandated under the Flood Risk Management Manual. Councils are required to establish Floodplain Risk Management plans which determine the extent of flood prone land in addition to determining development standards in line with state government strategies, plans and directions.

The Lithgow FRMSP 2023 uses the most up-to-date flood modelling techniques to assist Council when performing its statutory obligations under relevant legislation. By not adopting the Lithgow FRMSP 2023, Council would default back to the Lithgow Flood Study Review 2017 for determining flood risk and would not be using the best available information to inform its function.

Financial

- Budget approved - \$111,201.20 with a 2:1 grant funding ratio including all variations approved to date.
- Cost centre – PJ 400106
- Expended to date - \$111,201.20
- Future potential impact – While the adoption of the Lithgow FRMSP does not incur any immediate budgetary impact upon Council, the implementation of the recommended management options does require financial commitment for Council and State Government grant bodies. In total, an amount of \$36.80 million would be required to fulfill all management options identified in the FRMSP which would be sourced primarily from grant funding over an extended period.

Consultation and Communication

The Draft Lithgow Floodplain Risk Management Study and Plan 2023 was placed on public exhibition for a period of 42 days starting on the 17 March 2023 and ending on the 28 April 2023, providing the community the opportunity to provide feedback. Prior to the exhibition period, Council wrote 2839 letters addressed to property owners of flood prone land to inform them of the exhibition resources available. Upon the closure of the exhibition period, a total of 51 formal submissions had been submitted to Council.

Throughout the exhibition period, Council offered a range of opportunities for the public to engage with the exhibition process. This included:

1. Front Counter Enquiries – Non-scheduled appointments with relevant staff members were available subject to availability of staff. Members of the public were provided with visual access to the flood mapping and a personalised explanation of relevant flood matters. Numbers of front counter enquiries were not recorded but it is estimated around 40 enquiries were fielded.

2. Phone Enquiries – Staff were available to answer phone enquiries during the period. Customers were provided with brief responses regarding the implications of flood impacts for their property. Where more in-depth discussions were required, officers requested that members of the public come to Council’s administration building to view the documents.
3. Council’s Website – A webpage on Council’s website was established for members of the public to engage with the FRMSP electronically. This not only included the document itself but an interactive flood map, a series of FAQ’s, an enquiry form that a Council officer would respond to within two business days and a submission form. A total of 53 enquiry forms were submitted electronically via the website and all were responded to within two business days of submission.
4. Physical Copies – Physical copies of the plan were available for viewing at the Lithgow, Wallerawang and Portland libraries in addition to Council’s administration building.
5. Community Briefing Session - As part of the exhibition process, Council hosted a public information session at the Maldhan Ngurr Ngurra Lithgow Transformation Hub where Lyall & Associates presented a summary of the draft FRMSP which received over 150 participants, requiring additional seating rooms to be provided.
6. One-on-one interviews – Due to the demonstrated demand identified in the community briefing session, Council offered the ability for community members to book 15-minute sessions with Council officers and the flood consultant to discuss how the plan would impact their property. The sessions were held on the 3rd and 4th of April 2023 with a 90% take-up of the available sessions.

10.2.2. P&P - 27/11/2023 - DA227/22 Planning Agreement Proposed Subdivision Col Drew Drive

Strategic Context for this matter:

Developing Our Built Environment To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.

Author: Lauren Stevens - Development Planner

Responsible Officer: Shaun Elwood - Director People and Place

Executive Summary

To finalise the Voluntary Planning Agreement (VPA) relating to DA227/22 for a subdivision of one (1) lot into forty-six (46) residential allotments, 1 residue allotment and public roads on land known as Lot 1 DP1266778, 10 Col Drewe Drive Bowenfels.

Administration's Recommendation

THAT

1. Council endorse the Voluntary Planning Agreement for DA227/22 being for \$6,800 per residential lot to go towards public open space and recreational needs.
2. The Voluntary Planning Agreement, upon endorsement by both parties, be forwarded to NSW Department of Planning and Environment.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

Attachments

1. DA 227/22 - Voluntary Planning Agreement - 10 Col Drewe Drive [**10.2.2.1** - 26 pages]

Reference to any relevant previous minute

Min No. 10.2.2: Ordinary Meeting of Council held on 23 October 2023.

Background and discussion

At the Ordinary Meeting held on 23 October 2023, Council endorsed a draft VPA that will require the developer to provide a contribution to Council of \$6,800 per residential lot to fund the following projects:

- Development of an Open Space and Recreational Needs Strategy for the South Bowenfels Release Area; and
- Implementation of high priority actions stemming from the Open Space and Recreational Needs Strategy.

The draft VPA was placed on public exhibition for a period of 28 days in accordance with statutory requirements. No submissions were received during the public exhibition period. Consequently, the draft VPA can now be endorsed by the Council. Once endorsed, the VPA can be finalised with the developer and notified to the NSW Department of Planning and Environment.

Implications

Policy

Policy 7.8 – Planning Agreements

The draft VPA has been advertised as required and is ready for final endorsement by the Council. In accordance with this Policy, the VPA is now reported to the Council for final endorsement following public exhibition.

Legal

A VPA has been negotiated with the applicant/developer in accordance with Section 7.4 of the Environmental Planning & Assessment Act 1979 in relation to DA227/22.

Risk Management

The monetary contribution will help to manage a risk of under-supply of essential community infrastructure. It will be directed toward local and city-wide infrastructure and facilities, helping to ensure that community infrastructure is provided for an increasing population.

Financial

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – The total value of the monetary contribution will be \$312,800 (\$6,800 per lot for 46 lots). The contribution will be funded by Council, as included in the business case for the housing development. The expense will only occur if Council proceeds with the development.

Consultation and Communication

As per Section 7.5 of the EP&A Act, public exhibition of the proposed Planning Agreement was undertaken for a period of 28 days with no submissions received.

Following Council's endorsement, the VPA Letter of Offer and Deed will be uploaded to the Planning Portal.

As previously advised at the Ordinary Meeting of Council held on 23 October 2023, the Regional Planning Panel determination of DA227/22 has been scheduled for 12 December 2023.

10.2.3. WWW - 27/11/2023 - Tender Evaluation - Sewer Mains Relining

Strategic Context for this matter:

Developing Our Built Environment

To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.

Author: Samuel Lenkaak - Projects Engineer Water & Wastewater

Responsible Officer: Mathew Trapp - Executive Manager Water, Wastewater and Waste

Executive Summary

This report summarises the tender process undertaken by Council, to seek suitably qualified companies to undertake the annual Sewer Mains Relining program.

A public tender was issued on VendorPanel on 14 July 2023 for a period of 4 weeks. Two bidders declined, two responded and only one bid was received from Interflow Pty Ltd in the sum of \$248,404.79.

After conducting an evaluation of the single tender received, the Tender Evaluation Committee concluded that the submission received from Interflow presented best value for money for Council.

Administration's Recommendation

THAT Council:

1. In accordance with Clause 178(1) (a) of the Local Government (General) Regulation 2005, accept the tender submission from Interflow Pty for the Sewer Mains Relining Project for Total Price \$248,404.79 (Ex GST).
2. Delegate authority to the General Manager to enter a contract between Council and Interflow Pty Ltd in accordance with the Tender for Sewer Mains Relining.

Attachments

Nil

Reference to any relevant previous minute

N/A

Background and discussion

The project task includes relining the sewer mains (approximately 670m in length) and carrying out other works as required based on the CCTV video and condition assessment report previously conducted by Council along Laurence Street, Academy Street and Methven Street.

The tender Process was conducted in accordance with Council's Tendering Policy and Council's procedures for Purchasing and Tendering SWP.

An open tender process was conducted in order to obtain the maximum number of respondents for evaluation. The documentation was available from 14 July 2023 for a period of 4 weeks, for any interested parties to download from the VendorPanel E-Tendering system.

One response was received electronically by the closing time on 14 August 2023. The response was received from Interflow Pty Ltd.

To rank the proposal, a Tender Evaluation Committee (TEC) was formed, which comprised the following staff:

Member	Position	Role
Samuel Lenkaak	Projects Engineer – Water & Wastewater	Chair
Matthew Trapp	Executive Manager– Water, Wastewater and Waste	Member
James Gilbert	Purchasing Coordinator	Member

Respondents to the tender were required to submit to Council a schedule detailing their methodology for undertaking the works, the timeframe for completion, the total price and relevant experience. This information was received with proof of quality management, WHS management, financial capacity, insurances, environmental management and other items for the TEC consideration such as proposed subcontractors and industrial relations.

This allowed the TEC to assess responses by reviewing:

- Value for Money (50% weighting).
- Program Schedule & Design (5% weighting)
- Experience with similar projects (15% weighting).
- Capability and Understanding of Council Requirement (20% weighting).
- Sub-contractors and Key Personnel (7.5% weighting); and
- Local Procurement Policy (2.5) % weighting).

Tender Evaluation

Respondents were asked to provide a lump sum price for the project. This pricing was used to calculate a score against other responses to assess the best value for money across the board. Respondents were able to provide a conforming and alternative offer for responses. Where this was the case, the option that Council would accept was used and its associated price was input into the score calculations.

Tender Responses	
Tenderer	Value for Money score out of 10
Interflow Pty Ltd	10

As shown above, the pricing score is based on the Lump Sum price, which accounts for 50% of the total score. After conducting an evaluation of the single tender received, the TEC concluded that the submission received from Interflow presented best value for money for Council. As well as offering a reasonably priced submission, Interflow Pty Ltd, have had extensive experience carrying out similar works for Lithgow Council, as well as other Regional Councils in NSW and a reasonable timeframe for works to be completed.

Interflow Pty Ltd has a very good understanding of the requirements of the project given their vast resources, machinery and equipment for CCTV investigation, as well as well-trained crew and a dedicated communications officer

In summary, the TEC scored the submitted proposal as follows:

Organisation Weighed Score out of 100

Tender Responses	
Tenderer	Tender Evaluation Score
Interflow Pty Ltd	83

As a result of the evaluation, the TEC recommends that Council enter into an agreement with Interflow Pty Ltd for the Sewer Mains Relining Project.

Implications

Policy

The Tender process and evaluation were conducted in accordance with Council's Tendering Policy and SWP 2.1 Tendering SWP 4.5, Purchasing and Contracting

Legal

The subject matter of this report is a function of Council conferred by the {Local Government Act 1993, section 55 and Part 7 of the Local Government (General) Regulation 2005}.

Risk Management

The lining of sewer mains for which CCTV existed at the time of tender eliminates a scope variation resulting from pricing to repair/reline sewer pipes not previously investigated.

Financial

- Budget approved - \$460,000
- Cost centre - PJ 300061
- Expended to date - \$16,736
- Future potential impact – the remaining budget will be rephased to CNSWJO Sewer Mains Relining Tender 2024/25.

10.2.4. WWW - 27/11/2023 - Maddox Lane SPS Tender Evaluation

Strategic Context for this matter:

Developing Our Built Environment

To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.

Author: Samuel Lenkaak - Projects Engineer Water and Wastewater

Responsible Officer: Mathew Trapp - Executive Manager Water, Wastewater and Waste

Executive Summary

This report summarises the tender process undertaken by Council, to seek suitably qualified companies to undertake design & construction of a new Sewerage Pumping Station in Maddox Lane, Lidsdale adjacent to the Carrier Arms subdivision.

The report recommends that the tender be awarded to TWS Evolution Pty Ltd for a price of \$517,727.27.

Administration's Recommendation

THAT

1. In accordance with Clause 178(1) (a) of the Local Government (General) Regulation 2005, accept the tender submission from TWS Evolution Pty Ltd for Design & Construction of Maddox Lane Sewerage Pumping Station for Total Price of \$517,727.27 (Ex GST).
2. Authorise the General Manager to execute the contract on behalf of Council under delegated authority to enter a contract between Council and TWS Evolution Pty in accordance with the tender for Design and Construction of New Sewerage Pumping Station at Maddox Lane, Lidsdale.

Attachments

1. CONFIDENTIAL – Summary Report – Design and Construction of New SPS at Maddox Lane Lidsdale [**10.2.4.1** - 3 page]
2. CONFIDENTIAL – Tender Evaluation Score Maddox Lane SPS Tender [**10.2.4.2** – 1 page]

Reference to any relevant previous minute

N/A

Background and discussion

Lidsdale is a growing area in the LGA with new subdivision in the area of approximately 80 lots in the next 5 years. The existing Sewerage Pumping Station (SPS) at Lidsdale is currently servicing 35 Properties along Maddox Lane and Wolgan Road, Lidsdale. As new subdivisions are completed and new housing made available, the existing SPS will not be able to cope with the sewage flows. For this reason, a tender was prepared for issue to design and construct a new sewerage pumping station and replace the existing Maddox Lane SPS and rising main. This involves a bigger wet well SPS Design as well as construction of a bigger sewer rising mains to cater for flows.

An open tender process was conducted in order to obtain the maximum number of respondents for evaluation. The documentation was available from 6 September 2023 for any interested parties to download from the VendorPanel E-Tendering system.

Eight responses were received electronically by the closing time on 6 October 2023. Responses were received from the following parties (in alphabetical order):

- Keane Civil & Construction Pty Ltd
- National Civil Projects Pty Ltd
- Q-Max Pumping Systems Pty Ltd
- SNG Engineering Pty Ltd
- Solve Civil & Washbay Specialists
- Springfield Civil
- TWS Evolution Pty Ltd
- Utilstra

To rank the proposals, a Tender Evaluation Committee (TEC) was formed, which comprised the following staff:

Member	Position	Role
Samuel Lenkaak	Projects Engineer – Water & Wastewater	Chair
Matthew Trapp	Executive Manager– Water, Wastewater and Waste	Member
James Gilbert	Purchasing Coordinator	Member

Respondents to the tender were required to submit to Council a schedule detailing their methodology for undertaking the works, the timeframe for completion, the total price and relevant experience. This information was received with proof of quality management, WHS management, financial capacity, insurances, environmental management and other items for the TEC consideration such as proposed subcontractors and industrial relations.

This allowed the TEC to assess responses by reviewing:

- Value for Money (50% weighting).
- Program Schedule & Design (5% weighting)
- Experience with similar projects (15% weighting).
- Capability and Understanding of Council Requirement (20% weighting).
- Sub-contractors and Key Personnel (7.5% weighting); and
- Local Procurement Policy (2.5% weighting)

TENDER EVALUATION

The respondents were asked to provide a lump sum price for the project. This pricing was used to calculate a score against other responses to assess the best value for money across the board.

