

# Business Paper



George Coates Avenue Lithgow

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 March 2024

at 6:00 PM

# ORDER OF BUSINESS

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## 1. Acknowledgement of Country

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### 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.

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## 2. Present

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## 3. Apologies

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## 4. Declaration of Interest

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### 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.
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- 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 .....

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**5. Confirmation of Minutes**

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Confirmation of the Minutes of the Extra Ordinary Meeting of Council held 20 February 2024.

Confirmation of the Minutes of the Ordinary Meeting of Council held 26 February 2024.

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held 11 March 2024

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**6. Commemorations and Announcements**

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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.

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**7. Public Forum**

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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. Presentations

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

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### Summary

Crowe Australasia is contracted by the NSW Audit Office to conduct Council's annual external audit. Gabriel Faponle, Associate Partner – Audit, Crowe Australasia, will provide a presentation to the meeting via audio-visual link. Mr Faponle will canvas:

- the end of year result and the conduct of the audit; and,
- the Council's performance relative to the key financial indicators contained within the Financial Statements.

### Attachments

Nil

### Recommendation

THAT Council receive and note the presentation regarding the 2022/23 Audited Financial Statements by a representative of Crowe Australasia on behalf of the Audit Office of New South Wales (the Council's external auditor).

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## 9. Mayoral Minutes

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### 9.1. Mayoral Minute - 25/03/2024 - Kremer Park Grandstand

**Report by** Mayor – Councillor Maree Statham

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#### **Commentary**

I recently received an email from a long serving member of the Portland Colts Football Club Committee and supporter of the Portland Colts Rugby League Football Club in relation to naming of the newly renovated grandstand in Kremer Park Portland the “Gary (Snag) Taylor Grandstand”.

The Committee and Life members of the Portland Colts request and are in full support of this and would like to see Gary honoured in this way. Gary was a well-respected player, coach, sponsor and supporter of the Portland colts and is still a very well-respected man in our community and we believe it is a very fitting honour for a man who contributed so much to the club and community.

Gary Taylor was an incredible role model for many of the footballers in Portland for a very long time. He was a passionate person with integrity and ability. The Portland community has supported Gary’s wife, Cathy through the trauma of Gary’s diagnosis of dementia.

I don’t think there would be a local that would not support the grandstand being named the Gary (Snag) Taylor Grandstand.

#### **Attachments**

Nil

#### **Recommendation**

THAT the Kremer Park grandstand in Portland be named “Gary (Snag) Taylor Grandstand”.

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## 10. Notices of Motion

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### 10.1. Notice of Motion - Councillor S McGhie - 25/03/2024 - Rebate scheme for the fitting of reflux valves

**Report by** Councillor Stuart M<sup>c</sup>Ghie

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#### **Commentary**

This notice of motion seeks to address the ongoing issue of houses affected by sewage in flood events in Lithgow, by way of funding the fitting of said valves.

By setting aside an initial outside spend of \$150,000 with an allowance of \$750 per household upon application.

This application would involve the homeowner engaging a private contractor to enter their land and fit the valve thus any complications that may arise are out of councils hands, including hazardous contaminants of any kind. It is also advantageous as these funds arise through our shortfalls in staff. Meaning council would struggle to do this work in a timely fashion. Private contractors can be engaged quickly and efficiently by the householders. Thus allowing up to 200 homes to be helped in this very pressing situation.

Set up an avenue for homeowners to make the application for preapproval and prompt payment upon proof of work. I would imagine something as simple as notifying the relevant Council department so that they may inspect the fitting for final approval.

#### **Attachments**

Nil

#### **Recommendation**

THAT

1. \$150,000 be set aside to fund the private fitting of reflux valves to the first 200 successful applicants.
2. The administration set up a simple system for application, approval, inspection and payment of a maximum \$750 rebate per household.

#### **Management Comment**

A rebate system would allow homeowners to engage with a private plumber for the installation service required to complete the reflux valve installation. This could be treated similarly to our existing programs for Smoke Testing for illegal connections. During this process where issues are found on properties, the property owner is notified an issue has been found and they need to engage a private plumber to undertake repairs to remove the stormwater flows from the sewer. Evidence of the works being undertaken needs to be sighted and inspected by Council officers to ensure it has been carried out appropriately and to the standard.

If Council wishes to rectify the issues of sewer overflows onto properties via sewer reflux valve installations, a rebate system may be the best way to do so. Under section 67 of the Local Government Act 1993 (the Act), in relation to private works:

- 1) A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.
- (2) A council must not carry out work under this section unless—



- (a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or
- (b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.
- (3) A council must include details, or a summary, of any resolutions made under this section and of work carried out under subsection (2)(b) in its next annual report.
- (4) A report of work to which subsection (2)(b) applies must be given to the next meeting of the council after the work is carried out specifying—
  - the person for whom the work was carried out
  - the nature of the work
  - the type and quantity of materials used
  - the charge made for those materials
  - the total of the number of hours taken by each person who carried out the work
  - the total amount charged for carrying out the work (including the charge made for materials)
  - the reason for carrying out the work.

S356 of the Act states how Council may grant financial assistance to persons for the purpose of exercising its functions:

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if—
  - (a) the financial assistance is part of a specific program, and
  - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.

There would need to be a set of conditions for the rebate applicable to ratepayers so the properties most affected are the ones able to obtain the rebate. For the application of this proposal, Council could utilize flood mapping to determine the properties that would be eligible, and a rebate made available following the completion of the works. This could be proved with both inspections by Council's Water and Wastewater department and the Certificate of Compliance from the property owner's plumber to ensure the works are carried out as per the applicable Australian Standards.

For more information on the reflux valves and to provide some clarification on ownership, Council's current policy position is that the limit of ownership for Council is to the first connection downstream of the boundary shaft as per the below figure from Policy 3.5 Sewer Connections.

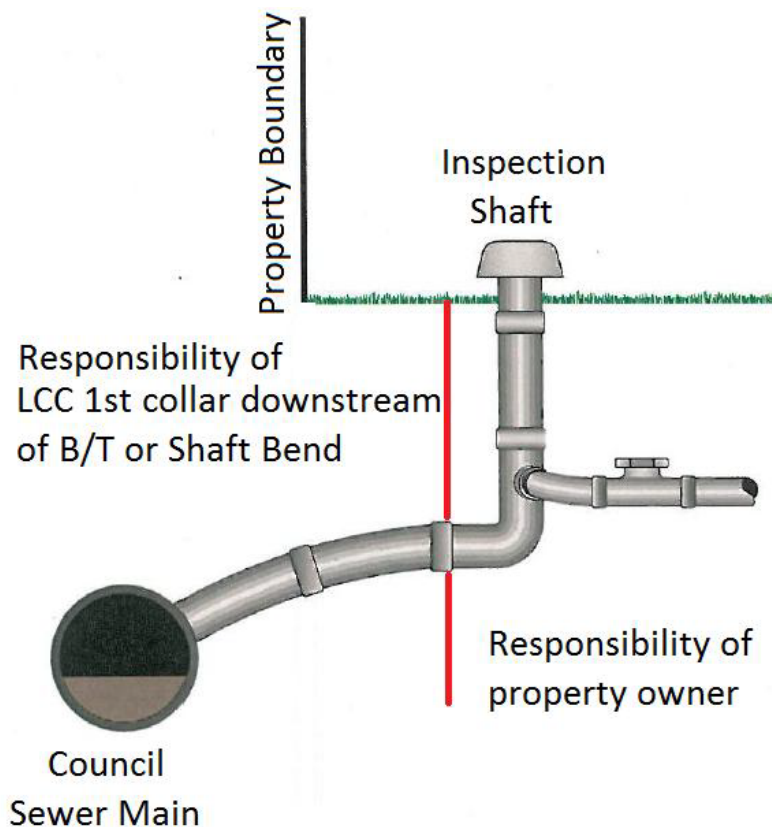


Figure 1: Location of Property owner and Utility responsibility from Policy 3.5 Sewer Connections

The sewer reflux valve is placed upstream of the Boundary/Inspection shaft and so would remain the property owner's responsibility. This is in accordance with the Local Government Act 1993, Local Government Regulations 2021 and the Plumbing and Drainage 2011.

The rebate scheme could follow the process outlined below:

1. Property owners engage a licensed plumber and drainer to review the plumbing and drainage on their property.
2. The property owner can engage with Council to determine if their property is flood affected (type of flooding to be noted and be a potential criterion) and if they have consistent issues with the backing up of drainage lines or sewer lines on property.
3. Council confirms the property eligibility
4. If eligible, Property owner can engage a licensed plumber and drainer to complete an installation of reflux valve on property as per the requirements of AS3500 and the Plumbing and Drainage Act 2011. Note: as per section 11 of the Plumbing and Drainage Regulation 2017, a Notice of Works and Certificate of Compliance is still required for the works to be undertaken.
5. Inspection undertaken of the works by Council officers with any defects rectified.
6. Evidence of expense (invoice or receipt from authorised person) with other required paperwork provided to Council similar to the process for Excessive Water Usage.
7. Rebate can be provided to property owner.

The refined and finalised process for rebates and the process such as eligibility can be brought to the next Operations Committee meeting for discussion and finalisation should the Council move to introduce this project.

## 10.2. Notice of Motion - Councillor A Bryce - 25/03/2024 - Use of Council vacant Main Street Shops during Arts Trail

**Report by** Councillor Almudena Bryce

### **Commentary**

On the 1 to 9 November 2024, The Lithgow Arts Trail Committee are holding an Art Trail event showcasing local artists. To help promote tourism in Lithgow, I believe using the vacant Council shops on Main Street Lithgow would help bring tourist and customer to the Main Street of Lithgow in turn enhance the business for them.

### **Attachments**

Nil

### **Recommendation**

THAT Lithgow City Council administration:

1. Allow the Arts Trail Committee to display art work in the windows of empty Council shops during the Arts Trail 1 to 9 November 2024.
2. Meet with the Art Trail Committee to organise what shops are available.

### **Management Comment**

There has not been available time since receipt of this Notice of Motion so that the administration can engage with the Art trail Committee. The proposal seems acceptable, provided all risks and costs to Council are acceptable or manageable.

### 10.3. Notice of Motion - Councillor A Bryce - 25/03/2024 - Moving Committee Meetings Minutes as a Block

**Report by** Councillor Almudena Bryce

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#### **Commentary**

Moving the Committee meetings minutes as a block will help reduce the meeting times as there would only be the need to have one mover, one seconder and a resolution be put.

This does not stop Councillors from speaking to each of the minute items.

I have researched other councils and noted that this is a standard practice within many councils.

#### **Attachments**

Nil

#### **Recommendation**

THAT Committee meeting minutes are moved as a block from this meeting forward,

#### **Management Comment**

The Model Code of Meeting Practice makes provision for the proposal in a section titled "Dealing with items by exception". This section provides the following -

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

The adoption of this practice would not limit or fetter the ability for a councillor to vote against the recommendation or to speak on the item. If these circumstances occur then the councillor would simply advise the chairperson of their intention. The council or committee must then not resolve to adopt any item of business under these provisions that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

If the Council is of a mind to adopt this provision then it would be included in the Council's Code of Meeting Practice.

