



Cenotaph in Queen Elizabeth Park Lithgow

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 22 April 2024

at 6:00 PM

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

### Identifying problems

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

### Disclosure of pecuniary interests / non-pecuniary interests

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

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

## 5. Confirmation of Minutes

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Confirmation of the Minutes of the Ordinary Meeting of Council held 25 March 2023.

## 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.

## 7. Public Forum

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

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

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

## 8. Mayoral Minutes

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

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## 9. Notices of Motion

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### 9.1. Notice of Motion - 22/04/2024 - Cr S Lesslie - Cost Benefit analysis of the Solar Panels on Lithgow Council's administration building

**Report by** Councillor Stephen Lesslie

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#### **Commentary**

Solar panels and associated batteries have now been in place on Lithgow Council's administration building for some years.

A cost benefit analysis has not yet been provided for Councillors, or the public, to ascertain their effectiveness and economic benefit.

Such an analysis would be helpful in determining whether further solar panel installations on other Council buildings, such as depots, libraries, waste/tip facilities or grandstands would be beneficial.

#### **Attachments**

Nil

#### **Recommendation**

That a cost benefit analysis be carried out on the solar panel and battery system currently on the roof of the Lithgow City Council administration building.

#### **Management Comment**

The Administration is currently developing a report to an upcoming Council meeting on this matter. The draft report will be provided to the next Operations Committee (June 2024) for review and discussion.

An initial cost benefit analysis is conducted as part of the business case development process for proposed solar panel installations.

**9.2. Notice of Motion - 22/04/2024 - Cr S Ring - Lithgow Hospital Staffing Levels**

**Report by** Councillor Steve Ring

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**Commentary**

On the 27<sup>th</sup> and 28<sup>th</sup> of March I had occasion to visit Lithgow Hospitals Emergency Department with the visit on the 28<sup>th</sup> spanning over 8 hours.

It was disheartening hearing staff discuss the absence of a doctor in the emergency department after 8.30pm.

On the night before the Easter long weekend and increased traffic on our roads it is disturbing that there would not be a doctor on duty.

Staffing shortages are affecting many industries inclusive of health, however as a community we need to ensure that our hospital is staffed to a level that meets the health requirement of our community

**Attachments**

Nil

**Recommendation**

THAT the Council write to the board of the Nepean Blue Mountains Local Health District seeking clarification on any staffing issues with the Lithgow Hospital and what is being done to rectify any issues – specifically the lack of Doctors within the Emergency Department at night.

**Management Comment**

The Council's administration maintains communication with the Nepean Blue Mountains Local Health District's administration about key aspects of their service delivery to the Lithgow community. There has not been enough time since receipt of this Notice of Motion to pursue and obtain advice on this matter.

**9.3. Notice of Motion - 22/04/2024 - Cr S Ring - Bathurst Bullet**

**Report by** Councillor Steve Ring

**Commentary**

The development of enhanced public transport particularly rail, is critical within the Central West for the broader community.

However, attempts by the Orange community to have the current Bathurst Bullet Train services extended to their community will adversely affect Lithgow residents who already struggle to find a seat on the limited service.

Enhanced rail service between Lithgow, Orange, Dubbo, and Mudgee would benefit many in the Central West. For that to occur there needs to be enhanced planning by the Government on how best to service the needs of the Central West.

The termination of all Sydney trains at Lithgow Station as opposed to Mt Victoria would increase the number of services not only for our residents but for the broader central west community. Lithgow could then become the terminus for the Bathurst Bullet which also take resident and tourist west instead of relying on coaches

**Attachments**

Nil

**Recommendation**

THAT the Council write to the Honourable Jo Haylen Minister for Transport that Lithgow Council does not support the proposed extension of the Bathurst Bullet to Orange and that development of Lithgow as the terminus for both the electrified city line and for an enhanced central west service.

**Management Comment**

There was some media coverage during March in relation to passenger rail services for the NSW Central West. This resulted from a Summit held in Bathurst. The Summit was hosted by Rail Action Bathurst, and attended by arranged by Orange Rail Action Group which proposed that the Bathurst Bullet be extended to Orange.

The Council would be aware of the Lithgow-based community group - the Lithgow Community Power Project (LCPP). This group was instrumental in developing this Council's EV Strategy. LCPP also contributed through some thought leadership to the development of the LEEP report where it references the opportunities provided by rail to re-shape the city's future economy. This results from the membership of LCPP having expertise in terms of the planning and operation of rail services.

LCPP have recently undertaken detailed analysis of the Western Rail Line (the physical network and the services) to scope the potential to enhance passenger services across the region. LCPP will brief the Council on their work and findings at the 13 May Information Session. The Council will also hear at this Session about NSW Government plans to soon commence the development of a Strategic Regional Integrated Transport Plan for the NSW Central West.

It is recommended that Council hear from LCPP about their analysis of rail services and that the administration then shape a further paper for the Council from which policy positions can be developed (including in relation to any concept of extending the Bathurst Bullet to Orange). These policy positions could then be advanced to the NSW Government, including through input to the Strategic Regional Integrated Transport Plan for the NSW Central West.

**9.4. Notice of Motion - Councillor Eric Mahony - Application of Policy 8.1 Excessive Water Usage Allowance for Breakages - Property location Amiens Street, Littleton.**

**Report by** Councillor Eric Mahony

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**Commentary**

At the Ordinary meeting of Lithgow City Council on the 26th of June 2023, Council adopted the revised Policy 8.1 Excessive Water Usage Allowance for Breakages.

This policy allows for a rebate for excessive water usage which may be provided to property owners when a breakage occurs that is beyond their control or would cause excessive water usage accounts that are inconsistent with previous bill levels for the same owner on the same property.

With consideration of the above policy I bring to the attention of Council to the matter of a damaged water pipe behind the water meter in Amiens Street, Littleton.

What makes the situation unique is that the meter is situated on the Council nature strip and the damaged section of pipe was located under a Council asset this being the concrete footpath.

**Discussion:**

The matter requires consideration for a reduction of the amount (potential rebate) of the current water bill charged to the effected residents under Policy 8.1 Excessive Water Usage Allowance for Breakages.

In addition the relocation of the residents water meter from well into Council's nature strip back to the resident's property boundary fence line, also needs to be considered which is in keeping with all other properties on the northern side of Amiens Street, Littleton

The resident, in addition to notifying Council of the water loss has also made a request that the meter be relocated back to the boundary line from its current location metres away from the property boundary in the Council median strip and his property, in Amiens Street Littleton. This is to reduce risk of loss of water supply and a repeat of the recent situation which has resulted in considerable cost incurred to the resident recently in addressing the high level of water loss from under a Council owned asset.

It should also be noted that damage has also been done to other infrastructure ie a NBN /Telecommunications pit as it is reported that heavy vehicles regularly leave the road surface onto this section of the grassed median strip.

Left unresolved the current situation presents an ongoing risk of damage to water assets located outside the private property boundary and beyond the property owners circle of control to manage. This presents an unreasonable ongoing risk and cost to the private resident to be exposed to in the future.

As a result the resident has received a considerably higher water usage bill and has evidence supported by smart meter data that it is reasonable to believe that it is due to the pipe failure outside his property.

**Attachments**

Nil

**Recommendation**

THAT the resident receive a rebate for the considerably higher water usage component of the recent water bill as supported by Smart meter data.

That Council relocate the water meter at Council's cost back to the boundary fence line of the effected property in Amiens Street, Littleton.

**Management Comment**

The Administration has processed a rebate for the undetected leak against this property. Staff were directed by the Executive Manager – Water, Wastewater and Waste to process the rebate on 10 April.

Previously, the meter was placed within the property, when meters were first installed to serve properties. Subsequently, staff were informed by the property owner that it was in a bad spot and it was requested to be moved. The meter is now placed out on the nature strip with the leak found under the footpath at the front of the property. The administration wrote to the property owner as per policy 3.1 Water Service and Meter Installation noting clause 10:

*“Where a meter is proposed to be relocated, written approval of the Council is required, and all costs are to be borne by the applicant.”*

Most water meters are now outside properties and, in new developments, placed 500mm out and 500mm away from the property and adjoining boundaries respectively, which allows for better access for maintenance and emergency. The meter can be moved, however, it must be placed either inside the property or on the outside edge of the footpath, as there is not enough room for a new meter box between the footpath and the fence line.

## 10. Administration Reports

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### 10.1. Caring for Our Community

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#### 10.1.1. I&E - 22/04/2024 - Request for Fee Reduction - Use of Tony Luchetti Sportsground - Lithgow Workies Wolves

**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 manage

**Author:** Kaitlin Cibulka – Cemeteries & Administration Supervisor

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

#### Executive Summary

Council is in receipt of a letter from the Lithgow Workies Wolves Senior Rugby League Club for consideration of assistance with the invoice for the 2023 and 2024 seasons.

#### Administration's Recommendation

THAT

1. Council approve a reduction of the lighting portion of the invoice from \$8,541 to \$2,550 (reduction of \$5,991.00), bringing the total invoice amount to \$7,500 for the 2023 Rugby League Season for the Lithgow Workies Wolves.
2. Council consider a reduction of the lighting fee for the 2024 Rugby League Season for the Lithgow Workies Wolves from \$73.50 per hour to \$50.00 per hour (reduction of \$23.50 per hour) with the seasonal Training, Ground Rental and Bond fee charged as per the 2023/2024 Fees and Charges.
3. Council note that there will be changes proposed to the 2024/2025 Fee and Charges for the Rugby League – Group 10 Fees and that this will be subject to consultation with the sporting community through the Sports Advisory Committee before consideration by Council as part of the formal endorsement process for fees and charges at the 24 June 2024 meeting.

#### Attachments

Nil

#### Reference to any relevant previous minute

N/A

#### Background and discussion

The Lithgow Workies Wolves Senior Rugby League Club make applications annually to use the Tony Luchetti Sportsground for training and matches during their seasonal competition.

In 2023, the club made a booking for the season consisting of 3 x training days (Tuesday, Thursday and Fridays) with lighting for 2 hours per training day (6:00pm to 8:00pm) and Saturdays / Sundays as per the 2023 season draw. The club were invoiced as per the 2022/2023 fees and charges as follows:

<b>Fee</b>	<b>Charges</b>
Rugby League - Training – Group 10 – (Excludes Lighting)	\$2,090.00 - Per Season
Rugby League - Ground Rental – Group 10 -	\$2,860.00 - Per Season
General Fee for all Bookings – Lighting	\$68.50 per hour

The charges for the 2023 Season came to a total of \$13,491.00.

In previous seasons, the club has only made application, and been charged, for 2 (two) days of training and 2 hours of lighting per week (1 x hour per training day). The previous bills averaged around \$7,300.00 per season, including training, lighting and ground rental.

Whilst Council is yet to receive a booking for the 2024 season, the seasonal fees as per the 2023/2024 fees and charges are shown below:

<b>Fee</b>	<b>Charges</b>
Rugby League - Training – Group 10 – (Excludes Lighting)	\$2,245.00 - Per Season
Rugby League - Ground Rental – Group 10 -	\$3,070.00 - Per Season
General Fee for all Bookings – Lighting	\$73.50 per hour

As suggested in the recommendation, reducing the lighting fee from \$73.50 to \$50.00 per hour may assist the club in their 2024 Season, however, this would be dependent on the number of training days and the timeframe that lighting is required.

Council will also look at the 2024/25 fees and charges to consider any changes that may assist clubs in future years competitions and will consult with the sporting community via the Sports Advisory Committee and during the public consultation/ exhibition period.

#### Review of Sporting Fields and Facilities Fees & Charges

At the 27 November 2023 meeting, Council resolved (Min. No. 23-206):

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

It is proposed to bring the requested report to the 18 June 2024 Finance Committee meeting.

A detailed review of sporting fields & facilities fees & charges will be undertaken and completed by June 2024. The review will provide recommendations for setting fees and charges for the 2024/25 year.

The review will examine the following items:

- the cost of delivering services and cost drivers,
- the level of subsidisation of services,
- consolidation of fees and/or setting fees for specific community groups,
- capacity to pay and equity, and
- benchmarking of fees with comparable Councils.

**Policy**

Nil

**Legal**

N/A

**Risk Management**

N/A

**Financial**

- Budget approved – nil for fee waivers / reductions.
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – a reduction in lighting fees for the Lithgow Workies Wolves will reduce Council's user fees and charges income and impact the planned income budget.

**Consultation and Communication**

N/A

**10.1.2. P&P - 22/04/2024 - First Nations Representatives on Council Committees****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.

**Author:** Matthew Johnson – Manager Community & Culture

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

**Executive Summary**

This report advises Council on nominations received from First Nations people to join Council committees.

