

Business Paper



Image: Wolgan Valley

Ordinary Meeting of Council
to be held at
Council Administration Centre
180 Mort Street, Lithgow
on
Monday 24 June 2024
at 6:00 PM

ORDER OF BUSINESS

1. Mayoral Minutes	5
1.1. Mayoral Minute	5
2. Notices of Motion	6
2.1. NOM - Cr Mahony - 24/06/2024 - Reporting of Proceedings of Bushfire Management Committees Meeting to Council	6
3. Administration Reports	9
3.1. WWW - 24/06/2024 - Budget Allocation for West Bowenfels Sewerage Pumping Station...	9
3.2. P&P - 24/06/2024 - Review of the Onsite Sewage Management Policy	13
3.3. F&G - 24/06/2024 - Making of Annual Rates and Charges 2024/2025	20
3.4. F&G - 24/06/2023 - Delivery Program 2022-2026 and Operational Plan 2024-2025	32
3.5. F&G - 24/06/2024 - Local Government Remuneration Tribunal Determination 2024.....	43
3.6. FIN - 24/06/2024 - Sale of Land for Unpaid Rates	49
3.7. F&G - 24/06/2024 - Policy 8.4 - Debt Management and Hardship Policy.....	52
3.8. I&E - 24/06/2024 - Wolgan Road - Essential Public Asset Reconstruction Application.....	54
3.9. F&G - 24/06/2024 - Lake Lyell Lease - Proposed Excise of Lot 2 in DP792415 and Related Matters	66
3.10. F&G - 24/06/2024 - Lake Lyell - Correction of Historical Land Anomalies	72
3.11. EXEC - 24/06/2024 - Delegations to the General Manager during Caretaker Period 16 August - 13 September 2024	75
4. Council Committee Reports.....	78
4.1. P&P - 24/06/2024 - Seven Valleys Tourism Committee Meeting - 28 May 2024	78
4.2. I&S - 24/06/2024 - Operations Committee Meeting Minutes 4 June 2024	79
4.3. COMM - 24/06/2024 - Women's Advisory Committee Meeting Minutes 5 June 2024.....	79
4.4. I&S - 24/06/2024 - TALC Minutes 6 June 2024	81
4.5. I&E - 24/06/2024 - Sports Advisory Committee Meeting - 12 June 2024	84
5. Delegates Reports	86
5.1. EXEC - 24/06/2024 - Delegates Report Rural & Regional Summit and Country Mayor's Association Meeting - 9 to 10 May 2024.....	86
5.2. EXEC - 24/06/2024 - Central NSW Joint Organisation Board Meeting - 23 May 2024	88
5.3. I&E - 24/06/2024 - Bushfire Management Committee - Meetings held 6 February 2024 and 4 June 2024	90
6. Business of Great Urgency.....	93

Acknowledgement of Country

Acknowledgement of Country

Lithgow City Council acknowledges Wiradjuri Elders past and present of the Wiradjuri nation - the original custodians of the land on which the Lithgow's communities reside. The Council also extends our respects to our neighbouring nations.

Declaration of Webcasting

I inform all those in attendance at this meeting, that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements concerning any person, Councillor or employee, and refrain from discussing those matters subject to Closed Council proceedings as indicated in clause 14.1 of the code of meeting practice.

Present

Apologies

Declaration of Interest

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

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

Ethical decision making

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

Conflict of interest

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

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

There are two types of conflict:

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

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

Identifying problems

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

Disclosure of pecuniary interests / non-pecuniary interests

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

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

Confirmation of Minutes

Confirmation of the Minutes of the Ordinary Meeting of Council held 27 May 2024 and confirmation of the Minutes of the Extra Ordinary Meeting of Council held 13 June 2024.

Commemorations and Announcements

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

Public Forum

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

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

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

1. Mayoral Minutes

1.1. Mayoral Minute

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

2. Notices of Motion

2.1. NOM - Cr Mahony - 24/06/2024 - Reporting of Proceedings of Bushfire Management Committees Meeting to Council

Report by Councillor Eric Mahony

Commentary

At the Ordinary Meeting of Council - 30 January 2024 in regards to 9.8. Notice of Motion - Councillor E Mahony - 30/01/2024 - Council representation at the Lithgow Bushfire Management Committee Report; Council resolved.

THAT

1. Council reaffirms its support and recognition of the RFS's primary concept and role as a volunteer organisation.
2. Councillor alternates are nominated and endorsed by the Council to ensure that consistent representation occurs at the Lithgow Bushfire Management Committee.
3. Council brings back a report on RFS meetings as a regular item to Council meetings.

Commentary:

The NSW Rural Fire Service (NSW RFS) is the world's largest volunteer fire service. A volunteer service that provides critical fire and emergency services to our local community.

This is of particular importance given Lithgow Local Government Area's exposure given its geographic placement to disastrous wildfires. This risk is particularly increased on its eastern edge.

The RFS as an organisation is not limited to responding to, suppressing bushfires and providing property protection.

They are also directly involved in responding to other incidents and activities such as;

- House and structure fires
- Storm damage
- Search and rescue
- Motor vehicle accidents
- Community education
- Bush fire mitigation

It is critical, that Council as a key stakeholder with the RFS in planning and responses to emergency events that Councillors, senior council representatives as part of the NSW RFS Senior Management Team are in attendance at the Lithgow Bushfire Management Committee to provide the Council's and the community position on key issues.

Attachments

Nil

Recommendation

THAT

1. Council brings back a report on Chifley Lithgow Bushfire Management Committee meetings and other regional RFS meetings attended as a standing agenda item to Council's Operations Committee. These reports will be tabled at the next Council Operations Committee following the above meetings. Time critical issues deemed to be of a significance are to be reported to the next scheduled Ordinary Meeting of Council.
2. Council staff to provide all agendas and minutes of Chifley Lithgow Bushfire Management Committee meetings for the last 3 years within 5 working days to all Councillors.
3. Councillor alternates are nominated and endorsed by the Council to ensure that consistent representation occurs at the Lithgow Bushfire Management Committee.

Management Comment

For the Council's information, the following details are provided about the purpose, representation and attendance of Bushfire Management Committees. Another report in tonight's business paper also gives effect to the council's request for "*a report on RFS meetings as a regular item to Council meetings*".

Purpose

The Bushfire Management Committee (BFMC) is not a committee of Council, nor does it have significant decision-making powers. The decision-making power typically lies with the Bushfire Coordinating Committee (BFCC) which sits above the BFMC. The role of a BFMC is to:

1. Operate in accordance with all policy, guidelines and instructions issued by the BFCC.
2. Submit draft plans to the BFCC as required by the Act.
3. Submit reports as required by the BFCC.
4. Refer issues and recommendations with wider policy implications to the BFCC where necessary.
5. Refer any matters considered relevant or likely to be of interest to BFCC for its information and consideration.
6. Make available copies of the minutes of BFMC meetings for the BFCC

The BFMC already includes representatives of the elected Council and Council administration. Similarly, much of the agenda deals with matters concerning other government departments or local government areas (Bathurst and Oberon).

Representation

Members of the BFMC must have responsibility for the performance of the local authority's functions. This person should also have sufficient experience and knowledge to contribute to the discussion.

The Mayor is the current elected representative for Lithgow on the committee. The Mayor, by virtue of their position, is best equipped to be the Council's representative due to the legislated responsibility and powers afforded to their role. The previous decision of the Council did not nominate which Councillor should be an alternate, in the event that the Mayor cannot attend a meeting. This should be confirmed by the Council.

Attendance

On a prior occasion there were suggestions that the Council may not be supporting this committee, by attending meetings. It became apparent that a proper invite process was not being followed by the organising body for these meetings. The administration has made several requests to the BFMC and RFS management to send calendar invitations to both the Mayor and the administration prior to BFMC meetings. Emails are sent by the RFS advising of dates, but no calendar invitations.

A calendar invitation was received before the February 2024 meeting and both the Mayor and Director Infrastructure and Economy were present. Invitations were not sent before the June 2024 meeting which resulted in both delegates being unaware of the meeting. This matter has been followed up, again.

3. Administration Reports

3.1. WWW - 24/06/2024 - Budget Allocation for West Bowenfels Sewerage Pumping Station

Strategic Context for this matter:

Developing Our Built Environment

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

Author: Samuel Lenkaak – W&WW Projects Engineer

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

Executive Summary

The purpose of this report is to provide Council with an update on the detailed design and construction of the West Bowenfels Sewerage Pumping Station and explain the reasons 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 contract variations for the detailed design and construction of West Bowenfels Sewerage Pumping Station.
2. Accept contract variations for the amount totalling \$738,476.76 from Keane Civil and Construction Pty Ltd for additional Review of Environmental Factors (REF) report and for unexpected rock excavation encountered in the Sewer Gravity Mains bulk excavation and area around Good Luck Hollow & Farmer's Creek. This will bring the total contracted amount to \$4,595,190.76.
3. Approve an additional \$250,000 budget as part of Council's 2024/25 Capital Works program to complete the rising mains construction from the new sewerage pumping station to Tweed Mills Sewerage Pumping Station.

Attachments

1. Heritage Items Location Map [3.1.1 - 1 page]
2. CONFIDENTIAL - Variation - Review of Environmental Factors Report [3.1.2 - 2 pages]
3. CONFIDENTIAL - Variation - Wet Well Rock Excavation [3.1.3 - 7 pages]
4. CONFIDENTIAL - Tender Allowance - Wet Well Rock Register [3.1.4 - 7 pages]
5. CONFIDENTIAL - Variation - Under Bore Heritage Area [3.1.5 - 4 pages]
6. CONFIDENTIAL - Variation - Line 2 Rock Excavations - January and February [3.1.6 - 6 pages]
7. CONFIDENTIAL - Variation - Line 4, 5 and 6 Rock Excavations - March and April [3.1.7 - 9 pages]
8. Contract Variations summary [3.1.8 - 1 page]

Reference to any relevant previous minute

Min. No. 23-53 – Ordinary Meeting of Council held on 27 March 2023

Background and discussion

Heritage Items

The project's archaeological consultant discovered several rock fragments that are indicative of an historic camp site used by indigenous groups. Whilst the location where the items were identified is not in the location of the proposed pump station, it is in the location of the proposed gravity pipework to pick up flows from Buttress Pump Station, as well as in the alignment for the proposed rising main. From initial discussions with the consultant, there are three options which are detailed in the report that will form part of the REF.

- Option 1 - Apply to Heritage Department for approval to disturb/destroy. This may take a significant amount of time, in the vicinity of 1.5-2 years;
- Option 2 - Avoid the area if possible; or
- Option 3 – Change of methodology and under bore the area.

From a construction point of view, "Option 2 - avoid the area" may not be feasible with the gravity main as the depth of excavations around the area may be cost prohibitive.

Option3, changing to under boring beneath the known area, would most likely achieve the best outcome in relation to time and cost.

Contract Variations and Bulk Rock/Granite Excavations

The quantity of granite rock encountered while excavating for the Sewer Gravity Mains (SGM) is summarised below:

Item	Description
Variation 001 – REF Report	This Report prepared by The Environmental Factor (TEF) (at the request of Lithgow City Council to assess the matters affecting or likely to affect the environment by reason of the proposed upgrade to the West Bowenfels Sewer Pump Station and rising main in Lithgow, for approval and planning purpose in accordance with the NSW Environmental Planning and Assessment Act 1979 (EP&A Act), the NSW Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and the Department of Planning and Environment's (DPE) Guidelines for Division 5.1 assessments (DPE Guidelines)) demonstrates how the environmental factors specified in clause 171(2) of the EP&A Regulation were taken into account when considering the likely impact of the proposed activity.
Variation 002 – Wet Well Rock Bulk Excavation	Upon excavation of the wet well, rock was encountered at the Pump Station Location for approximately 6m depth. A rock register was completed and attached with appropriate photos.

Variation 003 – Under bore Heritage area	Upon Completion of the REF report, it was discovered that an indigenous Heritage area was located where the excavation for a gravity sewer trench was proposed and the sewer rising main is proposed. To remove the need to undertake an AHIP destruction approval which would take circa 18-24 months to complete, the proposed area is to be under bored for both the rising main and gravity sewer.
Variation 004 – Line 2 Rock excavation	Line 2 is the longest Sewer Gravity Mains (SGM) linking the existing Hillcrest SPS with the new West Bowenfels SPS. Upon excavating for line 2, rock was discovered for approximately 200 meters length at varying depths. A marked-up drawing showing the location of the rock excavation is shown attached.
Variation 005 – Line 4, 5 and 6 Bulk Rock excavation	Upon excavating out for line 4,5 and 6 rock was discovered for approximately 200 meters length at varying depths. A marked-up drawing showing the location of the rock excavation is attached to this report. A rock register has been completed and attached to this variation. The rate applied was provided at time of tender.

The cost of each contract variation has been included as a confidential attachment to this report.

Council budgetary savings and financial position

Council's externally restricted sewer reserve has been maintained at a healthy financial position due to identified efficiencies and reduced employment costs (due to vacancies and work share with staff).

At 31 May 2024, the Sewer Fund had a balance of \$6M. The proposed additional withdrawal from the reserve to the project would be approx. \$400,000 to cover the items above, including a contingency for any further variations associated with the project.

Through prudent project management methodology, Council has saved costs in other Sewer Capital projects, the most notable ones being Design and Construction of Maddox Lane SPS and Stage 1 Lithgow Sewage Treatment Plant (expected savings of approx. \$500K plus). The proposed budget allocation will not significantly impact the reserve. The additional cost is deemed to still represent value because of the magnitude and importance of the new asset which will have a useful life of 50 years, allow removal of two other sewerage pumping stations and rationalise the sewer system. Some funds will be recouped by the Council from the developer services charges paid by developers in the South Bowenfels area – calculated via the Development Servicing Plan.

Consultation and Communication

Council consulted with environmental and heritage consultants to undertake a site walk through as part of preparation of the Review of Environmental Factors (REF) report for the project, based on concept SGM and SRM pipe alignments. As part of the walk through, the archaeological consultant discovered several rock fragments that are indicative of an historic camp site used by indigenous groups.

A permit was applied for Fisheries NSW approval to cross Good Luck Hollow and Farmer's Creek. Upon investigation from Fisheries NSW, it was advised that Good Luck Hollow is a second order stream, therefore not a Key Fish Habitat and thus a permit is not required. Farmers Creek is also not within the footprint, therefore no permit is required from Fisheries NSW.

Policy

Policies applied in managing the project include Policy 1.4 - Tendering.

Legal

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

Council is investing in responsible and sustainable infrastructure for the benefit of the local community.

Risk Management

A 15% contingency has been applied to the increase in cost. to account for any unforeseen issues that may occur during construction, and thus 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 - \$4,241,383 revised budget, funded \$714,400 from a grant and balance from the Sewer Reserve (including future developer contributions).
- Cost centre - PJ 300066
- Expended to date - \$3,039,847
- Future potential impact - upon the completion of the West Bowenfels Sewerage Pumping Station project, Council is expected to save on the costs of the operation and maintenance of Hillcrest and Buttress Sewage Pumping station as they will be decommissioned on project completion. In addition, inflows from the new subdivision at Hillcrest and future developments / population growth will be serviced by the new West Bowenfels Sewage Pumping station bringing Council infrastructure delivery ready for future demand management.

3.2. P&P - 24/06/2024 - Review of the Onsite Sewage Management Policy

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: Paul Minett – Acting Team Leader Environment

Responsible Officer: Shaun Elwood - Director People and Place

Executive Summary

This Report seeks Council resolution to adopt an amended Compliance Policy 5.9 - Onsite Sewage Management.

The Draft Compliance Policy 5.9 - Onsite Sewage Management is contained in Attachment 1.

The Draft Policy simplifies Council's approach and procedures in relation to the regulation of Onsite Sewage Management systems including –

- the assessment and approval of new systems,
- the issuing of ongoing approvals to operate all systems,
- the renewal of approvals to operate.
- the simplification of the fee structure applicable to Approvals and the inspection program.
- the refinement of a risk-based surveillance program.

The Draft Policy's objective is to guide Council in addressing its responsibilities and duty of care under the Local Government Act 1993 to minimise the potential public health and environmental impacts of Onsite Sewage Management Systems.

Council's approach must be fair and equitable and have regard to its resource capabilities whilst complying with the legislative framework applicable to Onsite Sewage Management Systems.

The Draft Policy proposes some amendments to the Compliance Policy 5.9 -Onsite Sewage Management and procedures in the areas of –

- The system of approval to operate renewal
- The structure of the risk-based inspection program
- The fee structure applicable to approvals

Administration's Recommendation

THAT

1. The draft Compliance Policy 5.9 - Onsite Sewage Management, provided in Attachment 1 be placed on public exhibition for a period of 28 days.
2. The matter be reported back to Council after the expiration of the exhibition period for further consideration where submissions are received that are considered significant in relation to crucial elements of the Draft Policy.
3. Where no significant submissions are received, the Draft Policy be adopted without further reference to Council
4. The annual Onsite Sewage Management charge applicable, already adopted for 2024/25 remain and the fee structure provided in the Draft Policy, where the Policy is adopted, apply from the 2025/26 financial year.

Attachments

1. Draft Compliance Policy 5 9 OSSM [3.2.1 - 25 pages]

Reference to any relevant previous minute

Nil

Background and discussion

Compliance Policy 5.9- On Site Sewage Management (The Policy) was originally adopted in 1999 after the NSW Government introduced strict new requirements surrounding the establishment and ongoing operation of onsite sewage management systems (septic systems).

Subsequent reviews of the Policy were undertaken in 2007, 2010, 2014, and 2022 although these reviews were not significant in terms of rigorously analysing the appropriateness of the processes being followed in relation to the issuing of ongoing approvals to operate, fee structures and the inspection program.

Recently, several issues have been highlighted which have triggered the review of the Policy. These are –

1. The approval periods applicable to approvals to operate.
2. Community feedback regarding the appropriateness of the fee structure applicable to renewals of approvals to operate.
3. Community feedback regarding the appropriateness of Council's request for written applications for renewals of approvals to operate and the charging of additional fees.
4. The administrative burden and cost of mailing reminders for expired approvals to operate (up to 3 letters) including an invoice when a third letter is sent. This system has caused frustration and confusion from property owners and staff.
5. The structure of the inspection program where it primarily only applies to systems when an application for renewal of an approval has been made and is not based on risk.
6. The provision of adequately trained staff to carry out inspections.