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#### 10.4. Notice of Motion - Councillor C Coleman - 25/03/2024 - 6-month exercise membership - Aqua fitness morning class held at JM Robson Aquatic Centre

**Report by** Councillor Cassandra Coleman

##### **Commentary**

What is exercise? The Oxford dictionary definition is activity requiring physical effort, carried out to sustain or improve health and fitness.

The Cambridge dictionary definition is physical activity that you do to make your body strong.

There is no definition of what exercise is on the Lithgow City Council website under fees and charges.

On the Lithgow City Council website under fees and charges 2023/2024 page 54 of 99 under the heading JM Robson Aquatic Centre, it advertises a 6-month exercise membership which includes entry and is valid for 6 months from the date of purchase.

Direct Debit arrangements **can be made** at the Council administration centre for 6 monthly and annual fees.

1. Child (4-16 years) / Concession Card Holder per membership- \$349.00.
2. Recreation Adult per membership -\$461.00.

I have received a copy of correspondence from a member of the Lithgow Aqua fitness morning class, which was sent to the Lithgow City Council on 22 January 2024 and then resent and addressed to fellow Councillors on the 18 February 2024, questioning why the Aqua fitness morning class, can not purchase an exercise membership when the option has been advertised on the Lithgow City Council website.

The aqua fitness morning class has been advised that they can only purchase a 6 monthly leisure membership, which is child / concession card holder membership for \$198.50 and or adult per membership for \$263.00 and then pay \$5.10 for each class they attend.

Which means if a resident who is on a concession goes to Aqua fitness morning class a minimum of three times a week for 6 months, they would incur an increase of around \$247.00.

##### **Attachments**

Nil

##### **Recommendation**

THAT The Lithgow City Council honour the option of purchasing a 6-month exercise membership for the Lithgow Aqua fitness morning class held at JM Robson Aquatic Centre which includes entry into JM Robson Aquatic Centre as advertised on the Lithgow City Council website.

##### **Management Comment**

Key staff were not able to provide advice to the Council about this matter ahead of this business paper being produced. Advice will be provided to councillors ahead of the Meeting in a memorandum.

## 11. Administration Reports

### 11.1. Caring for Our Community

#### 11.1.1. I&E - Financial Assistance Request - Sporting Representation

##### 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.

##### Responsible Governance & Civic Leadership

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

**Author:** Kaitlin Cibulka – Executive Assistant

**Responsible Officer:** Jonathon Edgecombe - Director of Infrastructure and Economy

##### Executive Summary

This report provides details of 3 (three) requests that Council has received for financial assistance for sporting representation. Similar financial assistance requests are usually reported through the Sports Advisory Committee, with recommendations made by the Committee subsequently reported to Council for resolution. However, this request has been presented directly to Council for endorsement of the recommendation.

##### Administration's Recommendation

THAT

1. Council provide Alexander Evans with financial assistance of \$300.00 from the 2023/2024 allocation toward the cost of Alexander's sporting representation in swimming.
2. Council provide Charles Evans with financial assistance of \$300.00 from the 2023/2024 allocation toward the cost of Charlie's sporting representation in swimming.
3. Council provide the Cream Team with financial assistance of \$300.00 from the 2023/2024 allocation toward the cost of the teams sporting representation in basketball.

##### Attachments

Nil

##### Reference to any relevant previous minute

Nil

##### Background and discussion

Council is in receipt of three applications for financial assistance for Alexander and Charlie Evans for their participation at 2024 Australian Age National Championships on the Gold Coast in April for Swimming, and the Cream Team for their participation at the 2024 National 3x3 Basketball Championships held in Scarborough Beach, Perth Western Australia in March 2024.

Alexander has qualified for multiple events, such as Freestyle and Butterfly strokes as well as the relay team events for the club.

Charlie has qualified for the 50m, 100m and 200m Breaststroke events as well as the relay team events for the club.

The Cream Team consists of 3 local boys - Jai McMillan , Jai Simcoe and Riley George. The team have successfully qualified to compete at the National Championships after taking out 3<sup>rd</sup> place at the state competition recently held in Penrith.

The financial assistance will help Alexander, Charlie and the Cream Team with the costs in association with participation at the 2024 Australian Age National Championships and the 2024 National 3x3 Basketball Championships where they will be representing their Club, Lithgow and the State.

### **Consultation and Communication**

N/A

### **Policy**

Policy 4.2 - Financial Assistance – Section 356 of the Local Government Act

### **Legal**

N/A

### **Risk Management**

N/A

### **Financial**

- Budget approved - \$2,500.00
- Cost centre – PJ 800158 – Governance – Section 356 Donations & Contributions
- Expended to date - \$1,600.00
- Future potential impact – if the request is approved for \$900.00 (\$300.00 each), there would be no budget remaining for the 2023/2024 financial year

Note that the Sports Advisory Committee Meeting Minutes of the 14<sup>th</sup> February 2024 is also listed on this agenda and has a recommendation for financial assistance. If that recommendation is approved, then the above figures on this report will be correct.

### **Consultation and Communication**

N/A

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## 11.2. Developing Our Built Environment

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### 11.2.1. P&P - 25/03/2024 - 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.

At the Ordinary Meeting of Council held on the 27 November 2023, Council resolved to defer the adoption of the study and plan and that the item to be brought back to Council for consideration once a Councillor briefing session had been undertaken. On 5 February 2023, a Councillor briefing session was held.

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.

Upon the successful adoption of the Lithgow FRMSP 2023, Council will become eligible to submit grant applications under the NSW Government administered Floodplain Management Program, for the implementation of the 17 flood management measures identified in the study and plan.



### 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 Operational and Delivery Plans.

### **Attachments**

1. Lithgow Floodplain Risk Management Study and Plan Volume 1 - Report [**11.2.1.1** - 218 pages]
2. Lithgow Floodplain Risk Management Study and Plan Volume 2 - Figures and Appendices [**11.2.1.2** - 140 pages]

### **Reference to any relevant previous minute**

Min No 23-210 Ordinary Meeting of Council held on 27 November 2023.

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**

In accordance with Min No. 23-210 of the Ordinary Meeting of Council 27 November 2023, a Councillor Information Session was held on 5 February 2024. This current report to Council should be read in conjunction with the previous report provided to Council on 27 November 2023. A summary of the issues discussed at the information session are as follows:

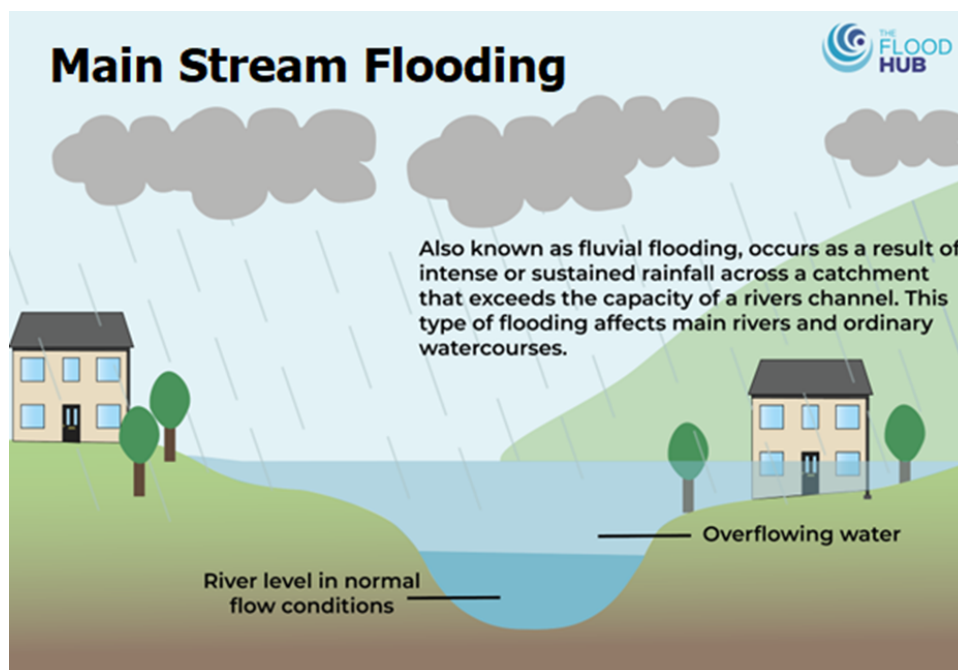
#### **1. Definition of Flood**

Flood is defined within the NSW Government Flood Risk Management Manual 2023 as the following:

*"Flooding results from relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flowpaths associated with major drainage, and/or oceanic inundation resulting from super-elevated ocean levels".*

As per the definition of flood above, Lithgow is subject to two distinct kinds of flooding; Mainstream Flooding and Overland Flow. Both types of flooding are required to be addressed in the Lithgow Floodplain Risk Management Study and Plan 2023.

Mainstream Flooding is defined as flood waters that have escaped from a natural or artificial water source. This is the most common and well-known form of flooding. Local examples of such flood waters would include water rising and escaping from the embankments of Farmers Creek and its many tributaries such as State Mine Creek.



