



Image: Brad Sullivan – Blast Furnace

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 26 August 2024

at 6:00 PM

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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 22 July 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

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

2. Notices of Motion

2.1. Notice of Motion - 26/08/2024 - Cr S McGhie - Police Check and working with Children Check for Councillors

Report by Councillor Almudena Bryce
Councillor Stuart M^cGhie
Councillor Col O'Connor

Commentary

A previous Motion unfortunately was defeated due to social media misrepresenting the truth of what was voted on, the issue needs revisiting.

Attachments

1. NOM - Cr Mc Ghie - Working with Children's check & Police Checks [2.1.1 - 1 page]
2. NOM - 22-07-2024 - Councillor A Bryce - Police and Working with Children [2.1.2 - 2 pages]

Recommendation

THAT, due to public outcry, Councillors be subject to a Police Check and Working with Children check like everyone else in a situation of authority.

Management Comment

Councillor Bryce's original Notice of Motion is included as an attachment.

Section 17 of the Code of meeting Practice sets out the procedure for rescinding or altering Council decisions.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: clause 3.10 requires Councillors to give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: a copy of the notice of motion which has the same effect as a motion which has been lost signed by three (3) Councillors is also included as an attachment.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

3. Administration Reports

3.1. WWW - 26/08/2024 - Response to Notice of Motion - 22 July 2024 - Rural Waste Management

Strategic Direction: **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: Matthew Trapp - Executive Manager Water, Wastewater and Waste

Department: Waste & Recycling

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

Executive Summary

This report provides information requested by the Council during the Ordinary Meeting held on 22 July 2024.

Council resolved as follows (min. No. 24-154):

THAT the Administration prepares a report on the ongoing management of the waste transfer stations inclusive of:

- Design modifications to minimise risk of injury to residents and enhanced site security.
- Potential design modifications to increase resource recovery.
- The capacity to offer rural residents a bulky goods waste collection service.
- The completion of the Glen Davis transfer station.

Administration's Recommendation

THAT Council note the report on the ongoing management of the waste transfer stations.

Attachments

Nil

Reference to any relevant previous minute

Background and discussion

Lithgow City Council operates and provides waste services across the LGA. Council currently operates three landfills, one Resource Recovery Centre, One Community Recycling Centre and 5 Rural Transfer Stations. The rural transfer stations operate by having skip bins or 240L wheelie bins available for yellow lid recycling.

Domestic Waste under the Local Government Act 1993 is defined as waste on domestic premises of a kind and quantity ordinarily generated on domestic premises and includes waste that may be recycled but does not include sewage. Domestic waste management services comprise the periodic collection of domestic waste from individual parcels of rateable land and associated services. The domestic waste management is completed by Council currently by completing kerbside red, yellow, green bins, bulky waste pickup twice a year and bulky green waste pickup for the those in the

kerbside area, as well as completing the pickup and processing of waste at the four rural transfer stations where domestic waste is processed at the Lithgow Solid Waste Facility

There are 10,238 (ABS, 2022) households in the Lithgow LGA. Approximately 8,300 households have access to a kerbside waste collection service (81%). Council provides a kerbside collection service to urban residents in the LGA for general waste, co-mingled recycling, food organics and garden organics, bulky waste and bulky green waste. The cost of these services for ratepayers is covered through the annual Domestic Waste Management Charge (DWMC). The DWMC includes free disposal at all Council waste facilities in the LGA for municipal solid waste (MSW), with the exception of asbestos, mattresses and tyres. The Lithgow Solid Waste Facility charges gate fees for commercial waste and asbestos, mattresses and tyres. Households without a kerbside collection service have a reduced DWMC and can self-haul domestic waste to the Council operated transfer stations and landfills free of charge.

Council is currently advertising a Request for Tender for the provision of the Waste collection and the Organics processing services where services will also be reviewed for residents and ratepayers.

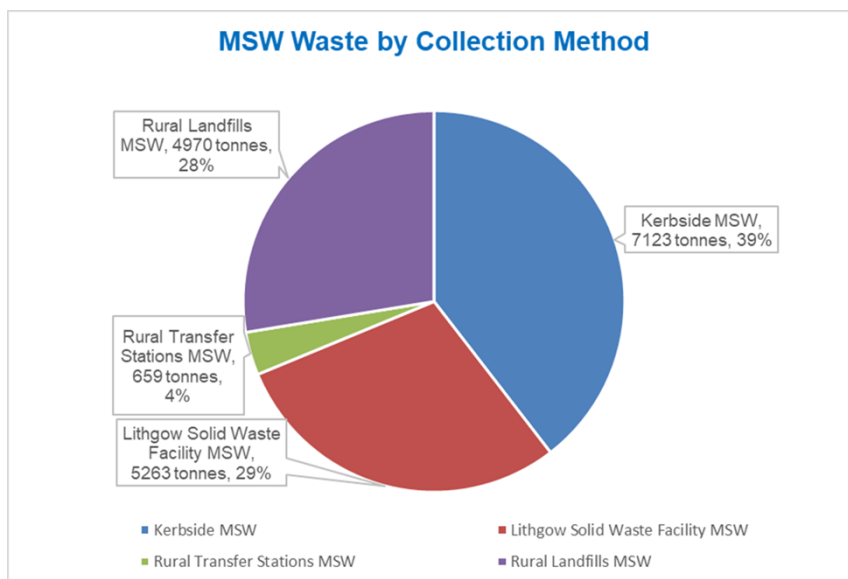
Rural Transfer Stations

Council currently operates four (4) Rural Transfer stations at:

- Meadow Flat,
- Tarana,
- Hampton, and
- Angus Place.

The transfer stations are designed to serve the community in the rural areas, primarily for those that are not able to utilise the kerbside service that is provided to the various town centres. As such, those without a kerbside service are charged a lesser amount as residents need to arrange their own transport of waste to a Council facility placed around the LGA. The various rural transfer stations are designed to receive the domestic waste that Council is legislated to manage. The rural transfer stations have had various security improvements, such as, more cameras and locks placed on the sites to ensure that Council can view and check any vehicle movements and ensure the users are local residents.

Waste volumes collected through the various facilities can be seen below as an extract from the adopted Waste Strategy. The figure shows waste volumes across the kerbside service, waste transfer stations and the rural landfills.



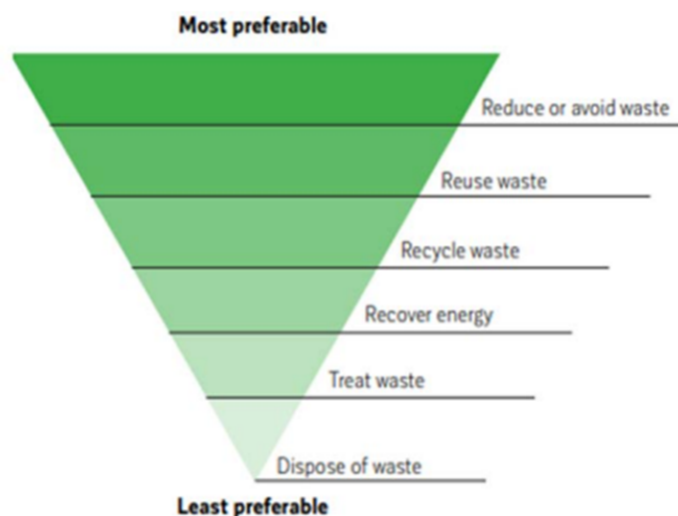
Potential design modifications at the rural transfer stations for increased resource recovery would incorporate a large-scale review prior to works being undertaken. The benefit of the single Resource Recovery Centre (**RRC**) is that the management of the facility is centralised and the centre is able to process a much larger array of material and equipment, whereas, satellite RRCs could inhibit this or increase cost from Council to ratepayers to enable the same level of management. The transfer stations have been designed to accept the legislated domestic waste from residents, this would need to be reviewed further to identify the type of waste being disposed and the costs associated, as these would be outside the realm of domestic waste.

Bulky Waste

Council currently offers Bulky Waste pickup to all those within the kerbside serviced areas in the LGA. The service is part of Councils larger waste management process with specific provisions in the pickup service which require registration from the property owner to ensure that the waste is collected in a timely fashion. The Contractor will only collect up to 3 cubic metres of material (e.g. 3m long, 1m high and 1m wide). The Contractor will only collect bulky materials, cases, boxes, cartons and securely tied bundles capable of being picked up by two (2) men. The Contractor will not remove any liquid or material which requires the use of a shovel or any toxic or chemical material. Building waste is no longer accepted.

The charges for the bulky waste pickup (currently two times per year each for bulky waste and bulky green waste) are included within the annual domestic waste charge for eligible residents. Eligible residents are limited in what can be disposed of using the kerbside service, as bulky goods cannot be placed within them. Those residents are then also required to transport or self-haul their waste goods to the Solid Waste Facility for processing. Council staff have reviewed how to provide bulky waste to rural residents, however, this would significantly increase the cost of the service given the size of the LGA. Due to the potential financial impact foreseen, this has not been investigated further. The expansion of the kerbside service and potential areas for bulky waste will be reviewed for the next Waste Management Contract, which is currently at tender advertisement stage. This will be reported to the new Council in early 2025.