The Draft Policy has addressed the above issues as follows –

1. The Approval to Operate period.

Onsite sewage management systems are subject to an initial approval to install under Section 68 of the Local Government Act (LG Act) and after installation the “operator” (which can be the owner or the occupant) must apply to obtain an approval to operate that system. This approval is also under Section 68 of the LG Act and can be issued by Council for periods of between one (1) and five (5) years. The initial approval to operate is issued after successful completion of a final inspection of a newly installed system.

The purpose of the approval to operate is to obligate the operator to ensure that the system continually operates under prescribed operating conditions and provides a mechanism for Council, as the regulatory authority, to monitor this operation through an ongoing approval system.

Council’s current Policy establishes approval to operate periods of between two (2) years for a high risk system and ten(10) years for a low-risk system. (Note: 10-year approvals are not permissible under the Local Government Act).

This is confusing to owners because there is an annual fee applicable to all onsite sewage management systems collected through the rates notice for each applicable property. It is also problematic from an administrative perspective as expiry dates for approvals to operate are staggered in a complicated manner and Council’s approach is to permit approvals to expire until an application for renewal is made, an inspection carried out, and a renewal issued.

The consequence of this approach is that invariably there is a period where operators, through no fault of their own, do not have an approval to operate (even though they are still operating an OSSMS) and are non-compliant with the legislation. Administratively, Council can also not be confident that the owners of all systems, where approvals have expired, have been notified of a requirement to renew.

The varying approval to operate periods (between 2 and 10 years) applicable under the current Policy is based on the risk categories applied to each system. The current Policy has also linked these risk categories to the fee structure applicable, with different fees applying to different risk categories creating a cumbersome and confusing system.

The risk category allocated to a system should relate to the level of surveillance that Council applies to its inspection program and the renewal fee should relate to Councils actions in renewing the approval to operate and implementing its inspection program across the local government area.

The amended Policy seeks to streamline the approval to operate process by separating the renewal process from the risk category attached to each system.

To address the current staggered and variable time periods applicable to approvals to operate, it is proposed that all Approvals to Operate for onsite sewage management systems be for a **12-month period from 1 July to 30 June each year** and that approvals be automatically renewed.

This rolling system is permissible due to the special circumstances applicable to renewals conveyed by Section 107A of the Local Government Act -

LOCAL GOVERNMENT ACT 1993 - SECT 107A

Special provision--renewal of approvals relating to operation of sewage management systems

107A SPECIAL PROVISION--RENEWAL OF APPROVALS RELATING TO OPERATION OF SEWAGE MANAGEMENT SYSTEMS

(1) This section applies to an approval to operate a system of sewage management.

(2) The council may by notice in writing (in any form determined by the council) invite any person to whom an approval to which this section applies has been granted to apply to renew the approval.

Note : For example, an invitation in writing to a person to renew an approval could be made in the form of an account or invoice.

(3) A person to whom such an invitation is made is taken to have made an application under [section 107](#) to renew the approval on the same terms as the original approval if the person pays any required application fee (being an approved fee under [section 80](#)).

The charging of an annual fee through the rates notice (as is currently the case) is considered to be a written notice or invitation to renew an approval. The payment (or presumed payment) of the applicable fee through the rates notice enables an approval to operate to be renewed under the same terms as previously issued without the requirement for a written application for renewal to be made.

2. Community feedback regarding the appropriateness of the fee structure applicable to renewals of approvals to operate.

Owners of Onsite Sewage Management Systems have raised concern that whilst they pay an annual fee through their rates, Council also charges an additional fee for renewal of approvals.

This feedback has some merit.

The amended Policy proposes that one approval to operate fee be applicable to all Onsite Sewage Management Systems and that the fee be collected through the rates Notice. There would be no additional fees for renewals or routine inspections.

This system would also reduce administrative costs of forwarding additional invoices and remove community confusion in relation to fees.

Because it is proposed that one fee apply, irrespective of the risk category of the system, there may be some community concern regarding the quantum of the proposed annual fee. This is discussed further in the Financial section below.

3. Community feedback regarding the appropriateness of Councils request for written applications for renewals of approvals to operate and the charging of additional fees.

Written applications for renewals of Approvals to Operate are required under Councils current Policy and procedures but are not considered necessary by virtue of Section 107A of the Act (referred to above). Council already holds all of the information requested in a written application form and the completion of the form is a burden to the public and also to administrative staff.

Section 107A of the Act negates the requirement for a signed renewal application form for approvals to operate onsite sewage management systems which ordinarily applies to most approval applications under Section 68 of the Act.

The amended Policy proposes to discontinue the requirement for written applications for renewal and that approvals to operate be renewed automatically each year utilising Section 107A of the Act with no additional fees outside of the annual charge levied through the rates notice.

It is proposed that paper copies of approvals to operate be issued to the owners of all systems for 2024/25 but in subsequent years these be only issued, with appropriate adjustments, upon request or after a change of ownership. Council may also amend or revoke an approval to operate at any time where it is considered necessary.

4. The administrative burden and cost of mailing reminders for expired approvals to operate (3 letters) including an invoice when a third letter is sent. This system has caused frustration and confusion from property owners and staff.

Currently, Council forwards up to three reminder letters to owners for renewal of their approval to operate. Where these reminders are ignored, an invoice is generated for the renewal, notwithstanding that an annual fee has already been paid through the owner's rates notice.

This system is cumbersome and relies on the owners interest to take positive action to respond to a renewal request. The justification for the levying of a fee after an owner ignores the third request is unclear and has been the subject of regular dispute by recipients and in many cases the waiving of this fee.

The administrative cost of sending a series of reminder notices has not been quantified but is considered significant.

It is proposed that the renewal process be improved through the discontinuation of the practice of mailing out reminders for renewal of approvals. The renewal process will be streamlined with no burden on operators to make a renewal application as this will occur automatically, with no period where the approval has lapsed, and no additional fees outside of the annual fee levied on the rates notice.

5. The structure of the inspection program - where it only applies to systems where an application for renewal of an approval has been made and is not based on risk.

Under current processes, Council's scarce staff resources have been utilised in carrying out inspections on the Onsite Sewage management systems that have been subject to renewal applications only. This is because the current process has dictated that an application for renewal would only be determined after a successful inspection has been carried out.

Inspections have been carried out on a mixture of high, medium and low risk systems as renewal applications have been received. The inspection program has not been based on a strategic approach to prioritise the identification of potentially polluting systems but has been a reactive program based on the demand to renew approvals to operate.

The amended Policy aims to differentiate between the approval to operate process and a risk based inspection program.

It is proposed that approvals to operate be renewed automatically under their previous operating conditions without the prerequisite requirement for an inspection of the system. The inspection program will be designed according to risk and be targeted to address areas of high risk first.

This is an essential approach to ensure that scarce inspection resources are used in the right places. The current key performance indicator for OSSM inspections is 20 inspections per month and it is intended to utilise these inspection by addressing high risk systems in sensitive catchments as a priority.

6. The provision of adequately trained staff to carry out inspections.

Whilst not specifically referred to in the Draft Policy, Council should be aware that the allocation of suitably trained and qualified staff to complete the OSSM inspection program is a continual challenge. Existing junior staff in the Environment Team require additional training and continual exposure to refresher training to ensure they are applying best practice to their inspection activities.

Consultation and Communication

The proposed amendments to the Compliance Policy 5.9 -Onsite Sewage Management have implications for the manner in which Council approaches the administration of approvals to operate including the charging of fees as well as the inspection program associated with OSSMS.

Accordingly the proposed change in Policy will be placed on exhibition to seek community feedback prior to Council's adoption to any change in Policy.

Policy

The implementation of the Policy (known as Compliance Policy 5.9- Onsite Sewage Management) is an identified activity within Council's Integrated Planning and Reporting Program with key performance indicators reported in the Operational Plan and Delivery Program.

The Draft Policy aims at addressing Council's legislative responsibilities in a more streamlined manner, commensurate with resource capabilities and the expectations of the community.

It is considered that Council's existing Policy requires amendment having regard to the community concerns referred to in this report and for process improvement purposes.

Legal

The subject matter of this report is a function of Council conferred by Chapter 7- Part 1- Approvals of the Local Government Act.

The proposed changes to Council Policy are consistent with the requirements of the Act.

Risk Management

The current Policy and processes are not addressing the efficient administration of Councils responsibilities in relation to Onsite Sewage Management.

The fee structure applicable is inequitable and this has been raised by members of the community.

The current inspection program is reactive and is not risk based and it is doubtful that it is effective in identifying Onsite Sewage Management Systems that pose a risk to public health and the environment.

Financial

- Budget approved - NA
- Cost centre - NA
- Expended to date - NA
- Future potential impact - The current administrative cost of sending a series of reminder notices has not been quantified but is considered significant and this saving will be realised if changes are adopted.

Currently, there are 2729 registered Onsite sewage Management Systems for which Council exercises a level of surveillance through charging fees through rates Notice.

Total revenue from the annual charge is currently \$200,383.00 per annum.

The following is a simplified breakdown of the type/risk category of currently registered systems, the number of these and the current applicable fee –

Type of system	number	Adopted Fee (2023/24)*	Collected amount(\$)
AWTS (aerated waste water treatment)	560	\$51.50	29521.50
High Risk	317	\$114.50	39960.50
Medium Risk	692	\$76.50	55615.50
Low Risk	1125	\$51.50	62830.00
Commercial	35	\$346	12456.00
Totals	2729		\$200,383

*Note: Fees as adopted in fees and charges. Total fees projected in rate notices may vary due to other charges

It is proposed that a single fee be applied through the rates notice for all approvals to operate regardless of type and risk category with the exception of Commercial premises. It is proposed that the annual fee for commercial premises remain unchanged.

Revenue from OSSM annual charges supports Councils administration including processing approvals to operate and staff costs associated with the inspection program and it is proposed to sustain the same level of total revenue to support the OSSM program.

In order to maintain the current income generated by OSSM fees, an estimated annual fee of \$75 per year for all domestic onsite sewage management systems be applied and be levied through the rates notice with no additional fees applicable. As the fees and charges for 2024/25 have already been adopted, this change in fee structure would apply from 2025/26.

The annual charge applicable to Commercial premises should remain the same.

For reference, the following annual fees apply to approvals to operate Onsite sewage management systems at neighbouring Councils –

Council area	Annual Fee (rates 2023/24)
Bathurst Regional Council	\$58
Blue Mountains City Council	\$51-\$109 depending on type
Oberon Shire Council	\$86.50
Hawkesbury Council	\$163.30

Consultation and Communication

The draft Compliance Policy 5.9 - Onsite Sewage Management, provided in [Attachment 1](#) be placed on public exhibition for a period of 28 days, prior to subsequent reporting back to Council for further review or adoption.

3.3. F&G - 24/06/2024 - Making of Annual Rates and Charges 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: Rhiannan Whiteley - Senior Revenue Officer

Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

The purpose of this report is to make the rates and annual charges for the 2024/25 financial year in accordance with Section 535 of the Local Government Act 1993. The report encompasses the rates and annual charges, as well as the fees and charges that are included in the 2024/25 Revenue Policy, that require formal adoption by Council.

The full listing of rates, fees and charges, relevant to statutory regulations and the proposed income generated is contained in the Revenue Policy and the Fees and Charges documents included as an attachment to this report.

Administration's Recommendation

THAT Council:

1. Adopt the maximum rate of interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) as 10.5% per annum.
2. Adopt the following Integrated Planning and Reporting (IPR) documents:
 - a) Fees & Charges 2024/25
 - b) Revenue Policy 2024/25
 - c) Rating Maps 2024/25
3. Endorse the NSW Government's Interment Service Levy to be placed on public exhibition for 28 days.
4. Declare a category and sub-category of ordinary rate for each proposed category and sub-category set out in columns 2 and 3 of the Rates Categorisation Table in this Report on the corresponding basis set out in Column 4 of the table.
5. Make the Rates and Annual charges for the 2024/25 rating year as detailed in the 2024/25 Revenue Policy and as listed in the tables within this report.
6. Endorse the following changes to the rating structure from 1 July 2024:
 - a) Include all Marrangaroo properties within the Residential Other category
 - b) Cease levying the Parking Special Rate and absorb the notional income across the whole rating base

Attachments

1. 2024 Business Lithgow [3.3.1 - 1 page]
2. 2024 Business Ordinary [3.3.2 - 1 page]
3. 2024 Business Portland [3.3.3 - 1 page]
4. 2024 Business Power Station [3.3.4 - 1 page]
5. 2024 Business Wallerawang [3.3.5 - 1 page]
6. 2024 Farmland [3.3.6 - 1 page]
7. 2024 Mines [3.3.7 - 1 page]
8. 2024 Mixed Lithgow [3.3.8 - 1 page]
9. 2024 Mixed Portland [3.3.9 - 1 page]
10. 2024 Mixed Wallerawang [3.3.10 - 1 page]

11. 2024 Quarries [3.3.11 - 1 page]
12. 2024 Residential Lithgow [3.3.12 - 1 page]
13. 2024 Residential Ordinary [3.3.13 - 1 page]
14. 2024 Residential Portland [3.3.14 - 1 page]
15. 2024 Residential Wallerawang [3.3.15 - 1 page]
16. DRAFT Revenue- Policy-2024 2025 - FINAL [3.3.16 - 23 pages]
17. Fees And Charges Report - FINAL [3.3.17 - 83 pages]

Reference to any relevant previous minute

Min No 23-107 Ordinary Meeting of Council 26 June 2023

Background and discussion

Fees and Charges

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.

The following changes were made to the fees and charges which were placed on public exhibition:

- Addition of Mobile Food Van Initial (Annual) Application Fee to operate in a public place or on community land - \$150.
- Commercial Film Application Permit - \$80.00.
- Commercial Film Application Permit involving temporary closures - \$120.00.
- Non-Commercial Film Application Fee – 20.00.

In addition, an Interment Service Levy has been imposed by the NSW Government to fund the cost of Cemeteries and Crematoria NSW from 1 July 2024.

- \$63 per ash interment.
- \$156 per burial.

As it is a new fee, the Interment Service Levy will need to be placed on public exhibition for at least 28 days in order to recoup the levy which will be charged to Council (Section 610F of the Local Government Act 1993 (the Act)).

There have been other minor changes to the fees and charges document, including an update of regulatory fees.

Rates and Annual Charges

The Ordinary Rates structure incorporates the rate peg increase in Council's General Rating Income of 4.5% for 2024/25.

For 2024/25 Council has applied a 5.4% minimum CPI related increase to all non-regulatory/ non-regulatory legislated fees and charges.

The rates and annual charges structure is unchanged from the Draft Revenue Policy that was placed on exhibition.

Council can choose how they calculate and distribute rates among categories of rateable properties in the Council area. For each category and/or subcategory, rates can be calculated in one of three ways. They are as follows:

- **Option 1** – entirely on the land value of the property (known as an ad valorem rate);
- **Option 2** – on a combination of the land value of the property and a fixed amount per property (known as a base amount plus ad valorem rate); or
- **Option 3** – entirely on the land value, but subject to a minimum amount for land values under a certain threshold (known as ad valorem with minimum rate).

Each year, Council evaluates the impact of rates and seeks to ensure that the system we use to calculate rates is the most equitable for the whole Local Government Area (LGA). The total amount of rates collected by Council remains the same regardless of changes to land values; it is the rating structure chosen that determines how rates are shared across all property owners.

Council uses **Option 2** as this is a fair and equitable method of rating. Under this option property owners are asked to pay their share of rates based on their individual property value. This is added to a base amount irrespective of where they are located within the LGA.

In accordance with Section 497 of the Act, the structure of the Ordinary Rate consists of a base amount and an ad valorem amount:

It is a recommendation, at the conclusion of this report, that in accordance with the Act and using land values with a base date of 1 July 2022 that the Ordinary Rates in the table below be made for the 2024/25 rating year and that these changes commence on 1 July 2024.

The table below shows the rating categories and sub-categories that are proposed to be used from 1 July 2024 for rating purposes. Maps of each category and sub-category are included as an attachment to this report.

Type	Category	Sub-Category	Basis
Ordinary	Residential	Lithgow Portland Wallerawang	Each parcel of rateable land valued as one assessment which can be categorised as Residential in accordance with the Local Government Act, 1993 within the Lithgow, Portland & Wallerawang urban areas as set out in the Lithgow Rate Categorisation Map.
Ordinary	Residential	Other	Each parcel of rateable land valued as one assessment which can be categorised as Residential in accordance with the Local Government Act, 1993 but cannot be categorised as 'Residential – Lithgow, Portland & Wallerawang'.

Ordinary	Farmland		Each parcel of rateable land valued as one assessment which can be categorised as Farmland in accordance with the Local Government Act, 1993.
Ordinary	Mining		Each parcel of rateable land valued as one assessment which can be categorised as Mining in accordance with the Local Government Act, 1993.
Ordinary	Business	Lithgow, Portland, Wallerawang	Each parcel of rateable land valued as one assessment which can be categorised as Business in accordance with the Local Government Act, 1993 within the Lithgow, Portland & Wallerawang urban areas as set out in the Lithgow Rate Categorisation Map.
Ordinary	Business	Other	Each parcel of rateable land valued as one assessment which can be categorised as Business in accordance with the Local Government Act, 1993 but cannot be categorised as either 'Business – Lithgow, Portland Wallerawang' or 'Business – Power Generation and Storage'.
Ordinary	Business	Power Generation and Storage	Each parcel of rateable land valued as one assessment which cannot be categorised as farmland, residential or mining and if its dominant use is as a centre for any of the following activities: a) the generation of, or capacity to generate, more than 15 megawatts of electricity; b) the storage of, or capacity to store, more than 50 megawatts of electricity.
Ordinary	Quarries	Quarries	Each parcel of rateable land valued as one assessment which cannot be categorized as farmland, residential or mining and if its dominant use is as a centre for quarrying or works ancillary or property incidental to quarrying.

Proposed Changes to Rating Structure

1. Marrangaroo

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 was 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. It is proposed to recategorise and include all Marrangaroo properties within the Residential Other category from the commencement of the 2024/2025 rating period.

2. Special Parking Rate

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 \$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.

No submissions were received on the proposed changes to the rating structure.