Tender Responses	
Tenderer	Value for Money score out of 10
Keane Civil & Construction	3.1
QMax Pumping Systems	4.0
Springfield Civil	5.7
SNG Engineering Pty Ltd	6.7
Utilstra	7.7
National Civil Projects Pty	8.3
Solve Civil	9.2
TWS Evolution	10

As shown above, the pricing scores are based on the Lump Sum prices from each tenderer which accounts for 50% of the total score. After conducting an evaluation of the tenders received, the TEC concluded that the submission received from TWS Evolution provided best value for Council. As well as offering a reasonably priced submission, TWS Evolution Pty Ltd, have had extensive experience carrying out similar works in the construction of Sewerage Pumping Stations and Sewer Rising Mains and a reasonable timeframe for works to be completed.

A detailed evaluation report has been included with this report for the councillors' information as a confidential attachment.

In summary, the TEC scored all submitted proposals as follows:

Organisation Weighed Score out of 100

Tender Responses	
Tenderer	Tender Evaluation Score
Keane Civil & Construction Pty	52
QMax Pumping Systems	57
Springfield Civil	58
SNG Engineering Pty	73
Utilstra	73
National Civil Projects Pty Ltd	77
Solve Civil	71
TWS Evolution	81

As a result of the evaluation, the TEC recommends that Council enter into an agreement with TWS Evolution for the design and construction of the Maddox Lane Sewerage Pumping Station.

Implications

Policy

The Tender process and evaluation were conducted in accordance with Council's Tendering Policy and SWP 2.1 Tendering SWP 4.5, Purchasing and Contracting.

Legal

The subject matter of this report is a function of Council conferred by the {Local Government Act 1993, Section 55 and Part 7 of the Local Government (General) Regulation 2005}.

Risk Management

The contractor will be required to develop a risk management plan for the project once the tender is accepted. Council will manage the risk in accordance with the current policies and procedures to ensure continuity of service and that the project is undertaken safely.

Financial

- Budget approved - \$920,000
- Cost centre - 300070
- Expended to date - Nil
- Future potential impact – the New Sewerage Pumping Station will allow sewerage transportation and servicing in new subdivisions and for residents in the northern Lidsdale area.

10.2.5. WWW - 27/11/2023 - Lithgow Correctional Facility SPS Tender

Strategic Context for this matter:

Developing Our Built Environment

To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.

Author: Samuel Lenkaak - Projects Engineer Water & Wastewater

Responsible Officer: Mathew Trapp - Executive Manager Water, Wastewater and Waste

Executive Summary

This report summarises the tender process undertaken by Council, to seek suitably qualified companies to undertake Lithgow Correctional Facility SPS Renewal.

The report recommends that the tender for the Lithgow Correctional Sewerage Pumping Station Renewal be awarded to QMax Pumping Systems in the sum of \$287,782.

Administration's Recommendation

THAT Council:

1. In accordance with Clause 178(1) (a) of the Local Government (General) Regulation 2005, accept the tender submission from QMax Pumping Systems for the Lithgow Correctional Sewerage Pumping Station Renewal for \$287,782.00 (Ex GST).
2. Delegate Authority to the General Manager to enter a contract between Council and QMax Pumping Systems Pty Ltd in accordance with the tender for Lithgow Correctional SPS Renewal.
3. Authorise a variation to the budget of PJ 300072 of \$15,000 for the 2023/24 financial year.

Attachments

3. CONFIDENTIAL – Summary Report – Lithgow Correctional SPS Renewal [**10.2.5.1** - 2 page]
4. CONFIDENTIAL – Lithgow Gaol SPS Tender Evaluation Score [**10.2.5.2** – 1 page]

Reference to any relevant previous minute

Nil

Background and discussion

Lithgow Correctional Centre is a maximum-security institution for males located 152km west of Sydney in the Blue Mountains. The Centre is at Marrangaroo, 7km west of Lithgow on the Great Western Highway. The existing Sewerage Pumping Station (SPS) includes an old macerator and utilises an old and malfunctioning electrical switchboard to service the SPS. The system is to be replaced with new, and like for like equipment, with a continual life expectancy of 10 years minimum. The system is currently maintained by Lithgow City Council, the electrical board has a back to base monitoring system with a direct link to Lithgow City Council which monitors the flows and activity of the SPS. The current SPS requires new additions to maintain service and to continue providing sewerage transportation for the gaol.

An open tender process was conducted in order to obtain the maximum number of respondents for evaluation. The documentation was available from 22 September 2023 for a period of 4 weeks for any interested parties to download from the VendorPanel E-Tendering system.

6 responses were received electronically by the closing time on 29 October 2023. Responses were received from the following parties (in alphabetical order):

- O'Brien Plumbing Sydney Central
- Q-Max Pumping Systems Pty Ltd
- SNG Engineering Pty Ltd
- Solve Civil
- TWS Evolution Pty Ltd
- Western Pumps

To rank the proposals, a Tender Evaluation Committee (TEC) was formed, which comprised the following staff:

Member	Position	Role
Samuel Lenkaak	Projects Engineer – Water & Wastewater	Chair
Matthew Trapp	Executive Manager– Water, Wastewater and Waste	Member
James Gilbert	Purchasing Coordinator	Member

Respondents to the tender were required to submit to Council a schedule detailing their methodology for undertaking the works, the timeframe for completion, the total price and relevant experience. This information was received with proof of quality management, WHS management, financial capacity, insurances, environmental management and other items for the TEC consideration, such as proposed subcontractors and industrial relations.

This allowed the TEC to assess responses by reviewing:

- Value for Money (50% weighting).
- Program Schedule & Design (5% weighting).
- Experience with similar projects (15% weighting).
- Capability and Understanding of Council Requirement (20% weighting).
- Sub-contractors and Key Personnel (7.5% weighting); and
- Local Procurement Policy (2.5% weighting)

TENDER EVALUATION

The respondents were asked to provide a lump sum price for the project. This pricing was used to calculate a score against other responses to assess the best value for money across the board.

Tender Responses	
Tenderer	Value for Money score (out of 10)
O'Brien Plumbing Sydney Central	8.1
QMax Pumping Systems Pty Ltd	8
SNG Engineering Pty Ltd	4.3
Solve Civil	4.2
TWS Evolution Pty Ltd	9
Western Pumps	10

As shown above the pricing scores are based on the Lump Sum prices from each tenderer which accounts for 50% of the total score. After conducting an evaluation of the tenders received, the TEC concluded that the submission received from QMax Pumping Systems provided best Value

for Council in terms of experience with similar projects and understanding of Council's requirement for the project scope. As well as offering a reasonably priced submission, QMax Pumping Systems Pty Ltd are considered by Council's staff to be market leaders in the manufacture, supply, installation and delivery of the macerators and associated equipment in New South Wales. They also offer a reasonable timeframe for works to be completed.

A detailed evaluation report has been included with this report as a confidential attachment.

In summary, the TEC scored all submitted proposals as follows:

Organisation Weighed Score out of 100

Tender Responses	
Tenderer	Tender Evaluation Score
O'Brien Plumbing Sydney Central	55
QMax Pumping Systems Pty Ltd	84
SNG Engineering Pty Ltd	35
Solve Civil	33
TWS Evolution Pty Ltd	80
Western Pumps	78

As a result of the evaluation, the TEC recommends that Council enter into an agreement with QMax Pumping Systems Pty Ltd for the Lithgow Correctional SPS Renewal.

Implications

Policy

The Tender process and evaluation were conducted in accordance with Council's Tendering Policy and SWP 2.1 Tendering SWP 4.5, Purchasing and Contracting.

Legal

The subject matter of this report is a function of Council conferred by the {Local Government Act 1993, Section 55 and Part 7 of the Local Government (General) Regulation 2005}.

Risk Management

An emergency breakdown plan will be provided for the duration of the Defects Liability Period, with a maximum response time of 48 hours to carry out any remedial work, including temporary work, necessary to restore the systems to safe and satisfactory operation.

Financial

- Budget approved - \$287,500. A \$15,000 budget variation is required to allow for a project contingency and project management.
- Cost centre - 300072
- Expended to date - Nil
- Future potential impact – The upgraded SPS will reduce downtime hours and regular call outs to Sullage contractors.

10.2.6. P&P - 27/11/2023 - The Foundations Development Control Plan

Strategic Context for this matter:

Developing Our Built Environment

To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.

Author: Sherilyn Hanrahan – Strategic Land Use Planner

Responsible Officer: Shaun Elwood - Director People and Place

Executive Summary

The purpose of this report is to inform Council of the outcomes from the public exhibition phase of the Draft Foundations Development Control Plan (DCP) and to seek Council adoption of the finalised plan.

The Draft DCP was placed on public exhibition between 8 June and 7 July 2023 resulting in one written submission from Endeavour Energy. There are no unresolved issues from this submission.

As reported to Council in May 2023, the place led approach to underpin planning controls presented some challenges to reconcile the divergence of more standardised controls against the more innovative place-led controls proposed in this DCP.

Council's Strategic Planning team have been working extensively with the Foundations team to make changes to the exhibited Draft DCP to strengthen the controls and to provide further explanation to assist the end users (i.e. the community, Council and Council assessment staff) to navigate, understand and apply the document. These changes, although numerous, are not of a nature requiring re-exhibition.

The following key changes have been made to the DCP in collaboration with the Foundations team:

- Significant changes to the structure of the document to provide a more logical sequence of content for end users;
- Inclusion of more explanation of key concepts of place-led design and controls;
- Inclusion of more specific controls for key character sites within the precincts;
- Included residential dwelling targets for each stage to ensure development yield aligns with efficient and effective infrastructure provision;
- Inclusion of new subdivision approval process requiring integrated housing assessment for lots less than 300m²;
- Inclusion of a concept open space plan for the site with in-principle agreement for public open space dedication;
- Separated key design elements into their own sub sections with specific objectives and controls making it easier to read, understand and apply; and
- Included controls for different housing typologies adopted from the Low-Rise Housing Diversity Guideline for Development Applications.

If approved by Council, the DCP will take effect on the day on which Council gives notice on its decision to approve the plan on its website or a later day as specified in that notice.

The document is also required, once approved, to be uploaded to the NSW Planning Portal.

The DCP and satisfactory arrangements for State Infrastructure are required to enable future development on the site.

Administration's Recommendation

THAT Council:

1. Adopt the Foundations Development Control Plan 2023.
2. Delegate to the General Manager, or his delegates, authority to make any final publishing amendments to the document prior to the plan taking effect.

Attachments

5. Foundations DCP 2023 [10.2.6.1 - 1 page] – **Attachment will be available as soon as possible**

Reference to any relevant previous minute

Min 18-159 Ordinary Meeting of Council 25 June 2018
Min 20-273 Ordinary Meeting of Council 23 November 2020
Min 21-243 Ordinary Meeting of Council 25 October 2021
Min 23-91 Ordinary Meeting of Council 22 May 2023

Background and discussion

The Foundations DCP has been prepared to accord with Section 3.44 of the EP & A Act, 1979 (Act) and Part 6.3(3) of Lithgow Local Environmental Plan 2014 (LLEP2014).

Clause 6.1 *Designated State Infrastructure*, of LLEP 2014 requires relevant satisfactory arrangements certification to be obtained prior to the land being developed intensively for urban purposes. A request has been made with Western Region office of NSW Department of Planning and Environment to seek this certification. Council cannot issue development consent for future development until this certification has been issued.

The Foundations DCP will be a standalone site-specific Development Control Plan and will operate independently of Council's Lithgow DCP 2021.

The Foundations DCP will apply to the Urban Release Area outlined in blue in Figure 1 below:

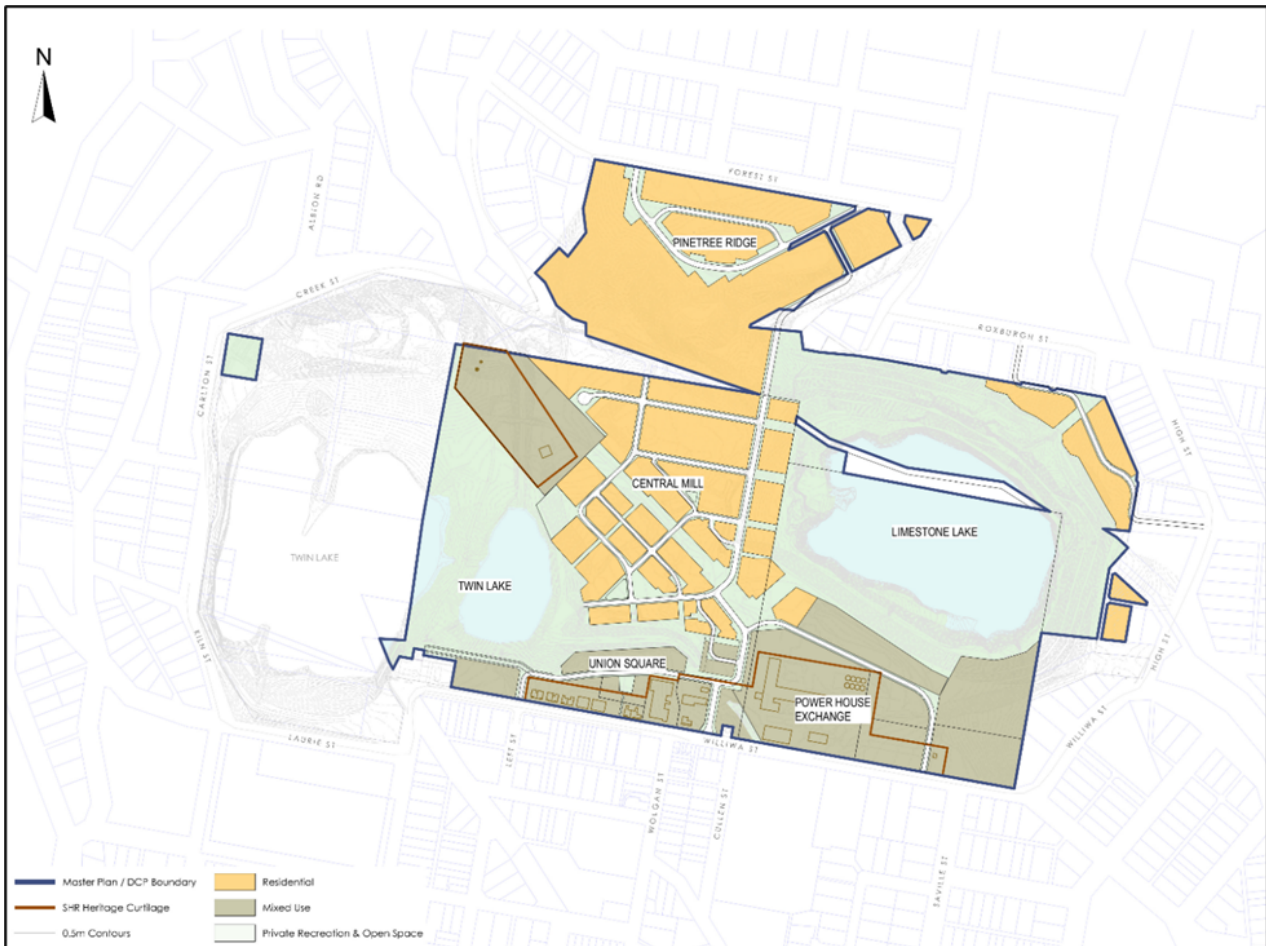


Figure 1 Land to which Foundations DCP applies

Adoption of the DCP will enable Council to consider future development applications for the site in a more streamlined manner.