Rural residents are typically more capable of disposing of bulky waste as the actual materials are transported to their properties firstly. An issue with rural and urban residents may not be in the waste disposal, rather, the culture of waste generation. Rural areas do not typically have stores or commercial sites where purchasing materials can be undertaken, and as such produce waste. This goes back to the adopted Waste hierarchy in the Lithgow City Council Waste Management and Resource Recovery Strategy 2022-2026.



Ongoing works on Waste facilities

The adopted Operational plan for FY 24/25 contains the following projects for the waste management area:

Waste Programs			
Project Description	Funding Source	2024/25	2025/26
Implementation of the Waste Strategy	Waste Revenue Reserve		
Meadow Flat Transfer Station shed replacement		\$150,000	
Rehabilitation of completed landfill areas at Lithgow Solid Waste Facility		\$200,000	\$ 500,000.00
Lithgow Solid Waste Facility – Restoration of historical landfilling areas to protect adjacent creek line.		\$50,000	\$ 150,000.00
Construction of transfer station at Capertee		\$150,000	\$ 300,000.00
Implement miscellaneous items from the Waste Strategy		\$260,000	
Lithgow Solid Waste Facility Gatehouse and Weighbridge upgrade Improved gatehouse operation that allows direct contact with customers on entrance, boom gate to control traffic flow, new software to improve data capture, cameras for load detection and new entrance road to improve amenity and environmental performance.		\$500,000	\$1,000,000

As a part of the above program of works, Meadow Flat Transfer Station is included, with designs received and orders placed for the construction of the renewed and improved facility which will allow for waste disposal and improved traffic management. This will allow for an improvement in safety with access for dumping into the skip bin at a safe height, so residents can dispose of waste appropriately from the ground. Council cannot control how residents choose to dispose of waste on site, whether from an elevated height (such as a utility vehicle body) or from ground level, however, the construction will place the infrastructure in a safe position for an approved method of disposal (from ground) to be undertaken.

Also, within the Operational Plan is a new transfer station to be constructed in Capertee. This has taken some time to progress, as staff continue to work with the landowners of the proposed lot on which to construct. This is being undertaken in conjunction with the review of the Glen Davis Transfer Station and options surrounding that, following the landfill closure. The administration has been working on this with residents for some time and will continue to seek an appropriate solution for waste disposal in the Glen Davis area.

Consultation and Communication

N/A for the purpose of this report.

Policy

Lithgow City Council Waste Management and Resource Recovery Strategy 2022-2026

Legal

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

496 Making and levying of annual charges for domestic waste management services

(1) A council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available.

(2) A council may make an annual charge for the provision of a domestic waste management service for a parcel of land that is exempt from rating if—

(a) the service is available for that land, and

(b) the owner of that land requests or agrees to the provision of the service to that land, and

(c) the amount of the annual charge is limited to recovering the cost of providing the service to that land.

Risk Management

N/A

Financial

As detailed in this report.

3.2. P&P - 26/08/2024 - Town Entry Signage - Concept Designs

Strategic Context for this matter:

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

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

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 and Communications Manager

Responsible Officer: Shaun Elwood - Director People and Place

Executive Summary

The Council received a total of six (6) concept designs for new town entry signage (including the original Lithgow Correctional Centre concept). Signage plays a vital role in creating a sense of place and welcome, providing information and contributing to the overall identity and branding of our LGA. Good signage can become part of the attraction to a place, a statement piece that should be recognisable, memorable, and part of the visitor experience.

To date, signage across the Lithgow LGA has been inconsistent, and some signs need to be replaced because they are damaged, or old and faded.

The Council is also in a period of brand transition, currently engaging with visitors and tourism industry partners on the Seven Valleys Branding which will be followed by a branding exercise for Lithgow Council's corporate branding.

While the initial focus of design and consultation was on LGA entry signage (to be located at entrance points for Lithgow, Wallerawang, and Portland), new signage will also be used for other areas, including town and village entry signage, street blade signage, sportsground and facilities signage, and other signage.

Entry signage for the LGA, as well as villages and towns, needs to ensure clarity and simplicity so road users can read the signs quickly. It is therefore considered appropriate that no action be taken pending the finalisation of the review of The Seven Valleys brand and the market perception research undertaken through this review, and the Lithgow City Council Corporate Brand to ensure that consistent and cohesive branding is developed for the Lithgow LGA.

Administration's Recommendation

THAT

1. The respondents be thanked for their submissions and acknowledged for their time, effort and creativity in proposing new town entry signage.
2. The submissions and options to further develop the town entry signage be considered by Council following the completion of the tourism and corporate branding reviews in November 2024.

Attachments

1. Town Signage concepts [3.2.1 - 6 pages]

Reference to any relevant previous minute

24 -56 RESOLVED

THAT the Town Entry Signage across the LGA be deferred and brought to the next Operations Committee meeting for discussion.

24 -98 RESOLVED

That:

1. In recognition of the need to improve the appearance and the sense of arrival to Lithgow, Portland and Wallerawang that Council resolve to immediately commence a process of design of new entrance signage.
2. The administration ensure that appropriate public consultation is undertaken for signage concepts.
3. The design concepts be returned to Council for approval.
4. This initial work to design signage concepts be funded from an appropriate budget.

Background and discussion

At the Ordinary Meeting of Council held 25 March 2024, Mayor Statham presented a Mayoral Minute regarding a design proposal for the construction of new town entry signage for the LGA to be constructed by the Kirkconnell Correctional Centre and similar in design to the entrance signage at the Lithgow Correctional Centre in Marrangaroo. It was resolved that the proposal be further developed and discussed at the Operations Committee meeting to be held in April 2024.

Council's Infrastructure and Economy division presented the Operations Committee with funding options and locations for proposed entrance signage at the meeting held 16 April 2024.

The allocation of \$100,000 funding remains within the draft Operational Plan at this time, funded from the Local Roads and Community Infrastructure program. As an initial phase, the following signs might be procured for Lithgow, Portland and Wallerawang, for discussion by the committee:

Lithgow:

1. Entrance off Great Western Highway (east) (**state road**)
2. Entrance off Great Western Highway (west) (**state road**)
3. Entrance off Chifley Road at bottom of Scenic Hill (**state road**)

Portland:

1. Entrance at Wallerawang Road
2. Entrance off Portland Sunny Corner Road
3. Entrance off Boulder Road
4. Entrance off Portland Cullen Bullen Road

Wallerawang:

1. Entrance off Barton Avenue
2. Entrance off Pipers Flat Road
3. Entrance off Main Street
4. Entrance off Wallerawang Rydal Road
5. Entrance off Forest Ridge Drive

This represents a total of 12 signs at an estimated cost of \$89,400 excl. GST, should all locations be included.

Consultation and Communication

The community was invited to submit concept designs for Town Entry Signage between 27th May to 24th June. Examples of town entry signage were available for inspiration on the www.ourplaceourfuture.lithgow.com along with the following information to assist with conceptualisation.

The Council is seeking concept designs from artists, fabricators, designers, and members of the community to supply their vision for what these new signs may look like. To make a design submission, Council is requesting that contributions include an artistic impression of the concept, a brief description or statement of the concept outlining how it will tie into and resonate with the Lithgow LGA and an overview of the materials required for the proposed signage. The desirable characteristics of the design include being artistically distinct, relevant to the community, easy to manufacture and maintain, and importantly the design should create a grand sense of entry for people visiting our area. It is proposed the signs will be placed at the following locations:

Lithgow:

- a. Entrance off Great Western Highway (east) (**state road**)
- b. Entrance off Great Western Highway (west) (**state road**)
- c. Entrance off Chifley Road at bottom of Scenic Hill (**state road**)

Portland:

- a. Entrance at Wallerawang Road
- b. Entrance off Portland Sunny Corner Road
- c. Entrance off Boulder Road
- d. Entrance off Portland Cullen Bullen Road

Wallerawang:

- a. Entrance off Barton Avenue
- b. Entrance off Pipers Flat Road
- c. Entrance off Main Street
- d. Entrance off Wallerawang Rydal Road
- e. Entrance off Forest Ridge Drive

Five concept designs were received and are attached to this report along with the original concept from the Lithgow Correctional Centre.

The following feedback was also received from one resident:

“Please include reference to the Central West in the signage. Too often, Lithgow is incorrectly lumped in with the Blue Mountains, resulting in competition with other tourist areas in the Blue Mountains. Lithgow needs to correctly identify itself and the region in which it sits.”