**Diagram of Main Stream Flooding**

**Source: The Flood Hub, 2018**

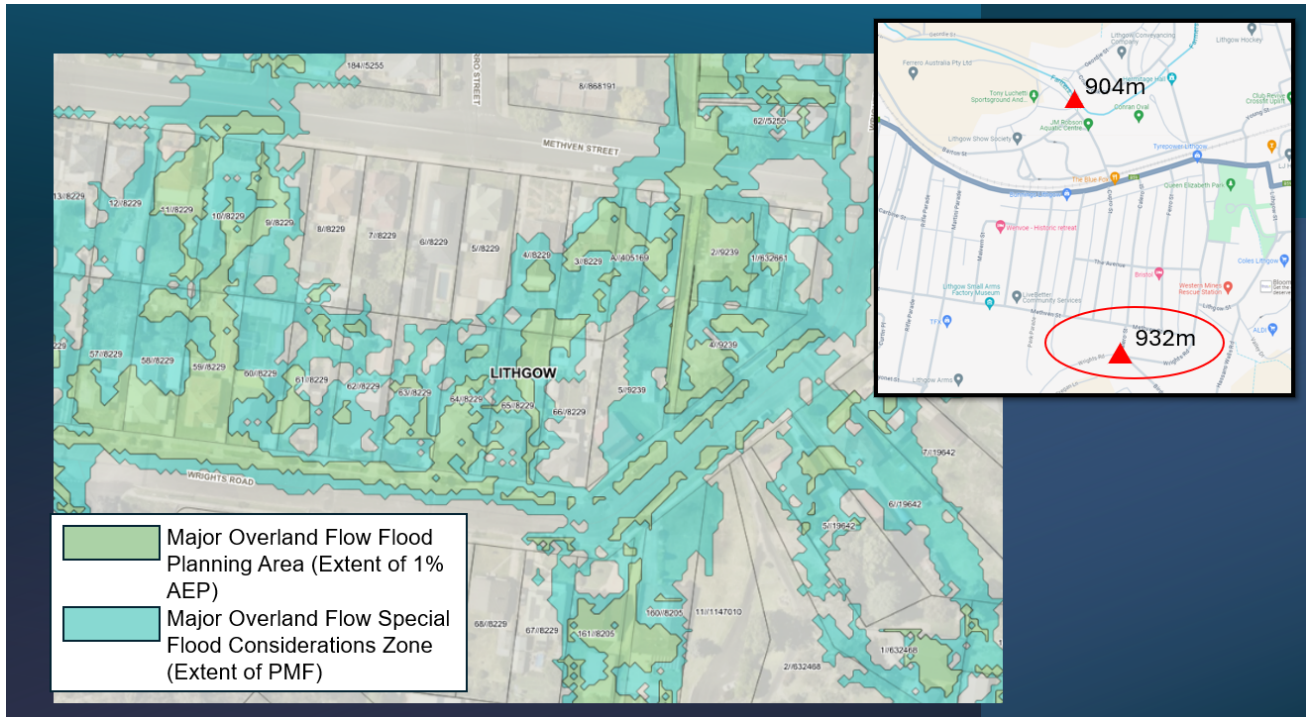
Overland Flow occurs during storms which result in the surcharge of the existing piped stormwater drainage system. This form of flooding occurs as stormwater-based infrastructure is constructed and designed to accommodate for up to the 1 in 10-year flood scenario. In the event of a storm event greater than what a stormwater system is designed for, localised run-off will either pool around stormwater drainage infrastructure or flow onwards via gravity to low-lying locations, leading to localised flooding. Overland flow for the purposes of the study and plan is only considered as flood waters when the depth of the water is equal or greater than 100mm. This type of flooding is not dependant on elevation and is commonly found within the upper elevations of the catchment.



**Diagram of Overland Flow**

**Source: The Flood Hub, 2018**

The identification of being affected by overland flow does not mean that properties are expected to be inundated by water rising from Farmers Creek, Marrangaroo Creek, or their tributaries. An example of such is Wrights Road, Lithgow (see image below), which is impacted only by overland flow and is approximately 932m above sea level as compared to the nearest part of Farmers Creek which is 904m above sea level. The mapping does not suggest that water escaping from the embankments of Farmers Creek will rise 28m.



***Major Overland Flow affection in Wrights Road, Lithgow.***

When defining a flood event, it is required to be described in accordance with its Annual Exceedance Probability (AEP). AEP is defined as the chance a flood of a given or larger size has of occurring in any on year as a percentage. For example, a flood event defined with a magnitude of five percent AEP means that there is a five percent probability that there would be flood of a greater magnitude each year. It can also be referred to as a 1 in 20-year flood.

Frequency Descriptor	EY	AEP (%)	AEP	ARI
			(1 in x)	
Very Frequent	12			
	6	99.75	1.002	0.17
	4	98.17	1.02	0.25
	3	95.02	1.05	0.33
	2	86.47	1.16	0.5
	1	63.21	1.58	1
Frequent	0.69	50	2	1.44
	0.5	39.35	2.54	2
	0.22	20	5	4.48
	0.2	18.13	5.52	5
Rare	0.11	10	10	9.49
	0.05	5	20	20
	0.02	2	50	50
	0.01	1	100	100
Very Rare	0.005	0.5	200	200
	0.002	0.2	500	500
	0.001	0.1	1000	1000
	0.0005	0.05	2000	2000
Extreme	0.0002	0.02	5000	5000
			↓	
			PMP/ PMPDF	

**Conversion of flood frequency to Annual Exceedance Probability.**  
**Source: Australian Rainfall & Runoff, A Guide to Flood Estimation.**

It is important to note that the defining of an AEP flood event is based on probability, meaning a 5% AEP flood event (1 in 20-year) may occur twice within a year or once in a 40-year period.

For the Farmers Creek and Marrangaroo catchments, a 1% AEP (1 in 100-year) is used as the baseline for development purposes as is the minimum standard as required under the Flood Risk Management Manual.

Councils are also required under the Flood Risk Management Manual to identify the Probable Maximum Flood (PMF). The PMF is defined as the largest flood that could considerably occur at a particular location. It is the PMF extent that defines the extent of the floodplain, not the 1% AEP flood extent. For most landowners, a notation of PMF affectation will have no effect on the development of land as controls relating to PMF are specifically targeted towards sensitive land uses. Sensitive land uses refer to uses which require additional support in the event of an evacuation such as hospitals and aged care facilities but not residential dwellings.

## 2. Differences between current adopted flood modelling and proposed 2023 models

Council in 2017 adopted the Lithgow Flood Study Review which identified the extent of the floodplain for both Farmers Creek and Marrangaroo Creek catchments, similarly to the role of the proposed 2023 study and plan. To date, Council has used this data source to undertake its legal obligations under the Environmental Planning and Assessment Act 1979 to identify where and how flood related development controls are to be applied.

In 2019, the Bureau of Meteorology released the Australian Rainfall and Runoff (ARR) 2019 which is used for the estimation of design flood characteristics in Australia. The previous Flood Study Review 2017 had used ARR 1987 as the basis for design flood characteristics. Under the advice provided by the NSW Department of Planning and Infrastructure, Lithgow City Council requested Lyall & Associates to review the changes of the ARR 2019 and to undertake new modelling using the updated data.

A comparison between the 2017 review and 2023 study and plan of the affected properties is in the table below.

No. of properties identified as being flood affected			
	2017	2023	% Change
<b>Flood Planning Area (FPA)</b>	3092	2939	-5.2% (-153)
<b>Up to Probable Maximum Flood (inclusive of FPA)</b>	4179	3709	-12.7% (-470)

The table above shows that when implementing the new flood design characteristics in the ARR 2019, there has been a decrease in the number of properties identified as being flood affected.

### 3. Insurance

The Lithgow Floodplain Risk Management Study and Plan 2023 is not an insurance document and does not provide direction on how insurance companies are to insure flood liable properties. The purpose of the study and plan is to provide Council the information it needs to manage development within the floodplain in accordance with the risk assessment.

Council plays no role in how insurance providers designate flood insurance.

There is no requirement under relevant federal legislation that requires insurance companies to use information covered within a Floodplain Risk Management Study and Plan as there are no linkages between the federal and state legislation for flooding. Insurance companies can and will use other sources (including independently commissioned studies and plans) to determine flood risk which will be held as 'commercial in confidence' documents.

An important difference between the state and federal legislation is how flood is defined. As compared to the definition of flood located in the Flood Risk Management Manual (see *1. Definition of Flood*), flood for the purpose of insurance is defined as the following under the Australian Insurance Contracts Regulations 2017:

- (1) *For the purposes of paragraph 37B(2)(a) of the Act, **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:*
- (a) a lake (whether or not it has been altered or modified);*
  - (b) a river (whether or not it has been altered or modified);*
  - (c) a creek (whether or not it has been altered or modified);*
  - (d) another natural watercourse (whether or not it has been altered or modified);*
  - (e) a reservoir;*
  - (f) a canal;*
  - (g) a dam.*

A distinct difference can be seen between these two definitions as the federal definition described mainstream flooding but not overland flow. As overland flow can be seen as a form of stormwater (or rainwater run-off as described by insurance companies), this is generally covered under general home and contents insurance.

Council recommends that residents should make enquiries with their insurance provider to check the inclusions and exclusions of their insurance policy.

## **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 the 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 with a 2:1 grant funding ratio including all variation approved to date.
- Cost centre – PJ 400106
- Expended to date - \$111,201
- 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 commitments from both Council and State Government grant bodies. In total, an amount of \$36.8 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.

If the FRMSP is adopted any grant funds then awarded under the NSW Government Floodplain Management Program can be used for the investigation, design or feasibility study for future works, or for the implementation of actions where further design work is not warranted. All funding awarded under the grant program is provided on a 2 to 1 funding contribution method (for every \$1 committed by Council, the NSW Government will commit \$2).

Should Council proceed with not adopting the FRMSP, Council will be ineligible for any future grant funding under the Floodplain Management Program.

**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.

Further consultation is to occur within the implementation of child projects that arise from the adoption of the study and plan.

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## 11.3. Strengthening Our Economy

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### 11.3.1. I&E - 25/03/2024 - Proposed Study Visit - Latrobe Valley

#### 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 consideration of participating in a study visit to a region (Latrobe Valley, Victoria) experiencing economic disruption akin to that which Lithgow will experience and undertaking managed economic transition activities in response. The proposed itinerary includes visiting six organisations involved in transition management in the Latrobe Valley over two days. In accordance with Council's policy framework, all travel will be by economy transport.

The task of growing and strengthening the local economy for a period beyond coal mining and thermal power generation will be challenging. Many regions nationally and internationally have struggled to navigate this transition successfully. In the case of the coalfields in northern England, a shadow continues to be cast over the social and economic fabric of the communities decades after mines closed. Some of the many actions taken have been successful, but many have proven not to be. It will be important to discern between these so that in Lithgow's case, all attention is focused on the correct and most impactful interventions.

Of course, transition is human-undertaken – it engages and draws from the experiences and perspectives of individuals and groups of people (communities, workers, employers, bureaucrats, politicians, youth, academics). This is one of the primary bases for the study tour - for the councillors and staff to access the lived experience of the key people (participants) involved in the Latrobe's many years of transition management. This cannot be understood or learned from afar by reading technical papers or other such written literature about transition.

The study visit is to better understand the important work of economic transition management in a practical setting. It is proposed to meet and learn from organisations including: the Latrobe Valley Authority, workforce unions, industry, the Gippsland Tech School, Gippsland Trade Training Centre, and Latrobe City Council. It is proposed that other key government participants in Lithgow's transition also be invited to participate, meeting their own costs.

EnergyAustralia are participating in the transition process in the Latrobe Valley for their Yallourn power station site. An extract from their recent Climate Transition Action Plan is attached to this report. This suggests some of the insights and learnings that could result from the study tour.

The study tour is being arranged for 16 and 17 May.



### **Administration's Recommendation**

THAT for the purpose of better understanding the practical implications of the initiatives proposed within the endorsed LEEP strategy, Council endorse:

1. The organisation of a study tour to the Latrobe Valley for the dates of 16 and 17 May 2024, and
2. All Councillors be invited to attend the study visit, along with the General Manager, Director Infrastructure and Economy, and Director People and Places.