Estimated Yield

Residential					
Category/Sub-Category	Estimated No. Properties	Base Amount (\$)	Base Amount % of total levy	Ad Valorem Amount (c in the \$)	Estimated Yield
Residential/Lithgow	5,505.26	338.50	27.64%	0.047476	6,741,442.06
Residential/Portland	929.91	338.50	43.70%	0.029845	720,327.70
Residential/Wallerawang	834.69	338.50	37.29%	0.026017	757,710.98
Residential/Other	2,538.87	338.50	26.46%	0.024126	3,248,403.51
Farmland					
Farmland	1,255.00	567.45	27.22%	0.017161	2,849,380.09
Business					
Business/Lithgow	294.74	652.00	7.84%	0.0217122	2,450,570.87
Business/Portland	40.09	652.00	29.43%	0.0092118	88,809.60
Business/Wallerawang	44.31	652.00	15.71%	0.0141413	183,913.32
Business/Other	134	422.10	31.77%	0.0024071	176,858.35
Business/Power Generation and Storage - Portland	1.00	13,646.10	3.87%	0.1343432	352,190.97
Quarry – Clarence	1.00	15,700.00	16.37%	0.0217934	95,899.71
Quarry – Newnes Junction	1.00	15,700.00	41.18%	0.0217759	38,129.18
Quarry – Wallerawang	1.00	15,700.00	23.24%	0.0217897	67,559.49
Quarry – Marrangaroo	1.00	15,700.00	26.77%	0.0217875	58,643.16
Quarry – Hartley	1.00	15,700.00	8.29%	0.0217970	189,422.09
Quarry – Round Swamp	1.00	12,025.00	46.78%	0.0297349	25,703.05
Quarry – Clarence/Lithgow	1.00	9,825.00	47.74%	0.0478002	20,580.05
Mining					
Mining	12.00	15,702.72	4.18%	0.0230444	4,504,109.28
Total Estimated Yield					\$22,569,653.44

Interest on Overdue Accounts

In accordance with Section 566(3) of the Local Government Act 1993, the Minister for Local Government determines the maximum rate of interest payable on overdue rates and charges. The maximum rate of interest payable on overdue rates and charges for the period 1 July 2024 – 30 June 2025 (inclusive) will be 10.5% per annum. It is recommended that Council adopt the maximum rate of interest payable of 10.5% as has been standard practice.

Domestic Waste Management Service Charge

The Domestic Waste Management Charges are determined in accordance with the Reasonable Cost guidelines issued by the Office of Local Government. A 5.4% CPI increase has been applied to waste disposal charges and additional service charges. Full service charges have increased by 7.3% due to increased costs.

It is a recommendation that, in accordance with the provisions set out in Section 501 of the Act and as identified as part of Council's proposed Revenue Policy, that the following Annual Waste Management charges be made and that such charges be in respect to the 2024/25 rating year commencing 1 July 2024.

Waste Charges			
Type of Service	No. Charges	Charge (\$) (GST ex)	Estimated Field (\$) (GST ex)
Vacant Land/Availability Charge - Residential	377	\$282.40	\$106,464.80
Waste Disposal – Rural	2251	\$208.70	\$469,783.70
Vacant Land/Availability Charge - Business	156	\$282.40	\$44,054.40
Garbage Service – Residential	8473	\$557.00	\$4,719,461.00
Additional Full Service – Residential (RYG)	-	\$673.50	-
Additional Waste and Recycling Service – Residential (RY)	157	\$547.00	\$85,879.00
Additional Waste Service only – Residential (R)	14	\$278.50	\$3,899.00
Additional Recycling Service Only – Residential (Y)	10	\$93.30	\$933.00
Additional FOGO Service Only – Residential (G)	-	\$137.00	-
Garbage Service - Business	380	\$557.00	\$211,660.00
Additional Full Service – Business (RYG)	7	\$673.50	\$4,714.50
Additional Waste and Recycling Service – Business (RY)	3	\$547.00	\$1,641.00
Additional Waste Service only – Business (R)	1	\$278.50	\$278.50
Additional Recycling Service Only – Business (Y)	1	\$93.30	\$93.30
Additional FOGO Service Only – Business (G)	-	\$137.00	-
Garbage Service – Non Rateable	73	\$557.00	\$40,661.00
Additional Full Service – Non Rateable (RYG)	-	\$673.50	-
Additional Waste and Recycling Service – Non Rateable (RY)	-	\$547.00	-
Additional Waste Service only – Non Rateable (R)	-	\$278.50	-
Additional Recycling Service Only – Non Rateable (Y)	-	\$93.30	-
Additional FOGO Service Only – Non Rateable (G)	-	\$137.00	-
Garbage Service – MUDS (Mixed Use Developments) (RYG)	7	\$557.00	\$3,899.00
Total Estimated Yield			\$5,693,422.20

Water Charges

Council levies charges for the provision of water supply services to its customers. Water access charges will increase at various rates depending on meter size and Tier 1 usage charges. The most common 20 mm (residential) access charge will increase by 5.4% from \$408 to \$430.

The maximum annual concession rebate for eligible pensioner customers will remain at \$222.50 (Mandatory Rebate Annual Water Access Charge \$87.50 plus \$135 Council Rebate).

It is a recommendation, at the conclusion of this report, that in accordance with Sections 501 and 502, of the Local Government Act 1993 and as identified as part of Council's proposed Revenue Policy, the following charges be made in respect to the 2024/25 rating year commencing 1 July 2024.

Water Charges – Rateable			
Annual Access Charges			
Type	Number of Charges	Charge (\$)	Estimated Yield (\$)
20mm Connection	8203	\$430.00	\$3,527,290.00
25mm Connection	108	\$485.00	\$52,380.00
32mm Connection	14	\$725.00	\$10,150.00
40mm Connection	31	\$1,220.00	\$37,820.00
50mm Connection	58	\$1,630.00	\$94,540.00
80mm Connection	1	\$3,130.00	\$3,130.00
100mm Connection	12	\$4,480.00	\$53,760.00
200mm Connection	-	\$5,000.00	-
300mm Connection	-	\$5,270.00	-
Unpotable Water	20	\$232.00	\$4,640.00
Vacant Land Water Access	23	\$430.00	\$9,890.00
Total Estimated Yield			\$3,793,600.00

Water Charges – Non -Rateable			
Annual Access Charges			
Type	Number of Charges	Charge (\$)	Estimated Yield (\$)
20mm Connection	60	\$430.00	\$25,800.00
25mm Connection	16	\$485.00	\$7,760.00
32mm Connection	-	\$725.00	-
40mm Connection	11	\$1,220.00	\$13,420.00
50mm Connection	27	\$1,630.00	\$44,010.00
80mm Connection	1	\$3,130.00	\$3,130.00
100mm Connection	9	\$4,480.00	\$40,320.00
200mm Connection	-	\$5,000.00	-
300mm Connection	-	\$5,270.00	-
Total Estimated Yield			\$134,440.00

Water Usage Charges - Residential	
Kilolitres Used	Charge (\$)
0-250 Residential	3.23/kl
251+ Residential	5.69/kl

Water Usage Charges - Business	
Kilolitres Used	Charge (\$)
0-500 Business	3.23/kl
500+ Business	5.69/kl

Sewerage/Wastewater Charges

Council levies sewerage charges to cover the cost of supplying sewerage services on all properties where there is a sewerage service either connected or available. The residential access charge and non-residential access charges increased 5.4% CPI. Sewer charges apply to Cullen Bullen from 2024/25.

It is a recommendation, at the conclusion of this report, that the following charges for be made in accordance with Sections 501, 502, 552, 553 of the Local Government Act 1993 and as identified as part of Council’s proposed Revenue Policy and that such charges be in respect to the 2024/25 rating year commencing 1 July 2024.

Sewerage Charges Rateable Properties Annual Sewerage Access Charge			
Type	Number of Charges (\$)	Charge (\$)	Estimated Yield (\$)
Residential	7494	\$1,060.00	\$7,943,640.00
Non-Residential 20mm	291	\$590.00	\$171,690.00
Non-Residential 25mm	36	\$590.00	\$21,240.00
Non-Residential 32mm	10	\$645.00	\$6,450.00
Non-Residential 40mm	16	\$705.00	\$11,280.00
Non-Residential 50mm	47	\$785.00	\$36,895.00
Non-Residential 80mm	-	\$865.00	-
Non-Residential 100mm	7	\$925.00	\$6,475.00
Non-Residential 200mm	-	\$6,000.00	-
Non-Residential 300mm	-	\$8,000.00	-
Non Residential - Vacant	-	\$1,060.00	-
Total Estimated Yield			\$8,197,670.00

Sewerage Usage Charges	
Business (most commonly 95% of water usage)	\$2.25/kl

Sewerage Charges Non-Rateable Properties Annual Sewerage Access Charge			
Type	Number of Charges (\$)	Charge (\$)	Estimated Yield (\$)
Non-Rateable 20mm	53	\$590.00	\$31,270.00
Non-Rateable 25mm	5	\$590.00	\$2,950.00
Non-Rateable 32mm	-	\$645.00	-
Non-Rateable 40mm	10	\$705.00	\$7,050.00
Non-Residential 50mm	22	\$785.00	\$17,270.00
Non-Rateable 80mm	1	\$865.00	\$865.00
Non-Rateable 100mm	7	\$925.00	\$6,475.00
Non-Rateable 200mm	-	\$6,000.00	-
Non-Rateable 300mm	-	\$8,000.00	-
Total Estimated Yield			\$65,880.00

Sewerage Usage Charges	
Non-Residential (most commonly 95% of water usage)	\$2.25/kl

Sewerage Trade Waste Charges

The annual trade waste charges for commercial premises reflects the actual cost of treating the liquid trade waste. The annual trade waste charge appears on the annual Rates Notice, while the usage charge is issued with the quarterly water accounts.

It is a recommendation, at the conclusion of this report, and as detailed in Council's proposed Revenue Policy that the following Trade Waste Charges be made and that such charges be in respect to the 2024/25 rating year commencing 1 July 2024.

Sewerage Trade Waste Charges		
Fee description	Charge (\$)	Category
Application Fee – category A / A	\$52.00	Low risk - Includes commercial premises not preparing hot food
Application Fee – category	\$78.00	Medium risk - Includes commercial premises preparing hot food
Application Fee – category C	\$160.00	High risk – less complex pre-treatment
Annual Charge – category A / A	\$178.00	Low risk - Includes commercial premises not preparing hot food
Annual Charge – category B	\$266.00	Medium risk - Includes commercial premises preparing hot food
Annual Charge – category C	\$490.00	High risk – less complex pre-treatment
Discharge Fee – category A	\$2.10	Discharger with approved pre-treatment
Discharge Fee – category A	\$10.00	Discharger without approved pre-treatment
Discharge Fee – category B	\$2.10	Discharger with approved pre-treatment
Discharge Fee – category B	\$22.00	Discharger without approved pre-treatment
Discharge Fee – category C	\$2.10	Discharger with approved pre-treatment
Discharge Fee – category C	\$22.00	Discharger without approved pre-treatment
Total Estimated Yield		\$100,000

On-Site Sewage Management

Properties with an on-site sewerage management system will receive an annual charge based on the risk of the system. All on-site sewerage management systems will be allocated a risk rating according to their type, location and proximity to waterways and property boundaries. Specific criteria are detailed in Council's Revenue Policy.

It is a recommendation, at the conclusion of this report, in accordance with the provisions of Section 608 of the Local Government Act 1993 and as identified as part of Council's proposed Revenue

Policy, the following on-site sewage management charges be made and that such charges be in respect to the 2024/25 rating year commencing 1 July 2024.

Septic Tank Charges			
Type	Number of Charges	Charge (\$)	Estimated Yield (\$)
High Risk Systems	261	\$120.00	\$31,320.00
Medium Risk Systems	684	\$80.00	\$54,720.00
Low Risk Systems	1113	\$54.00	\$60,102.00
Initial Administration Fee (1st two years) AWTS	10	\$120.00	\$1,200.00
AWTS Annual Administration Fee	545	\$54.00	\$29,430.00
Commercial AWTS Administration Fee	34	\$365.00	\$12,410.00
Total Estimated Yield			\$189,182.00

Stormwater

The stormwater levy will remain at \$25 per residential assessment, \$12.50 per strata unit and \$25 per 350 square metres or part thereof for businesses with a cap on business properties of \$1,500 for 2024/25 (no increase on the current year charges).

The Stormwater Management Service Charge will raise an estimated yield of **\$244,412.50** in 2024/25.

It is a recommendation, at the conclusion of this report, that all urban properties except vacant land that are in residential and business categories for rating purposes, for which Council provides a stormwater management service will be charged an annual stormwater levy under Local Government Amendment (Stormwater) Act 2005 and the Local Government (General) Amendment (Stormwater) Regulation 2006, these charges will be in respect of the 2024/25 rating year commencing on 1 July 2024.

Consultation and Communication

At its 22 April 2024 meeting, Council endorsed the Draft 2024/25 Revenue Policy to be placed on public exhibition as part of the Draft Operational Plan. This is an integral part of the Integrated Planning and Reporting (IPR) document suite. The documents outline Council's rating structure and the fees and charges to apply for the 2024/25 financial year.

The period of public exhibition was 24 April 2024 to 22 May 2024. No submissions were received on the Draft Revenue Policy.

Policy

This report meets Council's legislative obligations and the requirements of the NSW Integrated Planning and Reporting Framework.

Legal

It is a statutory requirement that Council adopt its integrated Planning and Reporting suite of documents by 30 June 2024.

Council is required to pass a resolution to make rates before it can levy rates and charges on properties each year. The resolution must be passed by 31 July each year which is the last date that a Council can 'make' a rate or charge for the 2024/25 financial year.

The recommendations follow the statutory requirements as set out in the Local Government Act 1993. In conjunction with this report another item in this Council Agenda recommendations the adoption of the Operational Plan, Revenue Policy and the Fees and Charges for 2024/25.

Financial

The making of the rate and adoption of the fees and charges will allow Council to raise the income that is required to undertake the works included in the 2024/2025 Operational Plan.

3.4. F&G - 24/06/2023 - 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: Deborah McGrath – Organisation Performance & Communication Manager
Responsible Officer: Ross Gurney – Director, Finance and Governance
 Shaun Elwood – Director, People and Places

Executive Summary

The Draft 2024/25 Operational Plan suite of documents was placed on exhibition for public comment from 24 April to 22 May 2024. This consisted of the following documents:

- Combined 2022/23 - 2025/26 Delivery Program and Draft 2024/25 Operational Plan (including the draft 2024/25 operational budget and Capital Works Program);
- Draft Schedule of Fees and Charges 2024-2025; and
- Draft Statement of Revenue Policy 2024-2025.

This report provides an explanation of changes to the draft 2024/25 operational budget and Capital Works Program since April 2024, as well as details of the final draft 2024/25 Special Rate Variation (SRV) Program.

This report also provides a summary of the results of the community engagement program and submissions received for the Draft 2024/25 Operational Plan.

The final documents are presented to Council for adoption.

Administration's Recommendation

THAT Council:

1. Note that the 2024/25 Operational Plan has been updated to include actions identified in submissions from Round 1 of the community engagement for the 2024/25 operational plan.
2. Adopt the 2024/25 Draft Operational Plan, consisting of the following documents:
 - Combined 2022/23 - 2025/26 Delivery Program and Draft 2024/25 Operational Plan;
 - The draft 2024/25 Operational Budget and Capital Works Program with the SRV Program included; and
 - Draft 2024/25 SRV Program.
3. Approve the changes to the 2024/25 operating budget and capital works program.
4. Respond to the submissions received, providing a copy of the Council report.
5. Note that the 2024/25 budget includes \$5.6M of savings and additional income strategies, to be implemented as part of the Financial Sustainability Plan.
6. Note that the administration will determine a funding model and commence planning to bring forward required stormwater infrastructure improvements at the intersection of Main Street and Enfield Avenue, Lithgow. This matter will be the subject of a future report.

Attachments

Nil

Reference to any relevant previous minute

Min. No. 24-88 Ordinary Meeting of Council held on 22 April 2024

Background and discussion

Changes to the Budget Income Statement

Changes to Revenue

Since the 22 April 2024 report to Council, the following changes have been made to revenue budgets:

- **Investment Income** - \$1M increase based on \$33.8M upfront Payment May 2024 and expected cashflow.
- **Town Planning Income Section 7.12 Levies:** \$230K allocated for operational projects included in the Development Contributions Plan.
- **Capital Grants:** \$631K reduction due to changes to draft Capital Works Program.

Changes to Expenditure

Since the 22 April 2024 report to Council, the following changes have been made to expenditure budgets:

- **LEEP Emerging Economy Manager:** addition of role to SRV Program.
- **Salaries & Wages:** increase to adjust savings target for the General Fund to a more realistic \$800K target based on current recruitment status.
- **Materials & Contracts:** \$230K allocated for operational projects included in the Development Contributions Plan.
- **Materials & Contracts:** \$150K added to LEEP Priority Action Fund for Adaptive Skills Hub grant co-contribution.

Change to Budget 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).

Since the 22 April 2024 report to Council, the budget operating result (before capital) has improved from \$520K surplus to \$749K - a \$229K increase), as shown below.

	03-Apr	07-Jun	% Change
Rates and annual charges	\$ 40,628,568.02	\$ 40,628,568.02	0.00%
User charges and fees	\$ 9,458,430.00	\$ 9,458,430.00	0.00%
Interest and investment revenue	\$ 2,378,500.00	\$ 3,378,500.00	42.04%
Other revenues	\$ 1,265,158.84	\$ 1,265,158.84	0.00%
Grants and contributions provided for operating purposes	\$ 10,710,429.49	\$ 10,940,429.49	2.15%
Grants and contributions provided for capital purposes	\$ 9,693,108.00	\$ 9,061,667.00	-6.51%
Net Gain Disposal of Assets	\$ 232,217.00	\$ 232,217.00	0.00%
	\$ 74,366,411.35	\$ 74,964,970.35	
Employee Benefits & On-costs	\$ 22,403,809.89	\$ 22,994,837.20	2.64%
Borrowing Costs	\$ 360,891.47	\$ 360,891.47	0.00%
Materials & Contracts	\$ 22,482,175.85	\$ 22,892,175.85	1.82%
Depreciation & Amortisation	\$ 17,647,479.23	\$ 17,647,479.23	0.00%
Other Expenses	\$ 1,258,726.30	\$ 1,258,726.30	0.00%
	\$ 64,153,082.74	\$ 65,154,110.05	
Net Profit	\$ 10,213,328.61	\$ 9,810,860.30	
Net Profit after Capital Gants	\$ 520,220.61	\$ 749,193.30	

All funds have a surplus budget for 2024/25, as shown below.