Policy

This project aligns closely with the outcomes of the endorsed Lithgow Evolving Economy Plan. It works to achieve the following outcomes:

1. Lithgow has established itself as a regional destination with distinctive character and points of differentiation.
2. Lithgow is a vibrant and distinctive place, it has secured and delivered a pipeline of investments in the LGA's tourism industry and has established its brand and reputation in line with the vision set out by its community.

Legal

Transport for NSW will need to be consulted for installation within the State Road corridor (those locations indicated above). However, there are a series of simple requirements which guide the installation of signs within the state road corridor, and this is not anticipated to cause any delays to the project.

Risk Management

Installation of all signs will need to comply with TfNSW guidelines to limit risk to Council or the NSW Government.

Financial

- Budget approved - \$100,000
- Cost centre - 100974
- Expended to date - \$0
- Future potential impact – Full expenditure of the budget is anticipated.

3.3. F&G - 26/08/2024 - 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: Acting Director Finance and Governance

Executive Summary

The purpose of this report is to seek Council's adoption of the Debt Recovery and Hardship Policy. The policy combines Policy 8.4 Debt Recovery with Policy 8.6 Hardship Policy.

Administration's Recommendation

THAT Council:

1. Adopt Policy 8.4 - Debt Management and Hardship Policy for immediate implementation.
2. Rescind Policy 8.6 - Hardship Policy.

Attachments

1. Policy-8.4- Debt- Management-and- Hardship- Policy- Draft- June-2024-1 [3.3.1 - 11 pages]

Reference to any relevant previous minute

Min No 24-135 – Ordinary Meeting of Council held on 24 June 2024.

Background and discussion

At the Ordinary Meeting of Council held on 24 June 2024, Council resolved to publicly exhibit Policy 8.4 – Debt Management and Hardship Policy for 28 days.

The exhibition period was from 4 July 2024 – 31 July 2024. The community were invited to make written submissions on the policy by 4pm on Wednesday 31 July 2024. No submissions were received.

The draft policy is included as an attachment and was made available to the community for download from Council's website.

As previously indicated, the reviewed Debt Management and Hardship Policy was 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.

Consultation and Communication

Policy 8.4 - Debt Management and Hardship Policy was placed on public exhibition for a period of 28 Days. No submissions were received.

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. If adopted by Council, 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.

Policy 8.4 -Debt Management and Hardship Policy has been reviewed by Council's Debt Recovery Agency Solicitors.

Risk Management

NIL

Financial

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

3.4. WWW - 26/08/2024 - Lithgow Solid Waste Facility Landfill Gas Extraction

Strategic Context for this matter:

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

Author: Nigel Campbell – Waste & Recycling Manager

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

Executive Summary

The purpose of this report is to seek Council's endorsement for an exemption from tendering under section 55(3)(i) of the *Local Government Act 1993* for the design, construction, operation and maintenance of a landfill gas collection system at Lithgow Solid Waste Facility. A report recommending a preferred contractor will be provided to a future Ordinary Meeting of Council.

Administration's Recommendation

THAT Council:

1. Approve an exemption from tender in accordance with section 55(3)(i) of the *Local Government Act 1993* for the design, construction, operation and maintenance of a landfill gas collection system at Lithgow Solid Waste Facility; and
2. Note that a further report recommending a preferred contractor be provided at a future Ordinary Meeting of Council.

Attachments

1. Confidential - Emission Reduction Plan - LCC [3.4.1 - 82 pages]

Reference to any relevant previous minute

Nil.

Background and discussion

Background

The Lithgow Solid Waste Facility (SWF) is the primary waste facility in the Lithgow Local Government Area. The facility includes a Resource Recovery Centre (RRC) and a landfill for residual waste. The landfill commenced operation around 1940, however there is very limited waste disposal data available until the weighbridge was installed in 2014. Council commenced in-house operation of the site from January 2021.

Approximately 25,000 tonnes per annum is landfilled based on a 2-bin kerbside system. In March 2024 Council introduced a kerbside organics (FOGO) collection service that is modelled to collect ~2,600 tonnes per annum. Whilst the provision of a kerbside organics service will help reduce gas generation rates, landfill gas will continue to be generated into the future from both existing waste and future waste. There remains approximately 900,000m³ landfill capacity until final landform.

Landfills are a significant contributor to greenhouse gas emissions. Landfills produce methane gas which is 25 times more potent as a greenhouse gas than carbon dioxide (CO₂). Collection and flaring

of landfill gas allows combustion of the methane and conversion to CO₂. By releasing CO₂ rather than methane, the global warming potential (CO₂-e) is considerably reduced. Landfill gas extraction and flaring also has other benefits such as odour reduction and site safety by reducing the potential for pockets of high concentration gas.

Many Council landfills operate a landfill gas extraction and flaring system, including landfills at Bathurst Regional Council, Blue Mountains City Council and Hawkesbury City Council. The system would require approval by the NSW Environment Protection Authority (EPA) under the site environment protection licence, however, this is a relatively straightforward process.

A key element in the landfill gas flaring system is the ability to register the project under the Australian Carbon Credit Units (ACCUs) Scheme. ACCUs are issued to individuals or businesses who run eligible projects under the ACCU Scheme. Participants can earn ACCUs for every tonne of carbon dioxide (tCO₂-e) their project avoids emitting or stores. ACCUs are an additional income source for individuals and businesses running ACCU Scheme projects and are a tradable financial product.

Overall, landfill gas extraction and flaring has environmental, financial and safety benefits.

Potential regulation changes and impacts

On 28 November 2023 the EPA inspected the Lithgow SWF site as part of a program for the EPA's Technical Experts and local Operations Officers to visit landfills within their Regional Operation Area. At this visit, the EPA noted that landfill gas collection could be mandated in the future as part of the broader strategy of achieving Net Zero targets. The comments reinforced industry feedback supporting the potential for mandated landfill gas collection.

In May 2024, the Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) commenced consultation on the review of landfill gas methods under the Australian Carbon Credit Units (ACCUs) Scheme. Lithgow Council provided a submission for this consultation requesting that Emissions Reduction Fund (ERF) projects for carbon abatement and flaring projects on small, regional landfills are allowed to see out their existing 12-year crediting period, with existing parameters, before transitioning into any new method. This review remains in progress.

The effect of the potential DCCEEW reforms is a significant reduction in the eligible ACCUs that could be applied for landfill gas extraction, thereby reducing the financial benefit. Should the EPA mandate LFG collection and flaring, the project would not be eligible for any ACCUs and a significant financial contribution from Council would be required to install a system.

These recent developments have created a greater urgency for landfill gas extraction as any reduction or elimination of benefits under the ACCU scheme could either make this system financially unviable or require Council to invest significant funds to meet any legislative requirements.

Lithgow Council Waste Strategy

A key action from the Lithgow City Council *Waste Management and Resource Recovery Strategy 2022-2026* is to *undertake capital works as required at Lithgow Solid Waste Facility to improve environmental performance*.

The proposed landfill gas project will significantly improve the environmental performance of Lithgow SWF. Whilst a landfill gas extraction system was not specifically identified in the Waste Strategy timeline, nor identified in the Capital Works Program, the recent developments described above have provided the incentive to progress these works as soon as possible. Further, with funding available via the ACCUs Scheme, Council staff identified that the project could proceed at minimal, or no, cost.

Preferred approach

The preferred option for the project is for a contractor to design, construct, operate, maintain and expand a landfill gas extraction and flaring system at Lithgow SWF. The contractor would register the project under the ACCU scheme and retain ownership of the ACCUs, with a royalty payment to Council. The contract term would match the ACCU scheme project duration of 12 years. The key benefits of this approach are that the contractor:

- funds the upfront and ongoing capital, operating and maintenance costs;
- has incentive to maximise gas extraction as this contributes to profit;
- provides the trading expertise to maximise the value of ACCUs; and
- bears the risk for quantity of gas extracted and market value of the ACCUs.

Under this model the contractor is incentivised to extract as much gas as possible that in turn maximises the financial and environmental benefits for Council. The preferred approach also allows Council to use the expertise of contractors to undertake all works and determine the optimum location and pressures of the gas extraction wells.

Council undertook a Request for Quotation (RFQ) in accordance with Council's procurement policy on the basis that the project would be close to cost neutral or deliver some income to Council over the longer term. Due to the unique nature of the work and impact of the ACCUs, the RFQ documents contained only a broad scope to allow the flexibility for contractors to propose the best method.

Following research and advice on the approach of other Councils, Lithgow Council identified that only two companies, LGI Ltd and LMS Energy Pty Ltd, had the necessary expertise and could offer the design, construct, operate and maintain approach. Consequently, an RFQ was released to these two companies on 28 June 2024 with a closing date of 31 July 2024. Each company visited the site and was provided the necessary data to determine likely gas extraction volumes.