**Administration's Recommendation**

THAT Council appoint the following First Nations representatives to Council committees:

**Community Development Committee**

Aunty Helen Riley of Mingaan Aboriginal Corporation  
Kylie Manson of Warrabinga Native Title Claimants

**Environmental Advisory Committee**

Aunty Sharon Riley of Mingaan Aboriginal Corporation  
Rick Slaven

**Women's Advisory Committee**

Kylie Manson of Warrabinga Native Title Claimants

**Attachments**

1. Expression of Interest from Rick Slaven to join Lithgow City Council Committees redacted [10.1.2.1 - 4 pages]
2. Mingaan Expression of Interest to join Council Committees redacted [10.1.2.2 - 2 pages]
3. Expression of Interest from Warrabinga to join Council committees redacted [10.1.2.3 - 2 pages]

**Reference to any relevant previous minute**

Min 23-87 Ordinary Meeting of Council held 22 May 2023

**Background and discussion**

At the Ordinary Meeting of Council held 22 May 2023, Council resolved (Min 23 –87)  
THAT:

1. A First Nations representative, from a Registered Aboriginal Party (RAP), be nominated for appointment to S355 Committees, as relevant, to follow on from the support of the Voice to Parliament.
2. Council determine the S355 committees which will include a First Nations representative.
3. Committee Terms of Reference be altered to reflect the inclusion of a First Nations representative on selected Committees.
4. In order to advance, the matter be referred to a Councillor Information Session and invite the local RAP's representatives to speak to this and of the council committees they would like to have representation on.

Council reached out to several First Nations individuals and organisations and has received the following nominations:

### **Aunty Helen Riley MINGAAN Aboriginal Corporation**

Aunty Helen Riley has submitted an Expression of Interest to join the Community Development Committee and the Environmental Advisory Committee. MINGAAN has been active in the Lithgow community for many years, promoting the needs of indigenous people, including caring for Maiyingu Marragu Aboriginal Place and organising the annual NAIDOC event.

### **Kylie Manson Warrabinga Native Title Claimants**

Kylie Manson has submitted an Expression of Interest to join the Community Development Committee, the Women's Advisory Committee, and the Environmental Advisory Committee. Warrabinga have a registered Native Title Claim over much of the Lithgow LGA.

### **Rick Slaven**

Rick Slaven's Expression of Interest to join the Environmental Advisory Committee arises from his interest in environmental and cultural matters.

These committees are comprised of the following membership:

### **Community Development Committee**

- Two Councillors - Cr Bryce and Cr Coleman.
- One member of the retail/business sector.
- Six members of the community, including one community representative with a disability or frail aged or caring for a person who is frail aged, as well as one representative of organisations involved in advocacy for and/or the provision of services for people with a disability or people that are frail aged.

This committee currently has three community representative vacancies.

### **Environmental Advisory Committee**

- Two Councillors – Cr Mahoney and Cr Bryce.
- One nominated member of Lithgow and Oberon Landcare Association and one alternate nominated member.
- One nominated member of Lithgow Environment Group and one alternate nominated member.
- One nominated member of Lithgow Tidy Towns and one alternate nominated member.
- One nominated member of the Community Nursery and one alternate nominated member.
- One Central Tablelands Local Land Services and one alternate.
- One Community Representative and one alternate member.
- Director People and Places.

The Lithgow Tidy Towns, Central Tablelands Local Land Services and Community Representative positions are currently vacant.

**Women's Advisory Committee**

- Two Councillors - Cr Coleman and Cr Bryce.
- A minimum of six community representatives with an interest and experience in advancing women's interests.
- Three representatives of organisations involved in working with women and women's interests.

This committee currently has several community representative vacancies. A separate report has been prepared for this meeting of Council that details Expressions of Interest received to fill these vacancies.

**Policy**

N/A

**Legal**

Council Committees are appointed in accordance with Section 355 of the Local Government act 1993.

**Risk Management**

N/A

**Financial**

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

**10.2. Developing Our Built Environment**

**10.2.1. P&P - 22/04/2024 - DA038/24 - 16-26 Main Street Lithgow (Shop 22) - Change of Use to Beauty Salon**

**Strategic Direction:**

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

**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:** Emma-Rose Cooper – Team Leader Development Planning

**Department:** People & Places

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

**Property Details** Lot 11, Sec 1, DP 13964, 16-26 Main Street Lithgow – Shop 22

**Property Owner** Lithgow City Council

**Applicant** Ms C Hardie

**Executive Summary**

On 12 March 2024, the subject Development Application DA038/24 was lodged with Council seeking consent for a beauty salon at shop 22, 16-26 Main Street Lithgow. Specifically, the development proposes:

- Change of use to existing premises for the purpose of a beauty salon.
- No internal or external structural alterations or additions.
- Business identification signage.
- The beauty salon proposes to provide the following services: eyelash extension, eyelash list, eyelash tint, eyebrow wax, eyebrow lamination and makeup.
- One (1) employee.
- The proposed hours of operation are as follows:

Proposed Operating Hours:	
Monday	10:00am – 5:00pm
Tuesday	Closed
Wednesday	9:00am - 7:00pm
Thursday	10:00am - 8:30pm
Friday	10:00am – 7:00pm
Saturday	8:00am – 1:00pm
Sunday	Closed

Pursuant to Council’s Policy 7.6 *Development Applications by Councillors and Staff, or on Council Owned Land & Conflicts of Interest*, the subject Development Application is reported to Council for consideration and determination as the proposal is on Council owned land.

Pursuant to Council's Community Participation Plan, Part 2.3.7, commercial development comprising of non-structural alterations to an existing building, does not require notification. As such, the Development application was not notified.

### Administration's Recommendation

THAT

1. Development Application DA038/24 be approved, subject to condition of consent detailed in the attached 4.15 Assessment Report.
2. A division be called in accordance with the requirements of Section 375A(3) of the Local Government Act.

### **Attachments**

1. 4.15 Assessment Report - DA038/24 16-26 Main Street Lithgow (Shop 22) [10.2.1.1 - 14 pages]
2. Floor Plans - DA038/24 16-26 Main Street Lithgow (Shop 22) [10.2.1.2 - 1 page]

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

Nil.

### **Background and discussion**

The subject site is formally known as Lot 11, Sec 1, DP 13964, 16-26 Main Street Lithgow – Shop 22. The site is owned and managed by Lithgow City Council as a commercial tenancy.

The site is located within the Lithgow Town centre, a local heritage conservation area (C7) pursuant to the Lithgow Local Environmental Plan (LEP) 2014. The proposed development does not propose any structural alterations or additions to the internal or external building. The proposed beauty salon is considered unlikely to result in adverse impacts on the established heritage significance of the Town Centre.

As outlined in the attached 4.15 Assessment Report, the proposed change of use to a beauty salon is considered to be in keeping with the matters outlined in the Environmental Planning and Assessment Act 1979, Lithgow Local Environmental Plan and Lithgow Development Control Plan 2021. As such, the Development Application is recommended to be approved, subject to conditions of consent.

In addition, the Development Application was referred to Council's Environmental Health Officer and Property & Legal Officer for review. No objections and/or concerns were raised, subject to standard conditions being imposed in the consent.

### **Policy**

#### Consultation and Communication

Pursuant to Council's Community Participation Plan, Part 2.3.7, commercial development comprising of non-structural alterations to an existing building, does not require notification. As such, the Development application was not notified.

#### Policy 7.6 Development Applications by Councillors and Staff or On Council Owned Land

Policy 7.6 states the following:

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

The subject site is owned and managed by Lithgow City Council. As such, Development Application DA038/24 is reported to an Ordinary Meeting of Council for consideration and determination.

### **Legal**

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

The proposed works require development consent in accordance with the Act and Lithgow Local Environmental Plan (LEP) 2014. In determining a Development Application, Council as the consent authority, is required to take into consideration the matters outlined under Section 4.15 of the Act.

Section 4.15 of the Act has been carefully considered and addressed in the attached 4.15 Assessment Report. The proposed beauty salon is considered to be in keeping with the matters outlined under Section 4.15 of the Act, Lithgow Local Environmental Plan 2014 and Lithgow Development Control Plan 2021. As such, Development Application DA038/24 is recommended for approval, subject to conditions of consent.

### **Financial**

Budget approved – Not applicable for the assessment of the Development Application.

Cost centre - Not applicable for the assessment of the Development Application.

Expended to date - Not applicable for the assessment of the Development Application.

Future potential impact - Not applicable for the assessment of the Development Application.

## 10.2.2. P&P - 22/04/2024 - DA013/24 - George Coates Street Lithgow (Tony Luchetti Sports Centre) - Shed Ancillary to Lithgow Swimming Pool

### Strategic Direction:

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

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

**Author:** Emma-Rose Cooper – Team Leader Development Planning

**Department:** People & Places

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

**Property Details** Lot 1 DP 1123449 George Coates Street, Lithgow NSW 2790, Tony Luchetti Sports Centre (Lithgow Swimming Pool)

**Property Owner** Crown Lands

**Applicant** Lithgow City Council

### Executive Summary

On 6 February 2024, the subject Development Application DA013/24 was lodged into Council seeking consent for a shed at Lithgow Swimming Pool (JM Robson Aquatic Centre), George Coates Street, Lithgow. Specifically, the development proposes:

- Construction of a shed - 6m x 9.25m steel shed comprising of two (2) roller doors and one (1) pedestrian door. The shed is proposed to be 3.12m in height.
- The shed is to be used for storing pool equipment associated with the Lithgow Swimming Pool.

Pursuant to Council's Community Participation Plan, Part 2.3.7, development of minor nature that, in the opinion of the assessing officer, does not have potential to create a negative impact on the amenity of the neighbourhood, does not require notification. The proposed shed (ancillary to the Lithgow Swimming Pool) is considered unlikely to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste product, grit or oil, traffic generation or otherwise. As such, the Development Application was not notified.

Pursuant to Council's Policy 7.6 *Development Applications by Councillors and Staff, and On Council Owned Land & Conflict of Interest*, the subject Development Application is reported to Council for consideration and determination as Council is the Applicant and the application is on Crown land managed by Council.

### Administration's Recommendation

THAT

1. Development Application DA013/24 be approved, subject to conditions of consent detailed in the attached 4.15 Assessment Report.
2. A division be called in accordance with the requirements of Section 375A(3) of the Local Government Act.

## Attachments

1. Architectural Plans - DA013/24 - Lithgow Swimming Pool [10.2.2.1 - 2 pages]
2. 4.15 Assessment Report - DA013/24 - Lithgow Swimming Pool [10.2.2.2 - 16 pages]

## Reference to any relevant previous minute

Nil.

## Background and discussion

The subject site is formally known as Lot 1 DP 1123449 George Coates Street, Lithgow NSW 2790, Tony Luchetti Sports Centre. The proposed shed is to be ancillary to the Lithgow Swimming Pool (JM Robson Aquatic Centre) which is located on the corner of George Coates Street, Barton Street and Fred Burley Drive.

The Tony Luchetti Sports Centre is an item of local heritage (Iem I340), in particular, the showground grandstand and associated buildings (Lithgow Local Environmental Plan (LEP) 2014). The proposed shed is considered to be minor in nature and unlikely to result in adverse impacts on the subject site and established heritage significance of the site.

A Review of council's records revealed the following applications of relevance to the Lithgow Swimming Pool:

- On 11 September 2014, approval was granted for the installation of a shade sail at the Lithgow Swimming Pool, under Development Consent No. DA188/13.
- On 8 July 2013, approval was granted for the conversion of the old pool amenities block to Lithgow Men's Shed, under Development Consent No. DA119/13.

As outlined in the attached 4.15 Assessment Report, the proposed shed (ancillary to the Lithgow Swimming Pool) is considered to be in keeping with the matters outlined in the Environmental Planning and Assessment Act 1979, Lithgow Local Environmental Plan 2014 and Lithgow Development Control Plan 2021. As such, the Development Application is recommended to be approved, subject to conditions of consent.

## Policy

### Consultation and Communication

Pursuant to Council's Community Participation Plan, Part 2.3.7, development of minor nature that, in the opinion of the assessing officer, does not have potential to create a negative impact on the amenity of the neighbourhood, does not require notification. The proposed shed (ancillary to the Lithgow Swimming Pool) is considered unlikely to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste product, grit or oil, traffic generation or otherwise. As such, the Development Application was not notified.

### Policy 7.6 Development Applications by Councillors and Staff or On Council Owned Land

Policy 7.6 states the following:

1. *That, subject to the exemptions in Part 2 of this policy, the following development applications shall be referred to Council for consideration and determination:*
  - a. *Any development application lodged where the applicant is a Councillor or a member of Council's Executive Staff or immediate family thereof.*
  - d. *Where the application is on Crown land managed by Council*

The subject site is Crown land managed by Council, and Lithgow City Council is the listed Applicant. As such, Development Application DA013/24 is reported to an Ordinary Meeting of Council for consideration and determination.

**Legal**

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

The proposed works require development consent in accordance with the Act and Lithgow Local Environmental Plan (LEP) 2014. In determining a Development Application, Council as the consent authority, is required to take into consideration the matters outlined under Section 4.15 of the Act.

Section 4.15 of the Act has been carefully considered and addressed in the attached 4.15 Assessment Report. The proposed shed (ancillary to the Lithgow Swimming Pool) is considered to be in keeping with the matters outlined under Section 4.15 of the Act, Lithgow Local Environmental Plan 2014 and Lithgow Development Control Plan 2021. As such, Development Application DA038/24 is recommended for approval, subject to conditions of consent.

**Financial**

Budget approved – Not applicable for the assessment of the Development Application.

Cost centre - Not applicable for the assessment of the Development Application.