### **Attachments**

1. Page 20 - from 79048 Energy- Australia Climate- Transition- Action- Plan 2023 V 15 DIGITA L- RGB [11.3.1.1 - 1 page]

### **Reference to any relevant previous minute**

Nil

### **Background and discussion**

#### **Key outcomes**

The primary outcomes of the proposed study visit are to:

- better understand the practical implications of the initiatives proposed within the endorsed LEEP strategy,
- obtain an awareness of the key measures of success and failure of a regional-scale transition management exercise,
- understand the nature of industrial closures, the role that aggregate regional economic demand and engine-room industries play in the health of a regional economy, the impact of larger-scale unplanned closures, and the importance of the timing and sequencing of strategic interventions,
- appreciate the role that regional workforce adaptive capacity plays in successfully negotiating a regional economic transition, the public policy tools available to government to enhance regional workforce adaptive capacity, the role STEAM (science, technology, engineering, arts, and mathematics) education plays in improving workforce resilience, different models of STEAM delivery, and to see practical examples of workforce-related strategic interventions,
- acquire a high-level understanding of the importance of collaborative and shared-accountability governance frameworks across government, industry, workforce unions and the knowledge sector in the management of regional economic transitions,
- hear from different stakeholders (industry, workforce, knowledge sector, and government) about the things that worked well and the things that worked less well,
- gain tools to assist with the prioritisation of competing potential actions and strategic interventions to manage a regional transitions management task, and
- observe a transitions management exercise in a practical setting.

#### **Background**

The Latrobe Valley Authority (**LVA**) was established in November 2016 to support the region through sustainable economic transition.

The LVA was given a clear mandate to do things differently; to bring community, business and government together to understand and work on the things that really matter in the region and that

will make a difference. The approach adopted was based on global leading practice in place-based contemporary regional development and transitions management.

As part of the study visit, the Council will have the ability to compare the Latrobe Valley Authority to what we know of the proposed NSW model of Future Jobs and Investment Authorities.

### Itinerary

It is proposed to visit six organisations over the two days of the study visit to obtain a broad cross-section of stakeholder views.

Councillors will hear from the Latrobe Valley Authority on the identification of its baseline and progressive measures of success, governance, resourcing, historical and current strategic inventions, and transitions management experience.

Energy Australia will provide an overview of the Yallourn Power Station closure and transition plan. Particularly, participants will gain an understanding of the sorts of industry resources, programs and projects implemented by industry to assist with the transitions management exercise. There will be an opportunity to explore the current state of industry and corporate leading practice of economic transition management in Australia.

Participants will hear from workforce unions on the success or otherwise of various aspects of the regional transition as it relates to whole-of-family support programs, worker transfer schemes, workforce-reskilling, collaboration, and other experiences.

Latrobe City Council will present on its experience of the Latrobe regional economic transition. Particularly, the coordination of early strategic inventions, the role of local government, strategic land-use planning, and social services support and resourcing. Additionally, participants will be provided an overview of comparative resourcing of transitions management by various State governments across Australia.

It is also proposed to visit both the Gippsland Tech School and Trades Training Centre. These centres are designed to prepare the region's workforce for both the immediate and longer-term impacts of economic disruption. Participants will hear about the importance of building adaptive skills to foster resilience in a region's workforce against both industrial and macroeconomic disruption caused by automation and other macrotrends.

### Attendees

The proposed study tour was canvassed at a recent Information Session and there was consensus from the councillors on it being a valuable learning exercise as the Council embarks on the transition journey. It is proposed that all Councillors be invited to attend the study tour.

Of the administration, it is suggested that the General Manager, Director Infrastructure and Economy, and Director People and Places will attend.

Others who will partner with Lithgow Council in delivering its transition initiatives will also be invited, including representatives of the Department of Regional NSW. In such cases, these invitees will be required to cover their costs of attendance in full.

### **Consultation and Communication**

Others may be invited to attend, including representatives of the Department of Regional NSW. However, in these cases, all external parties will cover their own costs in full.

**Policy**

The Lithgow Emerging Economy Plan (LEEP) has been identified by the community as one of its most important priorities. The Council's policy is to support the LEEP in collaboration with all levels of government, industry, workforce unions, the knowledge sector and many others. The LEEP work will be the first regional transition management exercise, in a New South Wales context, resulting from global efforts to de-carbonise the economy.

**Legal**

Nil

**Risk Management**

Nil

**Financial**

It is estimated that the cost of the study visit will be approximately \$840 for each attendee inclusive of travel and accommodation. The LEEP program budget has sufficient funds available in 2023 – 2024 to meet the cost of the study visit. Councillors are a key transitions management actor, and capacity building is a key part of the transitions management exercise.

- Budget approved – \$915,128
- Cost centre – 100888 (LEEP Priority Action Fund)
- Expended to date - \$306,821
- Future potential impact – Should all Councillors, General Manager, Director Infrastructure and Economy, and Director People and Places attend, a total cost of \$10,080 may be incurred for travel and accommodation.

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## 11.4. Enhancing Our Natural Environment

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### 11.4.1. P&P - 25/03/2024 - Destination Action Plan

#### **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.

##### **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:** Shaun Elwood - Director People and Places

**Responsible Officer:** Shaun Elwood - Director People and Places

#### **Executive Summary**

The Seven Valleys Destination Action Plan (DAP) is about setting the direction and priorities to establish an effective strategic place branding for the Lithgow LGA, and sustainably grow the visitor economy of the LGA over the next six years (2024 – 2030). It provides a vision to lead a practical and prioritised Action Plan that supports regional promotion, visitation and prosperity while addressing barriers and challenges faced by the region.

The DAP is proposed to be placed on public exhibition from 5 April 2024 to 5 May 2024, during which time industry specific engagement will also be undertaken. The purpose of this report is to seek Council's endorsement to place the DAP on exhibition. The DAP will later be reported to Council for final approval, with any submissions made and suggested changes canvassed in that report.

#### **Administration's Recommendation**

THAT Council approve the Seven Valleys Destination Action Plan (DAP) for public exhibition.

#### **Attachments**

1. Seven Valleys Destination Action Plan - March 2024 [11.4.1.1 - 56 pages]

#### **Reference to any relevant previous minute**

Min 23-106 Ordinary Meeting of Council 26 June 2023

#### **Background and discussion**

The Destination Action Plan provides a clear framework, identification of priority projects and actions (including place branding) to achieve the sustainable growth of the visitor economy within the Lithgow LGA.

The guiding principles established for the DAP are:

1. Inclusive of the whole region and all communities.
2. Informed - evidence-based.

3. Showcasing the destination's existing and emerging strengths.
4. Customer-centric - putting the visitor first.
5. Future-focused and sustainable - understanding a dynamic industry and the importance of protecting the destination's values and attributes.
6. Foster collaboration across sectors and between industries and stakeholders.
7. Demonstrate leadership through effective implementation, partnerships and communication - including through alignment with NSW Visitor Economy Strategy 2030.
8. Measurable in terms of both deliverables and outcomes.

The DAP has been informed by a comprehensive Situation Analysis, which involved a detailed review of:

1. Global and domestic trends that are influencing consumer behaviour in travel.
  - a. Motivations, interests, preferences, and barriers to travel.
  - b. A future-focus and putting the visitor first.
2. Visitor research.
  - a. Influences on travel to the destination over time and as consumer behaviours have evolved.
3. Existing strategies, plans and programs.
  - a. National, State, regional and local level analysis.

A key to success for any destination is to foster and strengthen collaboration and partnerships within the region and beyond its borders. Overall, the Situation Analysis reinforces that:

- After many years of natural disasters - drought, fires, floods and the COVID-19 pandemic – Government funding and grant opportunities will be significantly reduced and are more competitive. As a result, Return on Investment (ROI) modelling for the visitor economy will require destinations to adopt a laser like focus when it comes to prioritising destination activities.
- A distinctive place brand and positioning statement that builds civic pride and connects to the target market on an emotional level and responds to their motivations, preferences and behaviours will be critical to success.
- Connecting all elements of the experience – from accommodation to tours, attractions, villages, towns, retail and hospitality and other industries – will set the context for delivering on our brand promise in a more meaningful way. The region's natural and cultural assets and investment in shared infrastructure, such as the Gardens of Stone SCA and ZigZag Railway, can be a core part of the experiential tourism focus of the future.
- Sustainable communities are at the core of sustainable destinations. Building civic pride and vibrancy comes from effective and long-term place planning.

By considering opportunities across the landscape, destinations can encourage greater dispersal of visitors, reducing impacts on specific sites or locations. This will facilitate the sharing of the benefits of the visitor economy with the smaller towns and villages of the region while being part of a proactive approach to managing the impacts of unbalanced tourism.

Perhaps the most prominent insight and theme that arose from the situation analysis and stakeholder consultations was the need to build civic pride. Civic pride plays a significant role in destination management. **Building civic pride will be critical in developing a thriving visitor economy and a place that people want to live, work and play.**

Civic pride contributes to a more vibrant, authentic, and sustainable destination, benefiting both residents and visitors. For these reasons, it will be critical to place focus on building civic pride locally to create a community that people want to visit and revisit.

As a key strategic priority, the Seven Valleys theme requires development of a place brand that will meet the aims and needs of both the visitor economy and the broader economy, including attracting investment, new industries, and new residents. This means that the brand strategy will need to consider a broader audience than strictly those who are visiting the region for leisure or

visiting friends and relatives (VFR). **A brand is a long-term proposition, not a short-term solution.**

It is recommended to undertake primary consumer research with both core visitor markets and people who have recently relocated to this region or are considering relocating. This will provide invaluable insights to inform a high-quality place brand strategy.

Another strategic priority in the short-term is optimising owned channels to build the foundations for launching a world-class place brand. A quick competitor analysis in the Situation Analysis revealed there is considerable amount of work that needs to be done to elevate The Seven Valleys identity and positioning.

Effective social media management in the short-term can assist in building the social media platforms' performance and engagement to be better positioned when the new place brand is launched.

### **Consultation and Communication**

The DAP has been prepared following engagement with Council and the Tourism Committee, including industry representatives.

The DAP is intended to be placed on public exhibition from 5 April 2024 to 5 May 2024. Targeted engagement will also be conducted with relevant industry and stakeholders.

Following the exhibition period a submissions report will be provided to Council prior to recommendation for adoption of a final DAP.

### **Policy**

N/A

### **Legal**

N/A

### **Risk Management**

Ad hoc messaging about the wider LGA without a strategic direction, agreed marketing plan and product development assistance program.

### **Financial**

- Budget approved - \$50,000
- Expended to date - \$50,000
- Cost centre - 600310
- Future potential impact - The DAP will require an allocated and approved budget to ensure the first stages of delivery can be achieved. This will include;
  - a. the development of a Strategic Branding, Place and Destination Brand Strategy, and multi-year marketing plan. Estimate \$150,000 (\$120,000 SRV transitions management funding available).
  - b. the subsequent implementation of a multi-year marketing plan. Estimate for Year 1 \$160,000-\$190,000 (establishment of new brand to market and collateral). Estimate for each of Year 2 and Year 3 is \$120,000.

## **11.5. Responsible Governance & Civic Leadership**

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**11.5.1. F&G - 25/03/2024 - Financial Statements for the Year Ended 30 June 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:** Craig Butler - General Manager

**Executive Summary**

At the 27 November 2023 Ordinary Meeting, Council resolved to authorise the signing of the 2022/23 financial statements (Min. No. 23-219).