	General	Water	Sewer
Rates and annual charges	\$ 28,542,627.02	\$ 3,657,995.00	\$ 8,427,946.00
User charges and fees	\$ 3,584,430.00	\$ 5,724,000.00	\$ 150,000.00
Interest and investment revenue	\$ 3,287,500.00	\$ 57,000.00	\$ 34,000.00
Other revenues	\$ 1,263,658.84	\$ 1,500.00	
Grants and contributions provided for operating purposes	\$ 10,940,429.49		
Grants and contributions provided for capital purposes	\$ 9,061,667.00		
Net Gain Disposal of Assets	\$ 232,217.00		
	\$ 56,912,529.35	\$ 9,440,495.00	\$ 8,611,946.00
Employee Benefits & On-costs	\$ 18,746,081.49	\$ 2,035,477.97	\$ 2,213,277.74
Borrowing Costs	\$ 16,905.68	\$ 20,280.76	\$ 323,705.03
Materials & Contracts	\$ 14,978,710.00	\$ 4,783,661.72	\$ 3,129,804.13
Depreciation & Amortisation	\$ 12,460,637.61	\$ 2,392,821.13	\$ 2,794,020.49
Other Expenses	\$ 1,258,726.30		
	\$ 47,461,061.08	\$ 9,232,241.58	\$ 8,460,807.39
Net Profit	\$ 9,451,468.27	\$ 208,253.42	\$ 151,138.61
Net Profit after Capital Gants	\$ 389,801.27	\$ 208,253.42	\$ 151,138.61

Changes to the Draft 2024/25 Capital Works Program

There has been the need for changes to the draft 2024/25 Capital Works Program during the Operational Plan exhibition period, particularly due to rephasing of 2023/24 projects.

The current Capital Works Program includes **\$29M** of projects (**\$20.2M** new program plus **\$8.8M** rephased 2023/24 projects). This is a large program of works. The delivery of the draft 2024/25 Capital Works Program has been assessed by management against Council's staff resourcing and

financial constraints. Particular attention and preparation has been allocated by the senior leadership team to the delivery of the full program. This has been committed to, and there will be close oversight to ensure that occurs. It also needs to be recognised that natural disaster restoration works will also be added at quarterly reviews once their respective EPAR approvals are granted and projects are scheduled.

The changes to the draft 2024/25 Capital Works Program are summarised in the table below.

Draft 2024/25 Capital Works Program Total - April	\$ 27,172,115	
Hampton Road Reseal	2,355,180	New Program - Grant funded
Glen Davis Road	550,000	Partly rephased project
Regional Roads Safety Improvements -R4R R9 - Sunny Corner Rd	500,000	\$500k added as total project \$900k
Hillcrest No2 Sewer Pump Station	435,342	Partly rephased project
Kremer Park Retaining Wall Replacement 22/23	227,358	Rephased project
Rydal Toilet Block	207,120	Rephased project
Stormwater Detention Basin Mort Street	200,000	Partly rephased project
WWW - OPWFP Clear Water and Backwash Pumps Replacement	174,571	Partly rephased project
R4R9 - Replacement of Geordie Street Causeway with Bridge	157,125	Rephased project
Bells Rd Creek Bank Stabilisation - AGRN1012 23/24	150,000	Rephased project
R2R - Road to be selected	137,532	Increase to Roads to Recovery program
WWW - Oakey Park NBN connection to the flow meter (Civil and Electric works)	119,246	Partly rephased project
Hartley Valley Road	104,074	Partly rephased project
WWW East Portland SPS Bypass	100,000	Partly rephased project
Main Street / Cupro Street Stormwater Drainage improvement - R4R R9	77,844	Partly rephased project
Charles Street Bridge Fixing Country Bridges - Round 3	74,877	Partly rephased project
Maple Crescent Path	72,180	Partly rephased project
Footpath (Lithgow Valley Plaza) (LRCI Phase 4)	66,233	Approved LRCI project

Asset Management Mobility	66,225	Partly rephased project
John Mackey Drive	55,843	Approved project Natural Disasters
Union Theatre Kitchen Upgrade	8,654	Partly rephased project
High Street Portland Path	41,967	Partly rephased project
Blast Furnace lighting and performance stage	40,000	Change of S7.12 funding
Red Hill Road Bridge Fixing Country Bridges - Round 2	38,571	Partly rephased project
Barton Avenue Path	30,965	Partly rephased project
Cullen Bullen Path	23,477	Partly rephased project
WWW - Tarana Water system	12,000	Partly rephased project
Watermain Renewal 23/24	- 12,382	Reduction in budget
Council Precinct Redesign	- 20,000	Amount to be spent 23/24
R4R9 ABCD Inc Community Hall	- 64,828	Reduction in budget
Breakout Area	- 69,066	Withdrawn project - due to council precinct redesign
Payroll Module Technology One Upgrade	- 76,438	Completed project
Farmers Creek Upgrade Works (Grant Funded)	- 300,000	Reduction for project (\$240k)
Main St Footpaths - Resources for Regions	- 526,536	Rephased over multiple years
Main Street CBD Footpath Revitalisation - Stage 2	- 920,505	Rephased over multiple years
Browns Gap Road - Natural Disaster	- 2,144,233	Removed until geotech survey complete
Draft 2024/25 Capital Works Program Total - June	\$ 29,064,511	

The draft 2024/25 Capital Works Program is summarised below.

Bridges	\$ 1,336,876
Buildings	\$ 3,131,985
Land Improvements	\$ -
Footpaths	\$ 1,217,281
IT	\$ 407,105
Plant Replacement	\$ 3,503,190
Recreation	\$ 1,155,885
Roads	\$ 9,335,327
Community	\$ 14,502
Cemetery	\$ 184,000
Waste	\$ 1,310,000
Wastewater	\$ 5,106,409
Water	\$ 2,361,952
Total	\$ 29,064,511

2024/25 SRV Program

The total draft 2024/25 SRV Program totals approx. \$7M.

General Asset Transport Maintenance \$1,739,733

- New position - Asset Systems Officer: to continue working with Asset Managers (particularly Roads and Open Spaces) to develop maintenance schedules for Asset Mobility project to be functional.
- New position - Traffic Officer: to action road condition assessment outputs, and continue annual inspections of roads, footpath, and kerb and gutter.
- \$134,750 - High risk road safety signage & barrier improvements.
- \$1,334,983 - Sealed Road Preventative Maintenance (see table below) -
 - proactive, strategic intervention of nearly 20 km's. The lengths are not potholed significantly and do not need complete reconstruction. They are areas where the seal has weathered/oxidised and is showing signs of distress. This work will extend the lifespan by 10-15 years and result in reduced potholes in 2–5 years' time (when they would be falling apart in a 'do nothing' case).

Road	Length (m)	Treatment	Cost
Pipers Flat Road, Wallerawang	225	10mm reseal	\$49,127
Carsons Siding Road, Cullen	1,530	10mm reseal	\$120,788
Crawford Street, Cullen	97	10mm reseal	\$5,747
Farley Street, Cullen	319	10mm reseal	\$15,851
Carroll Drive, Hartley	805	14mm reseal	\$71,359
Glenrock Place, Hartley	942	10mm reseal	\$89,835
Blackheath Creek Road, Kanimbla	600	10mm reseal	\$36,318
Carinya Close, Kanimbla	466	10mm reseal	\$31,423
Marsden View Close, Kanimbla	497	10mm reseal	\$43,196
Duncan Street, Lidsdale	451	10mm reseal	\$81,161
Skelly Road, Lidsdale	430	10mm reseal	\$20,271
Ambermere Drive, Little Hartley	1,092	10mm reseal	\$107,497
Apple Tree Lane, Little Hartley	323	10mm reseal + cul-de-sac asphalt	\$36,208
Baaners Lane, Little Hartley	1,500	10mm reseal + driveways	\$53,190
Bonnie Blink Drive, Little Hartley	1,125	10mm reseal + driveways	\$50,250
Browns Gap Road, Little Hartley	1,030	10mm reseal	\$75,546
Collits Place, Little Hartley	216	10mm reseal	\$34,858
Coxs River Road, Little Hartley	3,684	10mm reseal	\$180,959
Dicker Drive, Little Hartley	954	10mm reseal	\$109,687
TOTAL	18,510		\$1,344,983

General Asset Stormwater Maintenance \$291,963

- \$156,750 - Urban kerb and gutter replacement (double the 2022/23 program).
- \$135,213 - rural roadside drain reformation.

General Asset Other Classes Maintenance \$498,953

- Natural Area Management Officer.
- \$109,496 - Natural Area Management Projects.
- \$150,000 - Community Buildings Maintenance & Repairs.
- \$100,000 – Playground Maintenance & Repairs.

Governance and Strategy Capacity \$351,250

- Governance & Risk Manager position.
- \$162,774 – Governance and risk improvements work program (including policy, procedures, strengthened controls), enhanced internal audit program.

Capacity Building \$386,250

- \$65,000 – commence Service Reviews program.
- \$92,000 – position for Service Reviews / Corporate Planner.
- Balance for "budget bid" initiatives focused on improving productivity.

Transitions Management \$1,876,640

- Economic Development Manager position.
- New position - LEEP Engagement Officer.
- New position - LEEP Emerging Economy Manager.
- \$300,000 - LEEP Priority Action Fund -
 - Strategic Planner, and
 - \$150,000 Adaptive Skills Hub – grant co-contribution.
- \$150,000 - Lithgow Place Branding Strategy and Marketing Plan - strategic branding and marketing review of the 'Seven Valleys' marketing strategy and associated creative. Includes situation analysis, market research and brand review. Industry engagement and campaign creative assets.
- \$235,672 - Transfer to reserve to build Transitions Management fund.

Capital Roads Renewal \$1,499,319

- \$683,500 – Lithgow Street, Lithgow.
- \$495,245 – High Street, Portland.
- \$320,574 – Musket Parade, Lithgow (part funding).

Capital Stormwater Drainage Renewal \$187,706

- Kerb and gutter renewal
This was previously tasked to the kerb and gutter renewal of roads reconstructed through use of SRV funding. In response to Councillor inquiry, this funding has been reallocated to establishing a reserve of funds to address flooding at the intersection of Main Street and Enfield Avenue, a key priority of Lithgow's Floodplain Risk Management Plan.

The total cost of the scope to amplify stormwater infrastructure capacity in the vicinity of Enfield Avenue and Main Street is estimated to be at least \$1.5 million.

The administration will determine a funding model and commence planning to bring forward the Main Street / Enfield Avenue stormwater improvements projects as a matter of urgency. Options to fund the works include loan borrowings (internal or external) and/or to apply under future rounds of the NSW Government's floodplain management grants (or any other applicable program), using held reserve funds as a contribution to the project.

Once a funding model is determined (expected this calendar year), a report will be provided to Council. Meanwhile, the \$187,706 will be held for potential allocation to this project.

Capital Other Assets Renewal \$540,774

- \$140,774 - Playground Renewal and Safety.
- \$400,000 – replace second grader: accelerate reduction of plant replacement backlog (down from 10 years to 6 years).

Contingency – transfer to reserve \$261,250

- Surplus operating result (before capital): funds to be held in a reserve for future shocks.

TOTAL 2024/25 SRV PROGRAM \$6,898,338

- Includes unspent 2023/24 SRV funds (amounts to be finalised at 30/6/24).

Consultation and Communication

The Draft 2025/25 Operational Plan document suite was placed on exhibition for public comment from 24 April to 22 May. The Draft Operational Plan consists of the following documents:

- Combined 2022/23 - 2025/26 Delivery Program and Draft 2024/25 Operational Plan
- Draft Schedule of Fees and Charges 2024-2025; and
- Draft Statement of Revenue Policy 2024-2025.

In conjunction with the exhibition of the Draft 2024/25 Operational Plan, the Draft Local Infrastructure Contributions Plan (S7.12) 2024, the works schedule of which, informs the Draft 2024/25 Operational Plan.

This report provides a summary of the results of the community engagement program and submissions received for the Draft 2024/25 Operational Plan. The document suite was placed on public exhibition on the Our Place, Our Future website between 24 April to 22 May. During the

exhibition period the following engagement activities were undertaken to encourage community feedback.

- Radio advertising on 2LT and MOVEFM from 8-22 May 2024
- Full page Advert in the Lithgow Mercury and Village Voice weekending 10 May 2024
- Radio Interview Director of Infrastructure & Economy aired on 2LT and MOVEFM on Council's Infrastructure Program and Lithgow Emerging Economy Plan.
- Call to action in weekly in Council Connections – eNewsletter
- Social Media promotion – Council Facebook page

Draft Operational Plan 2024/25 Copy of the poster and details form the full-page advert in print media.	7 May 2024	<ul style="list-style-type: none"> • 3,045 Post impressions • 2,658 Post reach • 645 Post engagement • 3 shares • 27 link clicks
Lithgow City Council is inviting community feedback on projects and programs to be undertaken in the Draft operational Plan and the Draft Local Infrastructure Contributions plan (s7.12) 2024...	26 April 2024	<ul style="list-style-type: none"> • 970 Post impressions • 740 Post reach • 88 Post engagement • 3 shares • 1 link click

www.ourplaceourfuture.lithgow.com/2024/-25-operational-plan

- Webpage engagement = 203 page views.
- Document downloads
 - 2022/23 - 2025/26 Delivery Program & Draft 2024/25 Operational Plan – 108
 - Draft 2024/25 Revenue Policy – 68
 - Draft 2024/25 Fees & Charges – 48
 - New Fees & Charges 2024/25 – 36
 - Discontinued Fees & charges 2024/25 - 23
 - Draft Local Infrastructure Contributions Plan (s7.12) 2024 – 57

Five responses were received from four respondents. Three respondents provide a submission for the funding allocation for unsealed roads to be increased. The submissions have been summarised in the table below:

Submission	Officers Response
<p><u>Maintenance for unsealed roads</u> There is no allocation for remediation of unsealed roads across the LGA (Local Government Area) in the Operational Plan.</p>	<p>Maintenance tasks are a budgeted item within the Operational Plan every year. However, it is not capital work, nor is it broken down by location. It is included within the 2024/25 Operational Plan – Revenue Policy.</p>
<p><u>Genowlan & Huntingdale Roads</u> Previous funding allocations in the years 2021/22 and 2022/23 - \$1.7m was transferred to Turon Gates Road</p>	<p>No funding from Genowlan Road was transferred to Turon Gates Road. Turon Gates Road was significantly damaged by natural disaster and all funds spend on that asset were covered by the Government's Disaster Recovery Framework. Funding is being considered for the gravel resheeting of Genowlan Road, identified as a priority within Council's proactive condition assessment system.</p>

<p><u>Vacant premises Main Street – Civic Pride</u> I would like to see that all empty shops in Main Street have the requirement to cover their windows with old pictures or tourist information.</p>	<p>This is a commendable concept! Attaining 100% utilisation of all shopfronts on a Main Street is almost impossible in any area and this is a good way to mitigate the impacts on amenity. The challenge is that shop fronts are privately owned, and even if the costs of this proposal were met by Council, uptake is entirely at the discretion of the owner. Council cannot mandate that this occur but can offer incentives to promote the program. It is suggested that this be worked up into a program for the future.</p>
<p><u>Lithgow Sporting Precinct</u> Lithgow Sports Hub Lithgow I would like to see Lithgow develop into a sports hub. A footy stadium down the old hockey fields that would hold NRL games and protect the show ground.</p> <ul style="list-style-type: none"> • A world class downhill track. • A tartan Athletics track. • Extend the basketball stadium to hold at least 2 if not 3 full size courts. 	<p>To address this, Council has engaged a skilled consultant to conduct an objective analysis of the layout and available infrastructure, who will produce an action plan for improvement. Matters Council expects to be considered are (but not limited to):</p> <ul style="list-style-type: none"> - Interpretive and directional signage, - Parking, - Amenity and visual improvements, - Traffic and pedestrian flow arrangements, - Mobility and disability access considerations, - Facility upgrades (with a focus on multi-use community assets), and - Gaps in services (such as public toilets, footpaths, seatings etc.). <p>The Council has been engaging with the community during May and June on the development of this Masterplan. The project will be complete by 30 June.</p> <p>All of the submissions received to date will be taken into consideration as part of this process and thereby form part of the overarching strategy.</p> <p>Respondents and key user groups will be contacted and provided an opportunity to provide further input into the Lithgow Sporting Precinct Masterplan when submissions open.</p>

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.

Risk Management

The draft plans 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 present 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.

3.5. F&G - 24/06/2024 - Local Government Remuneration Tribunal Determination 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: Ross Gurney - Director Finance and Governance

Responsible Officer: Craig Butler – General Manager

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is established under Chapter 9, Part 2, Division 4 of the Local Government Act. The Tribunal's role is to determine categories of Councils then to determine the maximum and minimum amounts of fees to be paid to Mayors and Councillors in each of the categories.

The Tribunal has recently determined the Mayoral and Councillor fees for the 2024/25 financial year. This report recommends that the Mayoral and Councillor fees be set for the 2024/25 year, consistent with the determination.

The Tribunal's Annual Determination Report is included as an attachment.

Administration's Recommendation

THAT Council:

1. Set the remuneration in 2024/25 for Councillors (2023/24 is \$11,914).
2. Set the remuneration in 2024/25 for the Mayor (2023/24 is \$25,230).
3. Set the 2024/25 car lease payable by the Mayor (2023/24 is nil).

Attachments

1. LGR T-2024- Annual- Determination-29- April-2024 [3.5.1 - 39 pages]

Reference to any relevant previous minute

Ordinary Meeting of Council held 26 June 2023

23 -108 RESOLVED

THAT Council:

1. Set the remuneration in 2023/24 for Councillors \$11,914.
2. Set the remuneration in 2023/24 for the Mayor \$25,230.
3. Set the 2023/24 car lease payable by the Mayor Nil.

Min. No. 24-113 Ordinary Meeting of Council held on 27 May 2024

Background and discussion

27 May 2024 Resolution

At the 27 May 2024 Ordinary Meeting of Council it was resolved to defer this item to the next Council meeting (Min. No. 24-113). The matter was discussed at the 11 June 2024 Councillor Information Session.

