



Mystery Mountain, Newnes – Photo Ross Gurney

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 October 2024

at 6:00 PM

Business Paper

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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 the Councillor Hub.

Confirmation of Minutes

Confirmation of the Minutes of the Ordinary Meeting of Council held 26 August 2024 and 8 October 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 matters included in the business paper and registered via the Council website prior to 12 Noon on the day of the meeting will have the opportunity to speak. There will be only two speakers for and against, on each matter on the business paper.

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

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

1. Mayoral Minutes

1.1. Mayoral Minute - 28/10/2024 - Ordinary Meeting of Council Start Time Change

Report by Mayor – Councillor Cassandra Coleman

Commentary

At the Extra Ordinary Meeting of Council held on 11 March 2024, it was resolved to change the commencement time of Ordinary Meetings to 6 p.m. (Min. No. 24-47).

It is now proposed to change the time of commencement of Ordinary Meetings of Council from 6:00 PM to 6:30 PM, effective from the 25 November 2024 meeting.

The procedures for Council's meetings are defined in the adopted Code of Meeting Practice, which is based on the Office of Local Government's template Code. The time at which the meeting commences is a matter for the Council to determine.

Clause 3.1 of the adopted Code currently provides –

*3.1 Ordinary meetings of the council will be held on the following occasions: **Council meetings are held on the 4th Monday of the month. The meetings are conducted at the Lithgow City Council Chambers, 180 Mort Street Lithgow, Commencing at 6 p.m. (Min. No. 24-47).***

The proposed meeting commencement time of 6:30 pm is a compromise position. The proposed start time will benefit Councillors with daytime commitments balanced against Council's WHS responsibilities to minimise risks to Councillors and staff driving home late at night.

Attachments

Nil

Recommendation

THAT Council receive this Mayoral Minute and change the commencement time of Ordinary Meetings to 6:30 pm, effective from the 25 November 2024 meeting.

1.2. Mayoral Minute - 28/10/2024 - Lithgow Locomotive Workshop - Petition

Report by Mayor – Councillor Cassandra Coleman

Commentary

NSW Legislative Assembly petitions allow members of the public to directly place their issues before the Parliament. A petition helps raise awareness of an issue in the community and lets Members of Parliament know what action the community wants the Parliament to take, but it doesn't compel the Parliament to take action.

Dr Michalle Zeibots, on behalf of the Lithgow Community Power Project, has submitted a Legislative Assembly ePetition to bring the Lithgow Locomotive Workshop back into active use to create 'Jobs for Lithgow'. This sustainable transport initiative is consistent with Council's LEEP Program.

The petition asks the NSW Government to bring the Lithgow Locomotive Workshop back into public ownership, thereby enabling it to be leased to viable rail manufacturing and engineering businesses to create jobs and training opportunities for people living in the region.

The Lithgow Locomotive Workshop (known as Lot 3 DP1006666 and Lot 1 DP1066085), is currently owned by Pacific National. These lots sit alongside Lot 1 DP1105168, owned by the NSW Transport Asset Holding Entity (TAHE). If consolidated and brought back into active use, the workshop could be used to:

- Convert existing diesel freight locomotives to electric power drives, thereby reducing noise and exhaust emissions that impact on residential communities such as those in the Blue Mountains and throughout Greater Sydney;
- Assemble battery tenders (rail carriages with 4MWh batteries), to support electric rail freight locomotives when travelling on rail alignments that do not have overhead wiring, making use of excess renewable electricity currently being wasted; and/or
- Manufacture zero-emission passenger rail vehicles, such as the Solar-Train operating at Byron Bay that was designed and manufactured in Lithgow, that could provide visitor services from Lithgow to destinations across the NSW Central West.

This Mayoral Minute recommends that Council utilise its community networks and social media platforms to support and promote Dr Zeibots' Legislative Assembly petition.

Attachments

Nil

Recommendation

THAT Council utilise its community networks and social media platforms to support and promote Dr Zeibots' Legislative Assembly petition to bring the Lithgow Locomotive Workshop back into active use to create 'Jobs for Lithgow'.

2. Notices of Motion

2.1. NOM - 28/10/2024 - Cr T Evangelidis - Energy from Waste Infrastructure Plan 2041

Report by Councillor Tommy Evangelidis

Commentary

The NSW Government supports energy from waste where it is strategically located to provide the highest public value, and the west Lithgow precinct which is located within the Lithgow Local Government area has been identified as one of four priority infrastructure areas.