Submissions

Both LGI and LMS provided detailed submissions in response to the RFQ, offering an agreement of 12 years duration. Both submissions proposed an upfront payment and/or a percentage share of the ACCU revenue. The commitment from each company for an upfront payment whilst funding all the infrastructure costs is a reflection of the quantity of landfill gas expected from the site. Consequently, given the length of the agreement, the upfront payment, and potential value of the ACCUs, the acceptance of either proposal could provide Council with revenue greater than \$250,000 over the 12-year period. There is potential for the \$250,000 threshold to be exceeded within the first 2 years, depending on the royalty payment method accepted.

It is noted that further submission details are not provided in this report for commercial confidentiality reasons but will be provided to Council as part of the future assessment process.

Exemption from tendering

Under Section 55 of the *Local Government Act 1993*, tenders are required for any contracts involving an estimated expenditure or receipt of an amount greater than \$250,000. Section 55 does, however, provide certain exemptions including under Section 55(3)(i):

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

The design, construction, operation and maintenance of a landfill gas extraction and flaring system as Lithgow SWF fulfils the requirements under Section 55(3)(i) for the following reasons:

- The unique nature of the contract presents *extenuating circumstances* whereby revenue from ACCUs can fund the entire project and return an income stream to Council;
- Any exceedance of the \$250,000 tender limit is based on the value of ACCUs which is dependent on market forces; and
- Landfill gas collection is a specialised service with only two organisations identified offering the service required. A formal tender would require a detailed scope that would restrict the ability of these contractors to provide the best outcome.

For the reasons above, it is not considered that a tender would achieve a satisfactory result for the design, construction, operation and maintenance of landfill gas extraction and flaring at Lithgow SWF.

Under the Local Government (General) Regulation 2021, Councils are not permitted to 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) during the caretaker period in the 4 weeks preceding local government elections. Accordingly, a decision on a preferred contractor will be put to the new Council at a future meeting.

Consultation and Communication

Consultation was undertaken within the sector and engaging with various suppliers in the Waste Management area. Many contractors showed interest however only in the actual ACCU management and not in the design, construction and operation of the gas extraction facility.

Policy

The establishment of a landfill gas extraction and flaring system at Lithgow SWF aligns with one of the key actions under the Lithgow City Council *Waste Management and Resource Recovery Strategy 2022-2026*.

Legal

The report is recommending an exemption under section 55(3)(i) of the *Local Government Act 1993*. Legal review of contract documents to be considered as part of the assessment of submissions.

Risk Management

The report considers the risk of the "do nothing" scenario whereby landfill gas extraction could be mandated and have a significant financial impact on Council with the legal, probity and financial risks of the procurement process.

Financial

- Budget approved - Nil
- Cost centre – 800102 (Lithgow Solid Waste Facility). Will require a new revenue account.
- Expended to date – Nil.
- Future potential impact - There may be some expenditure required to upgrade power supply to the flare location.

3.5. I&E - 26/08/2024 - CTWA (UMCC) Roadside Weed Control Services Agreement

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 seeks Council's approval to allocate \$150,000 excl. GST from the Unspent Special Rate Variation reserve for the purpose of increasing its capacity to manage roadside weeds across the Lithgow local government area.

This work is necessary if Lithgow Council is to be assured of meeting its weed control obligations in accordance with the *Biosecurity Act 2015*.

Administration's Recommendation

THAT Council approve the allocation of funding from the 2023/24 Unspent Special Rate Variation reserve to an upper limit of \$150,000 excl. GST, to fund an increased focus on weed spraying and risk mitigation throughout the Lithgow LGA.

Attachments

Nil

Reference to any relevant previous minute

Nil

Background and discussion

The Central Tablelands Weeds Authority (**CTWA**) have met with Lithgow Council staff to discuss outcomes delivered from Year 1 of the 3-year program. At these meetings it was acknowledged that the County Council was thankful for Lithgow's commitment to the Service Agreement, with the 2023/24 program representing the largest financial commitment to the roadside program in its history. It was also acknowledged at these meetings that this new strategic approach to managing weeds in road corridors will see a reduction in costs as the weed prevalence is reduced over time. Importantly the discussions identified opportunities for improvement that are now being proposed to each constituent council.

Improvements, developed in collaboration with Lithgow City Council, are:

1. The annual program must align with Council's annual budget development cycle. The County Council must provide annual program data to constituent councils by mid-April each year, so the annual roadside program is included in Councils annual operating plan / budgets.
2. Abandon the means of calculating the Service Fee using the average cost per kilometre based on the prior 5 years of the program and extrapolating that to achieve the cost of each road being treated once every 3 years. This change is recommended due to the increase of costs occurring in November 2023, with year 1 of the new program resulting in a significant increase in contractor labour costs with more staff being required to service the Agreement and a higher hourly rate of pay to attract new staff, increases in herbicide costs and the cost for compliance of traffic control work practices. This will reduce the financial shocks to member councils resulting from poor budgeting processes.
Instead, the service fee to be changed to Estimated Service Fee. The Estimated Service Fee will be calculated using the prior year's program cost per kilometre multiplied by the number of kilometres in each sector.
3. The estimated service fee will guide constituent councils when considering their annual budget commitment for roadside weed spraying. Councils will consider their obligations under the Biosecurity Act Part 3 Section 22 that reads in part "has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised".
4. It is proposed to require constituent councils to place a purchase order with the county council for Roadside Weed Spraying annually. The purchase order is to be raised no later than August each year including the Councils financial commitment for that year's program. The County Council will invoice that amount to constituent councils seeking payment in September each year.
5. The County Council has reviewed the kilometres of road within each of the 3 sectors aiming to even up the road length per sector. The following changes are proposed for Lithgow:
 - a. Lithgow sectors 1 to 3 will be 266km, 324km and 303km respectively.
6. It is proposed that each Council can elect at any time during the 3-year term of the Agreement to change their program from 3 years to 4 years. This is recommended to align with the County Councils practice of providing an extension of time to private Landholders who demonstrate that they are making a reasonable annual commitment to reducing the biosecurity risk of the weeds on their land.
7. It is proposed that the County Council introduces new technology into the roadside Weed Control Program by commencing the use of Universal Flow Trackers on each spray gun. This will provide GIS location data (mapping) of where and what herbicide is applied, date, time of day and volume for each road. Each Council having access to this information will provide greater confidence that the program is treating roadsides accurately, thus reducing the biosecurity risks posed by weeds in road corridors. There will be an added cost to the program if this proposal is accepted. This additional cost to Lithgow includes capital purchase costs and a subscription to the monitoring software. The costs will be shared across the four constituent councils, with Lithgow's contribution being \$3,610.96 per year.

The Lithgow LGA roadside weed control program was placed into sectors over three years:

- Sector 1 - 266klm (completed in 2023/24),
- Sector 2 – 324klm (estimated at \$237,764), and
- Sector 3 – 303klm (estimated at \$222,354).

Lithgow Council addressed its weed control obligations for the full extent of Sector 1 in 2023/24.

The only budget currently allocated to CTWA for 2024/25 is \$224,651 for the annual contribution for weed biosecurity services, largely for weed assessments within private and public property.

As noted above, Lithgow Council has the option to spread the remaining scope of Sector 2 and 3 over three financial years instead of two. This reduces the variation requirement to \$150,000 excl.

GST. This is a more affordable amount, given that the 2024/25 budget has already been set by Council.

The Administration has written to the Central Tablelands Weeds Authority regarding the above proposal and they have confirmed that this amended program will result in Lithgow meeting its biosecurity obligations. The exact advice from the CWTA reads:

“If Lithgow raise a purchase order for \$150,000 excluding GST annually for the next 3 years for the Roadside weed control program you will be very close to completing sectors 2 and 3 thus meeting your Councils Biosecurity Duty. The proposed changes to the sectors road lengths resulted with sector 2 being 324klm and sector 3 303klm totalling 627klm. We will program 209klms each year for 3 years.”

Consultation and Communication

N/A

Policy

N/A

Legal

Biosecurity is the protection of the economy, environment and community from the negative impacts of pests and diseases, weeds and contaminants. Council's obligations in this regard are set out within the *Biosecurity Act 2015*.

Risk Management

The yearly weed spraying program delivered by Lithgow City Council through contract with the Central Tablelands Weeds Authority is a key risk mitigation measure that seeks to prevent the spread of weeds across the LGA. The actions identified in the report above seek to improve process and ensure Council meets its risk management obligations.

Financial

- Budget approved – nil.
- Cost centre - TBA
- Expended to date - Nil
- Future potential impact – Full expenditure, inclusive of a \$150,000 variation, funded by Lithgow's approved SRV, as it was in 2023/24.

3.6. F&G - 26/08/2024 - 2023/24 SRV Program - Expenditure Report & Outcomes Achieved

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: Jonathon Reid – Financial Services Manager
Responsible Officer: Ross Gurney - General Manager

Executive Summary

The purpose of this report is to provide Council and the community with a final report on the outcomes achieved from the 2023/24 Special Rate Variation (SRV) expenditure program. 2023/24 SRV outcomes will also be published in the Annual Report as required by the Instrument under section 508(2) of the Local Government Act 1993.