The purpose of this report is to present to the Council the audited Financial Statements for the year ended 30 June 2023, as required by Section 419 of the Local Government Act 1993.

The 2022/23 Financial Statements are included as an attachment to this report.

**Administration's Recommendation**

THAT Council:

1. Receive the audited Annual Financial Statements for the year ended 30 June 2023 pursuant to Section 419 of the Local Government Act 1993.
2. Pursuant to Section 420 of the Local Government Act 1993, endorse the Financial Statements to be made available to the public to make submissions for a period of seven days.
3. Note the presentation by a representative of Crowe Australasia on behalf of the Audit Office of New South Wales, the Council's external auditor, to the Council meeting in respect of the Audited Financial Statements.

**Attachments**

1. Annual Financial Statements F Y 2023 [**11.5.1.1** - 106 pages]

**Reference to any relevant previous minute**

Min No 23-219: Ordinary Meeting of Council held on 27 November 2023.

**Background and discussion****Summary Comments**

Comments, jointly contributed by the General Manager and the Director Finance & Governance, about the outcome of the audit process and the relevance to the Council's longer term financial sustainability are provided here -

*The Financial Statements confirm that the operating result and financial position of the Council for the year ended 30 June 2023 and the statements are in accordance with Australian Accounting Standards, the Local Government Act 1993 and the NSW Local Government Code of Accounting Practice and Financial Reporting.*

*The auditors have formed an opinion that Council's financial statements fairly present the result of its financial operations and its financial position as of 30 June 2023 and that the Council has complied with the relevant requirements of the Local Government Act 1993.*

*The 2022/23 audit resulted in the issuing of an unmodified audit report on both the General Purpose and Specific Purpose Financial Statements. An unmodified audit report is an expression used by auditors to confirm that the Financial Statements are presented, in all material respects, in accordance with applicable financial reporting requirements.*

*The above outcomes are a welcome validation that Council's administration have managed all finances legally, responsibly and prudently.*

*In the 2022/23 year, Council achieved nine of ten OLG financial and asset performance ratio benchmarks. This is a demonstration that while our operating environment is challenging, and it will continue to be, Lithgow City Council is meeting most of the industry benchmarks for financial performance.*

*Again, the above result for these industry benchmarks is welcomed, but it is very important to note that the financial statements relate to a 12 month period only. As is acknowledged later in this report, some of these results have been positively influenced by natural disaster claims income during the period. But for this grant income, and its accounting treatment, the Council would have recorded a minor deficit operating result and not met some of the benchmarks.*

*The Council continues to take a long-term view of its financial sustainability (well beyond the 12 months dealt with in these financial statements). This is the basis for the administration recommending, and the Council endorsing, that decisive steps be taken to increase own source revenue, continue to identify and deliver productivity savings and advocate for increased levels of financial support from both the Australian and the NSW governments.*

#### 2022/23 Financial Statements – Summary

In 2022/23, Council continued to experience a challenging operating environment. Similar to many other Councils, costs continue to rise faster than revenue, making it increasingly difficult to deliver a balanced operating result. In the 2022/23 year, Council completed over \$20M of natural disaster recovery works which impacted staff capacity to complete the asset renewal program.

In June 2023, the Independent Pricing and Regulatory Tribunal (IPART) approved Council's 45.7% Special Rate Variation application which was implemented from 1 July 2023. Council continues to implement productivity improvements and cost containment strategies as part of ongoing efficiency measures aimed at providing best value services for our community. In the 2022/23 year, over \$3.8M of budget savings / additional income strategies were implemented.

Council achieved the key Office of Local Government (OLG) financial performance measure of a surplus operating result (before capital grants). However, if the financial impacts of the extraordinary natural disaster restoration works (both operating grant income and related expenditure) are excluded, Council's operating result (before capital grants) would have been (\$117K) deficit rather than \$9.2M surplus.

In the 2022/23 year, Council achieved nine of ten OLG financial and asset performance ratio benchmarks. This is a demonstration that while our operating environment is challenging, and it will continue to be, Lithgow City Council is meeting most of the industry benchmarks for financial performance.



### External Audit

The Council's Financial Statements for the year ended 30 June 2023 were completed by the Council Finance team and have now been reviewed and returned by the Audit Office of NSW, in accordance with legislative requirements.

A representative of the contract auditor (Crowe Australasia), will provide a presentation to the meeting via Zoom. The auditor will:

- deliver a brief presentation to the Council on the end of year result and the conduct of the audit; and
- review the Council's key financial indicators contained within the Financial Statements.

### Annual Financial Statements Reporting Process

The Council's Annual Financial Statements are required to be audited by the Audit Office of NSW, and copies of the financial reports and the Auditor's report submitted to the Office of Local Government (OLG). Due to internal staff shortages and delays with water and sewer revaluations, Council was granted an extension to lodge the financial statements by 29 February 2024. Both the auditing and lodgement requirements have been met within this prescribed, but extended, timeframe.

### Report on Financial Statement Audit Results

The 2022/23 audit resulted in the issuing of an unmodified audit report on both the General Purpose and Specific Purpose Financial Statements. An unmodified audit report is an expression used by auditors to confirm that the Financial Statements are presented, in all material respects, in accordance with applicable financial reporting requirements.

The Financial Statements confirm that the operating result and financial position of the Council for the year ended 30 June 2023 and the statements are in accordance with Australian Accounting Standards, the Local Government Act 1993 and the NSW Local Government Code of Accounting Practice and Financial Reporting.

The auditors have formed an opinion that Council's financial statements fairly present the result of its financial operations and its financial position as of 30 June 2023 and that the Council has complied with the relevant requirements of the Local Government Act 1993.

### Movements in Major Revenue and Expense Items During the Reporting Period

The Income Statement summarises Council's financial performance for the 2022/23 year, listing all income and expenses. The table below gives a snapshot of the key movements compared to the prior year.

OPERATING REVENUE (\$'000)	2022/23	2021/22	Increase (decrease)
<b>Rates and Annual Charges</b>	<b>30,174</b>	<b>28,220</b>	<b>1,954</b>
<b>User Charges and Fees</b>	<b>8,501</b>	<b>7,501</b>	<b>1,000</b>
<b>Interest &amp; Investment Revenue</b>	<b>1,313</b>	<b>286</b>	<b>1,027</b>
<b>Grants &amp; Contributions - Operating</b>	<b>37,884</b>	<b>18,031</b>	<b>19,853</b>
<b>Grants &amp; Contributions - Capital</b>	<b>14,633</b>	<b>5,772</b>	<b>8,861</b>
<b>All Other Revenue</b>	<b>1,684</b>	<b>1,813</b>	<b>(129)</b>
<b>TOTAL</b>	<b>94,189</b>	<b>61,623</b>	<b>32,566</b>
OPERATING EXPENSE ITEMS (\$'000)	2022/23	2021/22	Increase (decrease)
<b>Employee Benefits and On-costs</b>	<b>19,293</b>	<b>18,695</b>	<b>598</b>
<b>Materials and Services</b>	<b>27,054</b>	<b>18,632</b>	<b>8,422</b>
<b>Borrowing Costs</b>	<b>180</b>	<b>451</b>	<b>(271)</b>
<b>Depreciation and Amortisation</b>	<b>15,242</b>	<b>14,386</b>	<b>856</b>
<b>All Other Expenses</b>	<b>8,624</b>	<b>3,236</b>	<b>5,388</b>
<b>TOTAL</b>	<b>70,393</b>	<b>55,400</b>	<b>14,993</b>

### Changes in Income

- Ordinary rates income increased by \$371K (2.7%). Most of the increase was due to the rate peg and Additional Special Variation (2.5% in total). There was also some growth in the number of rateable properties.
- Annual charges income was \$1.576M (11.2%) higher than in 2021/22. Water supply charges increased by \$1.5M to fully recover costs (partly offset by higher pensioner rebates).
- Water supply user charges increased by \$263K (5.9%) to ensure cost recovery.
- Non-domestic waste management fees income increased by \$351K (25%) as Council moved towards commercial waste fees which are comparable with neighbouring regional Councils.
- Interest and investment income increased by \$1M due to significant increases in interest rates during the financial year.
- The Financial Assistance Grant (FAG) increased by \$521K (9.9%) year-on-year. The \$772K increase in the amount recognised as income is partly attributed to the additional advance payment (100% of the 2023/24 grant rather than the 75% advanced in the prior year).
- 2022/23 special purpose operating grants increased by \$18.8M (more than double the previous year). \$25.4M was received for natural disaster claims.
- 2022/23 special purpose capital grants increased by \$9.3M. \$3.8M was received for water and sewer (Cullen Bullen) infrastructure. \$1.4M was received from the Regional Housing Fund for South Bowenfels road and sewer infrastructure. \$1.18M was received for heritage and cultural grants. \$5.7M was paid in road grants, including Fixing Country Bridges.
- Other revenue decreased by (\$129K) (-9.3%) mainly due to lower investment property income with vacancies for commercial properties.
- **Total income increased by \$32.6M from 2021/22 (53% higher).**

### Changes in Expenditure

- Employee benefits and on-costs increased by \$598K (3.2%) most due to a decrease in capitalised costs. Excluding the change in capital deductions, the growth in employee costs was constrained to \$239K (1.2%). The employment market resulted in longer delays in recruiting staff, with resultant cost savings. Workers compensation insurance premiums fell for the third consecutive year (\$54K saving).

- Materials and services costs increased by \$8.4M (45%). Most of the increase related to greater expenditure on contractor costs which increased by \$6.3M (82%) mainly due to natural disaster restoration works. Raw materials and consumables increased by \$2.1M (40%), again mostly due to natural disaster restoration works. There was a \$309K (32%) increase in insurance costs.
- Borrowing costs decreased by (\$271K) mainly due to a (\$289K) adjustment to remediation liabilities.
- Depreciation increased by \$856K (6%) which is consistent with the capital works program and fair value increments, particularly for roads. Water and sewer asset revaluations added \$665K in depreciation costs.
- Total other expenses were similar to the 2021/22 year (1% increase). There was a \$203K increase in the Emergency Services Levy. The ESL alone consumed more than half of the rate peg increase.
- There was a \$7.4M loss on disposal of assets. Natural Disasters caused significant damage to road infrastructure in the Local Government Area. Many roads were written off to be restored as part of the Capital Works Program.
- **Total expenses increased by \$15M from 2021/22 (27% higher).**

### Operating Result

There are two Operating Results reported in the Income Statement:

- The Net Operating Result (including Capital Grants and Contributions) has improved by \$17.6M from 2021/22 to a surplus of \$23.8M.
- The Net Operating Result (excluding Capital Grants and Contributions) is a surplus of \$9.163M for the year ended 30 June 2023 which is \$8.7M better than the 2021/22 result of \$451K surplus.
- For the purpose of calculating the Operating Performance Ratio, the net loss from the disposal of assets (\$7.415M) is also excluded, effectively resulting in a Net Operating Result of \$16.6M surplus.

The change in the Net Operating Result (including Capital Grants and Contributions) is mainly due to extraordinary natural disaster claims income which was not offset by operational expenses in the 2022/23 year.