Allocation of Councils into Categories

Section 239 of the Local Government Act (LG Act) requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The categories of general purposes councils are as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

Under the classifications, Lithgow Council is classified as Regional Rural.

The current population criteria thresholds for non-metropolitan councils are outlined in the table below. The 2023 review resulted in the Tribunal determining the creation of two new categories, being Metropolitan Major and Rural Large.

The Tribunal reviewed population and data relating to Council operations to determine if the categorisations of Councils was consistent with the current criteria.

Category	Population Criteria
Rural	<20,000
Regional Rural	>20,000
Regional Centre	>40,000
Regional Strategic Area	>200,000
Major Strategic Area	>300,000

Tribunal's Annual Review

The Tribunal's annual review commenced in October 2023 when it wrote to all Councils inviting submissions regarding fees. The Tribunal outlined that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 review.

The Tribunal's Determination Report includes details of written submissions, some from Councils requesting recategorisation. A significant number of submissions commented on the remuneration structure, advocating for major changes to be made, including the need for a full comprehensive review.

Several submissions argued that the current remuneration structure does not adequately compensate elected Councillors and Mayors for the complex requirements of the role, significant workload, time requirements, responsibilities, and changes in the role over recent years.

The criteria under which the Tribunal makes these determinations has been in existence since 1994 and at that time NSW had 177 Councils. Much has changed over the past 30 years, however, the criteria have not altered.

Determination of Fees

The Tribunal has determined a **3.75%** increase in the minimum and maximum fees applicable to each category from 1 July 2024.

The Industrial Relations Amendment Act 2023, repealed section 146C of the *Industrial Relations Act 1996*, resulting in changes to wages policy and removal of the cap on remuneration increases.

The LGNSW submission requested the Tribunal increase fees by at least 10% in order to:

- Reverse the fee erosion which occurred under the NSW Public Sector Wages Policy;
- Mitigate economic pressures and the rising cost of living;
- Ensure that Councillors and Mayors receive fair and reasonable remuneration for the work they perform; and
- Address the historic undervaluation of the work performed by elected representatives in local government in New South Wales.

Currently the Tribunal, consistent with its obligations set out in the LG Act, determines a minimum and maximum remuneration range for Councillors and Mayors. It is then up to individual Councils, to fix the annual fee for Councillors and Mayors. Furthermore, the tribunal does not have the authority to determine a fixed mandatory fee.

The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024/25.

Minimum and maximum fees are set out in the table below:

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500

Setting of Fees

The LG Act requires:

248 Fixing and payment of annual fees for councillors

- (1) A council must pay each councillor an annual fee.*
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (3) The annual fee so fixed must be the same for each councillor.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

Lithgow City Councillor Fees

The Council may set the 2024/25 Councillor and Mayoral fees as follows:

- Councillor fee - \$22,540; and
- Mayoral fee - \$49,200.

In addition to the above fees, Council also provides the Mayor with a motor vehicle which is available for private use. No lease fee is currently payable for this. The Mayor receives the Mayoral fee in addition to the Councillor fee.

Since 1 July 2022, Councillors have received superannuation contributions as determined by Council (Min. No. 22-42 Ordinary Meeting of Council held on 2 March 2022). From 1 July 2024, the superannuation guarantee percentage increases to 11.5%.

Lithgow City Council's Mayoral and Councillor fees have historically been set at the lower end of the annual fee range.

There has also been a discernible increase in the workload of a councillor in recent years. A list of the meetings that councillors attend is provided below -

- ARIC
- Community Development
- Ordinary Meeting of Council
- Councillor Information Sessions
- Councillors & GM Catchups
- Crime Prevention Committee
- Environmental Advisory Committee
- Economic Development Committee
- Finance Committee
- Operations Committee
- Seven Valleys Tourism Committee
- Sports Advisory Committee
- Traffic Advisory Local Committee (TALC)
- Women's Advisory Committee

It must also be recognised that there is more work above and beyond attendance at the meetings, although that alone involves many hours most weeks. There is, for example, the need to review the many business papers and research the subject materials.

Attendance at professional development courses, seminars and study tours (all of which require a person to take leave from their other jobs) are another part of the workload. Then there are the many weekend community and civic events.

The above is what is expected and required of a councillor, but there has been discussion across the local government sector of late as to whether the level of remuneration is appropriate. Some argue that underpayment belittles the true worth of the role, which involves matters of real gravity and consequence for the community. It is also argued that low recognition could act as an impediment to the attraction of a sufficient pool of good candidates.

Council may choose to set the Councillor and Mayoral fees at the mid-range of the minimum and maximum fee (inclusive of the Tribunal's determination). Below are the Councillor and Mayoral fees based on a Councillor fee of \$15,000 and an increase of the same proportion for the Mayoral fee:

- Councillors fee - \$15,000.
- Mayoral fee - \$31,765.
- Car lease payable by the Mayor - 2023/24 being nil.

Consultation and Communication

N/A

Policy

Nil.

Legal

Council is required under the Local Government Act 1993 to pay the remuneration in accordance with the limits set by the Tribunal.

Risk Management

N/A

Financial

- 2024/25 budget - \$166,765 (plus 11.5% superannuation) would be required to fund a Councillor fee of \$15,000 and a Mayoral fee of \$31,765.
- Cost centre - PJ 800154 Governance.
- Expended to date - nil for 2024/25
- Future potential impact - N/A

3.6. FIN - 24/06/2024 - Sale of Land for Unpaid Rates

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: Trevor Holland – Rates & Revenue Manager

Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

This report deal with land on Council's records that is eligible for Sale of Land for Unpaid Rates and Charges, under Section 713 of the Local Government Act 1993 and Council's adopted Debt Recovery Policy. It outlines that there is a total of \$232,811.18 of unpaid rates and charges that are outstanding for these properties. It is recommended that the Council move to recover this revenue by commencing the process of selling the 16 properties.

Administration's Recommendation

THAT Council:

1. Pursuant to Section 713 and other relevant sections of the Local Government Act 1993, implement sale proceedings to sell the properties listed in this report at a public auction at a time and place to be determined.
2. Appoint Outstanding Collections (Aust) Pty Ltd (OSC) to administer the sale on Council's behalf.
3. Authorise Council staff and OSC to proceed with the necessary arrangements pertaining to the sale of the properties listed in this report, as set out in the Local Government Act 1993 and Local Government (General) Regulation 2005.
4. Delegate authority to the General Manager to take the following actions pertaining to the properties specified in the report:
 - a) to withdraw from sale any property that, prior to the commencement of the auction, has had all rates and charges payable (including overdue rates and charges) paid in full;
 - b) to withdraw any property from sale for technical or legal reasons;
 - c) to set reserve prices for sale of the properties at auction;
 - d) to negotiate by private treaty and accept offers for sale of any property that fails to sell at auction; and
 - e) to execute Sale and Purchase contracts, and property transfer documents, under Council's Common Seal.

Attachments

NIL.

Reference to any relevant previous minute

NIL.

Background and discussion

Under Section 713 of the Local Government Act, 1993 (the Act) Council may sell land for unpaid rates and charges if:

- Rates and charges have been outstanding for more than five (5) years, OR
- Rates and charges have remained outstanding for more than one (1) year and less than (5) years and the value of outstanding rates exceeds the value of the land.

In accordance with Section 713(1) of the Act, the properties listed in this report are eligible to be sold for unpaid rates and charges.

The collection of rates in this manner is a last resort, with many other recovery processes and attempts to contact the owners having already been attempted. The action constitutes sound financial management and prevents the excessive build-up of large / long-term outstanding debts.

The sale is required to be conducted by Public Auction, which must take place no sooner than three (3) months and no later than six (6) months from the date of advertising the sale.

Debt Recovery agents, Outstanding Collections, specialise in managing Section 713 sales for NSW Councils and will administer the whole Sale of Land for Unpaid Rates process on behalf of Council. OSC administered the previous sale of land for unpaid rates auction that took place in February 2022.

The costs for this service are recoverable from the proceeds of sale.

Outstanding Collections utilises professional tools and techniques to streamline the processes and deploys several risk minimisation tactics e.g. deterring professional rogue-buyers. They have recently managed sales for other New South Wales Councils with considerable success.

Outstanding Collections provides an end-to-end process, to remove most of the workload from Council, from initial analysis and recommendation, all the way through to conveyancing.

There are sixteen (16) properties held on Council's records that satisfy the requirements of Section 713 of the Local Government Act 1993. These properties are not under a current payment arrangement.

The total debt owing against these individual assessments are listed below, with the number of years outstanding and the total arrears as of 12 June 2024:

Prop ID	Years Outstanding (Approx)	Arrears Amount	Rating Category	Land Area
68290	5	\$ 2,397.91	Residential-Other	8094m2
68180	5	\$ 2,809.28	Residential-Other	8094m2
68190	5	\$ 2,794.37	Residential-Other	1.619HA
105059	5	\$ 3,656.90	Farmland	25.844m2
105066	6	\$ 3,552.18	Residential-Other	7688m2

37560	6	\$	65,606.81	Residential Lithgow	551.1m2
40660	5	\$	14,903.57	Residential Lithgow	493.2m2
102214	7	\$	15,057.95	Residential-Other	2.335HA
60950	7	\$	27,139.00	Residential Portland	7688m2
101108	7	\$	18,251.11	Residential Portland	1011.7m2
64490	10	\$	32,905.67	Residential Portland	7145m2
58460	5	\$	6,043.21	Residential-Other	771.7m2
104272	18	\$	10,163.67	Residential-Other	789.5m2
57890	6	\$	3,730.36	Residential-Other	954.8m2
54150	6	\$	6,225.21	Residential-Other	4047m2
103830	12	\$	17,573.98	Residential-Other	6.681HA
	Total	\$	232,811.18		

Consultation and Communication

N/A

Policy

The sale of land for overdue rates and charges is in accordance with Council's Debt Recovery Policy and constitutes sound financial management by preventing the build-up of excessive / long-term outstanding debts

Legal

The sale of land for unpaid rates is a legal process, and as such, has a manageable measure of risk.

Risk Management

No specific risks have been identified in relation to properties included in this sale. Outstanding Collections includes strong risk minimisation processes and terms in the Sale and Purchase contracts.

Financial

- Budget approved – To be confirmed
- Cost centre - 800151
- Expended to date - NIL
- Future potential impact – NIL

3.7. F&G - 24/06/2024 - Policy 8.4 - Debt Management and Hardship Policy

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: Rhiannan Whiteley - Senior Revenue Officer

Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

The purpose of this report is to put to Council an amended Debt Recovery and Hardship Policy. The policy combines Policy 8.4 Debt Recovery with Policy 8.6 Hardship Policy.

Administration's Recommendation

THAT Council place Policy 8.4 - Debt Management and Hardship Policy on public exhibition for a period of 28 days. Following the exhibition period, the policy will be returned to Council to consider any submissions received and determine whether the policy will be adopted.

Attachments

1. Policy 8.4 - Debt Management and Hardship Policy - Draft - June 2024 [3.7.1 - 11 pages]

Reference to any relevant previous minute

Min No 22-122 – Ordinary Meeting of Council held on 27 June 2022

Background and discussion

Following a review of Council's Debt Management processes Policy 8.4 has been developed to:

1. Ensure consistency, fairness, integrity and confidentiality in the management and recovery of debt for both the ratepayer / debtor and the Council.
2. Guide Council's compliance with the statutory requirements of the *Local Government Act 1993* (the LG Act) with respect to the recovery of rates and annual charges, and any other debts.
3. Maximise collection of outstanding debts and to optimise Council's cash flow.
4. Establish the framework and circumstances in which relief may be provided in cases of genuine financial hardship. While Council cannot reduce or waive rates, Council will be empathetic and helpful in the consideration of alternative approaches.

The combined Debt Management and Hardship policy clearly outlines each step Council will take in the recovery of any outstanding debts for any person or organisation owing rates, water, charges, fees, or other debts to Council.

Legal proceedings will not be taken against Eligible Pensioners. Pensioners will remain subject to interest charges and continue to be encouraged to enter into satisfactory payment arrangements.

Under the updated Policy, Council will continue to provide provisions for payment arrangements and discretion for Council to release ratepayers from some of their obligations due to hardship. Council

recognises cases of genuine financial hardship and will continue to work with ratepayers experiencing difficulty, to ensure a positive outcome for both parties.

The process for payment arrangements and hardship applications and steps for each stage of the legal proceedings are detailed in the updated policy.

Consultation and Communication

Policy 8.4 - Debt Management and Hardship Policy will be placed on public exhibition for a period of 28 Days.

Policy

The updated Debt Management and Hardship Policy combines the existing Debt Recovery Policy and Hardship Policy to ensure a more manageable approach to recovery of debts. As a result, it would be put to Council after public exhibition that Policy 8.6 Hardship Policy will be rescinded.

Legal

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

Risk Management

NIL

Financial

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

3.8. I&E - 24/06/2024 - Wolgan Road - Essential Public Asset Reconstruction Application

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

Executive Summary

Wolgan Road has remained closed since November 2023, pending an application to government to fund its reconstruction. This application is due 30 June 2024.

This report aims to meet the following objectives:

- Provide a final overview of the design process to date;
- Summarise the final solution and the total upper limit cost of construction;
- Detail the likely recurrent costs of maintaining this new infrastructure over a 15-year period,
- Summarise key project risks;
- Outline next steps of the project; and
- Detail the proposed project management methodology over the coming 12 months.

This report seeks a Council resolution to:

- Make the submission based on the preferred solution (Option 1), including its capital cost and recurrent operational needs, and
- Appoint a Project Manager based on a recent competitive process of candidate selection.

Administration's Recommendation

THAT Council:

1. Endorse and authorise submission of the proposed application for the construction of a vehicular access road to the Wolgan Valley (replacing the current Wolgan Road) under the NSW Government's Disaster Recovery Funding Arrangements, and
2. Accept Wassabi Group's offer of project management services for the coming 12 months, as outlined within the confidential attachment.

Attachments

1. Wolgan Road PM Brief [3.8.1 - 4 pages]
2. Confidential - Wassabi Group Submission - 23/24 [3.8.2 - 23 pages]
3. Confidential - Wassabi Group Submission - 24/25 [3.8.3 - 1 page]

Reference to any relevant previous minute

- Min. No.: 23-72 – Ordinary Meeting of Council held 24 April 2023 (Wolgan Valley Alternate Alignment Study)

- Min. No.: 23-52 – Ordinary Meeting of Council held 27 March 2023 (Wolgan Road – Review of Slope Risk Assessment)
- Min. No.: 23-6 – Ordinary Meeting of Council held 23 January 2023 (Wolgan Road Recovery and Alternate Route Construction)

Background and discussion

1. Overview

Problem Situation: The 3km stretch of Wolgan Road in Wolgan Valley was closed in November 2022 due to landslides and rockfalls exacerbated by bushfires and floods. Existing access routes are limited and unsuitable for long-term use. Further details are provided below.

Proposed Solution: Lithgow City Council (LCC) proposes reconstructing a new, resilient Wolgan Road alignment on the eastern side of the valley. This option minimises risk from future landslides and offers the best balance between cost, constructability, and environmental impact. Further details are provided below.

Benefits:

- Restores essential public access: Reconnects residents and businesses in Wolgan Valley with a safe and efficient road.
- Improved safety: Reduces risks associated with current limited access routes (Old Coach Rd and Donkey Steps Track).
- Long-term resilience: The new road alignment avoids areas prone to landslides and minimises future operational maintenance costs.

Lithgow City Council’s proposed Wolgan Valley Reconstruction Project offers a sustainable solution to restore and ensure critical vehicular access to the Wolgan Valley. This project aligns with the NSW Disaster Recovery Funding Arrangements (DRFA) and will deliver significant social and economic benefits to the region.

2. Problem situation – Further Details

In November 2022, a 3km stretch of Wolgan Road in Wolgan Valley was closed and “condemned” because of damage caused by landslides and rockfalls onto several sections of the road. Protracted and above average rainfall had triggered mobilisation of numerous upslope and downslope landslides. Earlier bushfires also contributed to this failure of the upslope, downslope and road itself.

Post-failure, the only access into the valley was a 4WD track known as the Old Coach Rd. For safety reasons and to maintain the durability of the track, a restricted number of light 4WD vehicles were permitted to use it each day. Further, travel times to Lithgow via this route were around 90 minutes compared to the usual 30 minutes via the Wolgan Road. Also, there was no effective access for emergency vehicles.

The structural failure of the Wolgan Road (an essential public asset) has been deemed an eligible disaster requiring restoration in accordance with the:

1. Joint Disaster Recovery Funding Arrangements 2018 (DRFA)
2. NSW Disaster Assistance Guidelines 2021 (NSW DAG); and
3. NSW Natural Disaster Essential Public Asset Restoration Guidelines 2018 (EPAR Guidelines).

In response to the unacceptable restrictions and risk posed by use of the Old Coach Road, in 2023, Lithgow City Council upgraded another existing access route into the valley (called the Donkey Steps Track) as an urgent temporary measure. This track supports limited light 4WD use in place of the Old Coach Rd track. It is a very steep road (32% grade) with vehicle load and length restrictions and is not suitable for large vehicles.

This track provides limited temporary access to local residents only. Heavy vehicle access for gas deliveries, waste removal, stock transport, construction materials, and the like, cannot use the road. Similarly, with the track being one-way, governed by traffic lights, and exceedingly steep, the community will continue to face ongoing disruption, stress and risk while the temporary detour is in operation. The Donkey Steps track will continue to be the only route into Wolgan Valley for many years until a suitable sealed road is constructed.

3. Proposed Solution – Further Details

In February 2024, a Tripartite Agreement between NSW Reconstruction Authority (RA), Transport for NSW (TfNSW) and Lithgow City Council (LCC) was executed. This Agreement governs the role and responsibilities of the Coordinating Agency (RA), Administering Agency (TfNSW), and Recipient (LCC) in relation to the funding under the DRFA.

In April 2024, this Council engaged a project manager and a multi-disciplinary team to assist in the preparation of a Wolgan Road Reconstruction Project Funding Application in accordance with DRFA, NSW DAG and Essential Public Asset Reconstruction (EPAR) Guidelines.