The report also includes details of unspent funds which will be utilised for the 2024/25 SRV Program or held in reserve for future significant projects.

Administration's Recommendation

THAT Council note the final report on the outcomes achieved from the 2023/24 Special Rate Variation (SRV) expenditure program.

Attachments

Nil

Reference to any relevant previous minute

Min No. 23–220 Ordinary Meeting of Council held on 27 November 2023.
Min No. 24–67 Ordinary Meeting of Council held on 25 March 2024.

Background and discussion

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

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

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

In particular, there have been delays in recruiting suitably qualified and experienced specialist staff to progress SRV projects and programs.

As a key focus of the SRV program is to ensure maximum value for every dollar spent, unspent funds will be held in a reserve at 30 June 2023 and added to an expanded 2024/25 SRV program. An updated 2024/25 program will be reported to the new Council at the 28 October meeting. Some funds were planned to be held in reserve for future years, e.g. the \$250K contingency and transitions management funding (to build a reserve which may be used for future grant co-contributions).

2023/24 SRV Program – Outcomes Achieved

General Asset – Transport Maintenance

Sub-Projects	2023/24 Actuals
Enhanced evidence based asset management	\$ 137,996
Sealed Road Condition 2, 3 & 4 Preventative Maintenance	\$ 564,182
Donkey Steps Maintenance	\$ 238,156
Further funding to roadside spraying	\$ 105,000
High risk road safety signage & barrier improvements	\$ 129,690
General Asset Transport Maintenance - transfer to reserve for 2024/25	\$ 489,792

Projects Completed / Outcomes Achieved:

- Enhanced evidence based asset management - internal process audit and action plan, comprehensive Asset Condition Assessment (Roads) and a new asset construction methodology that mirrors best practice in terms of design and quality assurance.
- Additional \$171K UMCC roadside weed treatment. Council has been able to deliver a 230% increase to this service. In a normal year, just over \$80,000 would be allocated to the program. In 2023/24, a road length of 273 kilometres was treated.
- Gravel re-sheeting, drainage and crossfall improvements of Crown Station Road, Glen Davis.
- Vegetation control and drainage improvements on Baaners Lane, Little Hartley.
- Heavy patching and stabilisation of Coxs River Road, including drainage improvements and guide post installation.
- Pavement stabilisation and bitumen reseal of select patches (2,195m²) on Hampton Road and Magpie Hollow Road.
- Repair of damaged guardrails and end terminals on Magpie Hollow Road, improving safety and compliance with modern standards.
- Maintenance and gravel re-sheeting of Wolgan Road emergency bypass.
- Pavement stabilisation and bitumen reseal of select patches (2,380m²) on Park Avenue, Portland.
- Pavement stabilisation and bitumen reseal of select patches (4,280m²) on Reserve Road, Marrangaroo.
- Maintenance of the Donkey Steps to the Wolgan Valley.
- Capertee signage audit and Lake Lyell Recreation Park road barriers.
- Gravel re-sheeting of Dunville Loop Road, Bogee.

General Asset – Stormwater Maintenance

Sub-Projects	2023/24 Actuals
Diverting water from roadways	
Urban kerb and gutter replacement (double the 2022/23 program)	\$ 150,000
Rural roadside drain reformation	\$ 119,916
General Asset Stormwater Maintenance - transfer to reserve for 2024/25	\$ 9,474

Projects Completed / Outcomes Achieved:

- Upgrades to stormwater infrastructure (new kerb and gutter) on Saville Street, Portland.
- Drainage clearing and reformation on Cases Lane, Meadow Flat.
- Drainage clearing and reformation for the complete length of Old Western Road, Rydal Road and Hampton Road, including necessary traffic control.
- Upgrade of drainage pits on Magpie Hollow Road.

General Asset – Other Asset Classes Maintenance

Sub-Projects	2023/24 Actuals
Natural Area Management Projects - transfer to reserve for substantial 2024/25 projects	\$ 143,886
Community Buildings Maintenance & Repairs	\$ 85,802
Playground Maintenance & Repairs	\$ 100,000
Roadside Weed Treatment	\$ 66,114

Projects Completed / Outcomes Achieved:

- Natural Area Management Officer role recruited (staff member commenced July 2024).
- Delivery of comprehensive building asset condition assessments to inform the delivery of new asset management plans for these assets.
- Repair of several priority pieces of equipment, cleaning of vandalism and upgrades to the surrounding edging.

Other Operational

Sub-Projects	2023/24 Actuals
Governance, risk and internal audit capacity improvement	\$ 172,285
Business improvement - including service planning and other "budget bid" initiatives focused on improving productivity	\$ 101,990
Transfer to reserve for 2024/25 governance and productivity projects	\$ 225,725
Economic Development Management	\$ 249,435
LEEP Priority Action Fund (incl. Adaptive Skills Hub)	\$ 278,410
Transfer to reserve to build Transitions Management fund	\$ 564,155

Projects Completed / Outcomes Achieved:

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

As planned, unspent Transitions Management funds will be held in an internally restricted reserve, for future projects and to leverage access to grant funds via co-contributions.

Capital – Roads Renewal

Sub-Projects	2023/24 Actuals
Sunny Corner Road Portland- from Sofala to Falnash Street- 470m	\$ 200,739
Corderoy Place, Wallerawang- full length- 75 m	\$ 54,485
Brays Lane, Wallerawang- Blackberry Lane to No.175- 1200m	\$ 237,922
Main Street, Wallerawang- Blackberry Lane to Railway Line- 1120m	\$ 792,962
Transfer savings to reserve for 2024/25 projects	\$ 86,637

Projects Completed / Outcomes Achieved:

- \$1.3M of additional roads renewal.
- Budget savings achieved, mainly on the Main Street Wallerawang work (to be added to the 2024/25 SRV Program).

Capital – Stormwater Drainage Renewal

Sub-Projects	2023/24 Actuals
Peach Tree Road - replacement of damaged drainage infrastructure	\$ 179,623

Capital – Other Asset Classes Renewal

Sub-Projects	2023/24 Actuals
Playground Renewal and Safety	\$ 178,366
Accelerate reduction of Plant replacement backlog (down from 10 years to 6 years)	\$ 317,487
Transfer savings to reserve for 2024/25 projects	\$ 21,634

Projects Completed / Outcomes Achieved:

- Stewart Street Playground renewed.
- Replacement of soft fall.
- Purchase of a replacement grader to accelerate reduction of the plant replacement backlog (down from 10 years to 6 years).

In addition, \$250,000 contingency funds will be placed in an internally restricted reserve in case of future shocks (e.g. natural disasters).

Implications

Policy

Nil.

Legal

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

Risk Management

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

Financial

As detailed in this report.

Consultation and Communication

N/A

3.7. F&G - 26/08/2024 - Referral of Financial Reports for External Audit Year Ended 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: Jonathon Reid – Financial Services Manager
Responsible Officer: Ross Gurney - General Manager

Executive Summary

Section 413 of the Local Government Act 1993 (the Act) requires Council to refer its financial reports for audit prior to the commencement of the external audit in September 2024.

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

Administration's Recommendation

THAT Council:

1. Refer the 2023/24 financial statements for audit (in accordance with S413 of the Local Government Act 1993) and note the proposed process and timeline for the audit of the financial statements.
2. Authorise the signing of the statement on the 2023/24 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2023/24 Special Purpose Financial Reports.
4. Note that a representative of the Audit Office of NSW will be invited to present a report to Council on the 2023/24 Financial Statements at a Council meeting within one month of the receipt of the Auditor's reports.

Attachments

Nil

Reference to any relevant previous minute

N/A

Background and discussion

Financial Statements Timeline

Council officers and the external auditors work to an agreed timeline to ensure that the financial reports are completed and lodged with the Office of Local Government (OLG) by the legislative deadline of 31 October of each year.

Work is progressing on the 2023/24 financial reports prior to audit in September 2024. It is a requirement of the Act that the financial reports be referred for audit by resolution of Council prior to the audit commencing.

The key dates agreed between Council and the Audit Office of NSW which are included in the 2023/24 Annual Engagement Plan are as follows:

- 26 August 2024: Council resolves to refer the financial reports for audit.
- 26 August 2024: the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer sign the statements.
- 2 September 2024: Council provides draft financial reports and supporting workpapers to the audit team.
- 3 September 2024: ARIC Special Meeting to review the draft 2023/24 financial statements.
- 9 September 2024: on-site audit commences (Intentus - contract auditor).
- 11 October 2024: audit clearance meeting.
- 14 October 2024: Audit Office issues Engagement Closing Report.
- 20 October 2024: Audit Office issues the Auditors' reports.
- By 31 October 2024: Council lodges financial statements with OLG.
- November 2024: Audit Office issues final Management Letter.
- 25 November 2024: Council presents its audited financial statements and the Auditors' Reports to the November meeting.