Operating Result on Income Statement _(\$'000)	2022/23	2021/22	+/-
<b>Net Operating Result</b> (including Capital Grants & Contributions)	<b>23,796</b>	<b>6,223</b>	<b>17,573</b>
<b>Net Operating Result</b> (excluding Capital Grants and Contributions)	<b>9,163</b>	<b>451</b>	<b>8,712</b>
<b>Net Operating Result</b> (excluding Capital Grants, Contributions and Net Loss from Disposal of Assets)	<b>16,578</b>	<b>2,490</b>	<b>14,088</b>

### OLG Performance Indicators

The OLG sets benchmarks for a range of performance indicators.

There are 2 groupings of OLG Performance Indicators:

- Financial performance indicators – calculated from Council's General Purpose Financial Statements (i.e. income statement, balance sheet, cash flows statement).
- Infrastructure Asset Performance Indicators - calculated from Council's Special Schedules report on infrastructure assets.

Further detail of Council's performance against the OLG benchmarks is provided below.

#### Financial Performance Ratios

The following table provides a summary overview of the key financial performance indicators that the Council is required to report in its Financial Statements. Notation is made of the Fit for the Future measures.

Council met five of the six benchmarks for the financial performance indicators. The Own Source Operating Revenue ratio is below the benchmark due to the extraordinary natural disaster claims income of \$25.4M.

PERFORMANCE INDICATORS	2022/23	2021/22	Within Benchmark Yes/No
<b>OPERATING PERFORMANCE RATIO</b> (Benchmark: Minimum $\geq 0\%$ ) <i>Fit for the Future Measure</i>	20.89%	4.91%	Yes
<b>Comments:</b> This ratio measures Council's achievement of containing operating expenditure within operating revenue. The Council improved the operating performance ratio for the current reporting period due to the increase in income from grants and contributions for operating purposes			
<b>OWN SOURCE OPERATING RATIO</b> (Benchmark: Minimum $\geq 60\%$ ) <i>Fit for the Future Measure</i>	44.24%	61.37%	No
<b>Comments:</b> This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. The own source operating revenue ratio is lower than the previous year due to the increase in natural disaster grants.			

PERFORMANCE INDICATORS	2022/23	2021/22	Within Benchmark Yes/No
<b>UNRESTRICTED CURRENT RATIO</b> ( <u>Benchmark</u> : Minimum $\geq 1.5x$ )	<b>2.52x</b>	<b>2.47x</b>	<b>Yes</b>
<b>Comments:</b> The unrestricted current ratio is specific to local government and represents Council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times. Council's unrestricted current ratio has exceeded the industry benchmark over recent years. This indicates that Council has sufficient liquidity to meet its current liabilities as and when they fall due.			
<b>RATES, ANNUAL &amp; EXTRA CHARGES OUTSTANDING</b> ( <u>Benchmark</u> : Minimum $<10.00\%$ )	<b>4.80%</b>	<b>4.61%</b>	<b>Yes</b>
<b>Comments:</b> The rates and annual charges outstanding ratio <u>assesses</u> the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 10 per cent for regional and rural Councils. Council actively manages accounts receivable to consistently achieve a ratio well within the benchmark.			
<b>DEBT SERVICE COVER RATIO</b> ( <u>Benchmark</u> : Minimum $\geq 2.00$ )	<b>16.0x</b>	<b>7.32x</b>	<b>Yes</b>
<b>Comments:</b> The debt service cover ratio measures the operating cash required to service debt including interest, <u>principal</u> and lease payments. The benchmark set by OLG is greater than two times. The increase in the ratio compared with the prior year was mainly due to the increase in the operating result.			
<b>CASH EXPENSE COVER RATIO</b> ( <u>Benchmark</u> : Minimum $\geq 3$ months)	<b>9.79 months</b>	<b>9.56 months</b>	<b>Yes</b>
<b>Comments:</b> This liquidity ratio indicates the number of months that the Council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by the OLG is greater than three months. The ratio increased during the year due to an increase in total cash, cash equivalents and investments held by Council.			

## Infrastructure Asset Performance Indicators

PERFORMANCE INDICATORS	2022/23	2021/22	Within Benchmark Yes/No
<b>BUILDING AND INFRASTRUCTURE RENEWALS RATIO</b> (Benchmark: Minimum $\geq 100\%$ )	200.04%	65.98%	Yes
<b>Comments:</b> The building and infrastructure renewals ratio assesses the rate at which these assets are being renewed relative to the rate at which they are depreciating. Council's performance has decreased due to the focus on natural disaster works during the financial year. Council has exceeded this ratio due to extensive natural disaster funded renewal works on Council's <a href="#">road network</a> .			
<b>ASSET MAINTENANCE RATIO</b> (Benchmark: Minimum $\geq 100\%$ ) <i>Fit for the Future Measure</i>	212.85%	67.31%	Yes
<b>Comments:</b> The asset maintenance ratio compares actual vs required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing. Council has exceeded this ratio due to funding for natural disaster works for maintenance, mostly on the road network.			
<b>INFRASTRUCTURE BACKLOG RATIO</b> (Benchmark: Minimum $< 2.0\%$ ) <i>Fit for the Future Measure</i>	0.91%	1.64%	Yes
<b>Comments:</b> The infrastructure backlog ratio shows what proportion the backlog is against the total value of a Council's infrastructure. Council's result is attributable to Council's renewals policy targeting condition score five and updated conditions scores as Council implements the Technology One Asset Management module and asset management plans.			

Council achieved the OLG benchmark for all Infrastructure Asset Performance indicators.

Council has met the benchmark for the Infrastructure Backlog Ratio for the past four years by focussing renewal spending on assets in very poor condition, usually past the optimal intervention point. This practice is not sustainable into the future. Improvements to asset management planning are currently being implemented, including agreeing with the community on acceptable levels of service for Council's infrastructure assets.

### 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 has been given more than one week before the meeting and the meeting is being held not more than five weeks after the receipt of the Auditor's reports.

In accordance with Section 420 of the Local Government Act 1993, the Council is required to make the Financial Statements available to the public, seeking lodgement of any submissions in response to the document, for a period of seven days after presentation of the Financial Statements to Council.

To meet this requirement a copy of the Financial Statements will be made available to the public on the Council website and at the Customer Service counter. If submissions are received then those will be responded to, and details provided to all councillors.

### Policy

N/A

### Legal

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

**Risk Management**

The presentation of the financial statements to the Council, and the ability for the public to inspect the statements, supports the Council's financial reporting governance requirements.

**Financial**

As detailed in this report.

**11.5.2. F&G - 25/03/2024 - Investment Report February 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:** Sharon Morley – Finance Officer

**Responsible Officer:** Ross Gurney - Director Finance and Governance

**Executive Summary**

The purpose of this report is to advise Council of investments held as at 29 February 2024 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy.

The report also provides commentary on the cash and investments balance compared with the funding required for internally and externally restricted reserves. A key aspect of the report is that while Council has total investments and cash of \$53.75M, approximately \$51M of that amount is restricted (internally and externally). Therefore, those funds are not available for any purpose beyond that for which they have been restricted to.

**Administration's Recommendation**

THAT:

1. Investments of \$52,400,000 and cash of \$1,351,313 (of which approximately \$51M is restricted) for the period ending 29 February 2024 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

**Attachments**

1. February 2024 Investment Attachment [**11.5.2.1** - 1 page]

**Reference to any relevant previous minute**

Min No 24-45 Ordinary Meeting of Council held on 26 February 2024.

**Background and discussion****Movements in the Cash and Investments Balance**

Council's total investment portfolio as at 29 February 2024, when compared to 31 January 2024, has increased by \$2,200,000 to \$52,400,000. Investments increased from \$50,200,000 to \$52,400,000. Cash in Council's bank account decreased from \$1,869,528 to \$1,351,313.

The \$1.7M increase in cash and investments is mainly due to the ordinary business of Council. With a rates instalment due in February, it is usually a higher cash inflows month.

If the movement in the bank account is negative, this is shown as a nett redemption. If the movement in the bank account is positive this is shown as a nett new investment.



The movement in Investments for the month of February 2024 were as follows:

Opening Balance of cash and investments as 31 January 2024	\$52,069,528
<u>Plus</u> New Investments – February 2024	\$6,200,000
<u>Less</u> Investments redeemed – February 2024	-\$4,518,215
Closing Balance of cash and investments as at 29 February 2024	\$53,751,313

**Director Finance & Governance comment on the cash and investments balance** – an increase in cash and investments is typical in the month of February due to higher cash receipts. Cash outflows continue to be managed to ensure that the timing of grant funding milestones matches the pace of works undertaken.

High value Accounts Payable transactions included \$203K for re-sheeting of Peach Tree Road Megalong, \$152K for Stage 1 Old Bathurst Road SPS Renewal, \$110K for Donkey Steps maintenance, \$204K for the West Bowenfels Sewer Pump Station design and construction, \$128K for repairs to Rydal Road, \$394K for water purchases, \$146K for road sealing and \$470K for domestic waste collection.

#### Funding Requirements for Restricted Reserves

A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received (e.g. Water, Wastewater, Domestic Waste) or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

**CFIO comment on restricted reserves** – Council had sufficient cash and investments at 29 February 2024 to fund \$40M of externally restricted reserves and \$10.9M of internally restricted reserves.

The Administration took action to initiate a \$3.5M working capital short-term loan facility to cover anticipated and ongoing high cash outflows for grant funded capital projects and claimable natural disaster recovery works. The loan amount was reduced to \$2.5M at the September quarterly review. The use of the loan for these purposes accords with Council's resolved policy position. Council is aiming to relinquish the loan at 30 June 2024.

The table below provides a Cash and Investments Statement with restricted reserve balances at 29 February 2024.

<b>Cash and Investments Statement (\$'000)</b>				
	<b>30 June 2023 Position</b>	<b>30 September 2023 Position</b>	<b>31 December 2023 Position</b>	<b>29 February 2024 Position</b>
<b>Externally Restricted</b>				
Developer Contributions	1,874	1,854	1,917	2,079
Special Purpose Grants	12,659	14,958	16,120	15,316
Water Supplies	2,829	2,960	3,326	3,809
Sewerage Services	7,427	8,095	8,416	8,101
Domestic Waste	7,402	9,223	8,499	7,897
Unexpended Loans	1,352	3,851	2,850	2,849
	<b>33,543</b>	<b>40,941</b>	<b>41,128</b>	<b>40,051</b>
<b>Internally Restricted</b>				
Land & Buildings	2,734	2,916	3,102	3,527
FAGs	6,013	4,510	3,235	2,004
Plant & Equipment	511	514	811	911
Bonds, Deposits & Retentions	302	309	302	310
Works in Progress	671	670	648	648
Carry Over Works	476	291	245	202
Commercial Waste	250	140	931	1,387
ELE	1,130	1,130	1,130	1,130
Election	100	119	138	150
Other	350	350	350	654
<b>Total Internally Restricted</b>	<b>12,537</b>	<b>10,949</b>	<b>10,892</b>	<b>10,923</b>
<b>Unrestricted (working capital)</b>	<b>(3,142)</b>	<b>2,779</b>	<b>1,854</b>	<b>2,777</b>
<b>Total Cash and Investments</b>	<b>42,937</b>	<b>54,669</b>	<b>53,874</b>	<b>53,751</b>

## CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investments Policy.

Both internally and externally restricted reserves are managed in accordance with legislation, regulation, Council resolutions and Council's endorsed budget allocations to / from reserves.