It is time to ensure that our region is removed as an energy from waste priority infrastructure area.

The NSW Government will assess the need for additional energy from waste capacity by 2025, and again by 2030, in line with the waste strategy targets.

I'm seeking Council's support to adopt a firm stance not only against Energy from Waste but to pressure the NSW State Government to remove West Lithgow precinct as an option for Energy from Waste.

I believe that the NSW State Government is under the impression that Lithgow City Council supports it, and by extension, the Greater Lithgow City community.

As a community we have many other challenges that need our attention. Let's commit to our community that we have listened and will send a clear message to any Government.

If it's not good enough for Sydney, it's not good enough for Lithgow.

Attachments

1. Energy from Waste Infrastructure Plan - NSW Government [2.1.1 - 11 pages]

Recommendation

THAT Lithgow City Council opposes an energy from waste facility within our local government area and writes to the NSW Government requesting that the West Lithgow precinct from the energy from waste infrastructure plan is removed.

Management Comment

For information, Council considered the NSW Government's Energy from Waste Infrastructure Plan at the Ordinary Meeting of Council held on 2 March 2022. Council resolved as follows:

22 -35

THAT a submission be made on the draft of the Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021 that includes the following:

- Council retains its concerns in relation to the lack of consultation in selecting a site at Lithgow.
- The NSW Government be requested to deliver an extensive community consultation and engagement program around EfW.

- The Council indicate that whilst it removes its blanket opposition to the energy from waste infrastructure plan this is conditional upon the government building in mechanisms to ensure economic benefit flows through to communities.
- Council requests that the NSW Government provide a dedicated mechanism whereby the government provides investment attraction support for enterprises seeking to locate in the vicinity of Energy from Waste Facilities.
- Council requests that the NSW Government provide funding for any required infrastructure to support the establishment of enterprises seeking to locate in the vicinity of Energy from Waste Facilities.
- Council support the inclusion of the site and surrounds of the former Wallerawang power station as a precinct within the energy from waste infrastructure plan, subject to further targeted community consultation occurring.
- A requirement for Energy from Waste Facilities to make ongoing contributions to host Local Government Areas based on tonnages processed at the facility.
- The plan be accompanied by a framework to ensure that the carbon consequences of EfW are dealt with by materially compounding the carbon reduction benefits – going well beyond a landfill vs EfW offset argument
- A specific requirement of Greenspot that Council's non-opposition to inclusion of their site as a precinct is conditional upon further extensive community consultation and agreement of a long term enduring royalty being paid to Council, should any future development proposal proceed, which council may use at its discretion on infrastructure, community facilities, programs or ongoing operations.
- While Council no longer has a blanket opposition to inclusion in the infrastructure plan and draft regulation, it maintains its rights to comment and if necessarily oppose individual developments if it is of the view that environmental, planning, health or any other impact outweighs the benefits of a specific project.
- no less than 80% of the refuse to be transported to Lithgow by rail.

2.2. NOM - 28/10/2024 - Cr M Ticehurst - Monthly Duty Lithgow City Councillors

Report by Councillor Martin Ticehurst

Commentary

This Notice of Motion seeks that in a Trial from January 2025, this Council begins having all Councillors (excluding the Mayor) acting in the role as a Monthly Duty Lithgow City Councillor.

Some of the proposed roles and responsibilities of the Monthly Duty Lithgow City Councillor may involve:

- The Duty Councillors contact Councillor email be provided on the Lithgow City Council's webpage so as to be the then Monthly Councillor contact between the Lithgow City Council and its ratepayers and residents.
- Be the Monthly Duty Councillor with responsibility for assisting ratepayers, residents and guests attending or participating in the Public Gallery process of the Monthly Council Meeting.
- Be the Monthly Duty Councillor with responsibility for assisting the (proposed separately at this Council Meeting) Honorary Young Mayors at the Monthly Council Meeting.

Any other Councillor duties as determined by the Council, Mayor or Councillors.

Attachments

Nil

Recommendation

THAT in a Trial from January 2025, this Council begins having all Councillors (excluding the Mayor) acting in the role as a Monthly Duty Lithgow City Councillor.

Management Comment

N/A

2.3. NOM - 28/10/2024 - Cr M Ticehurst - Trial of Lithgow City Council Mayoral Ambassadors in 2025

Report by Councillor Martin Ticehurst

Commentary

This Notice of Motion seeks that in a Trial, this Council calls upon its ratepayers and residents to come forward and nominate their most worthy and deserving community members to formally represent the Mayor at selected events on behalf of the Lithgow City Council.