Key Changes to Foundations DCP following public exhibition

The following key changes have been made to the DCP in collaboration with the Foundations team:

- Significant changes to the structure of the document to provide a more logical sequence of content for end users;
- Inclusion of more explanation of key concepts of place-led design and controls;
- Inclusion of more specific controls for key character sites within the precincts;
- Included residential dwelling targets for each stage to ensure development yield aligns with efficient and effective infrastructure provision. The DCP provides for a target of 350 dwellings between six stages of development. This does include the yield from Stage 5 being a mixed use site;
- Inclusion of new subdivision approval process for lots less than 300m² as outlined in the table below. This objective of this process is to:
 - facilitate a diversity of housing sizes and products,
 - ensure that subdivision and development on smaller lots is undertaken in a co-ordinated manner, and
 - to ensure that all residential lots achieve an appropriate level of amenity;
- This process provides for integrated housing where dwellings are assessed and approved as part of the subdivision application;

Approval Pathway	DA for subdivision	DA for subdivision with Building Envelope Plan	DA for Integrated Housing (integrated Assessment with subdivision prior to construction of dwellings)	DA for Integrated Housing
	Pathway A1	Pathway A2	Pathway B1	Pathway B2
Application	Lots equal to or greater than 300m ²	Lots less than 300m ² and equal to or greater than 225m ² in area, and with a width equal to or greater than 10m	Dwelling construction involving detached or abutting dwellings on lots less than 225m ² , or lots with a width less than 10m	Dwelling construction involving common walls (i.e. attached dwellings) on lots less than 225m ² , or lots with a width less than 10m
Dwelling plans required	As part of future DA or CDC	As part of a future DA or CDC	Yes as part of the subdivision application	Yes as part of the subdivision application
Dwelling design S.88B restriction required	No	Yes	Yes, only approved dwelling can be built	Yes, only approved dwellings can be built
Timing of subdivision (release of linen plan)	Pre-construction of dwellings	Pre-construction of dwellings	Prior to the issue of the CC	Post-construction of dwellings

Table: Subdivision Approval Process – Small Lots

- Inclusion of a concept open space plan for the site with in-principle agreement for public open space dedication, the finer detail of which will be the subject of future negotiation with Council in each development application for subdivision and negotiated voluntary planning agreement/s;
The open space plan capitalises on the unique site features such as the Millpond and its foreshores, view lines to the lakes, and the significant heritage items and places on the site. The open space heritage ‘spine’ will provide active transport links and conserve view lines between the powerhouse exchange and union square precincts to the Raffan Mill and Beehive Kilns (State Heritage);
- Separated key design elements into their own sub sections with specific objectives and controls making it easier to read, understand and apply; and
- Included controls for different housing typologies adopted from the Low-Rise Housing Diversity Guideline for Development Applications.

Together these changes provide more confidence for Council, the community, and proponents, that the site masterplan and vision can be delivered in an efficient and effective manner with high amenity and liveability outcomes.

Can the Foundations DCP controls be varied?

In applying and implementing the controls there will inevitably be situations where strict compliance is not able to be achieved, and/or alternate solutions are preferred.

In accordance with Section 4.15(3A) (b) of the EP&A Act, Council is required to be flexible applying the controls within the DCP and allow reasonable alternative solutions that achieve the objectives of controls for evaluating that aspect of any development.

It is also important to note that Council's strategic planning team will keep the implementation of the DCP under periodic review to ensure that it remains relevant and will amend the DCP if necessary. It is not a set and forget document.

Recording of voting on planning matters

Under Section 375A of the Local Government Act, 1993 a division must be called whenever a motion for a planning decision is put at a meeting of the Council or Council Committee. The making and adoption of a Development Control Plan is a planning decision for the purposes of this provision.

Implications

Policy

Nil.

Legal

The subject matter of this report is a function of Council conferred by Part 3 of the Environmental Planning and Assessment Act 1979 and Part 2 Division 2 of the Environmental Planning and Assessment Regulation 2021.

The relevant functions have been carried out in accordance with the legislation.

A DCP is a guidance document only and does not carry statutory weight to refuse a development application on the basis of non-compliance with the DCP controls alone.

Risk Management

Nil arising from this report.

Financial

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

Consultation and Communication

The Draft Foundations Development Control Plan was publicly exhibited in accordance with Schedule 1 of the EP & A Act 1979 and Council's Community Participation Plan (CPP). It was exhibited for a period of no less than 28 days between 8 June and 7 July 2023.

The public exhibition included the following:

- Notification in the local newspaper (Village Voice) through Council's Column throughout the exhibition period
- Notification on Council's Facebook Page and Website - 'On Exhibition' and electronic newsletter
- Hardcopy display at Council's Administration Centre and each of the town libraries
- Written notification to adjoining landowners
- Consultation with relevant government authorities /agencies as required

One written submission was received during the exhibition period being from Endeavour Energy. The submission noted the following:

- Endeavour Energy's submission to the Planning Proposal remains relevant to the Draft Development Control Plan and requested that a copy of the submission be forwarded to the proponent (this has been undertaken).
- The Draft DCP did not appear to address the easement for the 66kv high voltage overhead power lines located in the southeastern corner of the site nor does this easement appear in the Public Domain Masterplan.
- Endeavour Energy's network asset design policy is to progressively underground all new urban developments. All new cabling/reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.

Controls have been placed in the DCP to require undergrounding of electricity infrastructure in accordance with the providers requirements.

Whilst unusual to not receive any written submissions from adjoining landowners or the community, it is not surprising given the general community support for the Foundations redevelopment of the site.

10.2.7. P&P - 27/11/2023 - DA16/23 Retaining Walls, Kremer Park - Kiln Street Portland

Strategic Direction:	Developing Our Built Environment To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.
Author:	Lauren Stevens – Development Planner
Department:	Planning
Responsible Officer:	Shaun Elwood - Director People and Place
Property Details	Lot 531 DP902158, 'Kremer Park', Kiln Street Portland NSW 2847
Property Owner	Crown Lands Department; Managed by Lithgow Council
Applicant	Sean Quick (Project Officer) on behalf of Lithgow Council

Executive Summary

On 28 September 2023, the subject Development Application DA165/23 was lodged with Council seeking consent for the construction of two (2) retaining walls in addition to and in front of the existing damaged retaining walls that adjoin the western side of the circular unsealed track within Kremer Park, Portland.

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'.

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 9 October 2023 and concluded 1 November 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 DA165/23 for retaining walls on land known as Lot 531 DP902158, 'Kremer Park', Kiln Street Portland.

Administration's Recommendation

THAT

1. Development application DA165/23 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.

Attachments

1. DA 165/23 Elevation Plan, Kremer Park Retaining Walls, Kiln Street Portland [**10.2.7.1** - 1 page]
2. DA 165/23 - Section 4.15 Evaluation [**10.2.7.2** - 17 pages]

Reference to any relevant previous minute

Nil.

Background and discussion

The property contains an area of 46,314m², has an existing access point from each of the surrounding Laurie Street, Kiln Street, Villiers Street and Lime Street alignments.

The property is located adjacent to residential dwellings to the east of Lime Street and south of Villiers Street, the former Portland Hospital (currently vacant) is adjacent to the property to the west of Kiln Street with the Portland Foundation Ponds sited to the north of Laurie Street.

The existing retaining wall is constructed from concrete 'cribs' and likely dates back to the 1970's. The ground retained by the existing retaining walls has been adversely affected by significant erosion due to above-average rainfall that fell during the past year. Given the potential for asbestos material to be present behind the existing retaining walls, it is proposed to construct a new 2m high, 'L-Block' wall immediately to the east of the existing walls and to back fill between the new and existing walls with clean material. The replacement 'L-Block' wall will present a similar appearance to the existing 'crib' wall in the context of the Kremer Park and will unduly detract from the attributes of this heritage site.

Implications

Policy

Lithgow Community Participation Plan

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners and occupiers were notified of the proposal. The submitted documents were placed on public exhibition for twenty-one (21) days in accordance with the Participation Plan commencing 9 October 2023 and concluded 1 November 2023

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:

d. Where the application is on Crown land managed by Council.

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

Legal

The subject matter of this report is a function of Council conferred by the Environmental Planning and Assessment Act 1979 and under the Lithgow Local Environmental Plan 2014.

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.

Crown Land Management Act 2016

Under Section 3.20 of the Act Council is the Manager of the Crown Land. Council was appointed Crown Land Manager on 7 May 1999 pursuant to Government Gazette of the State of NSW dated 7 May 1999.

Clause 3.39 states:

3.39 Approvals of activities under Local Government Act 1993 must comply with plans of management

A local council cannot grant an approval for an activity under Part 1 of Chapter 7 of the Local Government Act 1993 that authorises or requires a person to do (or not to do) anything on or in relation to dedicated or reserved Crown land that would result in a contravention of a plan of management for the land.

Kremer Park is utilised as community land that contains an existing sporting field/showground with an associated grandstand, tennis courts, playground equipment, skate park, The Portland Men's Shed facility, canteen building, and toilet blocks. Vehicular access and carparking are well provided for around the site and the proposed development will not contravene the Plan of Management for this community land.

Prior to Council being able to determine the application, Owners consent from Crown Land is required.

Native Title (New South Wales) Act 1993

Pursuant to section 8.7 of the Act, Council notified the Native Title Claimant / Stakeholders of the lodgement of this application. The relevant land is the subject of active Native Title Application NC2018/002 filed by Warrabinga-Wiradjuri #7.

Under the Act, Council is required to notify the Native Title Claimant and the Aboriginal Party who may have a connection to the land.

Council notified the Native Title Stakeholders on the 12 October 2023.

Risk Management

Nil.

Financial

- 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 - N/A for the assessment of the development application.

Consultation and Communication

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners and occupiers were notified of the proposal. The submitted documents were placed on public exhibition for twenty-one (21) days in accordance with the Participation Plan commencing 9 October 2023 and concluded 1 November 2023.

No written submissions were received during the notification period.

10.3. Strengthening Our Economy

10.3.1. IS&E - 27/11/2023 - Lithgow Emerging Economy Plan - Preferred Governance Model

Strategic Context for this matter:

Strengthening Our Economy

To provide for sustainable and planned growth through the diversification of the economic base, the development of diverse job opportunities and the provision of a broad range of formal and non-formal educational services.

Author: Jonathon Edgecombe – Director of Infrastructure and Economy

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

The purpose of this Report is to seek Council's endorsement of the Lithgow Emerging Economy Plan 2023 (LEEP). It also asks for Council to consider *in principle* endorsement of a best practice governance model for the LEEP. With this endorsement, the administration will commence working through the detail of this model, for presentation to the February 2024 Ordinary Meeting.

Administration's Recommendation

THAT Council

1. Endorse the Lithgow Emerging Economy Plan 2023 (LEEP) (as attached).
2. Request the Administration to prepare a detailed proposal outlining the logistics of the formation of a statutory committee under Section 355 of the Local Government Act for the February Ordinary Meeting of Council, considering such matters as:
 - a. Terms of Reference of the Committee.
 - b. An accountability framework which outlines linkages to the Council and their Economic Development Committee.
 - c. A detailed risk analysis surrounding the development of the committee.
 - d. A comprehensive stakeholder engagement model which ensures a two-way flow of information and expertise between the committee, key stakeholders and the community.
3. Continue to work closely with the State Government to incorporate the work of the Committee with the State Government's proposed Central West Jobs and Investment Authority upon its establishment.

Attachments

1. LEEP - Transition Plan Final v 09 With Appendices - 2023 [10.3.1.1 - 229 pages]

Reference to any relevant previous minute

Min. No. 23-70: Ordinary Meeting of Council held 24 April 2023

Background and discussion

The LEEP

In January this year, Council and the State Government received the expert findings and recommendations of the LEEP which sets out:

- the economic and demographic baseline of the Lithgow Local Government Area (**LGA**),
- the identification of the LGA's relative advantages and opportunities, and
- the identification of areas of focus which will put the LGA in the best position for the future.

The analytical framework and methodology for the LEEP is set out in 4.1 of the LEEP and is considered robust.

The LEEP is a very significant document for the future of the Lithgow LGA. Critically, it will inform the following processes:

- grant opportunities from other levels of government,
- advice on how the prioritisation of Lithgow City Council resources can best facilitate the economic transition of the Lithgow LGA over the period of transition,
- strategic land-use planning priority initiatives, and
- private sector investment attraction.

The LEEP will also inform the State Government's approach to economic transition in Lithgow.

Key findings of the LEEP

Some of the key findings of the LEEP include:

- baseline modelling on the loss and impact of coal mining and coal-fired power generation economic output in the Lithgow LGA (by value-added production),
- a leading-practice governance framework to best engage the complex issue of economic transition in the Lithgow LGA,
- the identification of focus industries to position the Lithgow LGA for the best possible economic future. This includes health, social and public services; utility services and industrial manufacturing; and tourism, and
- advice regarding the discrete prioritised steps to be taken collaboratively to achieve the best possible result. These are set out in detail in section 7 of the LEEP (commencing from p. 86).

The LEEP has now been on public exhibition since May 2023. A summary of the exhibition comments and submissions is set out in the Consultation and Communication section below.

Urgency of the LEEP challenge

The LEEP makes 68 recommendations, 40 of which are due for delivery by January 2024. Most of the initial actions are weighted towards further detailed strategic planning and analysis. It is critical and urgent that this work gets underway to put Lithgow in the position where it can most effectively plan for the bigger expenditures and programs which will be required in the medium term.