According to Section 413 (2) of the Act, Council must make a statement as to its opinion on the preparation of the general purpose financial report (and by extension the special purpose financial report). The signing of these statements is an administrative function that is required at the time of referring the statements for audit.

Format of Financial Reports

The financial reports comprise the following:

1. General purpose financial reports consisting of an Income Statement, a Statement of Financial Position, a Statement of Changes in Equity, and a Statement of Cash Flows along with a number of explanatory notes. These are presented for audit by the Audit Office;
2. Special purpose financial reports consisting of an Income Statement by Business Activity, a Statement of Financial Position by Business Activity and appropriate explanatory notes. These financial reports are also presented for audit by the Audit Office; and
3. Special schedules which present financial information specifically required by the OLG, the Department of Public Works, the Department of Planning and Infrastructure, the Australian Bureau of Statistics.

As required by the Act, the financial reports are prepared in accordance with the Australian Accounting Standards, Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual.

Consultation and Communication

Nil.

Policy

Nil.

Legal

The forwarding of the financial statements to the Council's external auditor for audit supports the Council in ensuring care and compliance is exercised in financial reporting.

Risk Management

Nil.

Financial

The audit of Council's financial reports by the Audit Office is a legislative requirement and provides assurance that Council's finances are managed prudently and in accordance with accounting standards.

The adoption of the recommendation of this report has no direct financial impact upon the Council's adopted budgets or forward estimates.

3.8. I&E - 26/08/2024 - Proposed Membership - NSW Association of Mining and Energy Related Councils

Strategic Context for this matter:

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

Author: Jonathon Edgecombe - Director of Infrastructure and Economy

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

On Tuesday 6 August 2024, as an observer, Council's Director of Infrastructure and Economy attended the August General Meeting of the NSW Association of Mining Related Councils (known as **MERC**).

Lithgow's economic transition is underway and is likely to accelerate as power supply mix in NSW progressively moves to net-zero emissions and greener forms of production. Energy Australia's Climate Transition Action Plan indicates that Mt Piper will move to a reserve role in the mid-2030s prior to a full closure by 2040 (page 4, 8, 11 and 18). With Lithgow's coal production being almost entirely vertically integrated with power generation, up to 42% of the value-add to Lithgow's economy stands to be lost in direct alignment with Energy Australia's transition. This will not occur all at once, with up to one-third of coal-related jobs at risk as Mt Piper moves to a reserve role in the national electricity grid.

Lithgow must align itself with similarly impacted Councils if it is to maximise the potential impact of its advocacy for urgent state government collaboration and intervention, amongst other matters. While the economic impact to Lithgow of the net-zero transition will be undoubtably profound, one voice in isolation does not have the same power as a chorus singing in unison.

This report requests the Council's consideration of joining MERC for a period of 12 months.

Administration's Recommendation

THAT Lithgow City Council join the association of Mining and Energy Related Councils NSW for a period of 12 months, at a cost of \$8,800. At the time of membership renewal, a report will be presented to Council detailing the achievements of the past 12 months, for Council's consideration prior to renewing this membership.

Attachments

Nil

Reference to any relevant previous minute

Nil

Background and discussion

The MERC is the peak organisation representing resource and power generation communities in New South Wales. Like Lithgow, these communities host 'engine' industries and make a substantial contribution to State wealth.

MERC focuses on delivering government policy that strengthens the interests of members, ultimately securing funding to help enable economically resilient, socially inclusive and environmentally sustainable member councils.

Current membership of the MERC includes:

1. Bland Shire Council
2. Blayney Shire Council
3. Broken Hill City Council
4. Cabonne Council
5. Cobar Shire Council
6. Dubbo Regional Council
7. Orange Shire Council
8. Mid-Western Regional Council
9. Parkes Shire Council
10. Upper Lachlan Shire Council
11. Walgett Shire Council
12. Warren Shire Council
13. Warrumbungle Shire Council
14. Wollondilly Shire Council
15. Wollongong Shire Council

The administration is also aware that Oberon and several Hunter region Councils are considering membership.

The benefits on offer to each Council include:

- A seat at the policy development table, including guidance on how to best address specific challenges in each LGA.
- A united and apolitical voice for both large and small councils alike.
- A strong forward policy agenda
- Opportunities to meet four times per year with key decision makers, Members of Parliament, relevant department staff and other key stakeholders.
- Networking and collaborative problem-solving opportunities, with the opportunity to join working groups to tackle key issues.
- Access to experienced leadership for mentoring, risk management and support.
- Sound financial support with ample funds invested to cover contingencies and to engage consultants and research agencies to undertake studies and prepare submissions on behalf of members.
- Annual conference participation, ensuring a chance to stay up to date on the latest mining and energy policies and collaborate on new initiatives.

As Councils move toward a net-zero future, investment into new energy projects will be significant. Importantly, the MERC also offers coordinated policy support and member capacity to address funding constraints, strategic land-use planning pressures and strategic advice regarding the optimisation of community benefit schemes.

However, it is noted that Lithgow Council was previously a member of the MERC, and let this membership lapse due to a perceived lack of alignment with Lithgow's own priorities and tangible benefits delivered. Speaking to the immediate benefits on offer through membership with MERC, their current initiatives are:

- A joint NSW State Budget position paper developed between MERC councils and the NSW Minerals Council and the Mining and Energy Union on a proposed replacement program for Resources for Regions and Royalties for Rejuvenation.
- A re-drafting of the social impact criteria under the Resources and Energy State Environmental Planning Policy (SEPP).
- A review of benefit sharing and value capture for new energy projects in NSW – including for pumped hydro energy schemes and energy from waste which are not presently addressed in the draft Guideline.
- The development of a shared planning and compliance resource for quarrying regulation in NSW, together with a review of the best-practice guideline.
- A submission to the review onto local government revenues and the Parliamentary Inquiry into rate pegging.

The MERC have productive working relationships which Council may leverage, including the peak mining group (NSW Minerals Council), NSW Government departments, including Planning, Energy, Resources, Environment, Regional Development, Local Government, Western NSW, Transport, etc., and workforce unions, universities and other research entities.

As was stated at the outset of this report, Lithgow is at the head of the pack in terms of economic impact resulting from the net-zero energy transition. However, it is not expected that MERC will relieve Council of all its responsibilities in this space. If anything, joining MERC is an opportunity for Lithgow to take a position of affirmative action, using the findings of the LEEP to contribute in a positive way to the direction taken by all regions impacted by this inevitable change.

Too little is occurring, much too slowly, for meaningful change to take place before Lithgow's economic contraction ramps up. Lithgow needs to leverage all available relationships and build a coalition of the willing on key advocacy initiatives if it is to effectively encourage both best-practice intervention and a swifter response.

Further information can be sourced from the MERC website - <https://miningrelatedcouncils.asn.au/>

Consultation and Communication

N/A

Policy

Membership of the MERC will assist Lithgow in the delivery of several key actions contained within the Council's endorsed Transition Plan (LEEP). This includes, but is not limited to:

- Align developers with public infrastructure, developing consistent strategies through which the Council can manage developer contributions and community benefit schemes.
- Engage in the NSW Government transition response through the relationships offered through the MERC.
- Embed processes for formal dialogue between industry, transition governance arrangements, and other key government agencies on closure planning.
- Ensure a coordinated approach to a local and regional transition.

Legal

Nil

Risk Management

From Council’s prior risk analyses that relate to the LEEP, membership of MERC can work to assist Council with the following risk and identified control.

Hazard	Assessment	Comments	Control	Assessment	Comments
Failure to marshal sufficient and appropriate transitions management resources.	Extreme -12-	This is a significant risk and one of the principal causes for the failure of transitions management exercises. Not bringing sufficient resources to bear (and financial resources are only one such resource) can have substantial and on-going consequences for a community. It exposes the community to the known weaknesses of market failures in a strict market-only ‘correction’ to the disruption.	It is beyond the control of any one critical transitions management actor to ensure adequate resources are brought to bear. A governance structure, however, that is genuinely collaborative with shared actions and responsibilities is more likely to ensure active appreciation and involvement of all critical LEEP partners in the transitions management exercise. It also ensures that LEEP actions are coordinated efficiently and effectively and without the duplication of scarce resources.	High -8-	It is very difficult to implement controls to minimise this risk in the absence of legislative controls. Transitions management in Australia is not supported by comprehensive legislation and relies heavily on corporate social responsibility and the efforts of willing local community actors. Membership of like-minded organisations can also assist in mitigating this risk.

Financial

- Budget approved - \$520,528 (SRV Transition Management allocation).
- Cost centre - 100888
- Expended to date - \$16,740
- Future potential impact – Potential outlay of \$8,800 for 12-month MERC membership.