Expended to date - Not applicable for the assessment of the Development Application.

Future potential impact - Not applicable for the assessment of the Development Application.

### 10.2.3. P&P - 22/04/2024 - Draft Lithgow Local Infrastructure Contributions Plan (Section 7.12) 2024

#### Strategic Context for this matter:

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

**Author:** Sherilyn Hanrahan – Strategic Land Use Planner

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

#### Executive Summary

At its ordinary meeting of Council held on 24 July 2023 Council received a report detailing the findings of an independent review of Council's development contributions systems and a Draft Section 7.12 Contributions Plan.

Council deferred consideration of the matter pending a Councillor Information Session (Min No 23-124).

The Councillor information session was held on 4 September 2023. At this session, Councillors received a detailed presentation in relation to its development contributions system, the findings of the independent review, the proposed Draft 7.12 Plan, and a program of work still to be undertaken.

In the interim period between September 2023 and April 2024, Council officers have been working to revise and finalise the works schedule to be included in the Draft S.7.12 Plan (Attachment 1 of the Draft Plan). Councillors were briefed on this works schedule at an information session held on 8 April 2024.

The works schedule in the Draft 7.12 Plan focuses directly on the next 2024/2025 financial year and includes \$390,000 of direct infrastructure and \$210,000 of necessary strategy, design and costing works to deliver infrastructure when and where it is needed in future years.

The 2024/2025 works schedule, on the back of the 2023/2024 works schedule funded through development contributions, is made possible due to the level of funds held in restricted assets. Without the significant injection of funds from the development contributions systems, many of the projects would not have been able to be completed at all or would, at the very least, been significantly delayed.

This report seeks a Council resolution to publicly exhibit the Draft 7.12 Local Infrastructure Contributions Plan 2024.

#### Administration's Recommendation

THAT

1. Council endorse the Draft Local Infrastructure Contributions Plan (S.7.12) 2024 attached to this report for public exhibition.
2. The matter be returned to Council for consideration of adoption following public exhibition.
3. A DIVISION be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993.

## Attachments

1. Draft Local Infrastructure Contributions Plan ( S.7.12) 2024 [10.2.3.1 - 23 pages]

### Reference to any relevant previous minute

Min 23-124 Ordinary Meeting of Council 24 July 2023

### Background and discussion

The current Lithgow City Council Section 94A (now S.7.12) Development Contributions Plan (fixed levy plan) 2015 requires amendment to update and replace the works schedule in Attachment 1 that has now either been delivered or are projects no longer being funded from development contributions, and to contemporise and align the Plan with required legislation and current best practice.

A contributions plan can only be amended by a new contributions plan developed in accordance with the EP&A Act, 1979 and its Regulations 2021.

The Draft 7.12 Plan 2024/25 works schedule (Attachment 1 of the Draft Plan) provides for \$600,000 of expenditure, being \$390,000 of direct infrastructure and \$210,000 of necessary strategy, design and costing works to deliver infrastructure when and where it is needed in future years outlined in the following table:

Item No	Description of Project	Description of works	Total estimated cost
<b>1 Roads, Traffic Management and Active Transport</b>			
1.1	Kerbside Pram and Accessibility Ramp Enhancement Program	Auditing for compliance and improvement/replacement of priority kerbside and pram accessibility ramps	\$80,000
1.2	GWH Shared Pathway from Mudgee St to Main Street	Planning and Design Works	\$60,000
<b>2 Open Space and Recreation</b>			
2.1	QE Park District Level Upgrade Stage 1 - Southern Toilet Block	Single Uni-Sex Exeloo to service children's playground and passive recreation area	\$220,00
<b>3 Civic and Cultural Community Facilities</b>			
3.1	Union Theatre Improvements	Upgrades to improve the use of the civic and cultural asset	\$40,000
3.2	Bowenfels Gun Emplacements Improvement Program	Improvements to conserve and preserve State Heritage Item and improve public access and enjoyment	\$50,000
<b>4 Other</b>			
4.1	Endeavour Park Masterplan	Concept masterplan design of Endeavour Park recreational and open space areas	\$70,000
4.2	Town Tree Planting Project Stage 1 Strategy and Priority Planting	Strategy to ensure that the urban streetscape is enhanced, sustainable and resilient. Commencement of priority planting.	\$70,000
4.3	Plan Administration	To implement and make amendments to the plan where required	\$10,000
	<b>Total</b>		<b>\$600,000</b>

All projects are targeted for completion in the 2024/2025 financial year. Ordinarily, the works schedule of a Contributions Plan would have a forward planning horizon between 4 and 10 years aligned to Council's Operational, Delivery and Long Term Financial and Capital Works Plans. However, Council has much more work to do in this space.

Council officers will be working towards a longer-term infrastructure planning and delivery plan over the next twelve month period to align with its Integrated Planning and Reporting (IP&R framework).

This 2024 S.7.12 Plan will be required to be replaced by another contributions plan once the works schedule is planned beyond 2024/2025.

### **Consultation and Communication**

The Draft 7.12 Lithgow Local Infrastructure Contributions Plan will require public exhibition for a period of no less than 28 days and consideration of submissions raised before being adopted by Council. The Draft Plan will be exhibited in accordance with Council's Public Participation Plan and the EP&A Act, 1979 and its Regulations 2021.

### **Recording of Voting on Planning Matters**

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

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

### **Policy**

Nil

### **Legal**

The subject matter of this report is a function of Council conferred by the Environmental Planning and Assessment Act 1979 (EP& A Act) and Environmental Planning and Assessment Regulation 2021.

Development Contributions Plans are required to developed, delivered, and reported against in accordance with the EP& A Act, 1979 and its Regulations 2021.

### **Risk Management**

Nil

### **Financial**

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

## 10.2.4. I&E - 22/04/2024 - Tender Evaluation - Replacement of the Red Hill Road Bridge, Upper Turon

### Strategic Context for this matter:

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

**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:** Sean Quick – Project Officer

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

### Executive Summary

This report summarises the tender evaluation process that has been undertaken for the construction of a new reinforced-concrete bridge on Red Hill Road, Upper Turon. This bridge will replace the existing timber bridge at this location. The project is funded from the NSW Government's Fixing Country Bridges grant program.

### Administration's Recommendation

THAT Council:

1. Note the tender evaluation for the demolition of the timber bridge on Red Hill Road, Upper Turon and the design and construction of a replacement concrete bridge.
2. In accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2021, accept the tender submission from Bridgecheck for the tendered amount of \$407,100 (plus GST).
3. Authorise the General Manager to execute the contract on behalf of Council under delegated authority.

### Attachments

1. CONFIDENTIAL - Final Version - Evaluation Scoresheet - Red Hill Road Bridge Replacement [10.2.4.1 - 1 page]

### Background and discussion

Council owns and maintains a small, single-lane timber bridge which crosses Benedict Creek on Red Hill Road at Upper Turon. The bridge is located in the far north-west of the Lithgow Local Government Area, alongside the boundary with Bathurst Regional Council, an approximate fifteen (15) minute drive from Sofala. Council's records indicate that this bridge was constructed in 1937 and it requires periodic maintenance to ensure its ongoing safety as a road bridge. It is currently in average to poor condition and has reached the end of its useful life.

In 2021, Council applied for, and was successful, in receiving funding to replace this bridge, and another at Rydal, through the second round of Transport for NSW's Fixing Country Bridges Program. This grant funding was available for regional NSW Councils to replace ageing timber bridge structures with safe, modern reinforced concrete bridges. Council was able to replace the three (3) timber bridges on Glen Davis Road, Capertee with funding from Round One of this program.

The benefits of replacing the timber bridge with a concrete structure includes the increased life span of such structures, the low maintenance required and the material's resistance to the elements, particularly fire and flood events.

The bridge serves as a point of access to residents in this locality and Red Hill Road provides a point of egress in times of heavy rainfall, in that there are no in-creek crossings.

Preliminary works, including surveys, geotechnical testing and a review of environmental factors were undertaken last year, prior to the calling of tenders for the design and construction of the bridge.

### Tender Process

A Tender Evaluation Panel (TEP) was formed, consisting of the following staff:

Name	Position	Role on TEP
Sean Quick	Project Officer	Chair
Leanne Kearney	Assets & Infrastructure Planning Manager	Member
Peter Fisher	Project Officer	Member
James Gilbert	Purchasing Coordinator	Member

In accordance with the tender evaluation plan, it was determined that tender responses would be evaluated based on the following criteria:

- Value for money (40%);
- Design Concept and Proposed Methodology (20%);
- Demonstrated Experience and Past Performance (20%);
- Project Program (15%);
- WHS Management (2.5%); and
- Local Preference Policy (2.5%).

Council called for open tenders on 28 February 2024, and seven (7) responses were received by the tender closing time, 9:00am on 28 March 2024. These were received from the following companies:

- Bridgecheck Australia Pty Ltd
- Buildsmore Pty Ltd
- Central Industries
- Civilwise Pty Ltd
- Fulton Hogan Industries Pty Ltd
- GC Civil Contracting
- Waeger Constructions Pty Ltd

### Tender Evaluation

The TEP reviewed the submissions and met on 4 April 2024 to discuss the proposals.

The below table offers a summary of the TEP's scoring against the various evaluation criteria. A copy of the detailed evaluation has been provided to all Councillors with this report as a confidential attachment. Please note that the attachment contains information that is commercial-in-confidence.

Tenderer	Overall Score (out of 100)
Bridgecheck	87

Central Industries	83
Civilwise	82
Fulton Hogan	79
Waeger Constructions	78
Buildsmore	77
GC Civil Contracting	68

As well as tendering the lowest price, Bridgecheck demonstrated a sound understanding of the project. Bridgecheck have been engaged by Lithgow City Council in the past to successfully repair and restore a bridge at Hartley Vale, and recently completed the replacement of two (2) timber bridges for Liverpool Plains Shire Council (LPSC). A referee from LPSC vouched for Bridgecheck's quality of work.

Bridgecheck are based in Bathurst so do not meet the requirements of Council's Local Procurement Policy. However, with the bridge located in Sofala, their office is closer to the worksite than Lithgow.

### Consultation and Communication

Residents in the local area have been advised of the project in writing and further direct communication will be issued once the tender is awarded. In addition, Council has created a project-specific webpage for the Fixing Country Bridges project, which will be updated regularly.

### Policy

The tender process was undertaken in accordance with Policy 1.4 - Tendering and Policy 1.7 - Local Procurement.

### Legal

The subject matter of this report is a function of Council conferred by Section 55 of the *Local Government Act 1993* and Part 7 the *Local Government (General) Regulation 2021*.

The project is subject to a thorough assessment of key environmental issues by way of formal Review of Environmental Factors, to ensure compliance with the *Environmental Planning and Assessment Act 1979*.

### Risk Management

Council's Project Manager has undertaken a risk assessment of the project and identified real and perceived risks and treatment strategies have been applied. The risk register will be updated over the course of the project.

### Financial

- Budget approved - \$759,984 externally funded via the Transport for NSW *Fixing Country Bridges* program.
- Cost centre - PJ100827
- Expended to date - \$41,429 on preliminary works
- Future potential impact - \$100,000 to be expended this financial year with the remainder to be carried forward into the 2024/25 financial year.

**10.2.5. I&E - 22/04/2024 - Lithgow Store Construction Project - Contract Variation****Strategic Context for this matter:**

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

**Author:** Sean Quick – Project Officer

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

**Executive Summary**

This report provides Council with an update on the construction of the Lithgow Depot 'Store' warehouse building and explains the reasoning for seeking an approval from Council for a variation to the contract, as well as a budget variation.

**Administration's Recommendation**

THAT Council:

1. Note the report regarding the contract variation for the Council Store Building development at 146 Mort Street, Lithgow
2. Accept a contract variation for the amount of \$461,714.10 from Structor Pty Ltd. for additional specified site works, and for increased material and labour costs. This will bring the total contracted amount to \$1,334,160.71.
3. Fund an additional \$250,797 as part of Council's 2024/25 Capital Works program to complete Council's Store Building development project

**Attachments**

1. Contract Variation vs Quantity Survey Estimate [**10.2.5.1** - 5 pages]
2. Final Plans for Store Building Project [**10.2.5.2** - 1 page]
3. Flood Impact and Water Quality Assessment Report ( Final Version) [**10.2.5.3** - 18 pages]

**Reference to any relevant previous minute**

20-241 – Ordinary Meeting of Council held 28 September 2020.

21-58 – Ordinary Meeting of Council held 22 February 2021.

21-108 – Ordinary Meeting of Council held 26 April 2021.

**Background and discussion***1. Store Replacement History*

To ensure that Council staff are properly equipped to carry out day-to-day operations and maintenance obligations, Council holds inventory that is ready to be distributed to staff when required. This inventory is held at a secure facility called a Store.

Council's Store is located at the depot compound at 146 Mort Street, Lithgow. Up until late 2018, it was housed in an old brick warehouse building which was constructed in 1936. In October 2018, staff noticed that a gap between the roof and front wall of the building was starting to appear and allowing rain to penetrate the interior. A structural engineer was engaged to assess the building and found that a rotten footing was causing this to occur. The engineer provided a solution which involved bracing the wall and replacing the footing.