The enormity of the challenge is perhaps best indicated by again noting that 43% of Lithgow's economy, by value-added production, comes from coal mining and coal-fired power generation and that the two sectors are linked with little capacity for thermal coal export switching. Although, on one view, Lithgow has up to fifteen years to prepare, it is worth also noting that Energy Australia has announced what might be called a progressive closure plan as the power station itself

transitions from baseload to dispatchable and then backup energy supply and that the one closure (progressive all otherwise) will precipitate almost all the others.

It may be that both coal powered power stations and coal fired power generation has a place in the energy production mix for decades to come, and thereby continue to support the Lithgow economy in the longer term. Council continues to espouse that support will be offered to these organisations so long as they maintain a presence in Lithgow, in any capacity.

Nonetheless, putting aside any personal perspective on this matter, Lithgow must have a diverse economy if it is to be considered resilient in the face of an uncertain, turbulent future. Supporting the LEEP diversification initiative does no harm to the operations of current mines and power stations and will only serve to increase the strength of the local economy.

Role of Other Levels of Government

In March 2023, the new State Government announced it intended to deliver on its regional economic transition policy in coal regions by establishing authorities. The latest information Council staff officers hold is that the State Government proposes to have its authorities operational by 1 July 2024. This is consistent with the Federal Government's timetable for legislating its Net Zero Authority (the **NZA**) – however, the Federal Government has also committed to interim arrangements operationalising aspects of the NZA's intended functions beforehand.

The State Government

The policy approach of the current State Government is considerably different to that of the former Government. It proposes to establish a Central West Jobs and Investment Authority (the **Authority**) for the Lithgow City and Mid-Western Regional local government areas. Although the precise function of the Authority is not yet known, the NSW Government has said that the authorities will: "work with the Commonwealth Government's Net Zero Authority to support workers, industries and communities to seize transformational opportunities."

The previous Government had quarantined specific allocations of \$22.5m in each financial year budget to do the work recommended by the Hunter Diversification Action Plan and the LEEP as well as the other statutory work required by the Mining Act amendments for regional transitions (Royalties for Rejuvenation). Despite announcing the Royalties for Rejuvenation Program in April 2021, the previous Government took two years to implement its legislative and governance framework which was still being introduced at the time of the March 2023 election. It is understood that approximately \$71m is now set aside under the Royalties for Rejuvenation Program which the present Government has confirmed remains quarantined but remains on hold until its authorities are established. A putative timetable of 1 July 2024 has been suggested by DRNSW officials, but it is entirely conceivable that it may take longer.

A July roundtable was held in the Hunter to update those communities on the Government's plans and, at the time, it was indicated a second roundtable would "be held in Lithgow before the end of the year". This occurred on 10 November 2023. These roundtables provided no further details other than those announced by the present Government when in Opposition. When established, the NSW Government has indicated that the Authority will: "work with the Commonwealth Government's Net Zero Authority to support workers, industries and communities to seize transformational opportunities. The NSW Government is also considering how they will work with existing Royalties for Rejuvenation Regional Expert Panels."

Much of the responsibility for delivering the LEEP rests with the NSW Government which, in our Federative system, is responsible for regional economic development.

The Federal Government

The Federal Government has long announced its intention to establish an independent authority to manage transitions and, earlier this year, stated that it expected to have its governance framework fortified by a legislative framework by July 2024.

The Federal Government has, unlike the State Government, established interim arrangements with significant collaborative staffing within existing Federal departments overseen by a Cabinet sub-committee and the Department of Prime Minister and Cabinet.

Leading practice governance

Leading practice transitions globally have had vastly improved outcomes where all levels of government, the knowledge sector, workforce unions and the private sector have worked collaboratively in a shared responsibility framework that is independent of each of them.

Council determined to be a leading actor with other key partners and actors in the regional transition by raising and allocating \$1.07m each year to transition management. Council is obliged to report annually on its transition management program.

As the LEEP notes, a leading practice governance structure is typically independent of existing structures with an emphasis on collaboration, shared narrative, responsibility and accountability.

While structural adjustment is a State Government responsibility, it requires actors and resources that reach beyond the State Government, including:

- businesses and unions working collaboratively on whole-of-family support and adjustment programs, and worker transfer schemes;
- schools, the VET sector, universities, industry and government collaborating on building the regional workforce's adaptive capacity;
- government, at all levels, supporting new industry growth with well-planned and sequenced infrastructure; and
- industry, knowledge providers and government collaboratively building a region-wide culture of innovation, investment, acceleration.

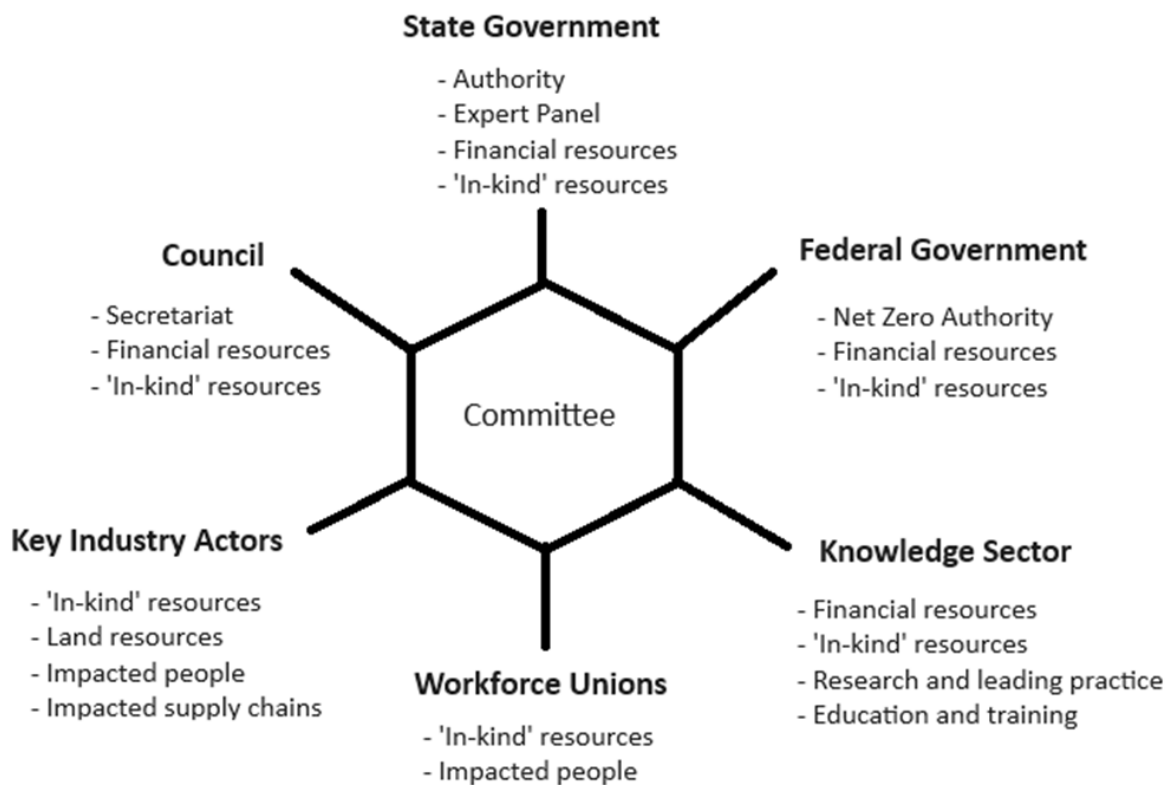
Council officers share the view that a specific-purpose statutory authority, established inclusively of the key partners, actors and stakeholders, is the best vehicle for delivering a successful transition in the Lithgow LGA.

Given the firm advice of the LEEP consultant that most of the actions set out in years 1 – 5 need to get underway immediately, and that it is unlikely that such a vehicle will not be established for at least nine months together with the risk of losing momentum, Council staff officers advise that Council consider the establishment of a Jobs and Investment Committee which can be smoothly incorporated into the Authority when it is enacted and established.

The proposed Committee provides a vehicle for shared action and responsibility to initiate critical actions and maintain collaboration whilst the State Government works on its authority machinery. This is also consistent with the Federal Government's approach which ensures appropriate interim arrangements address the urgency of the transition management.

Leading practice encourages a shared responsibility framework because the transitions management task requires resources which reach beyond any one community actor. Early on, however, or if not all key community actors are engaged in the collaboration, it may be necessary to prefer actions over which participating community actors have a greater responsibility or control.

The recommended Committee structure is set out as follows:



There are two main frameworks that the Council can apply to implement the abovementioned structure. These are:

- Formation of an independent corporation (relevant to Section 358 of the Local Government Act)
- Formation of a statutory committee under Section 355 of the Local Government Act

Understanding the urgency of the task outlined above, pursuit of approval under Section 358 of the Local Government Act to form a corporation to administer the LEEP is not recommended. Previous attempts made by other Councils demonstrate that this process can take several years of concerted effort, without resulting success. Additionally, it is anticipated that the NSW Government will form a Central West Jobs and Investment Authority which will likely occur before the results are received of any requests made by the Council to form a corporation.

Instead, it is suggested that the Council consider the establishment of a Lithgow Jobs and Investment Committee (the **Committee**) under the provisions of s355(b) of the *Local Government Act, 1993* (the **Act**). While detailed risk analyses and considerations of Terms of Reference must still occur, it is suggested that Committee have the following functions:

- Advise Council on the consequences and opportunities associated with changes to coal mining and coal-fired power generation in the Lithgow LGA particularly in relation to the impact on employment and economic activity;
- The prioritisation of initiatives which support alternative land uses of coal mining and coal-fired power generation sites;
- The prioritisation of initiatives which support the economic resilience of the Lithgow LGA by facilitated investment in alternative industries;
- The prioritisation of initiatives which support the re-deployment, re-skilling, and adaptive capacity of the workforce in the Lithgow LGA; and
- The priority of such other initiatives which may contribute to the successful transition of the Lithgow LGA.

It is considered that such a Committee should comprise a Council representative (the General Manager or his delegate) and six other persons appointed from each of the Federal and State governments' bureaucracies (a representative of the Net Zero Authority Team and Department of Regional NSW respectively), the knowledge sector, the Mining and Energy Union, the mining sector, and the energy sector. It is expected that the representatives for each of these cohorts will have senior level experience at an applied level in terms of economic diversification, growth and investment; and also skills development and training.

Once the Committee has been formed, it is suggested that they recommend to Council the appointment of an independent chairperson. While this occurs, as an interim measure only, it is considered that the Council should appoint the General Manager as chairperson.

Overall, the purpose of the Committee will be to provide a shared responsibility framework for managing the resources of the various transition management partners. The proposed governance vehicle would have a direct line of report to the Council's Economic Development Committee, and subsequently, the Council. It is also recommended that Council continue to liaise closely with the State Government to merge the work of the Committee with the Authority upon the Authority's establishment.

A tiered model of more detailed community engagement will also be included. Feeding into this committee of seven LEEP partners, a group of approximately 20 community actors will be formed. It is anticipated that this group will comprise key community actors like Thales, Greenspot, local school principals and the like. This group can be engaged in its entirety or split into working groups to tackle targeted local issues, feeding their advice back to the primary LEEP committee. Third, a forum of interested community actors (between 80 and 100) will be formed to sentiment test ideas and obtain general feedback.

What initiatives have Council been addressing in the meantime?

There are several initiatives of the Council which are directly contributing to the action plan of the LEEP. A summary of these is included below:

1. Direct engagement with both the NSW (Department of Regional NSW) and Australian Governments (Net Zero Economy Taskforce) to reach a consensus and gain critical buy-in regarding the governance arrangements for project implementation. As key stakeholders, they will need to be involved, but best practice suggests a single transition vehicle to be the most effective. We're advocating for this strongly.
2. Development of a business case, for future external funding opportunities, for a pilot project to increase STEAM skills in a regional context, across the Central West. People-related factors – such as educational achievement, employment rates, skill levels, personal income and community cohesion – are one of the main factors underpinning the adaptive capacity of regions and that region's resilience to economic transition. The project will see Council working with a local knowledge provider to build adaptive capacity through the delivery of a local Adaptive Skills Hub, including STEAM teaching support (primary and secondary), a Maker Space, future skills training, and industry-led workforce planning and support.
3. Main Street renewal program – replacement of all footpaths and associated footpath furniture (seating, planters, signage, etc.). The project aims to improve amenity, pedestrian safety and accessibility.
4. Development of Seven Valleys Destination Management Plan which aims to be a fundamental blueprint for the success of the region/brand as it relates to tourism. The project includes a range of other projects related to the Seven Valleys brand, including the creation of a Visitors Guide, and development of digital assets (stills and videos).

5. Active engagement with developers proposing the construction of assets related to clean energy production, ensuring that there is value-add to local residents and the local economy. This will also contribute to actions surrounding the 'social licence' of such infrastructure.
6. Continued work to assess the feasibility of a water pipeline to connect Lithgow to Wallerawang, and treat surplus water from Clarence Colliery. This work will firm up and give greater surety to the consistency of Lithgow's water supply, offering liveability benefits, but also significant commercial opportunity for water-intensive industry, such as hydrogen production (a significant competitive advantage).
7. Council is working in partnership with the Department of Regional NSW to develop a bespoke investment prospectus for the Lithgow region. Initially, the material will focus on advanced manufacturing for clean technologies' and 'green construction materials manufacturing, closely aligned with the industries of focus suggested by LEEP, but also the NSW Government's Regional Economic Development Strategy for Lithgow (REDS). This prospectus will include a pitch deck and video content across four videos.
8. Similar to the above, Council has also worked closely with the Department of Regional NSW to promote alignment between the REDS and LEEP. This alignment adds critical strength to both plans.
9. Redevelopment of the Invest Lithgow website, both to increase local community engagement with the LEEP project, but also to act as an accountability measure and report on progress to the community.
10. Implementation of the Lithgow Electric Vehicle Strategy. Two of the LEEP actions are to identify road transport constraints and engage with key agencies on EV infrastructure. This strategy includes innovative demand prediction models which guide the implementation process across the LGA. Noting our strategic geographic location at the interface between the Great Western Highway, Bells Line of Road, Castlereagh Highway and the electrified rail network (and also being 2 hours from Sydney – a common need to charge), we have the capacity to leverage the concepts of destination charging to increase economic activity, but also improve local liveability.
11. Engagement with Centennial and Energy Australia on the future of coal, and impacts to their respective workforces. Both organisations have been forthcoming in these discussions and Council is appreciative of this.
12. Continued engagement with community and IPART on its request, and subsequent approval of, a local Special Rate Variation. Not only has the lions share be dedicated to infrastructure maintenance and renewal, just over \$1M has been set aside for initiatives directly related to Lithgow's economic transition/diversification. For transition efforts to be successful, they must be locally led, and this will give Council the capacity to implement its own projects but also leverage external funding, as opportunities become available.
13. Engagement with the Expert Panels from the Royalties for Rejuvenation program. Today, this is the primary vehicle through which the NSW Government will seek to impact the economic transition of communities impacted by the decline of coal.