Ross Gurney  
Director Finance & Governance (Responsible Accounting Officer)

## Consultation and Communication

N/A

**Policy**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 26 February 2024, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011.

**Legal**

Council's Investment Policy complies with the Minister's Investment Order of 12 January 2011.

**Risk Management**

Risk is managed by taking a conservative approach to managing Council's investments and only investing in term deposits.

**Financial**

- Interest income budget approved – \$2,310,000
- Cost centre - 3259
- YTD Income to date - \$1,807,705
- Future potential impact – Nil.

Council's interest income for 2023/24 is projected to be \$2.3M, \$648K over the original budget. Investment returns have increased with Council being able to achieve up to 5.7% return on six month term investments. More recently with the pause on increasing interest rates, Council is obtaining returns around 5.0%. Also, Council's average investment balance has been above the budgeted average investment balance of \$39M, which is mainly due to the \$6M upfront payment of the 2023/24 Financial Assistance Grant and the \$13.8M natural disaster works payment.

Interest is paid on the maturity date of the investment. The budget for interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest returns are determined by average funds invested and the rate of interest return.

**11.5.3. EXEC - 25/03/2024 - ALGA's National General Assembly (NGA) Conference  
2 - 4 July 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:** Trinity Newton – Executive Assistant

**Responsible Officer:** Craig Butler - General Manager

**Executive Summary**

The purpose of this report is to inform Council of the 30th National General Assembly of Local Government (NGA) 2024 Conference being held from Tuesday 2 July to Thursday 4 July 2024 in Canberra and for Council to determine its delegates to the event.

**Administration's Recommendation**

THAT Council:

1. Appoint the Mayor and Deputy Mayor as attendees to the NGA24 Conference.
2. Authorise the Acting General Manager or a delegate of the Acting General Manager, to also attend the NGA24 Conference.

**Attachments**

Nil

**Reference to any relevant previous minute**

Min 23-50 Ordinary Meeting of Council held 27 March 2023.

**Background and discussion**

The Australian Local Government Association (ALGA) is convening the 30<sup>th</sup> National General Assembly of Local Government (NGA), to be held in Canberra in July 2024.

The cost per delegate to attend this event is \$945 if registered and paid prior to 7 June 2024. Accommodation from Monday 1 July to Thursday 4 July is estimated at \$1,080 each for a three-night stay. The approximate total cost is \$2,025 per delegate plus expenses.

Based on past delegations to the National General Assembly Conferences, Council has sent two voting delegates (typically the Mayor and Deputy Mayor) and the General Manager. The total cost of this would be a minimum of \$6,075. Funding is available in the Councillor expenses / recurrent operating budgets.

The National General Assembly of Local Government (NGA), which will be occurring in Canberra from 2 to 4 July 2024 at the National Convention Centre.

In addition, the Federal Government has again offered to host Mayors at the Australian Council of Local Government (ACLG) on 5 July 2024. This is an opportunity for Council to speak directly to

Federal Ministers with one voice about the challenges and opportunities in our communities. The cost for the Mayor to attend this event is \$275 plus a further night's accommodation at approximately \$360. Total cost for Mayor to attend the ACLG being approximately \$635.

The theme of our 2024 NGA will be "Building Community Trust". ALGA is seeking motions that align with this theme and identify opportunities for new federal programs and policies that will support councils to build trust, both in our communities and as a local delivery partner for the Australian Government.

ALGA is now calling for councils to submit motions for the 2024 NGA. The NGA is the opportunity to shape the federal advocacy agenda that ALGA will undertake on behalf of Australian local governments.

At the time of writing this report, the Council's administration is still considering motions that should be proposed for this Assembly. The Joint Organisation is also being canvassed in this regard. If it becomes apparent that there are motions, then they will be provided to Councillors ahead of the meeting.

The featured concurrent sessions for selection by the nominated delegates to attend are listed below, with delegates being asked to indicate which session they would be interested in:

- Disaster Resilience and Recovery,
- Energy Transition,
- National Housing and Community Infrastructure, and
- Roads and Transport.

### **Consultation and Communication**

N/A

### **Policy**

Policy 9.5 Councillor Expenses and Facilities.

### **Legal**

N/A

### **Risk Management**

N/A

### **Financial**

- Budget approved – Councillor expenses / recurrent operating budgets. A separate budget is provided for State and National Local Government Conferences
- Cost centre – PJ 800154
- Expended to date - nil for the National General Assembly Conference 2024.
- Future potential impact – N/A

### **Consultation and Communication**

N/A

**11.5.4. F&G - 25/03/2024 - 2023/24 SRV Program Update - March 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 manage

**Author:** Ross Gurney - Director Finance and Governance

**Responsible Officer:** Craig Butler - General Manager

**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 and amounts to be transferred to an internally restricted reserve to build funds for more significant projects in 2024/25.

**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. 23-220 Ordinary Meeting of Council held on 27 November 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 developed SRV funded programs and many projects are underway or have been completed. Currently, it is expected that \$4.7M (75%) of the \$6.25M 2023/24 SRV program will be completed or spent by 30 June 2024. \$1.3M will be placed in an internally restricted reserve to build funds for more significant projects in 2024/25. The remaining \$250K contingency will be held in reserve in case of future shocks.

The 2024/25 program is being 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

It is anticipated that 96% of the \$2.34M SRV operational budget will be spent by 30 June 2024.

Funding Item	Sub-Projects	Full Year Budget	Expected FY Spend	Identified Projects
<b>Operational</b>				
General Asset Transport Maintenance				
	Enhanced evidence based asset management	\$ 192,530	\$ 192,530	Internal process audit and action plan Comprehensive Asset Condition Assessment (Roads)
	Sealed Road Condition 2 Preventative Maintenance	\$ 201,026	\$ 201,026	
	Sealed Road Condition 3 Preventative Maintenance	\$ 681,036	\$ 681,036	Includes part funding of Donkey Steps maintenance.
	Sealed Road Condition 4 Preventative Maintenance	\$ 365,079	\$ 365,079	
	Further funding to roadside spraying	\$ 95,455	\$ 95,455	UMCC Program
	High risk road safety signage & barrier improvements	\$ 129,690	\$ 129,690	Includes Capertee signage audit \$18,900
	<b>SUB-TOTAL</b>	<b>\$ 1,664,816</b>	<b>\$ 1,664,816</b>	<b>100% to be spent</b>
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	Includes Enfield Ave drainage
	<b>SUB-TOTAL</b>	<b>\$ 279,390</b>	<b>\$ 279,390</b>	
General Other Asset Classes Maintenance				
	Natural Area Management Officer (G16)	\$ 29,348	\$ 29,348	Natural Area Management Officer. Assume 3 months budget for 2023/24.
	Natural Area Management Projects	\$ 96,114	\$ 96,114	\$66,114 for UMCC roadside weed treatment \$30K budget for NAMO project
	Natural Area Management Projects - transfer to reserve for substantial 2024/25 projects	\$ 85,340		
	Community Halls - maintenance & repairs	\$ 92,500	\$ 92,500	
	Fast track by 12 months of Asset Management Plans - Stormwater and Buildings	\$ 45,000	\$ 45,000	50% completed in 2023/24.
	Comprehensive building asset inspection (Condition and attributes)	\$ 47,500	\$ 47,500	50% completed in 2023/24.
	<b>SUB-TOTAL</b>	<b>\$ 395,802</b>	<b>\$ 310,462</b>	
	<b>TOTAL OPERATIONAL MAINTENANCE</b>	<b>\$ 2,340,008</b>	<b>\$ 2,254,668</b>	<b>96%</b>

### Operational Maintenance Outcomes Achieved

- Natural Area Management Officer role in final stage of recruitment.
- Additional \$162K UMCC roadside weed treatment. Council has been able to deliver a 230% increase to this service. In a normal year, just over \$80,000 would be allocated to the program. This year, a road length of 273 kilometres will be treated.
- Gravel re-sheeting, drainage and crossfall improvements of Crown Station Road, Glen Davis.
- Vegetation control and drainage improvements on Baaners Lane, Little Hartley
- Heavy patching and stabilisation of Coxs River Road, including drainage improvements and guide post installation.
- Pavement stabilisation and bitumen reseal of select patches (2,195m<sup>2</sup>) on Hampton Road and Magpie Hollow Road.
- Repair of damaged guardrails and end terminals on Magpie Hollow Road, improving safety and compliance with modern standards.
- Maintenance and gravel re-sheeting of Wolgan Road emergency bypass.
- Pavement stabilisation and bitumen reseal of select patches (2,380m<sup>2</sup>) on Park Avenue, Portland.
- Pavement stabilisation and bitumen reseal of select patches (4,280m<sup>2</sup>) on Reserve Road, Marrangaroo.
- Upgrades to stormwater infrastructure (new kerb and gutter) on Saville Street, Portland
- Drainage clearing and reformation on Cases Lane, Meadow Flat
- Drainage clearing and reformation for the complete length of Old Western Road, Rydal Road and Hampton Road, including necessary traffic control.
- Upgrade of drainage pits on Magpie Hollow Road.

### 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	\$ 160,000	\$ 160,000	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 \$160K
Capacity Building	Business improvement - including service planning and other "budget bid" initiatives focused on improving productivity	\$ 125,000	\$ 125,000	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 Expected 2023/24 spend \$125K
	Transfer to reserve for substantial 2024/25 governance and productivity projects	\$ 215,000		
Transitions Management				
	Economic Development Management	\$ 29,479	\$ 29,479	Assume 2 months budget for 2023/24.
	LEEP Priority Action Fund (incl. Adaptive Skills Hub)	\$ 304,019	\$ 304,019	Contractor & other strategy costs Expected 2023/24 spend \$304K
	Transfer to reserve to build Transitions Management fund	\$ 758,502		
TOTAL OTHER OPERATIONAL		\$ 1,592,000	\$ 618,498	

It is anticipated that 39% of the \$1.59M SRV operational budget will be spent by 30 June 2024. Unspent Transitions Management funds will be placed in a specific internally restricted reserve, as planned, for future projects and to leverage access to grant funds via co-contributions.