Council has since been exploring the possibility of restoring the existing Wolgan Road as part of its assessment of a long-term resilient access route into the Wolgan Valley. There are over a hundred active hazard features along the route, and the majority are actively moving upslope and downslope. Before access and remediation of other slope hazards could even commence, these hazards would require extremely careful staged remediation due to the risk they would pose to investigation and remediation workers. There is also a high possibility of significant residual loss of life and property risk following remediation of the hazards.

For this reason, restoring the existing Wolgan Road was found to be unviable and cost-prohibitive with early estimates to investigate, remediate landslide features and restore the road along the 3km stretch of Wolgan Road identifying a cost greater than \$1 billion. Even if this work was able to be completed there would be ongoing significant risks of landslip and rock fall that will require large operational budgets and resources to manage. For these reasons, it is recommended that the restoration of the existing Wolgan Road not be taken forward as an option.

Several alternative road corridors and alignments were then explored on the northern, southern and eastern sides of Wolgan Valley where there are fewer active hazards to deal with. Of these corridors, the southern corridor, where the existing Wolgan Road passes through, was considered most approachable and appropriate.

In May 2024, the project team carried out a Multi-Criteria Assessment (MCA) of four shortlisted road alignment design options, based on the following assessment criteria:

- Transport Outcomes;
- Risk;
- Deliverability;
- Environmental and Cultural Heritage;

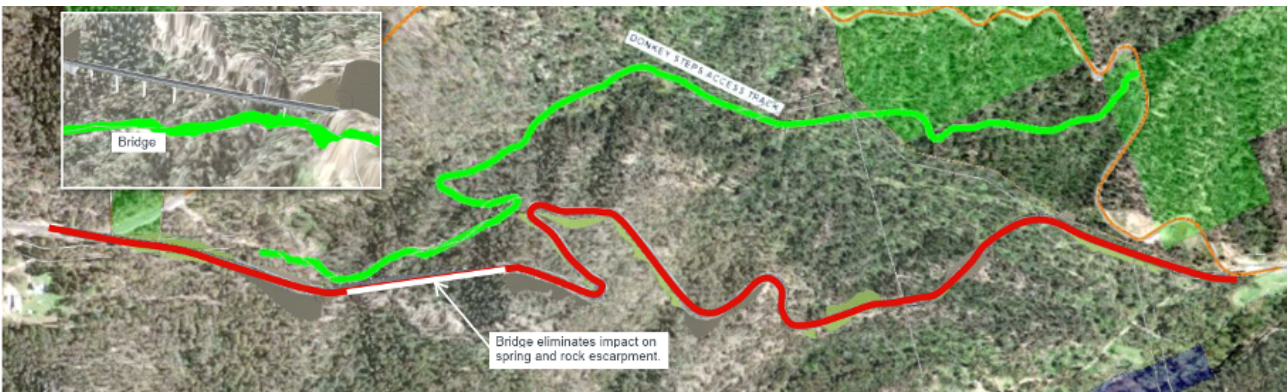
- Affordability; and
- Stakeholder Support.

The four shortlisted road alignment design options are as follows:

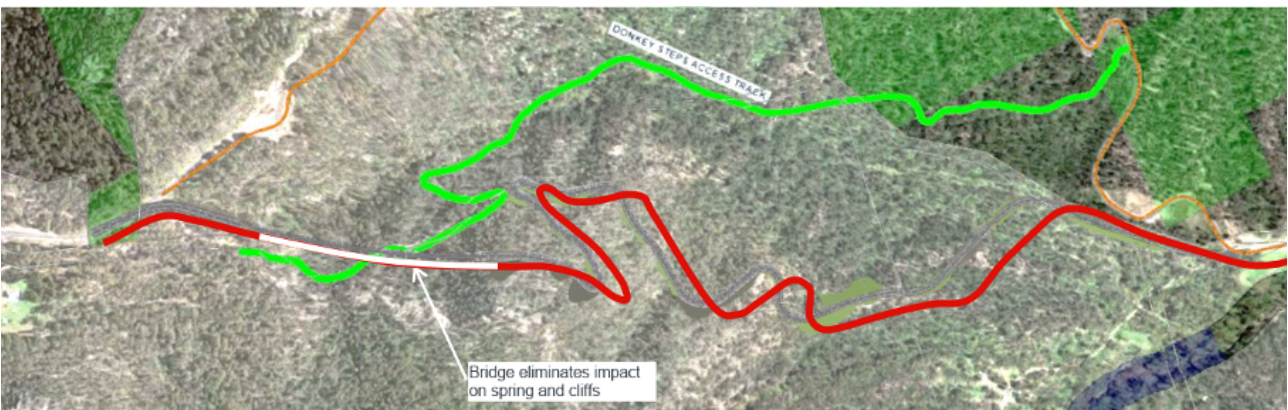
- **Option 1 (Preferred Option):** Follows the ridges and gullies from the head of the valley. The cut batter above the road will require a section of the near vertical rock bluffs above the road (up to 65m in height) to be cut back to create a bench to support the road.



- **Option 2:** Adopts a four span bridge structure 253 m long. It uses a viaduct to avoid the challenging section of road that would otherwise need to descend the steep cliff line at the head of the valley.



- **Option 3:** Adopts a six span, 383m long bridge at the head of the valley to avoid cutting a bench into the cliff line.



- **Option 4:** Adopts a six span 403m long bridge and has an initial cutting up to around 45 m depth at the head of the valley to achieve a reduction in height across the viaduct.



The MCA process came to the following conclusion:

- Option 1 was identified as the preferred alignment. It scored first against other options and offers the lowest CAPEX and OPEX to reinstate the function of the closed Wolgan Road.
- Option 1 and Option 3 are largely comparable on a weighted scorecard, largely due to the increased cost being offset by the reduced environmental and cultural heritage impacts associated with the bridge that traverses the Crown Land / Aboriginal Place. Aspects of Option 3 would be explored as part of detailed design upon funding approval.

In May 2024, Option 1 design and constructability was progressed further as part of developing a P90 cost estimate by a Quantity Surveyor in support of the funding application. Here, a P90 cost refers to the fact that within this estimate, it is assumed that 90% of identified risks to time and cost will eventuate. The Option 1 P90 cost estimate comes to a Total Out Turn Cost of \$326M. This cost has been subject to detailed review and concurrence by an independent Quantity Surveyor.

In early June 2024, it was proposed that the Funding Application be submitted based on the Option 1 design, requesting funds to deliver all aspects of the new Wolgan Road alignment including planning approval, property lease and acquisition, detailed design, construction and hand over to LCC.

The Funding Application will include the following key elements and assumptions:

Key Elements & Assumptions	
Planning Approval Pathway	Environmental Impact Statement (EIS) as required under Part 5, Division 5.1 of the EP&A Act
P90 Total Out Turn Cost Estimate (Funding Application Request)	\$326 million
Master Program Key Dates (anticipated dates)	
• Submit Funding Application	28 June 2024 (hard deadline of 30 June)
• Assessment Period	2 months (assumed based on TfNSW advice)
• Application Approved	August 2024
• EIS on display	April 2025
• EIS Determined	October 2025
• Contractor Award	December 2025
• Contractor Mobilisation	January 2026
• P90 Completion including Wet Weather Allowance	November 2030

4. Estimate of recurrent costs over a 30-year period post-construction

The Council must submit this application for funding by 30 June 2024. The administration's attention has been substantially directed to meeting that deadline.

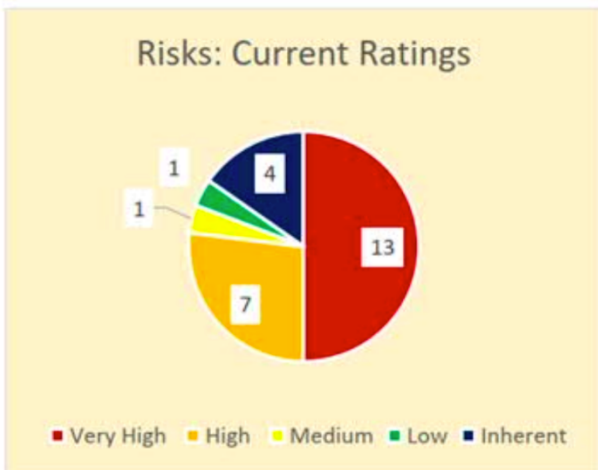
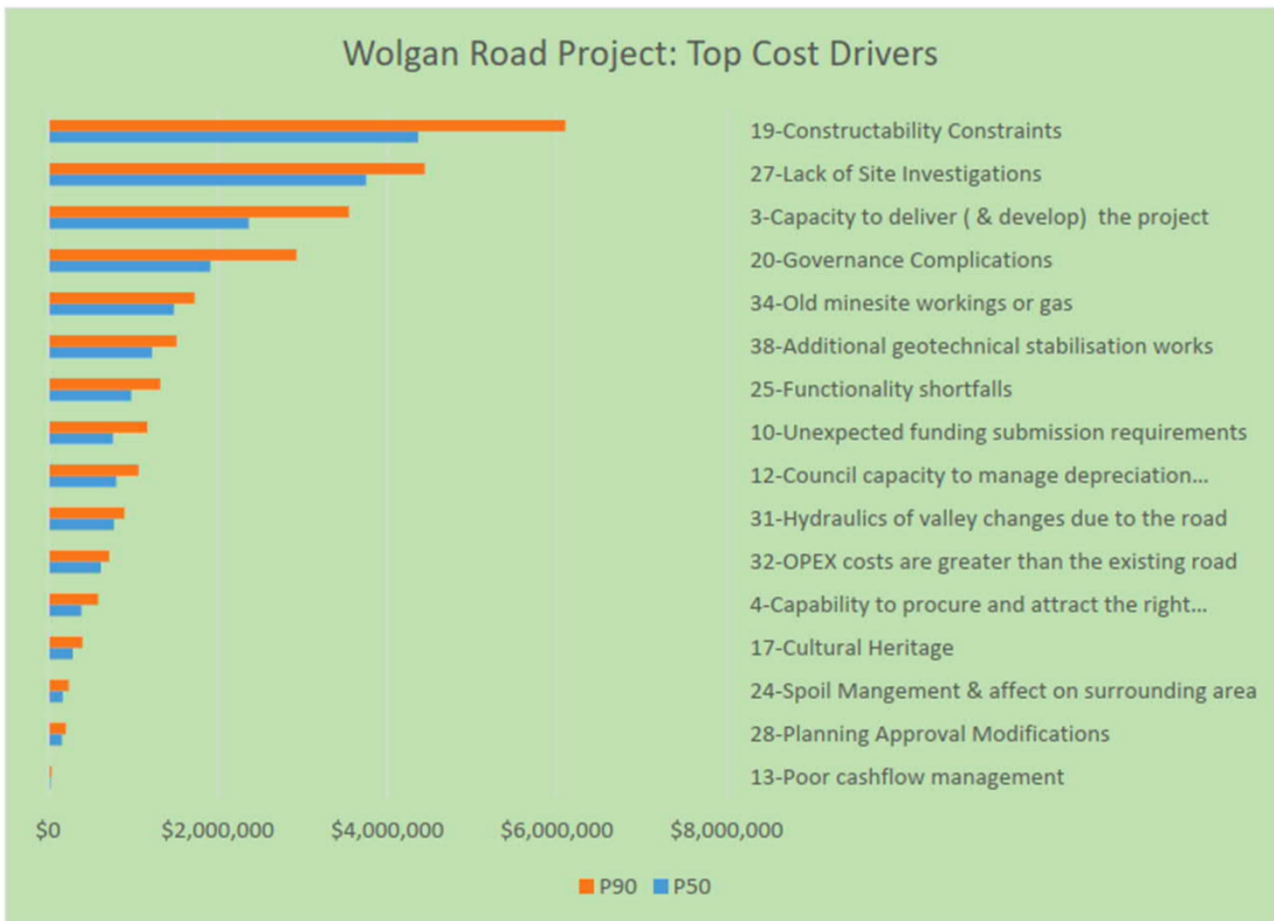
But there is also, of course, the very material consideration about the Council's capacity to fund the recurrent operational costs which would be incurred in managing an asset of this value. Considerable work has been directed to this, and that work is ongoing. An analysis has been conducted to estimate the likely operational costs on a per-year basis over a 30-year period. This analysis considers both physical operational costs (like maintenance and inspections) and non-cash costs (depreciation).

A memorandum dealing with the status of this body of work has been separately provided to all councillors. This work will continue while the application is being assessed. The Council will be briefed further and have the opportunity to take its decision on this aspect of this major project, ahead of accepting the funding (if approved).

5. Key project risks

In developing the application for funding, several detailed risk assessment workshops have occurred to identify key risks and consider the most appropriate mitigation opportunities. These were attended by Council, Transport for NSW, NSW Reconstruction Authority and Indras (NSW Reconstruction Authority's expert advisors with significant experience from the NSW north coast recovery effort). The three charts below provide a summary of the key risks identified.

In large part, these high risks relate to the current stage of design. Minimal geotechnical investigations and environmental/cultural surveys have been completed due to the exceedingly tight turnaround on the requisite funding application. As the project matures and these detailed site investigations progress, the surety surrounding particular project assumptions will increase and project risk will be reduced. Regardless, these unknowns are factored into the P90 cost estimate.



6. Next steps

A process of Independent Technical Review (ITR) will commence. This will involve the Government's engagement of an independent party tasked with the responsibility of assessing this application and advising government of the eligibility of each detailed component of the project. The timeframe given to this process is two months. However, this depends on how many other projects are submitted by other Councils, and the level of scrutiny placed on this complex application.

While this ITR continues, given the timeline outlined above and the importance of maintaining project momentum, it is critical that Council not 'down tools'. There is valuable work that can continue, making use of the advance funding provided to Council for this purpose, under the Tripartite Agreement.

Next steps for the project include:

- Continued assessment and negotiation surrounding the application.
- Building a team to project manage, detailed below.
- Commencement of environmental and cultural studies.
- Refinement of design including detailed site surveys.
- Commence procurement strategy, following an EOI and selective tender process based on a design and construct methodology.

An estimate of the timeline for these steps are included in the Gantt chart below.

7. Project management consultancy

Over the course of 2023, the administration attempted to appoint a skilled project manager to the organisation with the sole purpose of managing the Wolgan Road project. It became clear quickly that the available resources within the local government sphere were either not available, or not equipped for the task. Hence, commencing 15 December 2023, the administration met with a local construction expert to map the most appropriate pathway for effective project management and delivery that determines the optimal solution and then implements that solution. This would involve managing the technical, commercial (e.g. how best to engage with industry, appropriate procurement process, contractual negotiations, etc.) and financial (including funding) aspects, as well as environmental, community and stakeholder issues.

The work required to design the right process that fits such an expensive and complex project into the available funding framework (administered by Transport for NSW) and risk tolerance is quite specialised. Council looked outside local government to the private sector to find a suitable management consulting / advisory firm that specialises in complex road infrastructure.

A Project Manager Brief was drawn up and sent to four suitable providers. These providers were identified based on expert advice offered by Council's local construction expert. These companies were:

- TSA Management;
- E3 Advisory;
- RP Infrastructure; and
- Wassabi Group.

Detailed responses were received from each company. An initial assessment of these proposals was based upon:

- Years of experience (minimum 15 years)
- Details of relevant experience
- Daily rate
- Availability (both remotely and on-site)
- Details of their support candidate
- Details of any ancillary services able to be provided

Understanding the importance and complexity of the project, greatest priority was afforded to relevant experience and availability.

Interviews were conducted and the Wassabi Group was selected as the preferred contractor.

The Project Management brief and the response from Wassabi Group are included in this report as a confidential attachment. They were engaged for a period of three months to manage the project application process. They have performed to the highest standard, providing the necessary expertise to coordinate several consultants in the formation of the multi-disciplinary report that now comprises this funding application.

Council must now turn attention to the most appropriate method of project management as it moves forward from project application through to project approvals, design and delivery.

Following the schedule included under Part 6 of this report above, Wassabi Group have submitted an upper limit fee schedule which covers the 12 months from July 2024 to June 2025. This is also included as a confidential attachment to this report.

Based on the experience and expertise of Wassabi Group, their industry contacts and exemplary performance to date, it is suggested that the Council endorse their continued engagement in line with the upper limit fee schedule attached.

Consultation and Communication

Since the closure of the Wolgan Road, Council has continued to meet with the Wolgan community. Initially, these meetings occurred weekly. These now occur once per three weeks. The community remains up to date regarding the progress of developing this application, including the estimated timeline and costs.

Council has also met on two occasions with the Mingaan Wiradjuri Aboriginal Corporation. The first of these meetings were to discuss the various design options and the second was to conduct a site walkthrough and visually step through the options. Mingaan remain opposed to Option 1, preferring a bridged approach that minimises impacts to the surrounding landscape. Mingaan has been advised that this application simply approves a funding envelope. The process of detailed environmental and cultural impact assessment and subsequent planning approvals has not yet been completed or decided. This will include deep consultation with the local Aboriginal community.

A Project Control Group (PCG) has been formed which comprises representatives of Council, Transport for NSW, Department of Regional NSW, NSW Reconstruction Authority, Indras, and Council's design team (WSP). This PCG meets fortnightly and has been kept abreast of all project developments. By all accounts, they advise that this project is eligible for funding.

Policy

Lithgow's Community Strategic Plan is the primary policy which considers how the organisation might respond to challenges of this nature. In this sense, the CSP objectives indicate that Lithgow City Council aims to:

- work together with government departments, NGOs, and community to ensure the communities of the Lithgow region have access to services and feel supported, connected and united.
- facilitate and provide infrastructure and land to support residential, rural and economic growth.
- ensure our roads and other associated infrastructure will ensure connected and efficient movement throughout the Lithgow region.
- increase our resilience to natural hazards and climate change.
- ensure planning and development activities provide a balance between the built and natural environments.
- protect and preserve the regions biodiversity.
- focus on financial, economic, social and environmental sustainability which informs council decision making.

Legal

This funding submission only seeks approval for an upper limit envelope of funding of \$326 million. It does not represent any approval to conduct physical or invasive works, even those as simple as geotechnical assessments.

Council has engaged an expert planning approvals consultant to advise what statutory and legislative approvals must be obtained, and every aspect of what must be considered as part of this process.

The highest level of respect is being paid to the significance of these lands. No physical or invasive works will occur without deep engagement with the traditional owners, and the full approval of the relevant planning authority.

Financial

- Budget approved - \$1,672,078
- Expended to date - \$791,061.97
- Future potential impact - \$671,612. Please also note that the Council will receive further advice about the ongoing cost of recurrent operation and maintenance of this major project and the capacity to meet this cost within forward estimates of Council's available funds.