Consultation and Communication

Specific Stakeholder Engagement

Considerable technical engagement with the third parties was undertaken as part of the LEEP Project. A summary of those engagements is set out in Appendix A of the LEEP and, and some of which are included in the table below.

<ul style="list-style-type: none">• Lithgow District Chamber of Commerce• Centennial Coal• Energy Australia• CFMEU• Lithgow Community Power Project• University of Western Sydney• Lithgow Community Private Hospital• NSW Health Nepean Blue Mountains Health District• Nepean Blue Mountains Public Health Network / Wentworth Healthcare• Treeview Estates retirement village• Three Tree Lodge residential aged care• Respect Cooinda residential aged care• University of Notre Dame (Healthcare)• Thales• Greenspot	<ul style="list-style-type: none">• Ferrero Australia• Nu-Rock• Uni-lock• MRA Consulting• University of Technology Sydney (UTS)• Lithgow Railway Workshop• Transport for NSW• Lithgow Visitor Information Centre• Foundations Portland• Gang Gang Gallery• Regional NSW• Lithgow City Council• Just transitions• Hunter Jobs Alliance• Queensland Dept of Tourism, Innovation and Sport
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Source: Lithgow City Council

Additionally, several key stakeholder consultations have taken place during the exhibition period of the LEEP. From these, Council has received considerable interest to participate in the local transition initiative from all the key non-government actors. This includes Western Sydney University and the knowledge sector, the Mining and Energy Union, Centennial Coal and Energy Australia. Council has also met with a range of other key stakeholders including the principals of local schools. These actors are typically necessary for a leading practice transition because of the resources each bring to tackling the challenge.

Each have conveyed their strong interest to participate in a shared-governance structure.

The overwhelming feedback from the public consultation process was that there is acknowledgement of the urgency of the task. This has been fed into Council's development of an Interim Action Plan which aims to commence the groundwork of strategic planning and governance that the LEEP implementation will heavily rely upon. A separate report including detail of the Interim Action Plan is included in this business paper, after this report.

Broader Community Engagement

The draft Lithgow Emerging Economy Plan (also known as the LEEP) was formally available to the community for review and comment between Monday 13 June 2023 and Monday 17 July 2023. This was since extended, and the administration has continued consulting on the LEEP through to November 2023.

Submissions were made either online; in writing; via email or during face-to-face briefings.

The community was asked the following:

1. What do you like about the vision and pathway for Lithgow in 2030?
2. What would you change?
3. Is there anything missing?
4. Would you like to continue to be involved in the transition? If so how would you like to be involved?

In total there were 15 submissions provided to Council as follows:

- 11 were via email;
- 2 were hand-written submissions; and
- 2 were via the online submission form.

Certain businesses and local organisations were also directly briefed by Council to actively engage with them and gather their feedback as key local stakeholders. This includes Greenspot, members of the local Brethren community, local environmental groups and local school principals, to name a few.

- General themes from feedback received

All the responses provided were well-articulated with clear messaging.

Several common themes were identified, and these are summarised below, in order of their recurrence:

1. Community is keen to become involved in supporting Lithgow's economic development.
2. There is a need for better communication between Council and the community.
3. There is a need for short-term, practical, quick wins to initiate the LEEP project.
4. Supporting growth in tourism is seen as a major opportunity.
5. Some opportunities cited in the LEEP report are contradictory and this needs to be taken into consideration when identifying priority actions.
6. Some isolated criticism of the Council addressing economic diversification initiatives over infrastructure renewal.

- What is our response?

Firstly, a detailed LEEP Communications Plan has been developed to effectively communicate with the community and both acknowledge the feedback received and thank those who contributed noting that their responses will be taken into consideration as LEEP progresses. This has occurred.

While the report should not be significantly changed (to maintain its fearless independence), the Action Plan arising from the LEEP should refer to the feedback provided when developing the practical actions stemming from LEEP. With reference to points 1, 2, 3, 4 and 5 above, this has occurred.

Council should clearly identify and list all key stakeholder groups including environmental groups and those who specifically requested continued involvement. These stakeholder groups will be carefully mapped, and their linkages to the LEEP explained, as the administration works through the proposed governance model, prior to its report to Council at the February Ordinary Meeting.

Several submissions included direct questions connected to the LEEP report. These in most circumstances, these questions have been answered promptly, not only as a courtesy but to also demonstrate Council's genuine willingness to engage with the community. However, some stakeholders, such as WSU, submitted highly detailed responses. With these, the loop has been closed in a more personal fashion through meetings with the administration.

Lastly, through the Interim Action Plan, Council will affirm their willingness to continue to collaborate with the community to successfully guide the region as it transitions economically and seeks to maximise the opportunities presented now and into the future.

Policy

The LEEP provides a technical evidence-base to inform a wide-range of policy settings of Council. Some of those policy settings have been identified by the broader community as being priorities in successive community surveys – including developing a sustainable economic future for the Lithgow LGA and increasing economic participation and inclusion.

Risk Management

It is suggested that a detailed risk assessment concerning the proposed governance structure be delivered for Council consideration at a future meeting of Council. This report seeks Council's consideration and endorsement of the suggested approach.

Financial

Council has set aside \$1.09m in the 2023/2024 budget for transition management and is accountable to the community and IPART on the expenditures under the program. Ultimately, it is envisaged that Council's funding will leverage significant Federal and State government funding.

10.3.2. IS&E - 27/11/2023 - Lithgow Evolving Economy Plan - Interim Action Plan

Strategic Context for this matter:

Strengthening Our Economy

To provide for sustainable and planned growth through the diversification of the economic base, the development of diverse job opportunities and the provision of a broad range of formal and non-formal educational services.

Author: Jonathon Edgecombe - Director of Infrastructure and Economy

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

The purpose of this Report is to present a proposed Interim LEEP Actions Plan Table 2023 – 2024 for Council's consideration.

It is noted that Council is also considering a recommended leading practice interim governance framework centred on shared responsibility in an associated report.

As neither the proposed Central West Jobs and Investment Authority or an interim governance vehicle has yet been established, it is recommended that Council adopt an Interim LEEP Action Plan to be replaced in the first quarter of 2024 with a LEEP Action Plan endorsed by all LEEP partners.

Administration's Recommendation

THAT Council

1. Adopt the Interim LEEP Actions Table for the 2023 – 2024 management planning year.
2. Draft, for future consideration of Council, a LEEP Action Plan setting the Interim LEEP Actions Table in context and for community engagement purposes.
3. Continue to engage with LEEP Partners with a view to obtaining their endorsement of the Interim LEEP Actions Table and collaboration in the development of a LEEP Action Plan for the consideration of Council and LEEP key stakeholders in due course.

Attachments

1. Attachment A LEEP Action Plan Prioritisation Discussion Paper [10.3.2.1 - 5 pages]
2. Attachment B LEEP Draft Interim Action Plan Summary Table 2023 2024 [10.3.2.2 - 12 pages]

Reference to any relevant previous minute

N/A

Background and discussion

It is understood that approximately \$71m has been collected under the Royalties for Rejuvenation Program which the State Government has confirmed remains quarantined but on hold until jobs and investment authorities are established in each of the identified regions set out in the State's mining legislation. It is understood that the funding is, nonetheless, intended to do the work recommended by the LEEP and transition management activities in the other three identified

regions. It is noted that early work is also taking place by the Federal Government in advance of it establishing a Net Zero Authority.

Until a framework has been settled surrounding the jobs and investment authorities, understanding the urgency of the task ahead, the Council has boldly acknowledged the need to lead Lithgow's transition by raising and allocating \$1.09m each year to transition management.

In time, this local investment will be utilised to leverage and co-fund joint initiatives of local government and its industry/government peers. However, at this early stage, it is proposed that Council progress several of the early groundwork initiatives identified by the LEEP. The Interim Action Plan will achieve this outcome, preparing the Council for the eventual formation of the state government's jobs and investment authorities.

As not all recommended actions can be undertaken without the full financial commitment of the State Government, staff have considered a range of criteria to assess what actions should be included for prioritisation. A discussion paper setting out the reasons for arriving at those criteria is Attachment A to this Report.

As may be expected, the recommended Interim Action Plan Table 2023 – 2024 (Attachment B) has an early focus on establishment and governance together with community engagement.

Key consideration is given to tasks which Council has the responsibility and necessary powers to progress together with tasks likely to:

- leverage the early engagement of key community transition actors,
- advance the suite of LEEP actions as quickly as possible, or which, and
- have the highest impact.

What initiatives have Council been addressing in the meantime?

There are several initiatives of the Council which are directly contributing to the action plan of the LEEP. A summary of these is included below:

1. Direct engagement with both the NSW (Department of Regional NSW) and Australian Governments (Net Zero Economy Taskforce) to reach a consensus and gain critical buy-in regarding the governance arrangements for project implementation.
2. Development of a business case, for future external funding opportunities, for a pilot project to increase STEAM skills in a regional context, across the Central West.
3. Main Street renewal program – replacement of all footpaths and associated footpath furniture (seating, planters, signage, etc.).
4. Development of Seven Valleys Destination Management Plan which aims to be a fundamental blueprint for the success of the region/brand as it relates to tourism.
5. Active engagement with developers proposing the construction of assets related to clean energy production, ensuring that there is value-add to local residents and the local economy.
6. Continued work to assess the feasibility of a water pipeline to connect Lithgow to Wallerawang, and treat surplus water from Clarence Colliery.
7. Council is working in partnership with the Department of Regional NSW to develop a bespoke investment prospectus for the Lithgow region.

8. Similar to the above, Council has also worked closely with the Department of Regional NSW to promote alignment between the REDS and LEEP.
9. Redevelopment of the Invest Lithgow website, both to increase local community engagement with the LEEP project, but also to act as an accountability measure and report on progress to the community.
10. Implementation of the Lithgow Electric Vehicle Strategy. Two of the LEEP actions are to identify road transport constraints and engage with key agencies on EV infrastructure.
11. Engagement with Centennial and Energy Australia on the future of coal and impacts to their respective workforces. Both organisations have been forthcoming in these discussions and Council is appreciative of this.
12. Continued engagement with community and IPART on its request, and subsequent approval of, a local Special Rate Variation. Just over \$1M has been set aside for initiatives directly related to Lithgow's economic transition/diversification.
13. Engagement with the Expert Panels from the Royalties for Rejuvenation program.

Consultation and Communication

It has not been possible to more broadly communicate the Interim Action Plan without the explicit endorsement of Council. Should this be forthcoming, engagement will commence with key transition actors, including government and local stakeholders of EA, Centennial and WSU.

Policy

The LEEP provides a technical evidence-base to inform a wide-range of policy settings of Council. Some of those policy settings have been identified by the broader community as being priorities in successive community surveys – including developing a sustainable economic future for the Lithgow LGA and increasing economic participation and inclusion. The proposed Interim Action Plan is an important accountability document which will allow Councillors and the community to monitor progress of LEEP activities.

Legal

Not otherwise than as set out in this Report.

Risk Management

This Interim Action Plan seeks to mitigate the risk of inaction while there is uncertainty surrounding the position of government relating to more formal approaches of the intended jobs and investment authorities.

Financial

Council has set aside \$1.09m in the 2023/2024 budget for transition management and is accountable to the community and IPART on the expenditures under the program. Ultimately, it is envisaged that Council's funding will leverage significant Federal and State government funding.

10.4. Enhancing Our Natural Environment

Nil

10.5. Responsible Governance & Civic Leadership

10.5.1. EXEC - 27/11/2023 - Ordinary Meeting of Council Dates 2024

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed

Author: Sarah Lewis - Executive Assistant to the Office of the General Manager and Mayor

Responsible Officer: Craig Butler - General Manager

Executive Summary

This report is to inform the Council of the Ordinary Meeting of Council dates for 2024. Ordinary Meeting of Council dates are proposed for the fourth Monday of each month, in accordance with the Code of Meeting Practice and Council resolution Min. No. 20-285 (Ordinary Meeting of Council held 23 November 2020).

The January and September meetings are proposed to be held in the 5th week to allow for Council returning after the Christmas/New Years break, and to await the results from the September Council Election. Consistent with the Council's past practice, no meeting is proposed in December 2024. There are no conflicts with Public Holidays on Mondays in 2024.

Council should also note that some meetings may be required to change for events such as National General Assembly Conference or the LGNSW Conference when the dates for 2024 become available.

The proposed dates for 2024 being the fourth Monday of each month are as follows:

30 January 2024 – Tuesday (5 th week)	22 July 2024
26 February 2024	26 August 2024 – (Caretakers' Period)
25 March 2024	30 September 2024 - (5 th week)
22 April 2024	28 October 2024
27 May 2024	25 November 2024
24 June 2024	

Administration's Recommendation

THAT Council adopt the schedule of Ordinary Meetings of Council for 2024 being the fourth Monday of each month (except for December, January and September) i.e.

30 January 2024 – Tuesday (5 th week)	22 July 2024
26 February 2024	26 August 2024 – (Caretakers' Period)
25 March 2024	30 September 2024 - (5 th week)
22 April 2024	28 October 2024
27 May 2024	25 November 2024
24 June 2024	

Attachments

Nil

Reference to any relevant previous minute

Min 20-285: Ordinary Meeting of Council held 23 November 2020

Min 21-192: Ordinary Meeting of Council held 23 August 2021

Min 22-239: Ordinary Meeting of Council held 28 November 2022

Background and discussion

Ordinary Meeting of Council dates are proposed for the fourth Monday of each month, in accordance with the Code of Meeting Practice and Council resolution Min. No. 20-285 (Ordinary Meeting of Council held 23 November 2020).

No meeting is proposed in December 2024.

Due to the following events some changes have been made to the meeting dates.

- January meeting is to be held in the 5th week to allow for reports to be completed after reopening and will be held on a Tuesday due to the Australia Day long weekend.
- August meeting will be held during the Caretakers' Period leading up to the Council Election in September 2024.
- September meeting will be held in the 5th week to allow for the results from the Council Election.

There are no conflicts with public holidays on Mondays in 2024.

The Councillor Information Sessions will be set two weeks prior to the Ordinary Meeting of Council. Council may wish to review the dates that coincide with public holidays. No Councillor Information Session will be held in September due to the Council Election. Extra-Ordinary Councillor Information Sessions may be added throughout the year as required.