As ratepayers and residents well know, our Lithgow Local Government Area has many, many worthy and deserving community members who for the most part remain unknown and unrecognised for the great community work and services that they provide to our community.

On behalf of the Lithgow City Council's ratepayers and residents, I would like this Council to ensure that these outstanding community members are publicly recognised and I can think of nothing better than asking them to represent their own local community on behalf of the Lithgow City Council and Mayor at various Council and Community Presentations. I am aware that several recipients of the Order of Australia Medal have yet to be invited to act on behalf of their community at any civic presentations.

Further this innovative Lithgow City Council community initiative will allow the incoming Mayor and elected Councillors to be more focused on getting the Council itself, representing the best financial, governance and community interests of their more than 11,000 residential, business and farming ratepayers.

Additional information is that all Mayoral Ambassadors will act voluntarily on behalf of the Lithgow City Council, with any School or similar children's events requiring a Working with Children Check. I would anticipate that any financial requests on compassionate grounds (such as a dying wish application), would be considered for reimbursement by the Mayor under her allowance provisions.

Attachments

Nil

Recommendation

THAT Council seek a report back from Senior Staff on the process moving forward of this Council calling upon its ratepayers and residents to come forward and nominate their most worthy and deserving community members to formally represent the Mayor at selected events on behalf of the Lithgow City Council.

Management Comment

N/A

2.4. NOM - 28/10/2024 - Cr M Ticehurst - Trial of Honorary Young Mayors at Lithgow City Council Meetings in 2025

Report by Councillor Martin Ticehurst

Commentary

This Notice of Motion seeks that the Mayor and Council invite students from Year 9 up to Year 12 from both the Lithgow High School, the La Salle Academy and the Portland Central School, to in a Trial, act in the honorary position of 'Young Mayor' at Lithgow City Council's Meetings in 2025.

If my fellow newly elected Mayor and Councillors are serious about wanting to bring about a strong and lasting future for the Lithgow City Council, then I think it is only prudent that we should invite our future leaders to come forward and participate with us at our monthly Council Meetings.

It would be my expectations that each individual Young Mayor, selected by their own School, Teachers and Students, could be involved in joining, along with either a Teacher, Parent/s or Guardian/s; the Mayor, Councillors, Senior Staff and the Public Gallery in the Council Chambers and perhaps perform the Council Meetings Welcome to Country Acknowledgement, perhaps further count the votes of Councillors and more importantly, being invited to make a short 3 to 5-minute presentation to those present and those viewing the Council Meeting on YouTube; on what they and their fellow students believe the future of the Greater Lithgow community should look like.

Given the current School Student enrolments, it may be prudent and fair to have in 2025, 4 Lithgow High School Students; 3 La Salle Academy Students and 2 Students from Portland Central School, a total of 9 Students for up to 11 Council Meetings, allowing for any late apologies or School Holiday Council Meetings.

Additional information proposed is that each Student would be welcomed by the (proposed separate NOM at this Council Meeting) Monthly Duty Lithgow City Councillor from 5.30pm and provided with a guided tour of the Chambers and be seated adjacent to their same Duty Councillor host in the Chambers from 6pm to 8pm or at any time when they wish to leave; their proposed initial Welcome to Country Acknowledgement and later their 3 to 5-minute presentation could be undertaken at the Public Gallery Lectern (immediately after the Public Gallery formalities) and the Mayor during 2025 may be in a position to suspend standing orders at the suggested 8pm for a 15-minute tea break during which time the Honorary Young Mayor can be thanked by the Mayor and Council, photographed with the Mayor and General Manager and provided with a Certificate of Acknowledgement as having acted as the Lithgow City Council's Honorary Mayor.

Attachments

Nil

Recommendation

THAT the Mayor and Council invite students, selected by their own School, Teachers and Students from Year 9 up to Year 12; from both the Lithgow High School (4), the La Salle Academy (3) and the Portland Central School (2), to each act in a Trial of the Honorary position of 'Young Mayor' at a Lithgow City Council's Meetings commencing and during 2025.

Management Comment

N/A

2.5. NOM - 28/10/2024 - Cr M Ticehurst - Proposed Lithgow City Council Anzac Day Community Country Celebration

Report by Councillor Martin Ticehurst

Commentary

This Notice of Motion seeks Council initiate a proposed trial and establishing of an 'Anzac Day - Community Country Celebration' Council Committee towards holding an afternoon event at the Lithgow Showground, in addition to our current local morning Anzac Day activities and to further recognise Australia's National Day of Anzac Remembrance.