3.9. F&G - 24/06/2024 - Lake Lyell Lease - Proposed Excise of Lot 2 in DP792415 and Related Matters

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: Sandra Politi - Property and Legal Services Officer
Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

This report seeks Council resolutions in relation to a request from EnergyAustralia NSW Pty Ltd (**EA**) to excise part of Lot 2 in DP792415 (**Lot 2**) from the Lake Lyell lease, the addition of option terms to the Lake Lyell lease and an amendment to the restrictive covenant affecting Council owned land at Lake Lyell.

EA has requested Council's agreement to excise part of Lot 2 from the Lake Lyell lease – in the event of EA seeking to establish a workforce village on that land. It is important to note that the workforce village will only proceed if EA obtains planning approval for the development that creates the demand for the workforce village (pumped hydro), and they then make a final investment decision to proceed with that development.

While EA does not expect to make a decision in relation to the Lake Lyell Pumped Hydro project until mid-2025, it needs to be in a position to lodge development applications promptly if it decides to proceed. An application for state significant development requires significant preparation and has a long lead time. As part of its preparation, EA needs certainty as to whether Council supports the excision of part of Lot 2 from the Lake Lyell lease.

Other items discussed in this report are the Administration's requests which are being negotiated concurrently with the request to excise part of Lot 2:

- for option terms to be added to the lease with a view to providing Council with security of tenure for public recreation until 2072;
- to amend the restrictive covenant on Council owned land to permit a commercial use being the operation of a primitive camping ground; and,
- Payment of a monetary contribution to the Council as an off-set to the public being unable to use the portion of the land that would be excised from the lease for a number of years.

This report demonstrates that, on balance, agreement to vary the lease to allow the landowner to consider establishing a workforce village at the location would support public recreation at Lake Lyell being retained and enhanced into the future.

Administration's Recommendation

THAT Council:

1. Agree to excise part of Lot 2 (as outlined in this report) from the Lake Lyell lease, in the event that EA proceeds to construct temporary workforce accommodation, should the proposed Lake Lyell Pumped Hydro project be approved.
2. Endorse negotiation of option terms to the Lake Lyell lease between Council and EnergyAustralia NSW Pty Ltd.
3. Endorse an amendment to the restrictive covenant affecting the Council owned land to allow for a commercial use, including but not necessarily limited to being the operation of a primitive camping ground.
4. Authorise the General Manager to negotiate a monetary contribution to the Council as an offset to the public being unable to use the portion of the land that would be excised from the lease for a number of years.
5. Authorise the General Manager to sign all documents and do all things necessary to give effect to the resolutions made.

Attachments

1. Plan 1 - Lot 2 in D P 792415 [**3.9.1** - 1 page]

Reference to any relevant previous minute

N/A

Background and discussion

This report involves three matters being the excision of part of Lot 2 in DP792415 from the Lake Lyell lease, a request to add option terms to the Lake Lyell lease and an amendment to the restrictive covenant affecting Council owned land at Lake Lyell. Each of these matters is addressed below.

1. EA's request to excise part of Lot 2 in DP792415 from the Lake Lyell lease

Lot 2 in DP792415 (**Lot 2**) is owned by EA and leased to Council. EA has requested to use part of Lot 2 to establish a workforce village to accommodate workers who will be involved in the Lake Lyell Pumped Hydro project (if the project proceeds following development approval). All planning decisions/approvals must be completed before there can be a Financial Investment Decision by EA.

About Lot 2

Lot 2 is shown on **plan 1** attached to this report; it is zoned SP2 Infrastructure and comprises a total area of 45.71ha, which includes a large portion of the lake itself.

EA anticipates that the workforce village will require a land area of around 9.24ha (shown on the image below) - this is the area proposed to be excised from the lease.



EA has considered other land in the Lithgow LGA for the workforce accommodation, but has determined that this is the preferred location due to:

- Proximity to the main project site;
- Avoids additional traffic contribution to Great Western Highway or busier thoroughfares of Lithgow;
- Minimises total number of nearby neighbours;
- Development of the site with utilities providing future options for the site; and
- Positive worker amenity, improving worker wellbeing and positive demeanour.

On conclusion of the workforce village

At the conclusion of the construction project the workforce village will be decommissioned, and EA would make good the site.

Also, EA will retain any elements of the site that Council considers beneficial such as benching, drainage roads, power, waste and wastewater utilities.

Additionally, EA will discuss with Council how the site could be improved so that after 2030/31 it can be returned to Council under a registered lease and perhaps be integrated into any longer term plans that Council may have for the Lake Lyell recreation area.

Is a decision to excise part of Lot 2 premature?

EA requires certainty regarding the excise of part of Lot 2 now so that it can prepare for a State Significant Development application, in the event that it decides in 2025 to proceed with the Lake Lyell Pumped Hydro project.

If EA decides not to proceed with the project

In the event that EA decides not to proceed with the Lake Lyell Pumped Hydro project or EA does not receive the required planning approvals, no part of Lot 2 will be excised from the lease and the status quo will remain.

Risks and opportunities

Risk

Although Lot 2 is included in the Lake Lyell lease to Council, the portion of Lot 2 that EA wishes to utilise (for a period of 5-6 years) does not form part of the Lake Lyell public recreation area.

Council owns adjoining land being Lot 1 in DP792415, which is used for public recreation and camping. EA has confirmed that the use of part of Lot 2 for the workforce village will not impact the Council land and will not restrict public access to the water which can be gained via Lockyer's Line of Road (a council public road).

The Administration has not identified any added risk to Council that will result from excising part of Lot 2 from the lease.

Opportunities

EA has agreed that at conclusion of the project, it will retain any elements of the site that Council considers beneficial such as benching, drainage roads, power, waste and wastewater utilities.

Additionally, EA will discuss with Council how the site could be improved so that after 2030/31 it can be returned to Council under a registered lease and perhaps be integrated into any longer term plans that Council may have for the Lake Lyell recreation area.

These opportunities arise from Council's agreement to excise part of Lot 2 from the Lake Lyell lease.

2. The addition of option terms to the Lake Lyell lease between Council and EA

Currently the Lake Lyell lease expires on 31 December 2042, subject to early termination provisions including a right for either party to terminate the lease upon one month's notice if both Wallerawang Power Station and Mount Piper Power Station permanently close or cease to operate for a continuous period in excess of 12 months.

The Administration has commenced discussions with EA regarding option terms to be added to the Lake Lyell lease so that Council has an opportunity to plan for the future of Lake Lyell. The aim will be to agree on option terms to give Council potential tenure for a further 30 years, until 31 December 2072.

At present, Mount Piper Power Station is scheduled to close in 2040. The Administration will discuss removal of the early termination provisions with EA. If the Mount Piper Power Station site is sold after closure, Council may need to negotiate lease terms with a new owner.

An extended term is economically necessary, if Council intends to invest in capital works to support the future of Lake Lyell for public recreation and camping.

3. Approve the Administration's request to amend the restrictive covenant on Council owned land

The Council owned land at Lake Lyell is burdened by a covenant restricting the land from being used for any industrial, residential or commercial purpose. This restriction was imposed by the Electricity Commission when it transferred the land to Council in 1990. As EA now owns the land that benefits from this covenant, EA has authority to release, vary or modify the covenant.

The Administration has requested a variation of the covenant to allow for the operation of a primitive camping ground on a commercial basis and EA has indicated in principle support.

There may also be the potential for other commercial uses beyond the primitive camping ground use so it is intended that the discussions canvas if other such uses should equally be able to be considered without the limitation of this existing covenant. Please note, however, that any such uses would need to demonstrate that they do not impinge or compromise the use of the lake for power generating purposes (which is its dominant purpose). Also, rezonings may be required and they are not assured. Modification of the covenant though would at least enable consideration to be given to broader commercial uses that are complementary to the existing recreation ground and offer greater overall public benefit.

4. Payment of a monetary contribution to the Council as an off-set to the public being unable to use the portion of the land that would be excised from the lease for a number of years.

If the workforce village proceeds, the public will for some years be unable to use the 9.24 hectares of land which Council currently holds a lease over. Lake Lyell is one of the city's recreational jewels and it is attracting greater visitation from a Sydney based market. It is envisaged that there is some likelihood that Council might wish to make use of the 9.24 hectares to service this demand and opportunity. It is reasonable that the loss of this potential be offset, by payment of an appropriate monetary contribution. Although the approach to calculating the value of the contribution is still to be developed, it will be the case that a proper commercial process or methodology can be used to determine a fair value.

Policy

N/A

Legal

The subject matter of this report is a function of Council conferred by the Local Government Act 1993 and the registered lease between Council and Energy Australia NSW Pty Ltd.

A decision to surrender, exchange or re-classify land is a non-delegable function under section 377 of the Local Government Act 1993. Therefore, only council can decide in relation to the matters in this report.

Risk Management

There are no foreseeable risks to Council in relation to the matters outlined in this report.

Financial

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

3.10. F&G - 24/06/2024 - Lake Lyell - Correction of Historical Land Anomalies

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: Sandra Politi – Property and Legal Services Officer
Responsible Officer: Ross Gurney - Director Finance and Governance

Executive Summary

This report discusses the proposed transfer of two submerged lots at Lake Lyell to Energy Australia NSW Pty Ltd (**EA**). The two lots appear to have been inadvertently omitted from the Electricity Commission's land acquisitions in the 1980s.

Additionally, this report notes the addition of Lots 1 to 4 in DP1304125 to the lease. These lots are submerged sections of road, which are being legally closed. In accordance with previous Council resolutions, these lots will be transferred to EA, and consistent with the current Lake Lyell lease will then be added to the lease.

Administration's Recommendation

THAT Council:

1. Transfer Lot 1 in DP246233 to Energy Australia (subject to the lot being re-classified from community land to operational land via LEP amendment).
2. Transfer Lot 5 in DP1304125 to Energy Australia (subject to the lot being re-classified from community land to operational land via LEP amendment) and then add it to the Lake Lyell lease.
3. Note that Lots 1 to 4 in DP1304125 (the former submerged road sections) are to be added to the Lake Lyell lease.

Attachments

1. Plan 1 - Lot 1 in D P 246233 (submerged lot to be transferred to E A) [**3.10.1** - 1 page]
2. Plan 2 - Lot 5 in D P 1304125 (submerged lot to be transferred to EA and added to lease) [**3.10.2** - 1 page]
3. Plan 3 - Lots 1 to 4 in D P 1304125 (former road lots to be added to lease) [**3.10.3** - 1 page]

Reference to any relevant previous minute

N/A

Background and discussion

Between 1976 and 1985, the Electricity Commission acquired land to establish a water supply dam at Lake Lyell for power generation purposes. All lots (except two) submerged under Lake Lyell are owned by Energy Australia NSW Pty Ltd (**EA**). Council is the registered owner of the only two lots

submerged under Lake Lyell that are not owned by EA. These lots were either inadvertently omitted from the Electricity Commission's acquisition or were pending a legal process to complete the transfer.

1. Lot 1 in DP246233 (Lot 1)

Lot 1 is shown on **plan 1** attached to this report. It is owned by Council and has the legal status of a public reserve. However, it is wholly submerged under Lake Lyell and therefore cannot be used as a public reserve.

It appears that this lot was inadvertently omitted from the Electricity Commission's land acquisitions between 1976 and 1985. In order that ownership of this lot is consistent with ownership of all other submerged lots on the bed of Lake Lyell, it is proposed to transfer Lot 1 to EA.

As Lot 1 is classified community land, it will first need to be re-classified as operational land. Once Lot 1 is re-classified as operational land, it can be transferred to EA.

The process to re-classify community land is via an LEP amendment, which requires a public exhibition process.

It is proposed to transfer Lot 1 in DP246233 to EA for the value assessed by the Valuer General's office.

2. Lot 5 in DP1304125 (Lot 5)

Lot 5 is shown on **plan 2** attached to this report. It is owned by Council and until recently was thought to be part of the submerged section of Lockyer's Line of Road.

It appears that this lot was inadvertently omitted from the Electricity Commission's land acquisitions between 1976 and 1985. In order that ownership of this lot is consistent with ownership of all other submerged lots on the bed of Lake Lyell, it is proposed to transfer Lot 5 to EA.

As Lot 5 is classified community land, it will first need to be re-classified as operational land. Once Lot 5 is re-classified, it can be transferred to EA and, given that it is within the Lake Lyell public recreation area leased to Council, it will be added to the lease.

The process to re-classify community land is via an LEP amendment, which requires a public exhibition process.

It is proposed to transfer Lot 5 in DP1304125 to EA for the value assessed by the Valuer General's office.

3. Lots 1 to 4 in DP1304125

Lots 1 to 4 are shown on **plan 3 attached to this report.**

In accordance with Council resolutions of 15 April 2013 (13-121) and 26 September 2022 (22-189), sections of road submerged under Lake Lyell are being legally closed.

Upon completion of the closure process, Lots 1 to 4 will adopt the status of 'land'. Lots 1 to 4 will then be transferred to EA in accordance with council resolutions and a deed entered with Delta Electricity in 2013.

Once Lots 1 to 4 are in EA ownership, they will be added to the Lake Lyell lease consistent with clause 28.4 of the lease.

Policy

N/A

Legal

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

A decision to surrender, exchange or re-classify land is a non-delegable function under section 377 of the Local Government Act 1993. Therefore, only Council can decide in relation to the matters in this report.

Risk Management

There are no foreseeable risks to Council in relation to the matters outlined in this report.

Financial

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

3.11. EXEC - 24/06/2024 - Delegations to the General Manager during Caretaker Period 16 August - 13 September 2024

Strategic Context for this matter:

Responsible Governance & Civic Leadership

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

Author: Trinity Newton – Executive Assistant

Responsible Officer: Craig Butler - General Manager

Executive Summary

Under the Local Government Act 1993 (the Act), all current Councillors and the Mayor (elected by the Councillors) cease to hold their civic offices from election day 14 September 2024.

The end of the progressive declaration of results is scheduled by the NSW Electoral Commission for Thursday 3 October 2024. At the 8 October 2024 Council meeting, the newly elected Councillors will take their oath and elect the Mayor & Deputy Mayor.

As a result of the above sequence of events, Lithgow City Council will be without an elected governing body between the election date of 14 September 2024 and the 8 October 2024 Council meeting.

The purpose of this report is to authorise the General Manager to exercise the civic and ceremonial functions normally exercised by the Mayor for the period between election day and the first meeting of the Council following the election.

Administration's Recommendation

THAT Council:

1. Authorise the General Manager to exercise the civic and ceremonial functions normally exercised by the Mayor for the period between election day and the first meeting of the Council following the election.
2. Delegate all delegable functions to the General Manger for the period between election day and the first meeting of the Council following the election.

Attachments

Nil

Reference to any relevant previous minute

N/A

Background and discussion

Under the Local Government (General) Regulation 2021 (the Regulation), the “regulated period” starts when the electoral rolls close 40 days before election day and ends on election day. This is

known as the “caretaker period”, which will be from Friday 16 August 2024 to Friday 13 September 2024 inclusive.

The caretaker restrictions are designed to prevent outgoing Councils from making major decisions that will bind the new Council or limit its actions.

During the caretaker period, Councils, general managers and other delegates of Councils must not exercise the following functions:

- enter into any contract or undertaking involving an expenditure or receipt by the Council of an amount equal to or greater than \$150,000 or 1% of the Council’s revenue from rates in the preceding financial year (whichever is the larger),
- determine a “controversial development application”, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period, or
- appoint or reappoint the Council’s general manager (except for temporary appointments).

“Controversial development application” means a development application for designated development under section 4.10 of the Environmental Planning and Assessment Act 1979 for which at least 25 persons have made submissions during community consultation.

Prior to the election, the Office of Local Government (OLG) suggests that Councils ensure that appropriate delegations are in place for their general managers so that they can continue to exercise the functions of the Council as required in the period between election day and the first meeting of the Council following the election.

The OLG recommends that Councils consider delegating all delegable functions to the General Manger for the period between election day and the first meeting of the Council following the election.

Councils that elect their Mayor, such as Lithgow City Council, will not have a Mayor in the period between election day and the first meeting after the election when the Mayoral election is held. This is scheduled for Tuesday 8 October 2024. This date is three weeks from the election date and is the earliest practical date for the first meeting of the new Council.

The OLG suggests that Councils should refrain from making any delegations to the outgoing mayor for the interim period.

It is recommended that Council authorise the General Manager to exercise the civic and ceremonial functions normally exercised by the mayor during the interim period in the absence of a Mayor.

Consultation and Communication

N/A

Policy

N/A

Legal

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Environmental Planning and Assessment Act 1979

Risk Management

N/A

Financial

As detailed in this report.

Consultation and Communication

N/A

4. Council Committee Reports

4.1. P&P - 24/06/2024 - Seven Valleys Tourism Committee Meeting - 28 May 2024

Strategic Context for this matter:

Responsible Governance & Civic Leadership

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

Author: Trinity Newton – Executive Assistant to the General Manager and Mayor

Responsible Officer: Shaun Elwood - Director People and Place

Executive Summary

This report provides details of the discussions held during the Seven Valleys Tourism Committee meeting on 28 May 2024, noting that there was not a quorum for the meeting therefore no official minutes were taken.

Administration's Recommendation

THAT the report dealing with the discussions of the Seven Valley's Tourism Meeting 28 May 2024 be received and noted.

Attachments

1. Draft Notes Seven Valleys Tourism Committee Meeting - 28 May 2024 [4.1.1 - 7 pages]

Reference to any relevant previous minute

The minutes of the Seven Valleys Tourism meeting held 26 March 2024 were endorsed by the Council at the Ordinary Meeting of Council held 22 April 2024 - Resolution Number 24-95.

Background and discussion

At the Seven Valley Tourism Committee meeting held on 28 May 2024, a range of items were discussed with agenda items including:

- Destination Action Plan
- Marketing & Branding Strategy
- Gardens of Stone SCA - Wild Bush Luxury Lease
- Development of a Tourism Industry Group
- Wolgan and Capertee Valley Engagement Sessions
- General Business – Main Street Revitalisation

Financial

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

4.2. I&S - 24/06/2024 - Operations Committee Meeting Minutes 4 June 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: Kaitlin Cibulka – Cemeteries and Administration Supervisor

Responsible Officer: Jonathon Edgecombe – Director Infrastructure & Economy

Executive Summary

This report details the Minutes of the Operations Committee Meeting held on 4th June 2024.