Council should also note that some meetings may be required to change for events such as National General Assembly Conference or the LGNSW Conference when the dates for 2024 become available.

The proposed dates for 2024, being the fourth Monday of each month (except January, September and December) are as follows:

30 January 2024 – Tuesday (5 th week)	22 July 2024
26 February 2024	26 August 2024 – (Caretakers' Period)
25 March 2024	30 September 2024 - (5 th week)
22 April 2024	28 October 2024
27 May 2024	25 November 2024
24 June 2024	

Implications

Policy

The timing of Ordinary Meetings of Council is included in the Code of Meeting Practice.

Legal

Nil

Risk Management

Nil

Financial

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

Consultation and Communication

Council meetings are available on the Lithgow City Council website.

10.5.2. F&G - 27/11/2023 - 2022/23 Financial Statements

Strategic Direction:

Responsible Governance & Civic Leadership

To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Ross Gurney - Director Finance and Governance

Department: Finance

Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

Council's Annual Financial Statements (General Purpose and Special Purpose Financial Reports) are required to be audited by the Audit Office of NSW, and copies of the financial reports and the Auditor's report are usually submitted to the Office of Local Government (OLG) by the 31 October 2023.

This report advises that the audit of the 2022/23 financial statements has been completed. However, delays were experienced because of a shortage of qualified accountants (2 FTE vacant positions). This impacted the Audit Engagement Plan timetable and consequently the auditor's work schedule. The OLG has approved an extension to lodge the financial statements. The new due date is 22 December 2023, although staff and the auditors are aiming to lodge the statements by 30 November 2023.

The report recommends that Council authorise the signing of the Statements by Council and management, as required by Section 413(2)(c) of the Local Government Act 1993. Arrangements will also be made for a representative from the Audit Office to present to the Council on the topic of their Auditor's Report, when it is received.

Administration's Recommendation

THAT Council:

1. Note that that the audit of the 2022/23 financial statements has been completed.
2. Authorise the signing of the statement on the 2022/23 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2022/23 Special Purpose Financial Reports.
4. Invite a representative of the Audit Office of NSW, Council's Auditors, to present a report to Council on the 2022/23 Financial Statements at a Council meeting within one month of the receipt of the Auditor's reports.

Attachments

1. Annual Financial Statements - Special Purpose Financial Statements To Sign [10.5.2.1 - 1 page]
2. Annual Financial Statements - General Purpose Financial Statements To Sign [10.5.2.2 - 1 page]

Reference to any relevant previous minute

Min No 23-128 Ordinary Meeting of Council held on 24 July 2023.

Background and discussion

At the 24 July 2023 Ordinary Meeting, Council resolved to refer the draft 2022/23 General Purpose and Special Purpose Financial Reports for audit (Min. No. 23-128).

The Council's Financial Statements for the year ended 30 June 2023 have now been reviewed and returned by the Audit Office of NSW, in accordance with legislative requirements as detailed below. Council awaits the final audit reports to enable the statements to be lodged with the OLG.

Details of the 2022/23 financial results will be presented by a representative of the Audit Office at a Council meeting within one month of the receipt of the Auditor's reports. The auditor may provide the presentation by either:

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

Annual Financial Statements Reporting Process

The Council's Annual Financial Statements are required to be audited by the Audit Office of NSW, and copies of the financial reports and the Auditor's report are usually submitted to the Office of Local Government (OLG) by the 31 October 2023.

Delays related to a shortage of qualified accountants (2 FTE vacant positions) have impacted the Audit Engagement Plan timetable and consequently the auditor's work schedule. The OLG has approved an extension to lodge the financial statements. The new due date is 22 December 2023, although staff and the auditors are aiming to lodge the statements by 30 November 2023.

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

- Council staff prepare the financial statements;
- The Council issues a statement that the accounts are in order;
- The Council refers the statements to its external auditor (Min No. 23-128, Ordinary Meeting held on 24 July 2023);
- The Audit Office complete their work and return the statements with an audit opinion attached;
- The financial reports and Auditor's reports are presented to a meeting of the Council of which public notice has been given. The public notice must be given at least one week before the meeting and the meeting must be held not more than one month after the receipt of the Auditor's reports. The auditor may attend the meeting and must do so if requested in writing by the Council;
- The public notice must specify that the financial reports and Auditor's reports will be considered at the meeting and must indicate the right of any person to lodge submissions within 7 days after the meeting. The notice must include a summary of the financial reports;
- Have available for public inspection copies of the financial reports and the Auditor's reports; and
- Consider submissions at a subsequent meeting of the Council and advise the Office of Local Government of any matter which requires amendment to the financial reports. Submissions are required to be lodged with the Council in writing within 7 days after the meeting. If any submissions are received, a further report on the submissions, together with Council officer comment, will be presented to the Council.

Implications

Policy

Nil.

Legal

The subject matter of this report is a function of Council conferred by the Local Government Act 1993. There are no legal issues associated with the adoption of the recommendations.

The completion of the financial statements supports the Council in ensuring care and diligence is exercised in financial reporting.

Risk Management

There are no risk management issues associated with the adoption of the recommendations.

Financial

The completion of the 2022/23 financial statements is a legislative requirement and provides assurance that Council's finances are managed prudently and in accordance with accounting standards. The adoption of the recommendations of this report has no direct financial impact upon the Council's adopted budgets or forward estimates.

Consultation and Communication

The financial reports and Auditor's reports are presented to a meeting of the Council of which public notice has been given. The public notice must be given at least one week before the meeting and the meeting must be held not more than one month after the receipt of the Auditor's reports.

The public notice must specify that the financial reports and Auditor's reports will be considered at the meeting and must indicate the right of any person to lodge submissions within 7 days after the meeting.

Submissions will be considered at a subsequent meeting of the Council and advice provided to the Office of Local Government of any matter which requires amendment to the financial reports. Submissions are required to be lodged with the Council in writing within 7 days after the meeting. If any submissions are received, a further report on the submissions, together with Council officer comment, will be presented to the Council.

10.5.3. F&G - 27/11/2023 - 2023/24 SRV Program Update

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and manage

Author: Ross Gurney - Director Finance and Governance

Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

The purpose of this report is to provide Council and the community with an update on progress towards achieving the outcomes of the 2023/24 Special Rate Variation (SRV) expenditure program. The report also includes details of expected expenditure against budget in the first full year of the SRV.

Administration's Recommendation

THAT Council note the update on progress towards achieving the outcomes of the 2023/24 Special Rate Variation expenditure program.

Attachments

Nil

Reference to any relevant previous minute

Min. No. 23-106 Ordinary Meeting of Council held on 26 June 2023.

Background and discussion

The Council received advice about the approval of its application for an SRV particularly late. The instrument, which formalised the approval, was made by the Independent Pricing and Regulatory Tribunal (IPART) as delegate for the Minister on 13 June 2023 (just two weeks prior to the Operational Plan year beginning).

In the 26 June 2023 report to Council on the 2023/24 Operational Plan, the following statement was included:

Due to the limited time to finalise a program for adoption as part of the 2023/24 Operational Plan, some specific SRV funded projects require further development to ensure that best value is achieved. Further details of specific projects will be included in quarterly budget review reports to Council.

The administration has been developing SRV funded programs and some projects are underway. Currently, it is expected that \$4.13M of the \$6.25M (66%) of the 2023/24 SRV program will be completed or spent by 30 June 2024.

As a key focus of the SRV program is to ensure maximum value for every dollar spent, unspent funds will be held in a reserve at 30 June 2023 and added to an expanded 2024/25 SRV program. The 2024/25 program will be planned in detail as part of Council's budget preparations. Some funds were planned to be held in reserve for future years, e.g. the \$250K contingency and

transitions management funding (to build a reserve which may be used for future grant co-contributions).

Summary of the SRV Program to Date

Operational Maintenance

Funding Item	Sub-Projects	Full Year Budget	Expected FY Spend	Identified Projects
Operational				
General Asset Transport Maintenance				
	Enhanced evidence based asset management	\$ 162,954	\$ 162,954	Internal process audit and action plan Comprehensive Asset Condition Assessment (Roads)
	New position - Asset Systems Officer (G14)	\$ 123,227	\$ 51,345	Position required to continue working with Asset Managers (particularly Roads and Open Spaces) to develop maintenance schedules for CiAnywhere Mobility project to be functional. Assume 5 months budget for 2023/24.
	New position - Asset Inspection Officer (Roads) (G10)	\$ 97,636	\$ 40,682	Position required to action road condition assessment outputs, and continue annual inspections of roads, footpath, and kerb and gutter. Assume 5 months budget for 2023/24.
	Sealed Road Condition 2 Preventative Maintenance	\$ 115,133	\$ 47,972	Assume 5 months budget for 2023/24.
	Sealed Road Condition 3 Preventative Maintenance	\$ 575,642	\$ 239,851	Assume 5 months budget for 2023/24.
	Sealed Road Condition 4 Preventative Maintenance	\$ 460,534	\$ 191,889	Assume 5 months budget for 2023/24.
	High risk road safety signage & barrier improvements	\$ 129,690	\$ 54,038	High risk road safety signage & barrier improvements. Assume 5 months budget for 2023/24.
	SUB-TOTAL	\$ 1,664,816	\$ 788,730	
General Asset Stormwater Maintenance	Diverting water from roadways			
	Urban kerb and gutter replacement (double the 2022/23 program)	\$ 150,000	\$ 150,000	
	Rural roadside drain reformation	\$ 129,390	\$ 129,390	
	SUB-TOTAL	\$ 279,390	\$ 279,390	
General Other Asset Classes Maintenance				
	Natural Area Management Officer (G16)	\$ 117,392	\$ 48,913	Natural Area Management Officer. Assume 5 months budget for 2023/24.
	Natural Area Management Projects	\$ 93,410	\$ 38,921	Assume 5 months budget for 2023/24.
	Fast track by 12 months of Asset Management Plans - Stormwater and Buildings	\$ 90,000	\$ 45,000	Request for Quotations being prepared (November 2023), expected to be released in December 2023, with contract awarded in February 2024. Plans to be completed by December 2024. Assume 50% spent in 2023/24.
	Comprehensive building asset inspection (Condition and attributes)	\$ 95,000	\$ 47,500	Request for Quotations being prepared (November 2023), expected to be released in December 2023, with contract awarded in February 2024. Plans to be completed by December 2024. Assume 50% spent in 2023/24.
	SUB-TOTAL	\$ 395,802	\$ 180,334	
	TOTAL OPERATIONAL MAINTENANCE	\$ 2,340,008	\$ 1,248,454	53%

The filling of two new positions will assist with developing maintenance schedules, actioning road condition assessment outputs and continuing annual inspections of roads, footpath, and kerb and gutter.

It is anticipated that 53% of the \$2.34M SRV operational budget will be spent by 30 June 2024.

Other Operational

Funding Item	Sub-Projects	Full Year Budget	Expected FY Spend	Identified Projects
Governance and Strategy Capacity	Governance, risk and internal audit capacity improvement	\$ 250,000	\$ 190,000	Governance & Risk Manager \$131,216 for 2023/24 (salary & on-costs) Audit of Procurement \$30K budget Operational budget (governance improvements) \$88,784 Expected 2023/24 spend \$190K
Capacity Building	Business improvement - including service planning and other "budget bid" initiatives focused on improving productivity	\$ 250,000	\$ 150,000	Service Planning 103,140 (inc. LTFP & Service Planning Model) Unspent funds to be placed in reserve to advance the Service Planning / Review Program in 2024/25
Transitions Management	Economic Development Management	\$ 176,872	\$ 73,697	Economic Development Manager \$165,163 LEEP priority actions \$926,837 Assume 5 months budget for 2023/24.
	LEEP Priority Action Fund (incl. Adaptive Skills Hub)	\$ 915,128	\$ 294,000	Contractors engaged - \$194K Contractors to be engaged - \$100K Expected 2023/24 spend \$234K
	TOTAL OTHER OPERATIONAL	\$ 1,592,000	\$ 707,697	44%

A Governance and Risk Manager commenced in October 2023 and is progressing a program of improvement projects. The Capacity Building fund has enabled Service Planning to commence, as part of a Service Management Framework.

It is anticipated that 44% of the \$2.34M SRV operational budget will be spent by 30 June 2024. Unspent Transitions Management funds will be placed in a specific internally restricted reserve.

Capital Renewal / Other

Funding Item	Sub-Projects	Full Year Budget	Expected FY Spend	Identified Projects
Capital				
Roads Renewal				
	Sunny Corner Road Portland- from Sofala to Falnash Street- 470m	\$ 196,000	\$ 196,000	
	Corderoy Place, Wallerawang- full length- 75 m	\$ 105,000	\$ 105,000	
	Brays Lane, Wallerawang- Blackberry Lane to No. 175- 1200m	\$ 181,745	\$ 181,745	
	Main Street, Wallerawang- Blackberry Lane to Railway Line- 1120m	\$ 890,000	\$ 890,000	
	SUB-TOTAL	\$ 1,372,745	\$ 1,372,745	
Stormwater Drainage Renewal				
	Action priorities of FPRMP	\$ 179,623	\$ 179,623	Commence following Council endorsement of the FPRMP
Other Asset Classes Renewal				
	Playground Renewal and Safety	\$ 200,000	\$ 200,000	Strategy being finalised, expected by December 2023. Quotations to be sought in January 2024, awarded in February 2024, and works completed by June 2024.
	Accelerate reduction of Plant replacement backlog (down from 10 years to 6 years)	\$ 317,487	\$ 317,487	Replace second grader
	SUB-TOTAL	\$ 517,487	\$ 517,487	
	TOTAL CAPITAL	\$ 2,069,855	\$ 2,069,855	100%
Other				Identified Projects
Contingency - tfr to reserve	Surplus operating result (before capital), funds to be held in a reserve for future shocks	\$ 250,000	\$ 100,000	Possible use for \$100K Civic Ballroom flooring flood damage insurance excess.
Total SRV	GRAND TOTAL	\$ 6,251,863	\$ 4,126,006	66%

The capital renewal program is expected to be fully spent by 30 June 2024.

Unused contingency funds will be placed in a specific internally restricted reserve.

It is anticipated that 66% of the \$6.25M total SRV budget will be spent by 30 June 2024.

Implications

Policy

Nil.

Legal

The SRV is an instrument made under Section 508(2) of the Local Government Act. The instrument is made by the Independent Pricing and Regulatory Tribunal (IPART) as delegate for the Minister administering the Local Government Act.

Risk Management

The key risks to achieving 2023/24 SRV outcomes are possible delays to staff recruitment and contractor availability.

Financial

As detailed in this report.