On 10 July this year, I welcomed NSW State Premier Chris Minn's announcement that the NSW Government will extend major retail trading restrictions to cover all of ANZAC Day to ensure the service of veterans is recognised and people are able to take part in services throughout the day; including providing workers and businesses the opportunity to participate in commemorative and community events and pay their own respects.

With respect to Premier Minns announcement, I noted thankfully that these retail trading restrictions do not apply to small businesses and businesses not considered retailers or with exemptions such as markets, cafes, chemists, newsagencies and takeaway restaurants and that these businesses will continue to remain open the entire day.

The Lithgow City Council, Councillors, ratepayers and residents would be well aware that with most official Anzac Day activities (except for the playing of Two-Up) over by 1pm on Anzac Day, there is a welcome window of Anzac Day opportunity for our Council to invite it's Greater Lithgow community to come together at our highly regarded Lithgow Showground in the afternoon for a fund-raising Anzac Day – Community Country Celebration of further Anzac Day recognition, Bush Music, Markets, Food and Anzac Day related Children's activities.

Additionally, without expanding on all of the details at this stage, I would be expecting the Council to have this celebratory event co-organised by the Council and many civic minded community volunteers and organisations; and which could also be undertaken as a fund-raising benefit event in full support for our Greater Lithgow RSL Sub-Branches and their very publicly respected membership.

References

<https://www.nsw.gov.au/media-releases/respecting-our-veterans-anzac-day-trading-hour-restrictions-to-be-extended>

Attachments

Nil

Recommendation

THAT Council initiate a proposed trial and establishing of an 'Anzac Day - Community Country Celebration' Council Committee, towards holding an afternoon event at the Lithgow Showground, in addition to our current local morning Anzac Day activities and to further recognise Australia's National Day of Anzac Remembrance; and that the Council's Event's Manager provide an initial report back to the Council.

Management Comment

N/A

2.6. NOM - 28/10/2024 - Cr Ring - Council Resolution Action Register

Report by Councillor Steve Ring

Commentary**BACKGROUND**

During the Council term of 2016 – 2021, a system was implemented to record progress on Council Resolutions. On my return to Council, I found that this system was no longer being used.

COMMENTARY

Under Section 232 (2) of the Local Government Act 1993 No 30:

“A councillor is accountable to the local community for the performance of the council.”

For the elected Councillors to meet this requirement, processes need to be established that allow Councillors to monitor the Administration’s performance.

Decisions by Councillors are made in open Council (except in circumstances where an item is legally required to be discussed in closed Council) and it is not common for reports to be tabled in Council detailing the implementation of those decisions.

It is imperative that the General Manager develop a transparent system that records Council resolutions and tracks their implementation and any risks that may impede implementation, and that information is reported back to Councillors in a timely manner

Attachments

Nil

Recommendation

THAT the Administration develop a tracking and reporting system for Council Resolutions to be implemented in February 2025 with a commencement date of July 2025.

Management Comment

It is the role of the General Manager to ‘implement, without undue delay, lawful decisions of the council’ as per s335 of the Local Government Act (1993).

There is an existing tracking system for staff action on Council resolutions. It is agreed that quarterly reporting on the status of outstanding resolutions should commence in 2025, to improve transparency with Council & the community.

2.7. NOM - 28/10/2024 - Cr Ring - Sodwalls - Tarana Road

Report by Councillor Steve Ring

Commentary

At the Council meeting of 27 May 2024, I submitted a petition and notice of motion on behalf of the Sodwalls – Tarana Community for an onsite meeting with Councillors and Senior Management to discuss the poor condition of roads in the area.

The Notice of Motion was carried, and a public meeting was subsequently held at the Tarana RFS Shed on the 18TH June. Following that meeting I submitted a request for the draft Operational Plan for 2024/25 – see below with response (Community Proposals for draft 2024/25 draft Operational Plan April 2024 p6).

The response to the community has been slow to the point that prior to the 3 October, residents raised the issue directly with Minister Jenny Aitchinson – Minister for Regional Transport and Roads.

The Administration has indicated that there is a high level of scrutiny with respect to Disaster Recovery Funding and that Lithgow will not and has not received the full amount of funds applied for.

This funding has been used on both the Glen Davis and Glen Alice Roads and has not in my opinion, and that of residents, resulted in significant improvement for users, as the funding only addresses discrete sections of pavement repair. In my opinion this funding will not significantly enhance driver experience on the Sodwalls – Tarana Road.