Administration's Recommendation

THAT

1. The Council note the minutes of the Operations Committee Meeting held on 4th June 2024.

Attachments

1. DRAFT Minutes Operations Committee Meeting 4th June 2024 [4.2.1 - 8 pages]

Reference to any relevant previous minute

Nil

Background and discussion

At the Operations Committee held on 4th June 2024, there were several items discussed by the Committee including:

- Item 7.1 - Wolgan Road – Monthly Project Management Update
- Item 7.2 - Portland Park Project – R4R013
- Item 7.3 - Disaster Recovery Projects and Application Process – Report 3
- Item 7.4 - Review of Policy 10.13 and 10.15 (Street Tree Maintenance and Verge Gardens)
- Item 7.5 - Project Update Report
- Item 7.6 - Water and Wastewater Projects Update

Financial

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

4.3. COMM - 24/06/2024 - Women's Advisory Committee Meeting Minutes 5 June 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.

Author: Cristina Portilla – Community Development Officer

Responsible Officer: Shaun Elwood – Director people and Places

Executive Summary

The minutes of the Women's Advisory Committee held on 5 June 2024 are reported for Council's consideration.

Administration's Recommendation

THAT Council

1. Note the minutes of the Women's Advisory Committee held on 5 June 2024
2. Prepare a detailed, evidence-based submission to the Minister for Families and Communities, and Minister for Women, to advocate for funding for local organisations dedicated to child protection and domestic violence, considering Lithgow's specific needs.

Attachments

1. Womens Advisory Committee Minutes 5 June 2024 [4.3.1 - 5 pages]

Reference to any relevant previous minute

Nil.

Background and Discussion

The Women's Advisory Committee met on 5 June 2024, and welcomed a number of new members, discussed the Committee's Terms of Reference, elected a Deputy Chairperson, and discussed the development of a work program focused on advocacy and community engagement.

1. New Member Introduction

The Mayor welcomed the newly appointed members of the Committee.

2. Terms of Reference

The Committee noted the Terms of Reference and future meeting dates.

3. Election of Deputy Chairperson

Karina Dodd was elected as Deputy Chairperson of the Committee.

4. Committee Work Program

Advocacy and Community Engagement:

- The committee discussed the critical importance of advocacy work in influencing Council strategies on community matters. This includes the necessity of advocating at the State level to secure funding to support local organisations focused on child protection and domestic violence.
- The significance of education in addressing domestic violence and promoting women's safety was discussed. The discussion included the need to support vulnerable populations, such as those in remote areas, individuals with disabilities, youth, and the elderly.
- Plans to invite other organisations to share insights were discussed.

Domestic and Family Violence

- The Committee recommends that Council prepare a formal submission to Kate Washington, the Minister for Families and Communities, and Jodie Harrison, the Minister for Women to advocate for funding to support local organisations focusing on child protection and domestic violence.
- The submission should include a detailed analysis and evidence-based rationale for early intervention programs and consider Lithgow's unique demographic and geographic context.

Financial

- Budget approved - nil
- Cost centre - nil
- Expended to date - nil
- Future potential impact - nil

4.4. I&S - 24/06/2024 - TALC Minutes 6 June 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: Kaitlin Cibulka - Cemeteries & Administration Supervisor
Responsible Officer: Jonathon Edgecombe – Director Infrastructure & Economy

Executive Summary

This report details the Minutes of the TALC Committee Meeting held on 6th June 2024.

Administration's Recommendation

THAT

1. Council note the minutes of the TALC Committee meeting held on 6th June 2024; and
2. A No Parking zone be installed in the Service Lane from the intersection of the Castlereagh Highway and Service Lane, Cullen Bullen for a distance of 30m in a southerly direction to improve safety at this intersection; and
3. The bus zone on the northern side of Vale Street, Portland be extended for a distance of 10m in a westerly direction to improve bus access at this location; and
4. Zone signage, accessible parking and pedestrian crossing line marking be replaced / renewed as part of these works (on Vale Street, Portland); and
5. A response be provided to Council's Planning Department advising that the Committee does not support the submitted carpark layout and requests that the developer resubmit a new carpark design compliant with safe sight distances (regarding proposed carpark access off Magpie Hollow Road, Bowenfels).

Attachments

1. DRAFT Minutes TALC Committee Meeting 6th June 2024 changed [4.4.1 - 6 pages]

Reference to any relevant previous minute

Nil

Background and discussion

At the TALC Committee held on 6th June 2024, there were numerous items that were discussed by the committee however were outside the Committee's delegation and requires Council to formally approve the recommendation for the following items:

- Item 8.1 - No Parking Zone – Castlereagh Highway, Cullen Bullen

RECOMMENDATION

THAT a No Parking zone be installed in the Service Lane from the intersection of the Castlereagh Highway and Service Lane, Cullen Bullen for a distance of 30m in a southerly direction to improve safety at this intersection.

- Item 8.2 - Vale Street , Portland – Extension of Bus Zone

RECOMMENDATION**THAT**

1. the bus zone on the northern side of Vale Street, Portland be extended for a distance of 10m in a westerly direction to improve bus access at this location; and
2. zone signage, accessible parking and pedestrian crossing linemarking be replaced / renewed as part of these works.

- Item 8.3 - Proposed Carpark Access – Magpie Hollow Road, South Bowenfels

RECOMMENDATION

THAT a response be provided to Council's Planning Department advising that the Committee does not support the submitted carpark layout and requests that the developer resubmit a new carpark design compliant with safe sight distances.

Financial

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

4.5. I&E - 24/06/2024 - Sports Advisory Committee Meeting - 12 June 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 details the Minutes of the Sports Advisory Committee Meeting held on 12 June 2024.

Administration's Recommendation

THAT

1. Council notes the minutes of the Sports Advisory Committee Meeting held on 12th June 2024; and
2. Council accept Gregory Allchin and David Peters as the Sports Advisory Committee representatives from the Lithgow Show Society.

Attachments

1. DRAFT Minutes Sports Advisory Committee Meeting 12 June 2024 [4.5.1 - 9 pages]

Reference to any relevant previous minute

Nil

Background and discussion

At the Sports Advisory Committee held on 12th June 2024, there were numerous items discussed by the committee including;

- Financial Assistance Requests
- LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking Requests

The following item was outside the Committee's delegation and requires Council to formally approve the recommendation;

- Item 9 – New Members

RECOMMENDATION:

THAT Council accept Gregory Allchin and David Peters as the Sports Advisory Committee representatives from the Lithgow Show Society.

Financial

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

5. Delegates Reports

5.1. EXEC - 24/06/2024 - Delegates Report Rural & Regional Summit and Country Mayor's Association Meeting - 9 to 10 May 2024

Report by Ross Gurney - Director Finance and Governance

Commentary

The Mayor and Acting General Manager attended the LGNSW Rural and Regional Summit and the Country Mayors Association Financial Sustainability meeting held in Sydney over 2 days from 9 May to 10 May 2024.

The Summit and the Country Mayors Association meeting provided an opportunity to advocate on behalf of the City and to discuss critical matters with other delegates.

Attachments

Nil

Recommendation

THAT the delegates report relating to attendance at the LGNSW Rural and Regional Summit and the Country Mayors Association Financial Sustainability meeting on 9-10 May 2024 be received.

Management Comment

The agenda for the LGNSW Rural and Regional Summit included the following items -

Speakers

- Address by The Hon Chris Minns MP, Premier of New South Wales;
- The Hon Ron Hoenig MP, Minister for Local Government and Leader of Government Business;
- Carmel Donnelly PSM, Chair of IPART;
- Professor Joseph Drew, Professor of Local Government economics;
- Brett Whitworth, Deputy Secretary Office of Local Government (OLG);
- Showcasing excellence in the rural and regional local government sector – Byron Shire and Brewarrina Shire Councils;
- Wendy Tuckerman MP, Shadow Minister for Local Government and Shadow Minister for Small Business;
- Tara Moriarty MLC, Minister for Regional NSW; and
- Dr Joe McGirr MP, Independent Member for Wagga Wagga.

At the summit, the Mayor took the opportunity to raise critical matters with the Minister for Local Government and the Minister for Regional New South Wales.

The Minister for Local Government, The Hon. Ron Hoenig MP, spoke on the Legislative Council's inquiry into the ability of local governments to fund infrastructure and services. The Minister also spoke of an overhaul of the Emergency Services Levy – Councils currently fund 11.7% of the costs of fire and emergency services in NSW. A recent LGNSW survey indicated that the impact of cost shifting was more than \$460 per ratepayer annually.

The Premier, the Hon. Chris Minns MP, also spoke at the summit about initiatives to ease the housing crisis in NSW and thanked Mayors and Councillors for their work in local communities.

The Minister for Regional New South Wales, The Hon. Tara Moriarty MLC, spoke on the \$350 million NSW Regional Development Trust Fund. The Mayor raised the impact scrapping the Great Western Highway upgrade has on travel times from the Lithgow LGA to Sydney.

The agenda for the Country Mayors Association Financial Sustainability meeting included the following items -

Speakers

- The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads;
- President of ALGA, Cr. Linda Scott;
- Professor Joseph Drew, Professor of Local Government economics;
- Karen Taylor, Audit Office of NSW: and
- Carmel Donnelly PSM, Chair of IPART.

The Mayor asked the Minister for Regional Transport and Roads - "Megalong Valley people cannot commute. We've had seven natural disasters. We need an alternative route from the Central West to Sydney. We need a roundabout or lights on the entrance to Lithgow." The Minister replied - "We have disaster recovery deadlines and funds are not unlimited; we are prioritising. I take on board your comments about traffic control measures at the entrance to Lithgow."

5.2. EXEC - 24/06/2024 - Central NSW Joint Organisation Board Meeting - 23 May 2024

Report by Craig Butler - General Manager

Commentary

The Mayor and Acting General Manager attended the Central NSW Joint Organisation (CNSWJO) Board Meeting on 23 May 2024 in Lithgow.

The Board meetings of the CNSWJO are of great benefit for delegates to attend with many matters relevant to the city being discussed, as well as providing an opportunity to advocate on behalf of the Lithgow LGA.

Attachments

Nil

Recommendation

THAT the delegates report relating to attendance at the Central NSW Joint Organisation of Councils' Board Meeting on 23 May 2024 be received.

Management Comment

On Thursday evening 22 May, the Mayor welcomed Central West Mayors and General Managers to Lithgow for the CNSWJO Board meeting. Many of the attendees stayed overnight in Lithgow and the Mayor encouraged the delegates to visit local shops during their stay.

At the CNSWJO Board meeting on 23 May, the Mayor opened the meeting by welcoming the Board members to Lithgow.

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

Speaker

The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads

- Noting of the Minutes of the CNSWJO GMAC Meeting 2 May 2024 in Oberon
- Confirmation the Minutes of the CNSWJO Board Meeting 29 February 2024 in Condobolin
- Matters in Progress
- Reports on Statement of Regional Strategic Priority
- Priority One: Leveraging our Successful Collaboration
 - Financial Report
 - Budget and Statement of Revenue Policy 2024-2025
 - Advocacy Update Report
 - Regional Procurement and Contracts
 - Welcoming New Councillors to the Region
 - Disaster Risk Reduction Fund
 - Requirement of CNSWJO to have an Audit Risk and Improvement Regulations
- Priority Five: Regional Transport Planning and Infrastructure Prioritisation
 - Transport
- Priority Six: Regional Water Security and Productive Water - Regional Water Report
- Priority Seven: Transition to a Sustainable, Secure and Affordable Energy Future - Energy Program Report

- Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025

Further detail can be provided for Councillors in relation to each of the above items if required.

The Board welcomed Ms Jenny Aitchison, Minister for Regional Transport and Roads, to the meeting, as well as Ms Zena Bailly, Deputy Chief of Staff and Mr Alistair Lunn, Transport for NSW who accompanied the Minister.

The Minister provided an update on the direction of Regional Transport and Roads which is guided by the Strategic Regional Integrated Transport Plans (SRITPs). The SRITPs will be integral to driving future change and direct transport governmental spending and consultation regarding them will occur in the second half of this calendar year.

The Minister offered members the opportunity to ask questions both within the meeting and on a one-on-one basis. Of note from her presentation is a new corridor strategy for the Great Western Highway over the Blue Mountains being funded by the Australian Government and delivered by the NSW Government. CNSWJO will provide follow-up.

On behalf of the Lithgow LGA community, the Mayor asked the Minister to consider -

- the high priority for the Blackheath tunnel or another route to Sydney after reports of a 5 ½ hour drive from Portland to Sydney after the recent Ironfest event;
- the need for a Betterment Program to improve natural disaster impacted roads;
- the continuing slow pace of approvals for natural disaster road restoration works;
- the need for a rail station at Portland; and
- the Mayor also complimented the Minister on the Great Western Highway improvements at Meadow Flat and the new Coxs River Road bridge at the highway.

The Board received advice from Katrina Annis-Brown of the Office of Local Government, including details of a new website to support the upcoming Council elections at [Local Government Elections - Office of Local Government NSW](#)

Finally, Ms Gerry Collins from the Department of Regional NSW provided an update regarding changes that will come into effect from 1 July 2024, including a name change to the Department of Primary Industries and Regional Development. Members raised concerns that the funding for councils in regional NSW has dropped dramatically including recurrent programs like Resources for Regions and funding through Destination NSW for events. This is having a significant budgetary impact on some members of the Joint Organisation.

The next meeting of CNSWJO will be followed by a day of engagement with federal representatives hosted by the Hon Kristy McBain, Minister for Regional Development, Local Government and Territories.

5.3. I&E - 24/06/2024 - Bushfire Management Committee - Meetings held 6 February 2024 and 4 June 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.

Author: Jonathon Edgecombe – Director Infrastructure and Economy (LEMO)
Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

At the 30 January 2024 Ordinary Meeting of Council, it was resolved that the Administration bring back reports to the Council on the outcomes of Bushfire Management Committee meetings. This report advises of outcomes from the BFMC meetings held 6 February and 4 June 2024.

Administration's Recommendation

THAT Council note the report on the agenda and decisions from the Bushfire Management Committee meetings of 6 February 2024 and 4 June 2024.

Attachments

1. Chifley Lithgow BFMC Minutes 6.2.2024 [5.3.1 - 22 pages]
2. Chifley Lithgow BFMC Minutes 4.6.2024 [5.3.2 - 36 pages]

Reference to any relevant previous minute

Min. No.: 24-6: Ordinary Meeting of Council held 30 January 2024 (Notice of Motion - Councillor E Mahony - 30/01/2024 - Council representation at the Lithgow Bushfire Management Committee).

Background and discussion

The Minutes of both the Bushfire Management Committee meetings of 6 February 2024 and 4 June 2024 are included as attachments to this report. A summary of the matters discussed are noted below, for the Council's information.

6 February 2024

Attendees: Mayor Maree Statham and Jonathon Edgecombe

Matters discussed:

1. Action items:
 - a. One item relates to the work of Council regarding the development of an environmental assessment for Hassans Walls reserve. The RFS are interested in the outcome as it may impact upon future hazard reduction works.
2. The Fire Trails Sub Committee report was discussed wherein six priority trails have been discussed requiring upgrade over the next 2 – 3 years.
3. BFMC Member Reports were presented. Council's report was:
 - a. Roadside hazard reduction program (slashing) is progressing - Council now has a permanent operator appointed to the machine which is a great result of the recent recruitment effort.

- b. Council has worked with the Upper Macquarie County Council to review Council's weed management program. The newly implemented system will see every road sprayed in the LGA once every three years, with the backlog eliminated by the end of next financial year. This has attracted an extra \$60,000 in required investment to the program. This is funded by the approved Special Rate Variation and is a fantastic result for the local community.
 - c. Servicing and registrations of RFS vehicles continuing, no recent issues raised regarding the program.
 - d. Browns Gap Road slope stabilisation and risk reduction work is continuing. Approximately 3 weeks remain in the program before consideration can be made to opening the road to a single lane of traffic. Council will further advise as we get closer to completion of the project.
 - e. The Wolgan Road recovery project is continuing but is perhaps Council's most complex project. LCC suggest that should the BFMC be willing, Council's experts can address the next BFMC and present on the state of the project, including detail of what this new road might look like.
4. The RFS' annual works program was discussed.
 5. Current grant funding opportunities were discussed.
 6. The RFS gave a brief update on the seasonal outlook and associated risks.
 7. Several matters of general business were raised. Those that relate to Lithgow were:
 - a. An upcoming hazard reduction proposal for lands adjacent to Ivatt Street.
 - b. Upcoming Risk Plan Workshop on 6 March 2024 (Lithgow attended this workshop)
 - c. Membership of the Association of Bell Clarence Dargan Inc.- decision made to attend as observers only in special circumstances.
 - d. Mayor Maree Statham raised the matter of hazard reduction adjacent to Ridge Street, Portland

4 June 2024

Attendees: Nil (the Council was not properly notified about the meeting)

Matters discussed:

1. Action items:
 - a. One item relates to the work of Council regarding the development of an environmental assessment for Hassans Walls reserve. The RFS are interested in the outcome as it may impact upon future hazard reduction works. This document was provided to the RFS as a confidential draft the week of 17 June 2024.
2. RFS reported that the Chifley Lithgow BFMC Plan of Operations has been endorsed.
3. BFMC Member Reports were presented.
4. The RFS' annual works program was discussed.
5. Current grant funding opportunities were discussed, with RFS noting that applications for hazard reduction funding closed 9 June 2024. Council made a detailed submission for hazard reduction works on rural roadsides.
6. The RFS gave a brief update on the seasonal outlook and associated risks.
7. Several matters of general business were raised. Those that relate to Lithgow were:
 - a. Matter of hazard reduction on Glen Davis Road was discussed. Letter received requesting a much higher standard of vegetation removal to occur including the removal of healthy trees to allow Glen Davis Road to act as a fire break. Council's administration issued a response that aligns with previous correspondence regarding this matter.

Consultation and Communication

N/A

Policy

N/A

Legal

N/A

Risk Management

The Bushfire Management Committee provides advice to the Bushfire Coordinating Committee regarding strategy and future works programs. Council's attendance is important in supporting the work of the RFS in reducing the threat of bushfire through the LGA.

Financial

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

6. Business of Great Urgency

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

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