Consultation and Communication

N/A

10.5.4. F&G - 27/11/2023 - Delegations Register

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed

Author: Ross Gurney - Director Finance and Governance

Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

At the Ordinary Meeting of Council held on 23 October 2023, Council resolved that a report be brought to the November 2023 Ordinary Meeting of Council, inclusive of the current Lithgow City Council register for delegations for review and endorsement by the Council. Further, point 2 of the resolution asked the administration to table a report outlining any potential consequences arising from the 2.5 month delay in seeking delegated authority from Council and any mitigating actions required.

The purpose of this report is to seek Council's endorsement of the Delegations Register. The report also responds to point 2 of the resolution to advise that there are no potential consequences arising from the delay in seeking delegated authority from Council, as Council has acted within the 12 month period allowed under Section 380 of the Act.

Administration's Recommendation

THAT Council endorse the Delegations Register which is included as an attachment to this report.

Attachments

1. Delegations Register - People & Places - Nov 2023 [**10.5.4.1** - 8 pages]
2. Delegations Register - Finance & Governance - Nov 2023 [**10.5.4.2** - 2 pages]
3. Delegations Register - Infrastructure - W&WW - Nov 2023 [**10.5.4.3** - 4 pages]
4. Delegations Register - Internal - Nov 2023 [**10.5.4.4** - 3 pages]

Reference to any relevant previous minute

Min. No. 23-178 Ordinary Meeting of Council held on 23 October 2023.

Background and discussion

Resolution

At the Ordinary Meeting of Council held on 23 October 2023, it was resolved:

23 -178 RESOLVED

THAT

1. A report be brought to the November 2023 Ordinary Meeting of Council, inclusive of the current Lithgow City Council register for delegations for review and endorsement by the Council.
-

2. The administration table a report outlining any potential consequences arising from the 2.5-month delay in seeking delegated authority from Council and any mitigating actions required.

Power of Council to Delegate

Council has the power to delegate functions under Section 377 of the Local Government Act (the Act) except for specific functions that are reserved for Council and cannot be delegated, like making rates, fixing fees, voting for expenditure on works, services or operations, and adopting financial statements.

Delegation to the General Manager

At the 2 March 2022 Ordinary meeting (Min. No. 22-25) Council resolved to delegate to the General Manager the authority to exercise all discretionary functions that Council is capable of delegating and is not prohibited from so doing under Section 377 of the Act, and also excluding any specific functions which Council has, by resolution, reserved to Council.

Delegations from Council to the General Manager are made on an exception basis. This means that all functions are delegated to the General Manager from Council unless expressly excluded.

Certain functions of the Local Government Act that have been delegated to the General Manager are further sub-delegated from the General Manager to Directors and employees, as permitted by Section 378 of the Act. If a delegation is not expressly stated in the delegation register from the General Manager to Directors and staff, then the function has not been delegated to a Director or other staff member.

These delegations include functions regarding procurement and finance, contracts, legal matters, property, workforce matters, roads and footways, planning, development health and building, and enforcement.

Delegations to the Mayor and Deputy Mayor

At the 25 September 2023 meeting, Council resolved (Min. No. 23-160) to delegate the following functions to the Mayor:

- To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.
- To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.
- In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.
- Authority to approve applications for holidays and leave of absence to the General Manager.

At the 25 September 2023 meeting, Council also resolved to delegate the following functions to the Deputy Mayor:

- The Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

Review of Delegations

Section 380 of the Local Government Act (the Act) requires Councils to review all delegations of functions during the first 12 months of each term of office. This section of the Act allows Councils to operate for up to 12 months post-election with the delegations of the previous Council.

The delegation of functions from council to the General Manager at the 2 March 2022 Ordinary meeting (Min. No. 22-25) met the requirements of Section 380 of the Act.

To respond to point 2 of Min. No. 23-178, there are no potential consequences arising from the approximately 2.5 month delay in seeking delegated authority from Council, as Council has acted within the 12-month period allowed under Section 380 of the Act.

Delegations Register

Council maintains a register of delegations in the Pulse system. The complete Delegations Register is included as an attachment for Council's review and endorsement. There is no legislative or regulatory requirement for Council to endorse the Delegations Register.

The Delegations Register currently requires an update for the 2023 change in organisational structure. This does not affect the delegations which are assigned to positions.

The register includes delegations under a number of NSW Acts, including the Local Government Act, the Companion Animals Act and the Environmental Planning and Assessment Act.

Implications

Policy

Council maintains a register of delegations which provides the authority to exercise functions and authorise expenditures on behalf of the Council.

Legal

Council's approval of delegations has satisfied the requirement of Section 380 of the Local Government Act 1993 to review all delegations within the first 12 months of each term of office.

Risk Management

The Delegations Register ensures that Council is effectively managing risks related to Council staff undertaking the functions of Council with requisite approval.

Financial

Financial delegations are included in the internal delegations section of the register.

Consultation and Communication

N/A

10.5.5. F&G - 27/11/2023 - 2023/24 Quarter One Budget Review

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and manage

Author: Ross Gurney - Director Finance and Governance

Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

This report provides the Quarterly Performance Report on the 2023/24 Operational Plan for the period of 1 July 2023 to 30 September 2023 with a recommendation that variations to income, expenditure and capital budget estimates are adopted and that the revised financial result of a \$15.1M consolidated operating surplus (before capital grants) be noted.

The Director Finance & Governance, as Responsible Accounting Officer, has reviewed the report and advises that Council's projected financial position at 30 June 2024 will be satisfactory compared with the original budget.

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

Administration's Recommendation

THAT Council:

1. Note the contents of the report and the projected consolidated operating result (before capital) of \$15.1M surplus for the 2023/24 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 July 2023 to 30 September 2023.
2. Note on the capital expenditure budget, cashflow and reserve balances.
3. Adopt the income, expenditure and capital budget variations to the 2023/24 Council budget as outlined in the attached report.

Attachments

1. Sept 2023 Quarterly Report [10.5.5.1 - 18 pages]

Reference to any relevant previous minute

N/A

Background and discussion

Summary

The Director Finance & Governance has stated in the Quarterly Performance Report that Council's projected financial position at 30 June 2024 will be satisfactory, having regard to the original budget position.

Council's projected position at 30 June 2024 has changed from an operating result (before capital) of \$13.583M surplus (original budget) to an expected \$15.1M surplus (Quarter One review). The following factors were considered in determining Council's projected financial position at 30 June 2023 to be satisfactory:

1. The main reason for the change in Council's projected operating result (before capital) from original budget \$13.583M surplus to \$15.1M surplus relates to natural disaster claim income. \$2.355M of natural disaster claim income was reclassified from capital income to operating income as part of a review of 2023/24 natural disaster projects.
2. Council is on target to achieve its 2023/24 total employment cost savings target of \$1.46M with \$420K of salary savings taken at the Quarter One review.
3. \$348K of additional investment income will help to offset a net increase in materials and contract costs.

Council will continue to implement the 2023/24 Financial Sustainability Plan actions through the remainder of the 2023/24 year with identified budget savings / additional revenue of \$3.9M planned for the full year.

Financial Impacts of Natural Disaster Works on the Operating Result

The 26 June 2023 report to Council on the Operational Plan noted:

Included in the budget consolidated income is \$11.337M of natural disaster income. Excluding this income, the 2023/24 budget consolidated operating result (before capital) is \$2.246M.

Following a review of 2023/24 natural disaster projects, \$3.508M has been added to natural disaster operating income. Of this amount, \$2.355M was reclassified from capital income to operating income.

If Quarter One total operating natural disaster claim income of \$14.846M is excluded, the 2023/24 projected budget consolidated operating result (before capital) is \$255K. This includes net (\$199K) of operational carryovers.

All of the natural disaster claims income is classified as "operating grants" whilst the majority of the expense is in the capital works program due to the nature of the works being asset renewal. Asset renewal works are expensed over the useful life of an asset via depreciation. To a lay observer, this accounting treatment appears to suggest a positive result because of an increased surplus.

In September 2023, Council received a \$13.8M payment for outstanding natural disaster claims. The payment was for works completed and claims lodged, including claims yet to be processed by Transport for NSW.

Council is currently awaiting approval of Essential Public Asset Restoration (EPAR) projects to recommence natural disaster works. Council must await approval to ensure that the cost of works is claimable. Council will be seeking advance payment for the cost of works, once approvals are granted.

Summary of the July to September Quarterly Budget Review Report

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

Budget	Result (before capital)
	\$'000
Original Budget	13,583
September Review	15,101

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

Projected total revenue to 30 June 2024 has decreased by (\$2M) during Quarter One, mainly due to the following reasons:

- \$348K investment revenue increase due to higher interest rates and \$13.8M natural disaster claim payment.
- \$3.5M increase to Natural Disaster claim income.
- \$554K additional Financial Assistance Grant.
- (\$6.894M) reduction to capital grant income, mainly due to (\$4.485M) removal of Atkinson Street / State Mine Gully Road renewal project (no grant available) and a (\$2.355M) correction to reallocate natural disaster claim income to operating grants.

Projected total operating expenditure to 30 June 2024 has increased by \$3.173M during Quarter One, mainly due to the following reasons:

- (\$420K) of salary savings taken up across the organisation.
- \$3.441M increase in materials and contract costs, mainly due to a \$1.7M transfer of capital internal plant budget to operational due to the withdrawal of the Atkinson Street project and \$530K transfer of FOGO implementation costs from capital to operational.

The nett effect of the decrease in projected total revenue, together with the increase in projected total expenditure is a change in the expected consolidated operating result from a surplus of \$34.2M (original budget) to a surplus of \$28.8M at 30 June 2024 (including capital grants and carryovers).

Projected End of Year Result (Before Capital)

The operating result before capital grants is a key Office of Local Government performance measure with a benchmark of a balanced operating result (i.e. nil surplus / deficit). Capital grants are excluded from the performance measure as they do not contribute towards funding Council's operations. Council's revised consolidated operating result (before capital grants) at 30 June 2024 is projected to be a \$15.1M surplus, which is above the OLG benchmark - largely attributable to the extraordinary natural disaster events.

At the end of Quarter One 2023/24, it is projected that the General Fund will have a surplus (before capital grants) of \$13.294M at 30 June 2024. The Water Fund has a forecast surplus (before capital grants) of \$1.135M and the Sewer Fund has a projected surplus operating result (before capital grants) of \$672K.

Capital Expenditure Budget

The final original budget for the 2023/24 Capital Works Program was \$52.477M. \$3.162M of carryovers were added to bring the total program to \$55.639M.

The 26 June 2023 report to Council on the Operational Plan noted:

The 2023/24 Capital Works Program will be thoroughly reviewed at each quarterly budget review. Projects may need to be rephased to a future year if the 2023/24 budget is not likely to be spent in the financial year. Cashflow will need to be carefully managed to fund the program.

The Quarter One review of the Capital Works Program has resulted in a net reduction in the program of (\$3.597M). The program has thus been reduced to a total of \$52.042M.

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

- (\$672K) deferral of Portland Central Park Project due to ongoing negotiations with Dept of Education.
- \$1.154M added for Natural Disaster works based on the EPAR program.
- \$500K added for Natural Disaster grant funding ARGN 1012 for Glen Davis Detour and Construction.
- (\$4.485M) removal of Atkinson St road renewal as grant funding is not available.
- \$600K added for Natural Disaster grant ARGN 1012 to allow Main Street/ Cupro Street Stormwater Drainage works to commence in 2023/24.
- Net (\$620K) adjustment to Waste Strategy implementation projects with \$530K reallocated to FOGO operational implementation.

Review of the 2023/24 Capital Works Program is ongoing, and the following projects will be reviewed for budget adjustments at the Quarter Two review:

- Natural disaster EPAR projects which may not commence in 2023/24 or need to be partly rephased to 2024/25.
- Oakey Park WFP Clear Water and Backwash Pumps Replacement budget to be 50% rephased to 2024/25.
- Clarence to Wallerawang Pipeline - budget savings identified.
- Tarana Water system Renewal - partly rephase to 2024/25.
- Oakey Park NBN connection to the Flow Meter - NBN have completed the work, take up savings.
- Tweed Mills Sewer Pump Station Upgrade (\$148,567) - rephase to 2024/25.
- East Portland SPS Bypass budget to be 50% rephased to 2024/25.
- Conran/Watsford Oval Upgrades - consider rephasing to 2024/25.
- Admin Building Improvements - consider partial rephasing to 2024/25.
- Playground Safety - SRV 23/24 - quantify partial rephasing to 2024/25.
- Lithgow Library Roof Repairs - budget to be 50% rephased to 2024/25.
- Main Street CBD Footpath Revitalisation (2 PJs) - phasing to be revised, may take out all but \$200K.
- Lithgow Store - check if contractor variations still being negotiated.
- Charles Street Bridge - move all but \$100,000 to 2024/25 (reduce budget by \$486,318).
- Red Hill Road Bridge - move all but \$80,000 to 2024/25 (reduce budget by \$679,983).
- Kerb and Gutter renewal budget to be 50% rephased to 2024/25.
- 100842 Regional Roads Safety Improvements - \$900,000 - rephase to 2024/25.

Cash and Investments / Reserve Balances / Cashflow

The Cash and Investments Statement at 30 September 2023 is shown in the table below.

Cash and Investments Statement (\$'000)				
	30 June 2023	30 September 2023	31 December 2023	31 March 2024
	Position	Position	Position	Position
Externally Restricted				
Developer Contributions	1,874	1,854		
Special Purpose Grants	12,659	14,958		
FAGS	6,013	4,510		
Water Supplies	2,829	2,960		
Sewerage Services	7,427	8,095		
Domestic Waste	7,402	9,223		
Unexpended Loans	1,352	3,851		
	39,556	45,451		
Internally Restricted				
Land & Buildings	2,734	2,916		
Plant & Equipment	511	514		
Bonds, Deposits & Retentions	302	309		
Works in Progress	671	670		
Carry Over Works	476	291		
Commercial Waste	250	140		
ELE	1,130	1,130		
Election	100	119		
Employee Development	350	350		
	6,523	6,439		
Unrestricted (working capital)	(3,142)	2,779		
Total Cash and Investments	42,937	54,669		

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

Pending the receipt in September 2023 of a \$13.8M payment for outstanding natural disaster claims, the working capital short-term loan facility was paid down by \$1M. The administration will consider another full or partial reduction of the facility at the December 2023 review.

Due to natural disaster cashflow at 30 June 2023, a \$3.142M internal loan against internal restrictions was recognised. With the \$13.8M payment, this loan has been cleared and Council has \$2.779M of unrestricted working capital.