Seeking Government grants is one option for repairing this road and in 2022 Council secured a grant of \$88,119 described as:

Sealed Road with major potholing and heavy patching.

Construction of pavement and application of two-coat bitumen seal in select patches, for a length of 5 metres, over a total length of 13,800 metres.
[\(<https://investment.infrastructure.gov.au/projects/119621-22nsw-rtr>\)](https://investment.infrastructure.gov.au/projects/119621-22nsw-rtr)

The poor condition of the Sodwalls – Tarana Road is impacting not only residents but business and impacting on our tourism industry.

Large sections of this road are beyond patch repair and require new pavement with a two-coat bitumen seal at a minimum. Council needs to look at all options to improve the safety and standard of this road inclusive of using internal funds and external loans.

Attachments

Nil

Recommendation

THAT the Administration table a report at the November meeting identifying the worst sections of the Sodwalls – Tarana Road and identifying funding sources that can be used to rectify these sections this financial year inclusive of obtaining external loans.

Management Comment

There is no dispute that the Sodwalls-Tarana Road is in poor condition and requires significant repair. To implement such repairs, the Council applied under the NSW Government's Disaster Recovery Funding Arrangements (DRFA) to conduct \$3 million in repairs.

This request has been effectively denied, with the NSW Government approving just \$600,000 of the \$3 million application. This is 20% of the application value. The logic used is that parts of the road had already deteriorated to a degree which results in these lengths being ineligible for funding. Council continues to argue, as do most Councils in the Central West/West region, that roads naturally wear as they age, and it is unreasonable to expect roads be in perfect condition pre-disaster.

Furthermore, the capacity for local government to maintain roads to a perfect standard diminishes greatly as you travel west. This 'no prior damage' provision of the DRFA essentially penalises Councils west of the divide and reduces capacity for a Council to recover post-disaster, even if, in a worst-case scenario, a pothole or cracked area of road is now a defect that is full road width.

Compounding the challenges above, with respect to the Glen Alice and Glen Davis Roads, Council's repair effort under the DRFA must be strictly limited to the extent of the road surface deformation. Even if common sense engineering practice tells us that, generally, if a damaged road surface is left for 12 months, the pavement damage extends beyond the immediate limits of the surface deformation due to water ingress. However, the Council is forced to limit the repair to the limits of the surface deformation. This is resulting in failures occurring immediately adjacent previously repaired sections that are now no longer eligible for DRFA funding.

This is incredibly frustrating for the community, but also Council staff.

Regardless of the challenges presented by inadequate DRFA funding guidelines, the Administration has already scoured all available external grant funding opportunities. Currently, the only real opportunity to source funding to supplement the DRFA is through the Australian Government's *Safer Local Roads and Infrastructure Program (SLRIP)*. A consultant has been engaged and has already commenced working on an application for the Sodwalls-Tarana Road alongside the Glen Alice Road and Glen Davis Road, and several other projects such as the replacement of the Glen Davis bridge and a heavy vehicle upgrade for Pipers Flat Road.

The maximum funding allocation under the SLRIP is \$6 million; \$5 million funded by the SLRIP and \$1 million funded by the Council. The Council will be applying for this full value with the application already under development. Any other grants that become available will also be scrutinised for eligibility related to Council's road renewal and upgrade needs. Contact has been made with the NSW Government, including meetings with local member The Hon. Paul Toole, to advocate for new funding opportunities and to ensure that the Council is informed of new grant opportunities if they become available.

It is not best practice to take out loans for Council's infrastructure renewal needs, as it will greatly reduce the Council's borrowing capacity for new infrastructure that would assist the Lithgow LGA during future growth periods, and as its communities needs change. The first preference would be to source grant funding and secondly to identify any available revenue from the General Fund.

Lastly, regarding capacity to deliver, Council is about to appoint a new position – Team Leader – Projects – who will provide strategic oversight of all projects within the Council. This will result in two Project Manager vacancies, one of which will be entirely focused on managing projects related to disaster recovery and asset renewal. These vacancies will be advertised shortly, likely before this Council meeting occurs.

2.8. NOM - 28/10/2024 - Cr E Fredericks - Search Dogs Sydney**Report by** Councillor Elizabeth Fredericks**Commentary**

Search dogs Sydney is a unique non-government organisation equipped to undertake specialised searches for missing persons, utilising their highly trained Human Remains Detection dogs (formerly Cadaver dogs) in conjunction with their state-of-the-art Artificial intelligence software attached to their specialist drone capability. This dedicated team of specialists receive zero government funding and are reliant on the generosity of the community to finance their operations.