Around the same time, Council's Workers Compensation insurer, Statecover, conducted an inspection of the building and found a large number of safety issues. These included concrete silica dust from the floor, a deteriorating asbestos ceiling, electrical hazards, inadequate lighting, a rodent infestation, inadequate ventilation, unsafe stairs and office floor coverings and no proper storage facilities for aerosols or liquid chemicals.

It was decided to address these issues by seeking tenders from suitably qualified and experienced contractors. However, before the tender could be released, the front of the Store building collapsed following a severe storm that hit Lithgow on 21 December 2018.

Following this event, Council contacted its insurer and re-engaged the structural engineer. It was found that the building was never properly tied to the wall during construction in 1936, which contributed to the collapse. The engineer proposed a design that would render the building safe from further collapse. The insurer advised that they would pay to render the building safe but would not fund the construction of a new building. In the meantime, Store operations were temporarily set up in hired shipping containers at the lower part of the depot, a former gasworks site, where they remain to this day. The insurer agreed to pay for six months hire for these containers in addition to the make-safe works, but this is not an acceptable long-term solution.

Following a meeting with internal stakeholders, it was decided that a new facility at a different location within the depot should be considered. Not only due to the original building issues which still existed and the building needing significant maintenance in the future, but also due to the fact that the building is positioned on the property boundary, meaning that the Council forklift must be unsafely driven on the footpath or Mort Street to access the entrance. The most ideal site was determined to be a remediated section of the former gasworks site.

## *2. Project Chronology*

A concept building design was drafted, along with a detailed building specification and an environmental consultant was engaged to confirm that the design did not disturb any contaminants within the soil. A quantity survey was undertaken, and the design simplified to reduce costs. The specification also included a paved section around the perimeter of the building and new access gates to the site.

With this information collated, Council proceeded to call for formal Expressions of Interest for the design and construction of the new Store building. Formal Expressions of Interest were evaluated and selected companies were invited to formally tender for the design and construction of the Store building at the Ordinary Meeting of Council held 28 September 2020. When resolving to invite tenders, Council also approved the sourcing of a loan up to \$1.2 million to finance the project.

Upon tenders for the design and construction of the Store building closing, these were evaluated and the contract awarded, at the Ordinary Meeting of Council held on 26 April 2021, to the highest ranked tenderer, Structor Projects, for the amount of \$828,733.07 (plus GST). The contract was subsequently signed on 5 July 2021.

Structor prepared the design documentation for the site and a Development Application was lodged on 13 October 2021.

Through the course of the assessment, additional plans and studies were required, some by Water NSW and Transport for NSW. This delayed the project significantly as external consultants were required to be engaged to undertake them. One of these requirements included a Flood Impact and Water Quality Assessment. This assessment showed that, since the proposed location of the Store building is located adjacent to an area that would become inundated in a 1% AEP event (commonly referred to as a one-in-one-hundred-year flood event), the new hardstand area of the Store development would negatively impact the adjacent area. As a result, the assessment recommended

that a stormwater retention basin be excavated and constructed to the immediate north of the new development. This basin is to be 1,400 cubic metres and connected to stormwater infrastructure via a one-way valve. Due to the proposed basin being located on the former gasworks site on land that has only been partially remediated, a contractor that specialises in excavating contaminated soil will be engaged to remove it, and rehabilitate soil classified as Restricted Solid Waste (RSW) on-site.

Fortunately, Council was successful in sourcing \$250,000 in AGRN1025 natural disaster grant funding to put toward the project and offset this cost as the project now includes a flood mitigation component.

Once all reports were finalised, and the building site's design amended to accommodate the recommendations, the Development Application was subsequently approved on 15 March 2023.

A Construction Certificate application was concurrently lodged on 25 April 2022, and approved on 14 August 2023.

Structor were requested to provide amended pricing in August 2023. However, due to having trouble sourcing subcontractors, they were not able to provide this until 26 March 2024.

### *3. Increases to Project Cost and Value for Money Checks*

Throughout the time of the assessment, labour and material costs increased substantially. This, in addition to the further excavation work required, has led to an increase in costs. Council was fortunate that steel components were ordered and paid for in 2021 before the rapid rise in steel prices during the COVID19 pandemic.

Meanwhile, Council engaged the services of a Quantity Surveyor to review the revised project scope and provide estimated pricing accordingly. When comparing pricing from the estimation against Structor's revised pricing, it shows that Structor's proposal provides value for money. A spreadsheet has been attached that provides information on this comparison. As noted, Structor's existing contracted pricing was \$872,446.61. This has increased to \$1,334,160.71.

In addition to the contracted works, there are items outside of the contract totalling \$210,759. These include:

- \$45,559 - Security system,
- \$53,600 - Onsite remediation of soil, and
- \$111,600 - Internal charge of RSW-classified soil at Lithgow Landfill.

With a 15% contingency added to alleviate risk, the total budget required is **\$1,599,796**, leaving a current budget shortfall of \$484,409. Council can transfer \$233,612 from an unexpended loan to partially fund these works. However, this leaves a balance of \$250,797. It is recommended that this funding is included in Council's 2024/25 capital works program.

Once Council approves a contract variation to accept the new contracted amount, site works can commence within two weeks.

### **Consultation and Communication**

Internal stakeholders have been meeting to discuss the project inclusions and boundaries since the initial planning stage in 2019.

Businesses and residents in the immediate area were advised of the upcoming construction process during the Development Application process.

### **Policy**

Policies applied to this project include *Policy 1.4 - Tendering* and *Policy 7.6 - Development Applications by Councillors and Staff (including immediate relatives), Or On Council Owned Land & Conflicts of Interest*

### **Legal**

The subject matter of this report is a function of Council conferred by the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993* and *Local Government (General) Regulation 2021*.

### **Risk Management**

A 15% contingency has been applied to the increase in cost to account for any unforeseen issues that may occur during construction to alleviate financial risk. The construction site will be fenced off from Council staff and the public to account for potential work, health and safety risks.

### **Financial**

- Budget approved - \$1,124,466 for the 2023/24 financial year.
- Cost centre – PJ 600169 (General Fund) PJ 600339 (AGRN 1025 Natural Disaster Grant Funding)
- Expended to date - \$9,790 (2020/21), \$200,738 (2021/22), \$68,884 (2022/23), \$9,079 (2023/24). Total of \$288,491.
- Future potential impact - \$650,000 moved to the 2024/25 financial year. \$399,243 to be funded from the unexpended loans reserve and \$250,757 to be funded from revenue as part of the 2024/25 capital works program. The total budget required to complete the project is \$1,599,796.

## 10.2.6. I&E - 22/04/2024 - Installation of NRMA Fast Chargers - Eskbank Street Carpark

### Strategic Context for this matter:

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

**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

In collaboration with Lithgow City Council, NRMA has proposed to install an array of four Level 3 DC fast electric vehicle chargers within the Eskbank Street carpark, between Eskbank Street and Mort Street. To install these chargers, upgrades to local electrical infrastructure must occur, requiring an easement to be created over community land. This report seeks a resolution of Council to allow for the creation of this easement.

### Administration's Recommendation

THAT Lithgow City Council endorse the creation of a 3m wide, 18m long easement within the Eskbank Street Carpark for the purpose of installing upgraded electrical infrastructure associated with the NRMA's installation of four electric vehicle chargers.

### Attachments

1. Lithgow proposed EV site view - Rev 2 1-03-2024 [10.2.6.1 - 1 page]
2. Aerial View - Substation and MSB and Chargers Final Location [10.2.6.2 - 1 page]

### Reference to any relevant previous minute

Min. No.: 22-208 – Ordinary Meeting of Council held 31 October 2022 (Adoption of Council's Electric Vehicle Strategy).

### Background and discussion

Lithgow City Council has been working with the NRMA to identify the best possible location for a bank of fast chargers within the Eskbank Street carpark. This is an action proposed in Council's adopted Electric Vehicle Strategy.

The electrical designs are complete, as are the layout plans for the charging units themselves. A layout plan is attached to this report. The project was made slightly more challenging as the existing electrical infrastructure within the bounds of the Eskbank Street carpark was not sufficient to meet the needs of the charging units. To correct this, a new pad mounted substation is required onsite.

Once installed, the substation will need to connect to the chargers through a 3m wide, 18m long cable easement. This is located across the eastern access to the carpark and does not create any access concerns regarding Council's own infrastructure.

This easement requires council approval. Please note the following, with respect to the creation of this easement:

- The Eskbank Street carpark is community land.
- An easement creates an “estate” in relation to such community land.
- Section 47 of the Local Government Act 1993 lists the notification requirements regarding “estates” affecting community land.
- Public exhibition should be undertaken, and any responses considered, before the agreement is signed.

The agreement may be signed by the Council’s General Manager so long as the above requirements have been met, and the Council has endorsed the proposal.

### Consultation and Communication

Section 47 of the Local Government Act 1993 is clear on the requirements of community notice with respect to leases and licences on community lands. Particularly:

- 28 days notice is required.
- All adjacent landowners must be contacted directly

Commencing 13 March 2024, Lithgow staff delivered letters to all businesses operating in Main Street, including those in Mort Street and Railway Parade that operate close to Eskbank Street. As a result, some shop owners reached out to Council directly to discuss the project in more detail. A media release was also broadly publicised, advising residents of the proposal and advising of how to learn more about the project and make a submission.

Submissions were received through the Council’s ‘Have Your Say’ online portal.

Public submissions closed on 12 April (29 days total). Overall, 16 submissions were received. 11 of these strongly supported the project, 2 offered conditional support challenging the selected location, and 3 submissions opposed the proposal. Details of the submissions are as follows:

Submission	Understanding of easement creation	Support/ Opposition	Comment summary	Response
1	Yes	Support	Congratulates Council on their foresight and initiative.	Noted
2	Yes	Support	Please proceed, we need chargers.	Noted
3	Yes	Support	Request confirmation of Level 2 or Level 3 chargers	The charger installation is fully funded by NRMA, for 4x Level 3 DC Fast Chargers.
4	Yes	Support	Good location and good project.	Noted
5	Yes	Support	Wonderful project - supportive of location.	Noted

6	Yes	Support	Requested consideration of chargers at Golf Club too.	Golf Club not listed within the EV Strategy as a priority as it doesn't lie within the CBD.
7	Yes	Support	Good project, but chargers need to be near shopping centre.	Location chosen as it is closest to Lithgow's small business district, those businesses which most often need support.
8	Yes	Support	Great project, carpark is never full, great for businesses.	Noted
9	Yes	Support	Great project, carpark is never full, great for businesses. Consider space for trailers.	Noted
10	Yes	Support	Provision in lease regarding site remediation if the chargers cease operation.	These provisions exist within the easement instrument.
11	Yes	Support	4 chargers shouldn't need 8 spaces though.	8 spaces required for 4 charging bays, 2 bays for the chargers themselves, and 2 spaces for the new electrical substation.
12	Yes	Conditional support	Request relocation closer to Old TAFE Building.	Unfortunately, the spaces must be located as close as possible to existing electrical infrastructure. Installing the spaces close to the Tafe will significantly increase connection costs and is not feasible.
13	Yes	Conditional support	Installation should not impact mobility spaces, move closer to TAFE building.	As above, but also confirmation that no mobility spaces are impacted as a result of the project.
14	Yes	Opposition	Waste of taxpayer funds - unproven technology	No funding coming from Council for this work, entirely funded by the NRMA.
15	Yes	Opposition	Do not want chargers as carpark is at capacity most days and won't benefit regular users.	Ultimately, this proposal is expected to benefit the local business community by encouraging

16	Yes	Opposition	Not enough parking as it is, put EV chargers on Council property.	people to stop in Lithgow that might otherwise just pass us by. Some spaces will be lost, but the benefits outweigh this impact.
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All submissions received acknowledged their awareness of the proposal to create an easement within the Eskbank Street carpark.

**Policy**

This project aligns with Lithgow City Council’s adopted Electric Vehicle Implementation Strategy.

**Legal**

The creation of the proposed easement requires council approval in accordance with the requirements of the Local Government Act 1993. Please note the following, with respect to the creation of this easement:

- The Eskbank Street carpark is community land.
- An easement creates an “estate” in relation to such community land.
- Section 47 of the Local Government Act 1993 lists the notification requirements regarding “estates” affecting community land.
- Public exhibition should be undertaken, and any responses considered, before the agreement is signed.

Process of community engagement followed meets the requirements of the Local Government Act with respect to the creation of this easement.

**Risk Management**

Nil

**Financial**

- Budget approved – Nil – entirely funded by the NRMA, including all electricity infrastructure upgrades.
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

## 10.3. Enhancing Our Natural Environment

### 10.3.1. WWW - 22/04/2024 - Extension of Waste Services Contracts

#### 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:** Nigel Campbell – Waste & Recycling Manager

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

#### Executive Summary

The purpose of this report is to seek Council's endorsement of an extension of the Waste Services Contract with JR Richards for twelve months from 4 November 2025 until 3 November 2026.