3.9. I&E - 26/08/2024 - Continuation of the Wolgan Road Reconstruction - Interim budget allocation

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

Executive Summary

This report advises Council of the use of the Mayor's delegation between Council meetings to approve additional budget, sourced from the \$33.7M pre-payment of disaster recovery funding, to continue work on the Wolgan Road Reconstruction project.

This budget is necessary to deliver pre-determined tasks, including site investigations, surveys and value engineering. This does not represent a project variation; this is necessary work to deliver the project.

As this project is multi-faceted and the application for funding is still under the scrutiny of the NSW Government, a cautious approach to budget allocation is being taken, seeking the approval of Council for funding only as it is required and approved by Transport for NSW.

In future, once the project is approved and there is greater confidence in the design selected, full-year budget allocations and forward projections will be provided to the Council.

Administration's Recommendation

THAT Council note the use of the Mayor's delegation afforded by section 226(d) of the Local Government Act, 1993, to allocate an additional budget of \$2,200,000 to the Wolgan Road Reconstruction project.

Attachments

1. Tf NSW Approval [3.9.1 - 4 pages]
2. Cost Estimate Summary [3.9.2 - 1 page]

Reference to any relevant previous minute

Min. No. 24-136: Ordinary Meeting of Council held 24 June 2024 (I&E - 24/06/2024 - Wolgan Road - Essential Public Asset Reconstruction Application)

Background and discussion

The Wolgan Road has been closed to traffic because of immediate concerns regarding slope stability. This has stranded a community of 150 residents, including the Emirates One&Only Resort.

On 28 June, an application was submitted by Lithgow City Council to Transport for NSW for the reconstruction of the Wolgan Road, estimated to cost \$327 million.

Pre-emptively, Lithgow entered into a Tripartite Agreement with NSW Reconstruction Authority and the National Emergency Management Agency to fund early phases of work related to the Wolgan Road while the application is assessed. Of the \$33.7 million approval, approximately \$30 million relates to a pre-payment for the Wolgan Road project.

From this, Lithgow City Council has engaged Wassabi Group at a cost of \$1,390,334 excl. GST to provide detailed project management services over the 2024/25 financial year (Min. No. 24-136).

The approval for the \$327 million application for the Wolgan Road Reconstruction is likely to take several months to be finalised. In the meantime, Council has received approval from Transport for NSW (attached) to continue works on several strategic planning and investigation initiatives. Those are:

1. Extension of existing contracts/ engagements for environmental assessments, constructability, cost estimating, value engineering and risk to inform the funding application/ ROI/ RFT
 - (approximately \$450,000 excl. GST)
2. Proper procurement and commencement of tranche 1 site investigations, geotechnical assessments, topographical and biodiversity surveys
 - (approximately \$1,100,000 excl. GST)
3. Proper procurement and engagement of a property specialist, subject matter experts and asset management
 - (\$650,000 excl. GST)
4. Release ROI and subsequent RFT for Technical Advisor: CD&EA Services
 - (approximately \$5,400,000 excl. GST)
5. Post Technical Advisor award: Procurement of Community & stakeholder manager/ advisor & graphics designer, Cost estimation, independent constructability advisor, Environmental & sustainability manager and Project audit and assurance
 - (approximately \$785,000 excl. GST)

Item 5 is a significant engagement and the procurement for this work is currently underway, including an open, public pre-registration of interest, formal registration of interest, and finally a full-scale closed tender. The results of this process will be reported to the 28 October 2024 Ordinary Meeting.

However, Items 1 – 3 are lower order, and lower risk engagements, that should occur immediately to maintain project momentum and progress. Item 5 are medium term procurements which will occur after Item 4 - Technical Advisor is engaged.

Noting the urgency of the project and the impending caretaker period of Council, pursuant to section 226(d) of the Local Government Act, 1993, Mayor Statham has authorised the allocation of \$2,200,000 from Council's pre-approved Wolgan Road tripartite funding for the purpose of undertaking making those engagements detailed above.

As is the case with all projects, proper procurement processes that comply with relevant policies and legislation will be followed prior to engaging any consultant through use of these funds.

Consultation and Communication

The Administration continue to engage with Transport for NSW and other government agencies throughout the course of the project. Largely, this is through a Project Control Group that comprises Council, Transport for NSW, NSW Public Works, Department of Regional NSW and Reconstruction NSW.

As the project has not yet been approved by government, the scope of this next phase of work was presented to Transport for NSW, and their written approval requested prior to requesting Mayoral

approval of the associated budget. This approval is attached to this report, for the assurance of Council.

Policy

Nil

Legal

Noting the urgency of the project and the impending caretaker period of Council, pursuant to section 226(d) of the Local Government Act, 1993, Mayor Statham has authorised the allocation of \$2,200,000 from Council's pre-approved Wolgan Road tripartite funding for the purpose of undertaking making those engagements detailed above.

There are no legal concerns that are apparent from using this delegated authority.

Risk Management

A comprehensive risk assessment and mitigation strategy has been developed as part of this project. It has formed part of the application made to the NSW Government for funding for this project.

Financial

- Budget approved - \$1,390,334
- Cost centre - 100970
- Expended to date - \$97,480
- Future potential impact – Expenditure up to \$327 million may be incurred to deliver the full scope of the Wolgan Road Reconstruction project.

3.10. I&E - 26/08/2024 - Financial Assistance - Sporting Representative**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: Kaitlin Cibulka – Cemeteries and Administration Supervisor

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

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

Administration's Recommendation

THAT Council provides Rylee Millar with financial assistance of \$300.00 from the 2024/25 allocation toward the cost of Rylee's sporting representation in Hockey.

Attachments

Nil

Reference to any relevant previous minute

Nil

Background and discussion

Council is in receipt of an application for financial assistance for Rylee Millar who has been selected for the NSW Country Womens Hockey team to compete in the national tournament held in August 2024. Rylee is a local player competing in both the Western Premier League and Sydney Womens Hockey League. The funding will assist Rylee with the costs of the player levy to compete at the national tournament.

Consultation and Communication

N/A

Policy

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

Legal

N/A

Risk Management

N/A

Financial

- Budget approved - \$2,500.00
- Cost centre – PJ 800158 – Governance – Section 356 Donations & Contributions
- Expended to date - \$300.00
- Future potential impact – if the request is approved for \$300.00, there would be \$1,900.00 remaining in the 2024/25 budget.

3.11. I&E - 26/08/24 - Main Street CBD Stage 2 Footpath Revitalisation Program - Funding Advocacy

Strategic Context for this matter:

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

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

Author: Jonathon Edgecombe – Director Infrastructure Services & Economy

Responsible Officer: Leanne Kearney – Assets & Infrastructure Planning Manager

Executive Summary

The purpose of this report is to recommend that Council advocate to both the Commonwealth and State Governments to reinstate and confirm commitment of funding to complete Main Street Footpath Revitalisation Stage 2 program.

Administration's Recommendation

THAT Council write to responsible Ministers, on behalf of the Lithgow community, for the following:

- A) The Commonwealth government to reinstate \$1,938,911 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program; and
- B) The State Government to ensure their commitment of \$1,500,000 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program is secure.

Attachments

Nil

Reference to any relevant previous minute

Nil

Background and discussion

Main Street Footpath Refurbishment Stage 2 is a project that aims to improve the street appeal and functionality of Lithgow's central business district, from Bridge Street to Cook Street.

The proposed works build on the Stage 1 works involving upgrades to Cook Street Plaza, and the intersection of Eskbank Street and Main Street which were completed in 2020.

Proposed works include:

- A revamped streetscape, including replacement of old and dated pavers (which become hazardous during wet weather periods) with modern concrete - enhanced with slate borders and brick banding tying in to Lithgow's great industrial heritage;
- replacing drainage systems to ensure asset protection;
- improved safety balustrade, street furniture, a parking zone review (including disability access / loading zones and bus zones); and
- new green scaping.

Local businesses have suffered greatly due to recent events including the Black Summer Bushfires, several declared natural flooding disasters, and the heavy impacts from the global COVID-19 pandemic. The Administration is acutely aware that works within the Central Business District will once again impact trading of these businesses, and as such, have conducted thorough and extensive community consultation processes (set to continue once final designs are provided by the end of August) to ensure that all measures can be incorporated into the construction phase to minimise the impacts on local businesses.

Results from this important community project will be improved pedestrian connectivity, enhancement to shop frontages to attract new businesses / retain existing business, and improvement to public spaces such as Pioneer Park to compliment business activity by providing a space for community events.

To date, Council has completed the following works as part of this project:

- **Pioneer Park Works (25% of full Stage 2 work):**
 - Demolition of existing men and women's amenities,
 - Installation of Exeloo public amenities and fencing,
 - Replacement of existing bus shelter, and
 - Landscaping works (park area only, not roadway or footpath verges)
- **Survey and Design Work (15% of full Stage 2 work):**
 - Traffic study for entire stage,
 - Infrastructure Survey (including service locations),
 - Preliminary Design and component options (lighting, street furniture, construction materials, landscaping), and
 - Liaison with infrastructure service providers (Endeavour Energy, Jemena Gas, Telstra and NBN Co).
- **Consultation (10% of full Stage 2 work):**
 - Consultation with elected representatives,
 - Engagement with businesses directly impacted by proposed works,
 - Open community consultation (project specific), and
 - Community consultation feedback from public exhibition of Council's Integrated Planning and Reporting Process (Operation and Delivery Plans).