### Other Operational Outcomes Achieved

- A Governance and Risk Manager commenced in October 2023 and is progressing a program of improvement projects. Achievements include completion of the Enterprise Risk Management Framework and ensuring readiness for the commencement of the Office of Local Government's Risk Management and Internal Audit guidelines from July 2024. The funding has enabled governance projects to be brought forward by 1 year.
- Additional internal audits are being programmed.
- The Capacity Building fund has enabled Service Planning to commence, as part of a Service Management Framework. Unspent funds will be placed in a reserve to advance the Service Planning / Review Program in 2024/25.
- Transitions Management
  - Delivery of the draft LEEP community engagement framework.
  - Lithgow demographic analysis and commercial floorspace survey.
  - Drafting and completion of the Interim Action Plan
  - Commencement of the Employment Lands Strategy review.
  - Preparation of a detailed tender proposal under the Australian Government's Local Jobs National Priority Fund.
  - Continued advocacy related to several LEEP initiatives, including the urgent establishment of the Future Jobs and Investment Authorities alongside the reestablishment of transition funding opportunities at a state level.



**Capital Renewal / Other**

Funding Item	Sub-Projects	Full Year Budget	Expected FY Spend	Identified Projects
<b>Capital</b>				
<b>Roads Renewal</b>				
	Sunny Corner Road Portland- from Sofala to Fainash 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	\$ 825,200	\$ 825,200	Savings of \$74,800 achieved
	Transfer savings to reserve for 2024/25 projects	\$ 64,800		
	<b>SUB-TOTAL</b>	<b>\$ 1,372,745</b>	<b>\$ 1,307,945</b>	
<b>Stormwater Drainage Renewal</b>				
	Transfer to reserve for action priorities of FPRMP	\$ 179,623		Place in reserve for flood warning system and Enfield Ave in 2024/25
<b>Other Asset Classes Renewal</b>				
	Playground Renewal and Safety	\$ 200,000	\$ 200,000	Stewart St Playground - \$221K
	Accelerate reduction of Plant replacement backlog (down from 10 years to 6 years)	\$ 317,487	\$ 317,487	Replace grader
	<b>SUB-TOTAL</b>	<b>\$ 517,487</b>	<b>\$ 517,487</b>	
	<b>TOTAL CAPITAL</b>	<b>\$ 2,069,855</b>	<b>\$ 1,825,432</b>	<b>88%</b>
<b>Other</b>				<b>Identified Projects</b>
Contingency - tfr to reserve	Surplus operating result (before capital), funds to be held in a reserve for future shocks	\$ 250,000	\$ -	
<b>Total SRV</b>	<b>GRAND TOTAL</b>	<b>\$ 6,251,863</b>	<b>\$ 4,698,598</b>	<b>75%</b>

It is expected that 88% of the capital renewal program budget will be spent by 30 June 2024. \$179,623 allocated for Stormwater Drainage Renewal will be held in reserve with a proposal to fund a flood warning system and Enfield Ave drainage works in 2024/25.

**Capital Works Outcomes Achieved**

- \$1.3M of additional roads renewal.
- \$64,800 budget savings achieved on the Main Street, Wallerawang which will be added to the 2024/25 SRV Program.
- Stewart Street Playground renewed (\$200K).
- Purchase of a replacement grader to accelerate reduction of the plant replacement backlog (down from 10 years to 6 years).

Contingency funds will be placed in a specific internally restricted reserve in case of future shocks (e.g. natural disasters).

It is anticipated that 75% 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**

Risks are being managed within individual projects.

**Financial**

As detailed in this report.

**Consultation and Communication**

N/A

## 12. Council Committee Reports

### 12.1. I&S - 25/03/2024 - Sports Advisory Committee Meeting - 14th February 2024

**Strategic Context for this matter:**

{strategic-direction}

**Author:** Kaitlin Cibulka – Executive Assistant

**Responsible Officer:** Jonathon Edgecombe – Director Infrastructure and Economy

**Executive Summary**

This report details the minutes of the Sports Advisory Committee Meeting held on 14<sup>th</sup> February 2024.

**Administration's Recommendation**

THAT

1. Council note the minutes of the Sports Advisory Committee held on 14<sup>th</sup> February 2024; and
2. Council provide *Alexis Reid* with \$500.00 toward the cost of participating in the European Circuit for Taekwondo; and
3. Council accept Romesh Kamalaharan and Morgan Starkey as the Sports Advisory Committee representatives from Wallerawang Indoor Sports Association.

**Attachments**

1. DRAFT Minutes Sports Advisory Meeting 14 February 2024 [**12.1.1** - 9 pages]

**Reference to any relevant previous minute**

Nil

**Background and discussion**

At the Sports Advisory Committee held on 14<sup>th</sup> February 2024, there were numerous items discussed by the Committee including;

- 2024 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
- Booking Requests

The following items were outside the Committee's delegations and require Council to formally approve the recommendation:

- Item 6 – Financial Assistance Requests
- Item 9 – New Members

**Financial**

- Budget approved - \$2,500.00

- Cost centre - PJ 800158 – Governance – Section 356 Donations and Contributions
- Expended to date - \$1,100.00
- Future potential impact - if the request is approved for \$500.00, the budget remaining will be \$600.00

**12.2. I&S - 25/03/2024 - Economic Development Committee Meeting minutes 18 March 2024****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:** Trinity Newton – Executive Assistant

**Responsible Officer:** Jonathon Edgecombe - Director of Infrastructure and Economy

**Executive Summary**

This report details the minutes of the Economic Development Committee meeting held on 18 March 2024.

**Administration's Recommendation**

THAT Council note the minutes of the Economic Development Committee meeting held on 18 March 2024.

**Attachments**

1. DRAFT Minutes Economic Development Committee Meeting 18 March 2024 [12.2.1 - 5 pages]

**Reference to any relevant previous minute**

Nil

**Background and discussion**

At the Economic Development meeting held on 18 March 2024, a range of items were discussed:

- Employment lands study – Project update
- Review of the Regional Development Act – Council's submission
- Completion of Investment Prospectus
- LEEP – General Update
- Draft Destination Action Plan

**Financial**

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

**12.3. EXEC - 25/03/2024 - Committee Meetings that did not Proceed****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:** Trinity Newton – Executive Assistant

**Responsible Officer:** Craig Butler - General Manager

**Executive Summary**

The purpose of this report is to inform Council of Section 355 Committee Meetings that did not proceed and the reasons they did not occur.

**Administration's Recommendation**

THAT the information contained in the report be noted.

**Attachments**

Nil

**Reference to any relevant previous minute**

Nil

**Background and discussion**

Section 355 Committee Meetings that did not proceed since the last Council meeting are:

- TALC – scheduled for Thursday 7 March 2024 - due to the lack of agenda items.
- Community Development Committee scheduled for Tuesday 12 March - due to a lack of quorum with three committee members not attending without notice. The Committee members who were present, read through and discussed the agenda items. No minutes were taken.

**Financial**

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

## 13. Delegates Reports

### 13.1. EXEC - 25/03/2024 - CNSWJO Board Meeting Delegates Report

**Report by** Craig Butler - General Manager

#### Commentary

The Mayor and General Manager attended the Central NSW Joint Organisation (CNSWJO) Board Meeting on 29 February 2024 in Condobolin. .

These board meetings of the CNSWJO are very beneficial for delegates to attend with many matters relevant to the city being discussed.

The next CNSWJO Board meeting will be hosted by Lithgow City Council on 23 May 2024.

#### Attachments

1. 29 February 2024 Mayoral Board Report [13.1.1 - 19 pages]

#### Recommendation

THAT the delegates report relating to attendance at the Central NSW Joint Organisation of Councils' Board Meeting on 29 February be received.

#### Management Comment

The agenda for this CNSWJO Board Meeting included the following items -

#### Speakers

- a. Gerry Collins, Director, Western NSW / Regional Coordination & Delivery / Regional Development / Department of Regional NSW
- b. Katrina Annis-Brown, Council Engagement Manager / Central and Far West, Office of Local Government / Department of Planning, Housing and Infrastructure
  - Noting of the Minutes of the CNSWJO GMAC Meeting 1 February 2024 held in Orange
  - Confirmation on of the Minutes of the CNSWJO Board Meeting 23 November 2023 held in Sydney
  - Matters in Progress
  - Reports on Statement of Regional Strategic Priority 2022-2025
  - Priority One: Leveraging our successful collaboration
  - Financial Report
  - Budget considerations 2024/2025: The Draft 2024 CNSWJO Statement of Budget and Revenue
  - Advocacy Report
  - Community Engagement Collaboration Report
  - Regional Procurement and Contracts Report
  - Disaster Risk Reduction Fund Program Report
  - Transport Report
  - Regional Water Security and Productive Water
  - Regional Water Report
  - Transition to a sustainable, secure and affordable energy future
  - Energy Program Report
  - Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025

Further detail can be provided for a councillor/s in relation to each of the above items if required. Also, the CNSWJO briefs the Council regularly about its work program and other key matters.

After her presentation, Gerry Collins (Director – Western, Regional Coordination & Delivery in the Dept of Regional NSW) received a number of questions from Board members and General Managers about the status of the NSW Government's Resources for Regions and Royalties for Rejuvenation funding programs. Both of these programs were intended to provide funding for local infrastructure or other initiatives to offset the impacts of mining or to support those communities that will be affected by a movement to Net Zero because of disruption to their economies or other local circumstances. Responses to some of the questions were held over while further information was obtained. The following advice was later issued to the CNSWJO by the Department of Regional NSW -

#### **"Resources for Regions"**

*Following a thorough review of government spending, the NSW Government is introducing a different model for how it invests in regional NSW to make sure we can help meet the needs of all communities. Recent rounds of Resources for Regions were funded by the NSW Government Regional Growth Fund (RGF). The 2023/24 budget reallocated uncommitted funds from the RGF to support election commitments, government savings and some contributions towards the Regional Development Trust. Resources for Regions will not be carried forward as an ongoing program.*

#### **Activity regarding Royalties for Rejuvenation Fund**

- 1. The NSW Government recognises the need to support workers and communities impacted by the shift towards net zero.*
- 2. Since 2021/22, **\$22.5 million** has been allocated to the Royalties for Rejuvenation Fund each financial year. The total balance of the Fund as of 26 February is \$76.5 million, including investment earnings.*
- 3. Expenditure of the fund is locked until 2028/29 or when the balance of the fund reaches **\$250 million**.*
- 4. In addition, **\$2.5 million** per year is provided to the Department for operational expenditure.*
- 5. Under the Mining Act, the object of the Fund is to alleviate economic impacts in affected coal mining regions caused by a move away from coal mining by supporting other economic diversification in those regions, including by the funding of infrastructure, services, programs, and other activities.*

*Funds must be drawn down in accordance with the provisions of the Mining Act.*

#### **Links to FJIA**

- 1. Consultation is underway to gain community and industry insights on the establishment of Future Jobs and Investment Authorities.*
- 2. Roundtables were held in the Hunter (8 August 2023) and Central West (10 November 2023), with additional roundtables to be scheduled for the Illawarra and North-West regions.*
- 3. While consultation is underway, no funding commitments will be made for new projects under the Royalties for Rejuvenation Fund or operational funding.*
- 4. A Future Jobs and Investment Authority delivery unit has been established to support the establishment of Future Jobs and Investment Authorities."*

## **14. Business of Great Urgency**

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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.