#### Administration's Recommendation

THAT Council:

1. Note the delays in the preparation of the Waste Services Tender resulting from recent changes to the *Local Government (General) Regulation 2021*;
2. Endorse an extension of the Waste Services Contract with JR Richards for a 12-month period covering 4 November 2025 until 3 November 2026;
3. Approve an exemption from tender in accordance with section 55(3)(i) of the *Local Government Act 1993* for the 12-month extension of the Waste Services Contract with JR Richards; and
4. Delegate to the General Manager authorisation to execute all necessary contract documentation to affect a 12-month extension to the Waste Services Contract with JR Richards.

#### Attachments

1. OLG circular 23-16 [**10.3.1.1** - 2 pages]

#### Reference to any relevant previous minute

Minute No 13-201 (Waste Services Tender): Ordinary Meeting of Council held on 17 June 2013.

Minute No 22-186 (Extension of Waste Services Contract): Ordinary Meeting of Council held on 26 September 2022.

Minute No 23-73 (Introduction of a kerbside organics (FOGO) collection service): Ordinary Meeting of Council held on 24 April 2023.

#### Background and discussion

##### Background

Lithgow Council provides kerbside waste services under a Waste Services Contract (the Contract) with JR & EG Richards (NSW) Pty Ltd (JR Richards). The Contract commenced on 4 November 2013 for an initial period of 10 years ending 3 November 2023. The Contract included the option of 2 x one-year extensions known as the 'First Extension Period' and '2nd Extension Period'.

At the Ordinary Meeting of Council held on 26 September 2022, Council resolved to exercise the 'First Extension Period' covering the 12-month period from 4 November 2023 until 3 November 2024 (Minute No 22-186).

At the Ordinary Meeting held on 24 April 2023, Council resolved to exercise the '2nd Extension Period' covering the 12-month period from 4 November 2024 until 3 November 2025 (Minute No 23-73). The resolution on 24 April 2023 was part of the introduction of the kerbside organics (FOGO) service that commenced on 4 March 2024.

No further extensions are available under the Contract. Therefore, Lithgow Council must have a new contract in place with services ready to commence on 4 November 2025.

Services provided under the Contract include:

- Weekly kerbside waste (red bin) collection and transport to Lithgow SWF for disposal;
- Fortnightly recycling (yellow bin) collection, transport to materials recovery facility (Visy Recycling) for recycling;
- Weekly FOGO (green bin) collection and transport to FOGO processing facility (ANL Blayney);
- Supply and delivery of kerbside and public place bins;
- Green kerbside waste collection 4 times per year;
- Bulky kerbside waste collection 2 times per year;
- Servicing of public place litter bins;
- Special events waste management; and
- Servicing of skip bins at rural transfer stations.

The total per annum value of the Waste Services Contract is approximately \$3.5M (depending on uptake of services).

It is noted that JR Richards provides additional waste management services (e.g., separate cardboard collection and recycling at waste facilities, provision of additional skip bins for holiday periods) that are separate to the Waste Services Contract.

As part of the introduction of the FOGO service, Council entered a Supply Agreement with Australian Native Landscapes (ANL) for processing of FOGO material at their facility in Blayney. The total annual value of this agreement, based on modelled tonnes of FOGO material collected, is \$335,000.

### **Waste Services Tender**

In mid-2023 Council initiated the process for a new Waste Services Tender for kerbside services that would commence operation from 4 November 2025. The significant lead time is necessary due to the scope and complexity of the Tender, along with significant lead times to procure equipment (e.g. garbage trucks) for a new service.

The original timeline for the new tender is shown below:

Review scope (including service area), develop tender documents, engage Probitry Advisor	August to December 2023
Release tender, open for 3 months	January/February 2024
Tender closes	April/May 2024
Tender assessment	May/June 2024
Council Report on recommended contractor	July 2024
Contractor engagement	August 2024
New service commencement	November 2025

The Waste Services Tender consists of two parts:

- Part A – Waste Collection Services, including all services currently provided by JR Richards; and
- Part B – Organics Processing Services which includes the processing of FOGO material only, as currently provided by ANL.

By December 2023 the timeline was on track, with draft tender documents ready for review and a planned tender release date of January or February 2024.

### **Changes to the *Local Government (General) Regulation 2021* related to waste services**

On 15 December 2023, the NSW Office of Local Government released a Circular to Councils (No. 23-16, included as an attachment), advising that amendments had been made to the *Local Government (General) Regulation 2021* (the Regulation) to strengthen employment protections where councils tender for domestic or other waste management services. The NSW Government did not undertake any consultation nor provide any forewarning of these changes.

The Regulation has been amended to require tender submissions to contain an undertaking that the tenderer will ensure that current employees (whether of the council or the current contractor) will be offered employment to continue to provide the service, and for anyone who accepts the offer of employment:

- the employment will be on at least the same terms as the individual's current employment, and
- the employment will be taken to be a continuation of the individual's current employment with no loss of entitlements, and
- the tenderer will pay an annual increase in the individual's base rate pay in accordance with the applicable industrial instrument or the Local Government (State) Award if there is no applicable instrument.

Tender submissions cannot be considered unless they contain the above undertakings. To facilitate the giving of undertakings, tender proposal documents issued by councils are required to provide details of the employees who currently provide the service along with the terms on which they are employed. To add confusion, the information is not required to be included if the council cannot *reasonably obtain access to the information*.

Essentially, the Regulation changes require Council to obtain worker employment details from existing contractors (JR Richards and ANL) and ensure, through the tender process, no loss of entitlements and that employment is continued on the same terms.

The Regulation change has had a significant impact on all local government waste tenders and caused significant confusion and delay.

Local Government NSW (LGNSW) has obtained legal advice that states:

*“the amended Regulations are ambiguous, unworkable and apt to produce adverse consequences for councils, tenderers, employees, ratepayers and the general public - including through a lessening of competition in the market for “domestic and other waste management services”.”*

On 7 March 2024 LGNSW wrote to the Minister for Local Government, The Hon. Ron Hoenig MP, asking for the immediate repeal of the Regulation amendments.

Advice from WCRA (Waste Contractors and Recyclers Association) is there will be a motion put to parliament to call for the disallowance of the revised legislation. This is set to happen on the first day of the next sitting of parliament on 6 May 2024. LGNSW, WCRA and WMRR (Waste Management and Resource Recovery Association of Australia) will meet to provide further details and information

in an attempt to ensure the disallowance is successful. The last date for the disallowance is 15 May 2024.

The Lithgow Council Waste Services Tender is still progressing but has been delayed by consideration of the Regulation changes. It is proposed to delay release of the Tender until a decision is made whether the changes are repealed or not. The Waste Services Tender is now anticipated to be released in mid-May at the earliest (with a possible further delay if the Regulation is modified further).

The delay pushes the tender assessment and recommendation report into the Council caretaker period. Consequently, the recommendation report will now go to a Council meeting under the new Council.

It is expected that a new waste services contract will not be entered until late 2024 at the earliest leaving less than 12 months to prepare for the new service.

### **Proposal to extend Waste Services Contract with JR Richards**

As the timing for a new waste services contract is becoming tight, a 12-month extension of the existing Waste Services Contract is being proposed to safeguard against potential delays and ensure continuity of service.

The proposed Contract extension would be under the same terms as the existing Contract with the continuation of rise and fall provisions that adjusts for inflation. JR Richards has already indicated they would agree to a 12-month Contract extension under the same terms.

It is noted that no extension is being sought for the FOGO Processing Supply Agreement with ANL as FOGO processing has a much shorter lead time and a commencement date of 4 November 2025 remains achievable.

Under Section 55 of the *Local Government Act 1993*, tenders are required for any contracts that exceed a value of \$250,000. The \$3.5M annual Waste Services Contract value exceed this threshold. Section 55 does, however, provide certain exemptions including under Section 55(3)(i):

*a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.*

The effect of the changes to the *Local Government (General) Regulation 2021* is that there is a real possibility that Lithgow Council will not have a new contractor ready to commence waste collection services by 4 November 2025. There are no options to cover this 12-month period that would not be significantly more expensive than a Contract extension. A 'wait-and-see' approach would leave Lithgow Council vulnerable to either no agreement of a Contract extension or an extension on unfavourable terms.

Therefore, under these 'extenuating circumstances' it is proposed to enter a 12-month extension of the Waste Services Contract without going to tender in accordance with Section 55(3)(i) of the *Local Government Act 1993*.

### **Policy**

Nil.

**Legal**

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

For Council to extend the current Waste Services Contract, non-competitive procurement will be required. This brings with it legal, probity, and financial risks which have been evaluated and managed, and will continue to be.

**Risk Management**

Extension of the Waste Services Contract now is aimed at minimising the financial and operational risk of waste management services by securing an agreement early and removing future unknown risks.

**Financial**

- Budget approved – to be included in future Waste operational budget
- Cost centre – n/a
- Expended to date – n/a
- Future potential impact – ongoing expenditure for the provision of waste management services.

**Consultation and Communication**

Nil.

### 10.3.2. P&P - 22/04/2024 - Tender 02/24 - Lake Pillans carpark, pathway and landscape construction works

#### Strategic Context for this matter:

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

**Author:** Matthew Johnson, Manager Community and Culture

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

#### Executive Summary

This report provides details of the evaluation process that has been undertaken for Tender 02/24 for Lake Pillans carpark, pathway and landscape construction works and recommends that Council decline to accept any of the tender submissions, and enter into discussions with the preferred tenderer, Better View Landscapes, to negotiate a revised scope and price with a view to entering into a contract for the works consistent with the available funds. The works are grant funded through Round 5 of the NSW Government's Stronger Country Communities Fund.

#### Administration's Recommendation

THAT Council:

1. Note the tender evaluation for Tender 02/24, Lake Pillans carpark, pathway and landscape construction works.
2. In accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2021, decline to accept any of the tender submissions, and enter into negotiations with the preferred tenderer, Better View Landscapes, to negotiate a revised scope and price with a view to entering into a contract for the works consistent with the available funds.
3. Authorise the General Manager to execute the contract on behalf of Council under delegated authority.

#### Attachments

1. CONFIDENTIAL Lake Pillans Evaluation- Scoresheet [**10.3.2.1** - 2 pages]

#### Reference to any relevant previous minute

Nil

#### Background and discussion

The Proposed works that were included in this tender are:

- Constructing two asphalt pavement carparks with parking for 20 vehicles including 4 accessible carparking spaces,
- Vehicle bollards,
- Widening existing concrete pathways to pedestrian/cycle path standard where achievable,
- Pathway gradient improvements for accessibility, and
- Landscaping works.

### Purpose of the Works

There is currently unrestricted vehicle access to Lake Pillans wetlands and no accessible parking. Vehicles are regularly driven into the wetlands reserve causing damage and making it unsafe for other users.

Construction of the new carparks and associated bollards along Wetlands Way aim to prevent vehicle entry, as well as to make it safer and more accessible for visitors, while still allowing people to enjoy the wetlands. The works also aim to reduce anti-social night-time behaviour that disturbs nearby residents.

Construction of accessible pathways from the new carpark aim to make it safer and more accessible for older people and people with disabilities to enjoy the wetlands.

Widening of pathways to pedestrian/cycle path standard will connect the Farmers Creek shared pathway network to Blast Furnace via Lake Pillans.

Lake Pillans Wetlands is enjoyed by many members of the community for walking, cycling, fishing and picnics. Sitting adjacent to the Blast Furnace industrial heritage ruins, Lake Pillans forms part of the Farmers Creek recreational precinct shared path network that extends from Lake Pillans west for approximately 6 kilometres. Many visitors to Lithgow spend time at Lake Pillans, Blast Furnace and Farmers Creek.

This project will improve the amenity, safety and health of the community and visitors who will be able to visit and enjoy the wetlands without disturbance from vehicles. Older people and people with disabilities will benefit from the accessible parking and accessible pathways.

### Tender Process

A Tender Evaluation Panel (TEP) was formed, consisting of the following staff:

Name	Position	Role on TEP
Shaun Elwood	Director People and Places	Chair
Matthew Johnson	Community and Culture Manager	Member
David Anderson	Building & Recreation Facilities Manager	Member
James Gilbert	Purchasing Coordinator	Member

Council called for open tenders on 21 February 2024, with six (6) responses received by the tender closing time, 10:00am Thursday 4 April 2024, from the following companies:

- AMP Engineering,
- Better View Landscapes,
- Ken Brown Landscapes,
- North Shore Paving,
- Ozworth Construction, and
- Solve Civil.

### Tender Evaluation

The TEP reviewed the submissions and met on 11 April 2024 to discuss the proposals.

In accordance with the tender evaluation plan, the tender responses were evaluated based on the following criteria:

- Price 50% - Council's Local Preference Policy of 2.5% up to \$6,250 was applied to the price score of Solve Civil, the only local company to submit a tender,
- Demonstrated experience and past performance 30%,
- Understanding of the requirement 10%, and
- Work program, licenses and insurances 10%.

The table below provides a summary of the TEP's scoring against the evaluation criteria:

<b>Tenderer</b>	<b>Price Score (out of 50)</b>	<b>Non-Price Score (out of 50)</b>	<b>Overall Score (out of 100)</b>
AMP Engineering	50	31	81
Better View Landscapes	49.9	45	95
Ken Brown Landscapes	30.7	32	63
North Shore Paving	4.56	33	38
Ozworth Construction	37.18	34	71
Solve Civil	47.15	40	87

A copy of the detailed evaluation has been provided to councillors with this report as a confidential attachment. Please note that the attachment contains information that is commercial-in-confidence.