Project Expenditure as at 30 June 2024 (* denotes Council funding):

PJ	Description	19 / 20	20 / 21	21 / 22	22 / 23	23 / 24	TOTAL
400156 *	Pioneer Park Toilets	53,480	285,355				338,835
600245	Pioneer Square - Streets as Shared Spaces		189,187	19,358			208,545
100832	Main Street Lithgow Footpath Revitalisation (BCRRF)				17,989	74,250	92,239
100710	Main Street Lithgow Footpath Revitalisation (Resources for Regions Fund)			5,600	22,279	112,388	140,267
		53,480	474,542	24,958	40,268	186,638	779,886

This project total cost is \$4,309,358.00, comprising of funding from NSW Government through Resources for Regions Round 8 (R4R8) of \$1,500,000, Commonwealth Government via Building Better Regions Fund - Infrastructure Projects Stream - Round 5 (BBRF) providing \$1,938,911, and Council allocating the remaining funding of \$870,447 for the full project.

Council has been challenged by elements in this project, including:

1. The inability to retain a dedicated Project Manager for the entirety of the project. The project has been managed by three different Project Managers, two of which were internally recruited and have since resigned from the Council. To move the project forward with haste, Council engaged a contract, external project manager and still, this person resigned from their employer before completion of the works.
2. The impacts of several natural disasters relating to floods, bushfires and the COVID-19 pandemic impacting the ability of Council to maintain a flow for the project to progress in a speedy manner. Combined with the difficulty of attracting an ongoing project manager, this has contributed to ongoing challenges in maintaining compliance with grant conditions for BCRRF and R4R8.

Consultation and Communication

In May 2024, Council received notice that the BBRF Grant Agreement was due to expire on 8 June 2024. Council promptly commenced discussions with the Department, where feedback from the department indicated that they would look favourably upon Council's request for an extension of time for the project to be completed, noting that the BBRF funding would be able to be fully expended by 30 December 2024 to complete 50% of the Stage 2 works. Several requests for information were submitted to Council by the Department, most with very unreasonable deadlines ranging between 1 hour to 12 hours, including:

- Council was requested to submit a satisfactory variation request within 12 hours. Council sought clarification on the requirement, and when a reply was received from the Department, this timeframe reduced to 8 hours. Council Officers prioritised this task, and submitted a thoroughly detailed submission for consideration within the timeframe required.
- Even though the Australian Government was funding just \$1.5m of a \$4.3m project, Council received a reply stating that, as the entire project could not be fully delivered by 31 December 2024, an extension of time was not approved, and Council was now given 16 hours to complete the completion report for the Department to consider payment for works completed to date. Whilst Council commenced work on the required report, Council's request for

clarification did not receive a response from the Department until the day the submission was expected.

- Council was then advised that, as Council's reply was received 3 hours after the deadline, it would not be considered, and Council was then given 2 hours to submit a completion report, including 3 years worth of financial transactions and invoices.
- A reply was received requesting further information to be provided within 1 hour for assessment of payment.

Council was advised *"The program delegate has determined that the Grant Agreement is expired as at 8 June 2024 and no grant funds are payable to Lithgow City Council. Please note that this decision is final. "*

In May 2024, Council also commenced discussions and provided a submission to Resources for Regions Department to request a variation for an extension of time for the grant, which is still being assessed.

Policy

Nil

Legal

Nil

Risk Management

Without the reinstatement of the Commonwealth funding, Council will need to reduce the scope of works to split Stage 2 into substages of 2a (from Bridge Street to Eskbank Street) to be completed from current available funding, and 2b (from Eskbank Street to Cook Street) to be completed when additional grant funding is sourced.

Without the confirmation of NSW State funding, Council will not be able to proceed with the project past the design stage.

Financial

- Budget approved - \$4,309,358
- Cost centre – 400156, 600245, 100832, and 100710
- Expended to date - \$779,886
- Future potential impact – reduction of budget by \$3,438,911

4. Council Committee Reports

4.1. FIN - Finance Committee Meeting Minutes - 13 August 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: Jonathon Reid – Financial Services Manager

Responsible Officer: Acting Director Finance and Governance

Executive Summary

This report provides a summary of matters discussed and considered at the Finance Committee Meeting held on 13 August 2024 and recommends that the Council note the minutes.

Administration's Recommendation

THAT Council note the minutes of the Finance Committee meeting held on 13 August 2024.

Attachments

1. Draft Minutes of Finance Meeting 13 August 2024 [4.1.1 - 5 pages]

Reference to any relevant previous minute

Min. No. 24-144 Ordinary Meeting of Council held on 24 June 2024.

Background and discussion

At the 13 August 2024 Finance Committee Meeting, the following reports were discussed by the Committee:

- Carryovers to the 2024/25 Budget – the Committee noted the inclusion in the 2024/25 Operational Plan of the reported capital and operational carryover budgets. The Committee also reviewed the expenditure and outcomes of the 2023/24 SRV Program.
- Interim Audit Management Letter - the Committee reviewed the Management Letter on the Interim Phase of the Audit for the Year ending 30 June 2024 issued by the Audit Office of NSW.

The following business paper recommendation was endorsed by the Committee:

Investment Report July 2024

THAT:

1. Investments of \$75,800,000 and cash of \$2,353,997 (which is restricted for specific purposes) for the period ending 31 July 2024 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

Financial

As detailed in the Finance Committee meeting minutes.

4.2. I&E - 26/08/2024 - Future Jobs and Investment Committee - August 2024 Meeting Agenda and Minutes

Strategic Context for this matter:

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

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

Executive Summary

The first meeting of Lithgow City Council's Future Jobs and Investment Committee was held on Monday 12 August 2024. This report seeks to advise Council of the contents of the report which comprised the meeting agenda and recommends that Council note the minutes of that meeting.

Administration's Recommendation

THAT Council note the agenda and minutes of the first Future Jobs and Investment Committee held 12 August 2024.

Attachments

1. FJIA Committee Agenda 12 August 2024 Introductory Report [4.2.1 - 11 pages]
2. FJIA Committee Minutes 12 August 2024 [4.2.2 - 2 pages]

Reference to any relevant previous minute

Min. No.: 24-33 – Ordinary Meeting of Council held 26 February 2024 (I&E - 26/02/2024 - LEEP - Suggested Governance Model).

Background and discussion

In January this year, Council and the NSW Government received the expert findings and recommendations of the Lithgow Emerging Economy Plan (**LEEP**).

The LEEP makes 68 recommendations, 40 of which are due for delivery as soon as reasonably possible. Most of the initial actions are weighted towards further detailed strategic planning and analysis.

Council determined to be a leading actor with other key transitions actors in the regional transition by raising and allocating \$1.07m each year to transition management. Council is obliged to report annually on its transition management program. Council has established an interim Future Jobs and Investment Committee (the Committee) under the provisions of s355(b) of the Local Government Act, 1993 (the Act) to coordinate the regional transition whilst the State Government establishes its proposed authorities.

The first meeting of the Committee was held with the intention of inducting Committee members and updating them on several transition initiatives that are currently in progress. During the meeting, the essential upcoming tasks were also discussed, including the upcoming update of the Yearly Action

Plan, Engagement Strategy, development of key performance metrics, and continuing to move forward on the initial phases of the Adaptive Skills Hub project.

The workforce union, NSW Government, Australian Government and Council attended the meeting. Centennial Coal, Energy Australia and Western Sydney University were unfortunately unable to attend with their representatives issuing apologies for various reasons. The Administration will continue to work with each organisation to ensure their attendance at future meetings.

Attached to this report are the introductory report which comprised the initial agenda, as it was distributed to the Committee. In addition, a set of brief minutes are attached, inclusive of the actions arising from the discussions which occurred during the meeting.

The next meeting is proposed for late-October. Arrangements are being made prior to the next meeting for invitations to be sent to all Councillors so that those who are available and interested may attend as observers.

Consultation and Communication

A detailed review of the draft LEEP Engagement Strategy, including the development of a First Nations Engagement Strategy, feature as key aspects of the upcoming Action Plan review.

Policy

Formation of the Future Jobs and Investment Authority as the leading governance model for the LEEP implementation is a key recommendation of Lithgow City Council's endorsed Lithgow Evolving Economy Plan.

Legal

The formation of the interim Future Jobs and Investment Committee (the Committee) was made under the provisions of s355(b) of the Local Government Act, 1993.

Risk Management

Nil

Financial

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

5. 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.