The unrestricted working capital balance is available for Council to utilise to immediately recommence natural disaster recovery works upon EPAR approval, without having to wait for an advance payment from Transport for NSW.

The \$14.958M balance of the special purpose grants reserve includes \$2M for special natural disaster grants, \$1.7M for the Regional Emergency Road Repair Fund and \$4M for Resources for Regions Round 9.

Cashflow continues to be carefully managed to ensure that Council has sufficient liquid funds available to make payments on time. The action taken by management has ensured that cash inflows can match cash outflows.

Implications

Policy

Nil.

Legal

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

Risk Management

The Quarterly Performance Report provides assurance that Council has effective financial management practices in place.

Financial

As detailed in this report.

Consultation and Communication

N/A

10.5.6. P&P - 27/11/2023 - 2022/23 Annual Report

Strategic Context for this matter:

Responsible Governance & Civic Leadership

To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Deborah McGrath - Corporate Planning and Communications Officer

Responsible Officer: Shaun Elwood - Director People and Place

Executive Summary

It is a requirement of the Local Government Act 1993 (s428) that Council prepare its Annual Report within 5 months of the end of the financial year, with details of its achievements in implementing its Delivery Program and the effectiveness of the principal activities undertaken in achieving the objectives of the Operational Plan.

Administration's Recommendation

THAT Council endorse the 2022/23 Annual Report.

Attachments

1. Annual Report 2022 23 [**10.5.6.1** - 98 pages]

Reference to any relevant previous minute

Min 22-114 Ordinary Meeting of Council held on 27 June 2022

Background and discussion

This report provides a summary of the achievements of Council in delivering on the Community Strategic Plan.

72% of actions scheduled for the 2022/2023 year have been completed, 9% are ongoing, 10% have been deferred and 9% are not completed. Detailed explanations are provided where actions are ongoing, deferred or not completed. These actions will receive additional attention over the current financial year.

Key outcomes delivered over the 2022/23 financial year include –

- Preparation and approval of a 45.7% Special Rate Variation application.
- Completion of a review of insurance providers with a \$336K saving for the 2023/24 year.
- Achievement of a combined \$3.8M planned cost savings and extra revenue.
- Major projects included timber bridges being replaced in the Capertee Valley, improving the safety of school zones with enhanced signage and line marking, replacing the roofs on community halls, and developing best-practice asset management plans.
- Completion of a development application for the South Bowenfels Housing Development.

- The Donkey Steps track was completed with access re-instated to residences and businesses. Substantial studies were commenced to determine the alternate route for the new Wolgan Road.
- Portland Foundations Trunk Main was connected and installed for future development which will enable the continuation of works on the development of Portland Foundations site.
- The Waste Strategy for 2022-2026 was finalised and adopted. This strategy will guide Council's commitment to achieving best practice standards for waste management and resource recovery. The strategy ensures that the city's landfills and transfer stations are being well-managed and continuously improved.
- Consultation was also commenced with the community on the introduction of a FOGO (Food Organics and Garden Organics) service in March 2024, well ahead of the 2030 deadline. The city's landfills and transfer stations are being well-managed and continuously improved.
- Council engaged with the local Indigenous community to develop the Lithgow Community Cultural Protocols. The document provides an understanding of the important protocols to be implemented when working with, consulting with, and acknowledging local Aboriginal Communities.
- Major events included Halloween for the entire Main Street, "Made in Lithgow" installation in Cook Street Plaza, week long Caravan Muster (injection of \$200k into the local economy), Union Theatre activation, Lithgow with over 5000 people attending, Lithgow Live and Local program, and Netwaste Waste to Art.
- The Lithgow Visitor Information Centre was rebranded as "The Seven Valleys" a brand designed to encompass the whole of the Lithgow LGA.
- Council undertook numerous projects, as part of a comprehensive disaster response program. Over the 2022/23-year, Council delivered \$19 million in disaster recovery works. Continued wet weather, cashflow management and NSW Government approval delays has resulted in some obstacles to the completion of this program. Council has been required to provide up-front payment for most of the costs before recovering government disaster recovery funding. This has introduced a significant challenge i.e. balancing the planned with the unplanned and ensuring that projects are delivered while maintaining the financial sustainability of the organisation.
- Effective management of cashflow to fund major natural disaster works and grant funded projects. A \$3.5M working capital short-term loan facility was utilised to cover high cash outflows throughout the 2022/23 year. The pace of works was matched with available cash and the timing of natural disaster and grant milestone claims. The need to manage cashflow resulted in some projects being rephased to the 2023/24 year.
- The proposed Clarence to Wallerawang Pipeline Project (multi-year project) 2022/23 has progressed with a variety of studies being undertaken and an Expression of interest for a selective tender process for the design and construction of the pipeline. The project has been identified as the preferred approach for enabling water security in the Lithgow City Council area and sub options, including other water sources, are being developed into scenarios for inclusion in the Integrated Water Cycle Management Strategy.
- The Cullen Bullen Sewerage Scheme is progressing with the construction of the IDEA tank, offsite programming and SCADA design to align the equipment programming with required operations and construction.
- Strategic planning projects of significance were advanced or were the subject of priority action including the Marrangaroo Urban Release Area, where Council continues to work with Transport for NSW to determine the most cost effective and efficient road design. Local housing initiatives directed at ensuring diversity and supply of housing are adequate have also been advanced. Negotiations are occurring for the land-use planning of key sites such as the former Wallerawang Power Station Site and Portland Foundations. There was successful negotiation of Voluntary Planning Agreements (VPSs) for a renewable energy (SSD) project with the \$2m funds to be used for economic transition and local infrastructure.

Implications

Policy

Nil

Legal

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

Risk Management

Nil

Financial

As detailed in the Annual Report.

Consultation and Communication

The Annual Report will be placed on Council's website.

10.5.7. F&G - 27/11/2023 - Code of Conduct Statistics 2022-2023

Strategic Context for this matter:

Responsible Governance & Civic Leadership

To develop community confidence in the organisation by the way it is directed, controlled and manage

Author: Michael McGrath – Acting Human Resources Manager

Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

The purpose of this report is to inform Council of Code of Conduct Complaint statistics as required by the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, 2020*.

The Council's complaints co-ordinator is required to report to Council annually on Code of Conduct Complaints Statistics for the period **1 September – 31 August** each year. The report is required no later than 31 December of each year. Councils are also required to submit a report to the Office of Local Government (OLG) in a set format.

Administration's Recommendation

THAT Council note the report on the Code of Conduct complaints statistics for the period 1 September 2022 – 31 August 2023.

Attachments

Nil

Reference to any relevant previous minute

Min No 22-241: Ordinary Meeting of Council 28 November 2022.

Background and discussion

In accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, 2020*. Council's complaints coordinator is required to report to Council and the Office of Local Government (OLG) on Code of Conduct statistics.

The required statistics for the reporting period are outlined in the table below. The table reflects the recent change (November 2023) to the information required by the OLG.

Model Code of Conduct Complaints Statistics 2022-23
Lithgow City Council

Number of Complaints

1	The total number of complaints received in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:	
i	Community	1
ii	Other Councillors	0
iii	General Manager	0
iv	Other Council Staff	0
2	The total number of complaints finalised about councillors and the GM under the code of conduct in the following periods:	
i	3 Months	3
ii	6 Months	0
iii	9 Months	0
iv	12 Months	0
v	Over 12 months	0

Overview of Complaints and Cost

3	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	1
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	0
	g Cost of dealing with code of conduct complaints via preliminary assesment	8,950
	h Progressed to full investigation by a conduct reviewer	0
	i The number of finalised complaints investigated where there was found to be no breach	0
	j The number of finalised complaints investigated where there was found to be a breach	0
	k The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	
i	ICAC	0
ii	NSW Ombudsman	0
iii	OLG	0
iv	Police	0
v	Other Agency (please specify)	0
	<input style="width: 500px; height: 20px;" type="text"/>	
	l The number of complaints being investigated that are not yet finalised	0
	m The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	11,000

Preliminary Assessment Statistics		
4	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action (clause 6.13(a) of the 2020 Procedures)	1
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	0
f	Other action (please specify)	0
	<input type="text"/>	
Investigation Statistics		
5	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	0
6	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a	That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)	0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)	0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	0
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0
7	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	0

Categories of misconduct		
8	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	<input type="text" value="0"/>
b	Non-pecuniary conflict of interest (Part 5)	<input type="text" value="0"/>
c	Personal benefit (Part 6)	<input type="text" value="0"/>
d	Relationship between council officials (Part 7)	<input type="text" value="0"/>
e	Access to information and resources (Part 8)	<input type="text" value="0"/>
Outcome of determinations		
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:	
a	Adopted the independent conduct reviewers recommendation	<input type="text" value="0"/>
b	Failed to adopt the independent conduct reviewers recommendation	<input type="text" value="0"/>
10	The number of investigated complaints resulting in a determination where:	
a	The external conduct reviewers decision was overturned by OLG	<input type="text" value="0"/>
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	<input type="text" value="0"/>
11	Date Code of Conduct data was presented to council	<input type="text" value="27-Nov-23"/>

Implications

Policy

The reporting of Code of Conduct complaint statistics is in accordance with the adopted Procedures for the Administration of the Model Code of Conduct, 2020.

Legal

The subject matter of this report is a function of Council conferred by the Local Government Act 1993.

In accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, these statistics must be reported to Council within 3 months of the end of September each year and then be provided to the Office of Local Government (OLG).

Risk Management

Nil.

Financial

- Budget approved - costs associated with code of conduct complaints are managed within the Council's recurrent operational budgets.
- Cost centre – PJ 800169
- Expended to date - \$11,000 including staff time.
- Future potential impact – Nil.

Consultation and Communication

N/A.

11. Council Committee Reports

11.1. F&G - 27/11/2023 - Audit Risk Improvement Committee (ARIC) Minutes - 24 October 2023

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Ross Gurney - Director Finance & Governance

Responsible Officer: Director Finance & Governance

Executive Summary

This report summarises the business discussed at the Audit Risk & Improvement Committee (ARIC) meeting held on 24 October 2023 and proposes that the Council note the minutes.

Administration's Recommendation

THAT Council note the minutes of the 24 October 2023 Audit Risk & Improvement Committee meeting.

Attachments

1. DRAFT - Minutes - ARIC - 24 October 2023 [11.1.1 - 4 pages]

Reference to any relevant previous minute

Min. No. 23-193 Ordinary Meeting of Council held on 23 October 2023.

Background and discussion

The purpose of the special ARIC meeting was to review the 2022/23 draft financial statements.

Each of the independent members reviewed the draft financial statements and provided comments / questions prior to the meeting.

The Director Finance & Governance, Financial Services Manager and Management Accountant provided verbal responses to each comment or question.

The following recommendation was endorsed by the Committee.

THAT the Committee:

1. Receive and note the draft financial statements for FY23 provided via email on 13
2. October 2023.
3. Noting that supplemental adjustments/amendments may be required to the reviewed
4. documents, provides its 'in principle consent' for the draft General Purpose Financial
5. Statements and Special Purpose Financial Statements, to enable the audit to be
6. finalised.

7. Is not aware of any matter that would render the statements false or misleading in any
8. way.
9. Commends Council staff for their dedication and achievement in presenting the draft
10. statements for review.

Financial

As detailed in this report.

11.2. IS&E - 27/11/2023 - TALC Minutes - 2 November 2023

Strategic Context for this matter:

Caring for Our Community: To retain, respect and strengthen both our overall sense of community, and the unique linked communities of groups, rural areas, villages and towns that make up the Lithgow LGA.

Developing Our Built Environment: To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.

Author: Kaitlin Cibulka – Executive Assistant Infrastructure & Economy

Responsible Officer: Jonathan Edgecombe – Director Infrastructure & Economy

Executive Summary

This report details the minutes of the TALC Committee meeting held on the 2nd November 2023.

Administration's Recommendation

THAT

1. Council notes the minutes of the TALC Committee meeting held on 2nd November 2023; and
2. a “No Stopping” zone with appropriate time restrictions be installed on the western side of the Clarence Pirie Park Car Park, from the start of the permanent bins for a length of 40 meters north toward Castlereagh Highway, Capertee to prevent obstructions to emptying of waste bins.

Attachments

1. DRAFT Minutes TALC Committee Meeting 2nd November 2023 [11.2.1 - 6 pages]

Reference to any relevant previous minute

Nil

Background and discussion

At the TALC Committee meeting held on 2nd November 2023, there were numerous items discussed:

- Academy Street / Methven Street, Lithgow – Traffic Island Issues
- Safety Concerns – Jenolan Caves Road / Lowther Siding Road Intersection, Hampton
- Public Toilet Signage

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

- No Stopping Zone – Clarence Pirie Park, Capertee
RECOMMENDATION – THAT a “No Stopping” zone with appropriate time restrictions be installed on the western side of the Clarence Pirie Park Car Park, from the start of the permanent bins for a length of 40 meters north toward Castlereagh Highway, Capertee to prevent obstructions to emptying of waste bins.

Financial

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

11.3. ENVIR - 27/11/2023 - Environmental Advisory Committee Minutes - 8 November 2023

Strategic Context for this matter:

Caring for Our Community: To retain, respect and strengthen both our overall sense of community, and the unique linked communities of groups, rural areas, villages and towns that make up the Lithgow LGA.

Enhancing Our Natural Environment: To balance, protect and enhance our diverse environmental elements, both natural and built, for the enjoyment and support of both current and future generations.

Author: Fiona Dick – Administration Assistant

Responsible Officer: Matthew Trapp – Executive Manager WWW

Executive Summary

This report provides details of the Minutes of the Environmental Advisory Committee held on 8 November 2023.

Administration's Recommendation

THAT Council note the Minutes of the Environment Advisory Committee Meeting held 8 November 2023.

Attachments

1. Draft EAC Minutes 8 November 2023 [**11.3.1** - 7 pages]

Minutes from the Environmental Advisory Committee meeting 8 November 2023.

Reference to any relevant previous minute

Min 23 -171 Ordinary Meeting of Council held 25 September 2023

Background and discussion

At the Environmental Advisory Committee held on 8 November 2023 the following items were discussed: -

- Environmental Initiatives being undertaken by the Western Sydney University's Maldhan Nurr Nurr Lithgow Transformation Hub;
- Flora and Fauna studies within the Hassans Walls Reserve;
- Part 5 Assessment Process for Council Works; and
- Natural Area Management Officer position.

It was agreed that a report on the Clarence to Wallerawang Water Scheme and the collaboration between Lithgow Council and LOLA at the Lithgow Landfill would be brought back to the next EAC meeting.

Financial

Nil.

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.