The Better View Landscapes submission achieved similar highest price score and the highest non-price and combined score and demonstrated the level of experience that is required for this project. The Better View Landscapes tender submission proposes some cost savings, however, taking these into account, their tender price still exceeds the remaining funds available for this project.

It is recommended therefore that in accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2021, Council decline to accept any of the tender submissions, and enter into negotiations with the preferred tenderer, Better View Landscapes, with a view to identifying further costs savings before entering into a contract for the works.

## **Policy**

The tender process was undertaken in accordance with Policy 1.4 - Tendering and Policy 1.7 - Local Procurement.

## **Legal**

The subject matter of this report is a function of Council conferred by Section 55 of the *Local Government Act 1993* and Part 7 the *Local Government (General) Regulation 2021*.

## **Risk Management**

Council's Project Manager has undertaken a risk assessment of the project and identified real and perceived risks and treatment strategies have been applied. The risk register will be updated over the course of the project.

## **Financial**

- Budget approved - \$656,902
- Cost centre – PJ 600314

- Expended to date - \$36,654 on design and contamination assessment.
- Future potential impact - \$620,248

A total of \$620,248 remains in the project budget. Of this amount, and in accordance with the grant funding deed, \$14,000 is to be allocated for project management, and \$30,000 for the installation of solar powered lighting around the Lake (a separate RFQ has been issued for the lighting). A further \$20,000 will be set aside for new seating in response to several community requests. This leaves \$556,248 for the works specified in this tender.

### **Consultation and Communication**

Council exhibited the design plans for 4 weeks from August to September 2023 and wherever possible, design changes have been incorporated in response to community submissions. Submissions were mostly in favour of the works.

Several submissions asked for additional seating to be installed.

A detailed submission was received from Lithgow Oberon Landcare (LOLA) that has undertaken works at Lake Pillans in partnership with Council for many years. LOLA's submission included a request for replacement of proposed sandstone vehicle barriers with steel bollards and wire to prevent vehicle entry, an additional vehicle gate to be installed, and adjustments to the tree planting schedule and several other adjustments that have been incorporated into the final design.

## 10.4. Responsible Governance & Civic Leadership

### 10.4.1. F&G - 22/04/2023 - Internal Audit Charter

#### 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:** Raj Singh – Governance & Risk Manager

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

#### Executive Summary

Council has established an internal audit function as a key component of Council's governance and assurance framework, in compliance with the "*Guidelines for risk management and internal audit for local government in NSW.*" The Local Government Regulations require an internal audit function to be in place by 1 July 2024.

The purpose of this report is to seek Council's adoption of an Internal Audit Charter. The Charter was endorsed by the Audit Risk & Improvement Committee (ARIC) on 12 March 2024.

#### Administration's Recommendation

THAT Council adopt the Internal Audit Charter for immediate implementation.

#### Attachments

1. Internal Audit Charter LCC - Final Draft ARIC Approved 12032024 [10.4.1.1 - 11 pages]

#### Reference to any relevant previous minute

N/A

#### Background and discussion

Lithgow City Council (Council) has established an internal audit function as a key component of Council's governance and assurance framework, in compliance with the "*Guidelines for risk management and internal audit for local government in NSW.*"

The charter provides the framework for the conduct of the internal audit function (internal audit) at Council. Consistent with the guidelines and the Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023, the Charter is subject to approval by the governing body (the Council). The Charter was endorsed by the ARIC on 12 March 2024.

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

It is proposed to adopt a hybrid internal audit function, utilising both in-house and outsourced audits.

An in-house internal audit function is one where internal auditors and other employed staff (where required) are utilised to conduct internal audits and other activities included in the ARIC's annual and

four-year strategic work plans. The in-house function may also conduct small scall audits and internal control activities as agreed with the General Manager,

**The focus of the Council in-house function will be internal control activities / small-scale audits.**

For an outsourced internal audit program, the internal audits programmed by the ARIC are undertaken by an external provider such as an internal audit or accounting firm, or an individual practitioner. Contract management and oversight of supplementary external providers (where appropriate) is overseen by the Governance & Risk Manager (as Head of Internal Audit).

**The 4-year internal audit program will be outsourced.**

Day to day management of internal audit is the responsibility of the Governance & Risk Manager (as Head of Internal Audit). Within Council's structure, the Head of Internal audit performs a range of other, non-audit duties. Members of Council's internal audit function are responsible to the Head of Internal Audit. Independence safeguards are in place as outlined in the Independence section of the Charter.

Council will contract external third-party providers to undertake its internal audits for the annual 4-year internal audit program. Where a council has contracted the internal audit program, the internal audits programmed by ARIC are undertaken by an external provider such as an internal audit or accounting firm, or an individual practitioner. Contract management is overseen by the Head of Internal Audit.

### **Consultation and Communication**

The Charter supports Council's internal governance systems and therefore public exhibition inviting community feedback is not required. The document will be uploaded to Council's Committees webpage <https://council.lithgow.com/council/council-meetings/committees/> for the information of the community.

The draft charter has been reviewed and endorsed by the Audit Risk and Improvement Committee.

### **Policy**

N/A

### **Legal**

The Internal Audit Charter has been developed to meet the requirements of the "*Guidelines for risk management and internal audit for local government in NSW.*" The charter is consistent across local government organisations and adheres to the Local Government Act and Regulation.

S216O of the amended Local Government (General) Regulation 2021 gives the legislative basis for an Internal Audit Charter. 216O Internal audit charter—the Act, Sch 6, cl 8A states:

- (1) A council must adopt an internal audit charter setting out how the council will exercise its internal audit functions.
- (2) The adoption must occur by resolution of the council.
- (3) The council must consider a model internal audit charter approved by the Departmental Chief Executive before adopting an internal audit charter.
- (4) An internal audit charter must be consistent with the Act and this regulation.
- (5) The council must exercise its internal audit functions in accordance with the adopted internal audit charter.

**Risk Management**

N/A

**Financial**

- Budget approved – N/A, the Internal Audit Charter was developed using internal resources.
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

**Consultation and Communication**

The Internal Audit Charter has been developed in consultation with the ARIC. The Charter was endorsed by the Audit Risk & Improvement Committee (ARIC) on 12 March 2024.

## 10.4.2. F&G - 22/04/2024 - Delivery Program 2022-2026 and Operational Plan 2024-2025

### Strategic Context for this matter:

[Responsible Governance & Civic Leadership](#) To develop community confidence in the organisation by the way it is directed, controlled and managed.

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

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

### Executive Summary

This report recommends that the Council endorse the Draft Combined Delivery Program 2022-2026 and Operational Plan 2024-2025 in accordance with the Local Government Act 1993 – Local Government Amendment (Governance and Planning) Act 2016, for placement on public exhibition.

The Local Government Act 1993 requires Council to place the documents on public exhibition for a minimum period of 28 days, and to consider any public submissions before final adoption of the plans in June 2024. This report responds to the legislative requirements.

### Administration's Recommendation

THAT Council:

1. Note the community proposals received 22 December 2023 – 15 February 2024 and officer recommendations.
2. Include the recommended Operational Plan actions from the attached Community Proposals report in the Draft 2024/25 Operational Plan.
3. Note the proposed changes to the rating structure from 1/7/24 for Marrangaroo properties and the Parking Special Rate.
4. Endorse the Delivery Program 2022-2026 and Draft Operational Plan 2024/25 to be placed on public exhibition for 28 days. This will include the following documents:
  - a. The Delivery Program 2022-2026 and Draft Operational Plan 2024/25; and
  - b. Draft Fees and Charges 2024/25.
5. Note that the closing date for submissions be Wednesday 22 May 2024.

### Attachments

1. 2024-25 Operational Plan Community Proposals Report [**10.4.2.1** - 28 pages]
2. Fees And Charges Report Draft April 2024 [**10.4.2.2** - 100 pages]
3. New Fees & Charges 2024-25 10.04.24 [**10.4.2.3** - 3 pages]
4. Discontinued Fees & Charges 2024-25 10.04.24 [**10.4.2.4** - 2 pages]

### Reference to any relevant previous minute

N/A

### Background and discussion

In 2021, the Office of Local Government released new Integrated Planning and Reporting Guidelines and Handbook. The Handbook definitions for the Delivery Program and Operational Plan are included for the information of Councillors as follows:

*The **Delivery Program (DP)** is a statement of commitment to the community from each newly elected council and translates the community's strategic goals into clear actions.*

*It is the primary reference point for all activities undertaken by council during its term of office. It allows council to determine what is achievable over the next 4 years, what the priorities are, and how programs will be scheduled.*

*Importantly, the DP allows council to demonstrate how its 'business-as-usual' activities help achieve Community Strategic Plan (CSP) objectives (e.g., garbage collection achieves a safe and healthy environment objective).*

*The **Operational Plan (OP)** is council's action plan for achieving the community priorities outlined in the Community Strategic Plan (CSP) and Delivery Program (DP).*

*An OP is prepared each year and adopted. Each OP identifies the projects, programs, and activities that council will conduct to achieve the commitments of the DP.*

To be compliant with "best practice" identified in the Handbook, we are transitioning our Delivery Program and associated documents over 2 years from 1 July 2022. This includes:

- Identification of all council's activities, demonstrating how each will deliver CSP objectives;
- Reflecting activities identified in other documents;
- Identifying key performance indicators;
- Detailing delivery of planned projects and services for each year, aligning each action to a budget and outlining all resourcing issues;
- Outlining timeframes for each action; and
- Considering any proposed land acquisition related expenditures.

### Fees and Charges

Pricing considerations include the need to fund the cost of services impacted by higher inflation, equity, capacity to pay and benchmarking with neighbouring Councils.

For 2024/25, management has undertaken a comprehensive review of fees and charges, utilising a methodology which includes:

- 5.4% CPI was applied to all non-regulatory / non legislated fees and charges with a critical review of fees and charges for key areas;
- Simplifying fee structures where possible;
- Fees and Charges being reviewed to identify:
  - conscious pricing principles,
  - new market opportunities and marketing of facilities,
  - cost to provide the service vs income generated; and
- Regulatory / legislated fees and charges are applied on advice from relevant authorities.

The CPI increase on fees & charges was set at the September 2023 quarter headline CPI of 5.4%, when preparation of 2024/25 fees and charges commenced.

A critical review of fees and charges was undertaken for key areas including Eskbank House, Development, Engineering Administration, all Council Hall hire, Union Theatre, waste, cemeteries, JM Robson Aquatic Centre, Council parks and sporting fields, and Water & Wastewater.

Domestic waste management services increased by 7.3% to cover increased waste collection costs.

The following documents are included as an attachment to this report:

1. Draft fees and charges report 2024/25.
2. Discontinued 2024/25 fees and charges - these fees and charges are redundant.
3. New fees and charges report 2024/25.

Draft 2024/25 Budget Standards

Council’s budgeting aims to achieve the following standards:

- Meet the OLG’s financial and asset management performance benchmarks;
- Cashflow positive – no use of internal restrictions to fund operational activities;
- Meet audit requirements - compliance with all accounting standards; and
- Match service delivery to the community’s identified priorities and standards – within available capacity.

Operating Result (Before Capital)

The Office of Local Government (OLG) considers the operating result (before capital) to be an important indicator of financial performance. The result is calculated by deducting capital grants and contributions from the net operating result for the year (i.e. income less expenses).

In a time of significant financial challenges, the draft 2024/25 budget is presented to Council with a General Fund operating surplus (before capital) of \$161K. The consolidated operating result (before capital) is a surplus of \$520K.

A key Office of Local Government (OLG) performance measure is the Operating Performance Ratio. The ratio measures Council’s achievement of containing operating expenditure within operating revenue. The ratio is one of the Fit for the Future ratios. The OLG benchmark for the Operating Performance Ratio is 0% which equates to a balanced operating result (before capital). The draft 2024/25 budget consolidated operating performance ratio is 1%.

The table below shows the draft 2024/25 budget operating result budget (before capital) by fund.

	<b>General Fund</b>	<b>Water Fund</b>	<b>Sewer Fund</b>	<b>Consolidated</b>
<b>Income</b>	56,314	9,440	8,612	74,366
<b>Expenditure</b>	46,460	9,232	8,461	64,153
<b>Operating Result Result before Capital</b>	9,854	208	151	10,213
	161	208	151	520

Strategies / Factors to Help Deliver a Balanced Budget

A number of actions have been necessary to achieve a draft surplus budget for the year ahead. These are elaborated on below. Some strategies are short-term responses, and these circumstances are not likely to be sustainable beyond this year.

Council currently has an unusually high number of vacant positions which reflects ongoing broader employment market conditions. Ideally, the vacant positions would be filled to maintain service delivery standards. The reality of the current employment market is that a high number of positions are likely to remain unfilled into the 2024/25 year. The draft budget allows for \$1.4M of expected savings resulting from delays in filling vacant roles. In addition, recruitment will be paused for six long-term vacancies, saving a further \$418K for 2024/25.

- Employment costs - employment market constraints - \$1.285M for the General Fund, \$200K for Water & Wastewater;
- Employment costs - \$333K saving from a pause on recruitment of 5 long-term vacant FTEs;
- Materials and contracts – \$1.66M saving, quantified as the difference between draft 2024/25 budget and 2023/24 current revised budget plus 5.4% CPI;
- User fees & charges – generally a 5.4% CPI increase for General Fund, Waste, Water, Sewer;
- Investment Income – \$716.5K increase on 2023/24 original budget;

- Interest savings – \$184K by repaying the working capital loan in full in June 2024; and
- Waste gate fee income – increase by \$162K (less conservative budget).

### Increase in Employment Costs

The draft 2024/25 budget includes a \$1.2M (5.8%) increase in employment costs. The key drivers of the increase in employment costs are:

- Additional positions - \$878K – 7 new positions are included in the draft budget (listed below in Operational Projects), most of the new positions have a funding source other than General Fund revenue.
- Award increase – 3.5% award increase in salaries and wages.
- Superannuation - the superannuation guarantee rises from 11% to 11.5%.
- Workers compensation - \$700K - Council's premium has started to trend upwards after 3 years of decreases. An increase salaries and wages also adds to workers compensation costs.
- \$200K training budget to ensure adequate learning and development for staff.

### Grant Funding

A strategic approach is taken to seeking grant funding. Capital grant funding applications have generally been focussed on asset renewal projects, rather than adding to new assets (which require ongoing maintenance and future renewal). Business cases are prepared prior to applying for funding. Business cases take into account the whole-of-life cycle costs relating to funding applications for new assets. Business cases are only approved if recurrent and renewal costs can be covered.

At 29 February 2024, Council had \$15M of prepaid grant funding in the unexpended grants reserve. It will be a focus of the 2024/25 Capital Works Program to complete the projects which are funded from these grants.

### Events Strategy

Currently Lithgow City Council delivers events in two streams:

1. Community oriented events that are targeted at the LGA community.
2. Destination/tourism focussed events that are targeted for bed night generation and local economic development.

In general, for an event to become established requires a 3-4 year commitment. Council needs to review the most appropriate way to support these current and future proposed events and consider what we can continue to deliver with a very limited budget. The current number and level of events is currently financially unsustainable.

\$250K has been allocated to an events program. Community input will be sought to assist to identify priority events for funding. A report will be provided to a future meeting (no later than June 2024) with a recommendation for Council to allocate the \$250K budget allocation to specific events.

### S7.12 2024/25 Contributions Plan

The draft Section 7.12 2024/25 Contributions Plan totals \$600K.

The Draft Section 7.12 Contributions Plan is the subject of a separate report to the 22 April 2024 meeting.

### Operational Projects

Operational business case inclusions total \$1.859M.

## New Positions

Most of the additional positions were included in the draft budget as the roles were substantively funded from sources other than the General Fund.

- Corporate Planning or Service Review role (TBD) - \$140K (SRV).
- Senior Human Resources Officer - \$131K.
- Traffic Officer - \$135K (SRV).
- Asset Systems Officer (I&E) - \$135K (SRV).
- Cemeteries and Administration Supervisor – Position Regrade - \$23K.
- LEEP Project Officer - \$174K (SRV).

## Operational Business Cases

- Events budget \$250K.
- Water mains Operational Projects \$260K - Water Fund.
- Smoke testing \$120K - Sewer Fund.
- Sewer mains Operational Projects \$450K - Sewer Fund.

## Capital Works Program

Capital business base inclusions - \$27.2M.

The draft 2024/25 Capital Works Program requires further refinement to ensure that the program can be delivered in the year, given Council's resource constraints.

## Grant Funded

- Regional Road Safety Improvement - \$450K.
- Main Street CBD Footpath Revitalisation - Stage 2- \$1.8M.
- Fixing Country Bridges Round 2 & 3 Grant - \$1M.
- Active Transport Plan - Walking and Cycling Projects - \$680K.
- Main Street / Cupro Street Stormwater Drainage improvement - \$550K.
- Browns Gap Road - \$2.1M.
- Portland / Sunny Corner Bus Stop - \$224K.

## General Fund Revenue / Reserves

- Road Renewals - \$1.1M.
- Plant Replacement Program - \$3.5M in total.

## Waste

- Implementation of capital works related to Lithgow City Council Waste Strategy - \$810K (grant / waste revenue / reserve).
- Lithgow SWF Gatehouse & Weighbridge Upgrade - \$500K.

## Water & Wastewater

- Clarence to Wallerawang Pipeline - \$200K (grant & water reserve).
- Watermains Renewal - \$276K.
- Sewerage Treatment Plant Works - \$1.2M.
- New Sewerage Pumping Station for South Bowenfels Development area - \$1M (grant & sewer reserve).
- Sewer mains Relining - \$1.53M.

The draft Capital Works Program summary is provided below:

<b>Capital Works Program 2024/25</b>	
Bridges	1,066,303
Buildings	2,642,747
Footpaths	2,325,425
Information Technology	417,318
Plant Replacement	3,503,190
Recreation	1,415,885
Roads	7,653,161
Library	14,502
Cemetery	184,000
Waste	1,310,000
Wastewater	4,571,067
Water	2,068,517
<b>Total Capital Program</b>	<b>27,172,115</b>

#### Draft 2024/25 Special Rates Variation (SRV) Program

The total draft SRV Program value, including use of funds held in reserve, is **\$6.898M**.

The draft 2024/25 SRV Program is summarised below.

- General Asset Transport Maintenance - \$1.74M
  - Asset Systems Officer - \$135K.
  - Traffic Officer - \$135K.
  - Sealed Road Condition 2 Preventative Maintenance - \$251K.
  - Sealed Road Condition 3 Preventative Maintenance - \$602K.
  - Sealed Road Condition 4 Preventative Maintenance - \$481K.
  - High risk road safety signage & barrier improvements - \$136K.
- General Asset Stormwater Maintenance - \$292K
  - Urban kerb and gutter replacement (double the usual program) - \$157K.
  - Rural roadside drain reformation - \$135K.
- General Other Asset Classes Maintenance - \$499K
  - Natural Area Management Officer - \$139K.
  - Natural Area Management Projects - \$110K.
  - Community Buildings Maintenance & Repairs - \$150K.
  - Playground Maintenance & Repairs - \$100K.
- Other Operational - \$737K
  - Governance, risk and internal audit capacity improvement - \$351K.
  - Business improvement - including service reviews and other "budget bid" initiatives focused on improving productivity - \$386K.
- Transition Management - \$1.141M
  - Economic Development Management - \$177K.

- LEEP Project Officer - \$175K.
  - LEEP Priority Action Fund (incl. Adaptive Skills Hub) - \$150K.
  - Seven Valleys/Lithgow Strategic Marketing Plan - \$120K.
  - Transfer to reserve to build Transitions Management fund - \$519K.
- Roads Renewal - \$1.499M
    - Lithgow Street, Lithgow - \$683K.
    - High Street, Portland - \$495K.
    - Musket Parade - \$321K.
  - Stormwater Drainage Renewal - \$187K
    - Kerb and gutter renewal - \$187K.
  - Other Asset Classes Renewal - \$541K
    - Playground Renewal and Safety - \$141K.
    - Accelerate reduction of Plant replacement backlog (down from 10 years to 6 years) - \$400K.
  - Contingency - transfer to reserve in case of future shocks - \$261K.

### Financial Performance Indicators

Below is a summary of the draft 2024/25 budget results for the OLG's key financial performance indicators.

Ratio	Benchmark	24/25 Budget	Result
Operating Performance Ratio	> 0	1.0%	✓
Own Source Operating Revenue Ratio	> 60%	77%	✓
Debt Service Cover Ratio	> 2 x	11	✓
Building & Infrastructure Renewals Ratio	> 100%	125%	✓

The budget forecasts that Council will meet all key financial performance benchmarks.

### Loan Borrowings

Nil loan borrowings are planned for the 2024/25 year.

### Revenue Policy

Council's Revenue Policy has been comprehensively reviewed and is included in the Draft Operational Plan.

### Proposed Changes to Rating Structure

#### 1. Marrangaroo

Under the provisions of the Local Government Act all rateable properties are categorised and then sub categorised according to their location within the Lithgow City Council area. Presently the rate sub-categories are Residential Lithgow, Residential Wallerawang, Residential Portland and Residential Other. The localities are based on the defined Centres of Population. Land values are not permitted to be used as a factor to determine rate sub-categories.

During the ongoing review of the ordinary rating structure, inconsistencies have been identified and it has been necessary to review and redefine the urban areas, focusing on Residential Lithgow. There are 87 properties in the Marrangaroo area that are provided and rated with Wastewater charges. It has been determined that these properties are not contiguous with the remainder of the centre of population for Lithgow. It is therefore considered to be inappropriate for them to continue to be included in this sub-category. Historically, it would appear these properties may have included in Lithgow due to the properties being provided with a sewer (Wastewater) service.

There are other properties within the Council area which are levied wastewater charges and are not situated in defined urban areas. These include properties located in both Lidsdale and Cullen Bullen. Properties in both areas are included in the Residential Other Ordinary Rate Category. It is therefore appropriate to recategorise and include all Marrangaroo properties within the Residential Other category from the commencement of the 2024/2025 rating period.

The Ordinary rate income from the 87 identified properties for 2024/2025 totals \$235,220. This equates to an average Ordinary rate (Base Amount and Ad Valorem) of \$2,703.67 per assessment.

Moving the properties to Residential Other would result in total rates for these properties reducing to \$134,577, and average rates would be \$1,546.86 (an average reduction of \$1,147).

The impact on average rates for the Lithgow Ordinary Rate Category would be an increase of approximately \$23.

## 2. Special Parking Rate

The Parking Special Rate has been considered as part of the current review of rates categorisation and has been discussed with the Finance Committee. The program is due for review in accordance with Min. No. 18-349 (see below).

The Parking Special Rate was levied from 1975, initially to cover the cost of principal and interest on loans for provision of parking areas. In 2007, Council expanded the area including in the Parking Special Rate.

In 2018, Council resolved -

18 – 349 RESOLVED

THAT Council take the following action from the 2019/20 financial year:

1. Utilise the parking special rate for Lithgow CBD capital works and maintenance.
2. Determine a specific program of works and activities which will be funded from the parking special rate for inclusion in each year's Operational Plan.
3. Any parking special rate funds not utilised in a financial year be placed in an internally restricted reserve for future Lithgow CBD capital works and maintenance.
4. That the outcome of the program is reported to Council annually and that the program is reviewed in 5 years.

The \$290K (2024/25 estimate yield) in Parking Special Rate income is currently utilised for CBD Street Sweeping, the "Made in Lithgow" Lighting Installation maintenance, the Main Street Banner Program and the Main Street Revitalisation project. Council needs to retain the Parking Special Rate notional income to fund works in the Lithgow CBD.

As the original reason for levying the Parking Special Rate has passed, it is proposed to cease levying the Parking Special Rate and absorb the notional income across the whole rating base from 1 July 2024.

The impact on all ratepayers will be a \$25 per ratepayer increase in the base rate and an average Parking Special Rate saving of \$1,918 for 151 Lithgow CBD businesses.

## **Consultation and Communication**

The Council invited Councillors, residents and community groups to put forward proposals to be considered for inclusion in the draft Operational Plan between 22 December 2023 and 15 February 2024. The proposals could include new infrastructure projects, community activities/ events, or ideas for improvements which will enhance the quality of life in our community. Over 80 submissions were received and are included, along with Officers response in the Community Proposals document which is included as an attachment to this report.

The Draft 2024/25 Operational Plan will be placed on public exhibition for 28 days from 23 April to 22 May 2024. The document will be placed on the [www.ourplaceourfuture.lithgow.com](http://www.ourplaceourfuture.lithgow.com) website and the community will be invited to review the plan and provide feedback. The Plan will also be promoted through media and social media channels.

During the exhibition period, residents will have the opportunity to make a submission on the draft plans, either online, via email, post or in person.

All submissions will be considered by the Council prior to finalising the plans for adoption in June 2024.

## **Policy**

Nil arising from this report.

## **Legal**

The Local Government Act 1993, Local Government Amendment (Planning and Reporting) Act 2009 and Local Government (General) Regulation 2021 outline requirements for the preparation, exhibition and adoption of the Integrated Planning and Reporting Framework. The Draft Delivery Program and Operational Plan must be exhibited for a minimum period of 28 days.

## **Risk Management**

The draft plans presented for public exhibition address and respond to a range of medium to longer term financial, asset and service provision risks, while the Draft Capital Works Program addresses some of Council's assets at greatest risk of failure.

## **Financial**

The Delivery Program 2022-2026 and Draft Operational Plan 2024/25 presents a financially prudent and cashflow positive budget. Council needs to continue to implement the Financial Sustainability Plan actions to maintain a balanced operating result (before capital) budget for the General Fund.

### 10.4.3. P&P - 22/04/2024 - EOI - Womens Advisory Group

**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:** Cristina Portilla – Community Development Officer

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

**Executive Summary**

Council recently called for Expressions of Interest from local women to join the Women's Advisory Committee, with several EOI's received, as detailed in this report.

Council was especially seeking applications from representatives of organisations working in women's issues, women with relevant community experience, young women, women from Aboriginal, Culturally and linguistically Diverse backgrounds, LGBTQI women and women living with disabilities.

**Administration's Recommendation**

THAT Council appoint the following women to the Women's Advisory Committee.

- Karla Priestley
- Kaye Whitbread
- Rebecca Olive
- Emma Reid
- Dee Kinney
- Erin Ellery
- Samriti Chopra
- Alex Wilson

**Attachments**

1. Women's Advisory Committee Terms of Reference
2. Eight Expressions of Interest

**Reference to any relevant previous minute**

NA

**Background and discussion**

The principal responsibility of the Women's Advisory Committee is to advise Council of issues that affect women in the Lithgow community, and to advocate and raise awareness about these issues.

Committee members will also identify and participate in projects, activities and opportunities that promote women's inclusion in the local community.

The committee has the following membership:

- Two Councillors - Cr Coleman and Cr Bryce;
- A minimum of six community representatives with an interest and experience in advancing women's interests; and
- Three representatives of organisations involved in working with women and women's interests.

Attendance by the appointed community and organisation representatives has been irregular and a number of meetings have been postponed due to the lack of a quorum.

The Committee Terms of Reference state that:

*A member ceases to be a member of a Committee if the member (other than the Mayor)*

*(a) has been absent for 3 consecutive meetings of the committee without having given reasons acceptable to the Committee for the members absences; or*

*(b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absence.*

Accordingly, only one of the nine appointed community and organisation members satisfies this requirement for continued membership. This leaves 8 member vacancies.

Eight EOI's to join the committee have been received from the following women:

- Karla Priesley (aboriginal identified youth worker from Lives Lived Well);
- Kaye Whitbread (aged resident of Lithgow);
- Rebecca Olive;
- Emma Reid (young professional working in Lithgow Headspace);
- Dee Kinney (representative from Lithgow Community Projects);
- Erin Ellery (representing Lithgow Cares Coalition);
- Samriti Chopra (an NDIS service provider); and
- Alex Wilson (representative from Thrive Services).

The redacted EOIs are included as an attachment.

### **Consultation and Communication**

Council called for nominations to join the committee with eight Expressions of Interest received.

### **Policy**

N/A

### **Legal**

N/A

### **Risk Management**

N/A

### **Financial**

N/A

#### 10.4.4. P&P - 22/04/2024 - EOI - Youth Council

**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:** Cristina Portilla – Community Development Officer

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

**Executive Summary**

Council recently called for Expressions of Interest from local young people to join the Youth Advisory Committee with several EOI's received, as detailed in this report.

**Administration's Recommendation**

THAT Council appoint the following young people to the Youth Advisory Committee:

- Brayden Aguilera
- Lyric Burroughs
- Ollyvar Baker
- Tayla Murray
- Taliya Tauolo Fuamatu
- Stupa Rajak
- Sanambeer Singh
- Sandeep Kaur

**Attachments**

Youth Advisory Committee Terms of Reference  
List of EOI's received.

**Reference to any relevant previous minute**

N/A

**Background and discussion**

The Youth Advisory Committee is comprised of the following representation:

- A minimum of 6 people aged between 12 and 24 years who reside, work or attend school in the Lithgow local government area.
- The Youth Advisory Committee does not include Councillor members, but Councillors may be invited to meet Youth Councillors and discuss current issues, concerns and priorities.
- The Committee meets monthly at the Lithgow Transformation Hub and is supported by Council's Community Development Officer.
- Committee minutes are not reported to Council.

The Committee's Responsibilities include:

- Project-based work on identified issues affecting young people in the LGA;
- Advising Council on a strategic direction for youth services in the LGA;
- Promoting a positive image of young people in the community;
- Being a voice for young people to community leaders;

- Raising awareness of youth issues in the community;
- Working in partnership with Council and other organisations to address youth issues;
- Organising annual Youth Week celebrations and other local youth events; and
- Developing leadership skills among young people in the Lithgow LGA.

The following young people have expressed an interest in joining the Youth Advisory Committee:

- Brayden Aguilera
- Lyric Burroughs
- Ollyvar Baker
- Tayla Murray
- Taliya Tauolo Fuamatu
- Stupa Rajak
- Sanambeer Singh
- Sandeep Kaur

A list of EOIs is included as an attachment.

### **Policy**

N/A

### **Legal**

N/A

### **Risk Management**

N/A

### **Financial**

N/A

### **Consultation and Communication**

Existing Youth Advisory Committee members have moved on to the next chapters in their lives as young adults, moved cities and started university, creating a number of vacancies.

The Community Development Officer has been engaging with a group of young people over the past 12 months through the Young Changemakers Program. A number of these participants have now expressed an interest in joining the Youth Advisory Committee.

### 10.4.5. F&G - 22/03/2024 - Investment Report 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 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 31 March 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 \$51.4M, approximately \$51M of that amount is restricted (internally and externally, as at 29/2/24). 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 \$51,200,000 and cash of \$211,090 (of which approximately \$51M is restricted) for the period ending 31 March 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. March 2024 Investment Attachment [10.4.5.1 - 1 page]

#### Reference to any relevant previous minute

Min No 24-65 Ordinary Meeting of Council held on 25 March 2024.

#### Background and discussion

##### Movements in the Cash and Investments Balance

Council's total investment portfolio as at 31 March 2024, when compared to 29 February 2024, has decreased by \$1,200,000 to \$51,200,000. Investments decreased from \$52,400,000 to \$51,200,000. Cash in Council's bank account decreased from \$1,351,313 to \$211,090.

The \$2.34M decrease in cash and investments is mainly due to the ordinary business of Council, with lower cash inflows as there are no rates or Financial Assistance Grant instalments due in March. Also, the working capital loan was paid down by \$1M in March 2024.

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 March 2024 were as follows:

Opening Balance of cash and investments as 1 March 2024	\$53,751,313
Plus New Investments – March 2024	\$8,000,000
Less Investments redeemed – March 2024	-\$10,340,223
Closing Balance of cash and investments as at 31 March 2024	\$51,411,090

**Director Finance & Governance comment on the cash and investments balance** – the \$2.3M decrease in cash and investments in March 2024 was anticipated as March is typically a month of lower cash inflows. 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 \$126K for the Taggle smart water meter subscription, \$101K for the Wolgan Road alignment design, \$364K for Browns Gap Road restoration works, \$645K for the West Bowenfels Sewer Pump Station design and construction and \$430K 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.

**Director Finance & Governance comment on restricted reserves** – Council had sufficient cash and investments at 31 March 2024 to fund \$40M of externally restricted reserves and \$10.9M of internally restricted reserves (balances at 29 February 2024).

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 by \$1M at the September 2023 quarterly review and by a further \$1M at the March 2024 review, leaving a current balance of \$1.5M. 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 Cash and Investments Statement will be updated at 31 March 2024 as part of the Quarter Three budget review report.

#### **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 - \$2,057,712
- 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 5.20% return on six month term investments. More recently with the pause on increasing interest rates, Council is obtaining returns around 5.15%. 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. Council Committee Reports

### 11.1. I&S - 22/04/2024 - TALC Minutes - 4th April 2024

#### 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 – Cemeteries and Administration Supervisor

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

#### Executive Summary

This report provides details the Minutes of the TALC Committee meeting held on 4 April 2024.

#### Administration's Recommendation

THAT Council:

1. Note the minutes of the TALC Committee Meeting held on 4 April 2024; and
2. Approve the Traffic Management Plan for the LithGlow 2024 event; and
3. Approve the 2024 ANZAC Day temporary road closures for Lithgow, Wallerawang, and Portland; and
4. Proposed Traffic Signal Changes - Mort / Bridge Street, Lithgow
  - provide a letter in support of Option 2 (new phasing) requesting a trial period for 6 months and reassess if this has worked after the trial period; and
  - note within that letter that no support is given to Option 1 (New Pedestrian Crossing) & Option 3 (dedicated right turn phase); and
  - notify the customer of the outcome.

#### Attachments

1. DRAFT Minutes TALC Committee Meeting 4th April 2024 [11.1.1 - 6 pages]

#### Reference to any relevant previous minute

Nil

#### Background and discussion

At the TALC Committee meeting held on 4 April 2024, there were several items discussed, however, they require Council to formally approve the recommendations:

- Item 8.1 Traffic Management Plan – Lithglow 2024.
- Item 8.2 ANZAC Day 2024.
- Item 8.3 Proposed Traffic Signal Changes – Mort / Bridge Street, Lithgow.

## **Financial**

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

## 11.2. FIN - 22/04/2024 - Audit Risk Improvement Committee (ARIC) Minutes - 12 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 managed.

**Author:** Raj Singh – Governance & Risk Manager

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

### Executive Summary

This report summarises the business dealt with at the Audit Risk & Improvement Committee (ARIC) meeting held on 12 March 2024 and recommends that Council note the minutes.

### Administration's Recommendation

THAT Council note the Minutes of the 12 March 2024 Audit Risk & Improvement Committee meeting.

### Attachments

1. DRAFT Minutes ARIC 12 March 2024 - FINAL [11.2.1 - 13 pages]

### Reference to any relevant previous minute

Min No. 14-16 Ordinary Meeting of Council held on 30 January 2024.

### Background and discussion

At the ARIC meeting held on 12 March 2024, the following items were presented and discussed:

- Compliance: the Committee were informed that Council is working to strengthen internal controls, noting that Council has an improvement program in place that checks through the obligations of the compliance calendar.
- Internal Audit: the IT Manager presented to the Committee on the outcomes of the Information Security Gap Analysis. 2023/24 Internal Audit Plan projects were reviewed, as well as audit actions.
- External Audit: the Committee requested an update from the Audit Office on the appointment of a new external audit contractor (Intentus) to Council.
- Internal Controls: the Committee noted the update on Council's internal controls.
- Fraud and Corruption: the Committee asked for further review of the Fraud Risk Assessments.
- Financial Management: no known deficiencies in internal controls and no issues with internal controls were raised in the audit management letter.
- Governance: the Committee were provided with an update on Conflicts of Interest, policies due for review and recruitment of a new General Manager.
- Risk Management: risk appetite statements will be reviewed with Councillors to occur after the September 2024 election.
- Service Reviews and Business Improvement: the Committee received an update on the Service Management Framework implementation and Customer Service benchmarking.
- Strategic Planning: the Committee noted the report on strategic planning.

**Financial Implications**

As detailed in the ARIC meeting minutes.

### 11.3. I&E - 22/04/2024 - Sports Advisory Committee Minutes 10 April 2024

#### 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 the minutes of the Sports Advisory Committee Meeting held on 10 April 2024.

#### Administration's Recommendation

THAT Council:

1. Note the minutes of the Sports Advisory Committee Meeting held on 10<sup>th</sup> April 2024; and
2. Provide Taj Jenkins with \$500.00 toward the cost of participating in the College Basketball Competitions in the USA; and
3. Accept Dominic Smith as the Sports Advisory Committee representative from *Lithgow Workmens Senior Soccer Club*; and
4. Accept Eric Wood as the Sports Advisory Committee representative from *Lithgow Swimming Club*; and
5. Accept Shane Milne and Nigel Llyod as the Sports Advisory Committee representatives from *Lithgow District Soccer*; and
6. Accept Cassandra Coleman and Stephanie Rochester as the Sports Advisory Committee representatives from *Lithgow District Netball*.

#### Attachments

1. DRAFT Minutes - Sports Advisory Committee Meeting - 10 April 2024 [11.3.1 - 10 pages]

#### Reference to any relevant previous minute

Nil

#### Background and discussion

At the Sports Advisory Committee Meeting held on 10 April 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 requires Council to formally approve the recommendations for the following items:

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

**Financial**

- Budget approved - \$2,500.00
- Cost centre - 800158 – Governance – Section 356 Donations & Contributions
- Expended to date - \$1,700.00
- Future potential impact – If funding is approved the budget remaining will be \$300.00

## 11.4. P&S - 22/04/2024 - Draft Seven Valleys Tourism Committee Meeting 26 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:** Shaun Elwood - Director People and Place

### Executive Summary

This report provides details of the minutes of the Seven Valleys Tourism Committee meeting held on 26 March 2024.

#### Administration's Recommendation

THAT Council note the minutes of the Seven Valley's Tourism Committee meeting held on 26 March 2024.

### Attachments

1. Draft Minutes Seven Valleys Tourism Committee 26 March 2024 [11.4.1 - 7 pages]

### Reference to any relevant previous minute

Min 24-38 Ordinary Meeting of Council 26 February 2024.  
Min 24-41 Ordinary Meeting of Council 26 February 2024.

### Background and discussion

At the Seven Valley Tourism Committee meeting held on 26 March 2024, a range of items were discussed with agenda items including:

- Destination Action Plan Presentation by Destination Marketing Store; and
- Lithgow Mountain Bike Project Presentation by Ray Christison and Craig Flynn.

### Financial

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

**11.5. I&S - 22/04/2024 - Operations Committee Meeting Minutes 16 April 2024**

This report will be issued after the 16 April.

## **12. 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.