Search dogs Sydney are having an open day mid November. I am hoping to attend on behalf of Lithgow City Council to hopefully find an avenue to assist SDS, whether it's to provide Council land for training with or without our volunteer and paid emergency services or to possibly find a way to advocate for them.

SDS could be a beneficial avenue for our LGA. With so many in the community wanting to open the LGA up for tourism, which in our topography will probably result in missing or lost bushwalkers/campers etc. We know we are lacking in emergency services volunteer and paid positions, this may give us a pro active opportunity to lessen potential fatalities.

Attachments

Nil

Recommendation

THAT I and any other Councillors interested are to attend the Search dogs Sydney open day and see what is available for us to aid them.

Management Comment

N/A

2.9. NOM-28/10/2024 - Cr E Mahony - Establishment of Portland and Wallerawang Council Meetings - Greater community participation and ease of access to Council Meetings

Report by Councillor Eric Mahony

Commentary

Lithgow City Council, as a decision making body, plays a central role in planning and decision making processes for our community, decisions which can have significant outcomes and impacts for our communities. Council should seek to further develop and encourage participation pathways and ease of access to this decision making process.

The nature of our Local Government Area provides a geographic challenge to this approach as our community is spread across a number of larger urban townships as well as many smaller rural villages and localities.

The notice of motion seeks the support of the Council to host Council meetings in a number of our townships, in order to provide an opportunity for a broader sector of our community to directly participate in our decision making meetings.

The purpose of this notice of motion

To provide an opportunity for Council to encourage greater community engagement in its decision making processes from across all our communities through the relocation of a number of Council meetings to other townships within the local government area, providing our communities a greater opportunity to more easily attend and participate in Council meetings.

Attachments

Nil

Recommendation

THAT the Council bring back a report relating to the delivery of a percentage of Council meetings in locations such as Portland and Wallerawang and, if possible, other suitable rural settings to encourage greater community participation and ease of access to our meetings.

Management Comment

The concept of delivering Council meetings in locations outside of the Lithgow Council Chambers has been discussed by the Council previously. A major barrier has been the need to have suitable A-V facilities available in the delivery location as Council meetings must be livestreamed (as per Office of Local Government requirements and the Code of Meeting Practice). Barriers and possible remedies (such as suitable venues outside of Lithgow) can be discussed in a future report to Council.

3. Administration Reports

3.1. GM - 28/10/2024 - Delegations to the Mayor and Deputy Mayor

Strategic Context for this matter:

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

Author: Trinity Newton – Executive Assistant

Responsible Officer: Ross Gurney - General Manager

Executive Summary

This report seeks Council's consideration of the granting of delegations of authority to the Mayor and Deputy Mayor to assist them in performing their roles with Council.

At the Ordinary Meeting of Council held on 8 October 2024, it was resolved to defer the granting of delegations of authority to the Mayor and Deputy Mayor to the 28 October meeting (Min. No. 24-197).

Administration's Recommendation

THAT Council, in addition to the functions outlined in Section 226 of the New South Wales Local Government Act 1993, delegate the following:

1. To the Mayor of Lithgow City Council:

a. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.

b. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

c. Temporary General Manager

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.

d. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

e. General Manager's Performance Review Panel

Lead the establishment of the General Manager's Performance Review Panel. The panel is comprised of the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

2. To the Deputy Mayor of Lithgow City Council:

a. Function of the Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

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

b. General Manager's Performance Review Panel

Member of the General Manager's Performance Review Panel. The panel is comprised of the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

3. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

Attachments

Nil

Reference to any relevant previous minute

N/A

Background and discussion

Section 226 of the Local Government Act 1993 outlines the role of the Mayor. Section 226 provides:

The role of the mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

These additional proposed delegations for the **Mayor** are:

1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.

2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

3. Temporary General Manager

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.

4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

5. General Manager's Performance Review Panel

Lead the establishment of the General Manager's Performance Review Panel. The panel is comprised of the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

The additional proposed delegations for the **Deputy Mayor** are:

1. Function of the Deputy Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The Deputy Mayor may also exercise the delegation of authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

2. General Manager's Performance Review Panel

Member of the General Manager's Performance Review Panel. The panel is comprised of the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

Review of Delegations

At the 13 February 2024 Finance Committee Meeting, the Committee agreed that Council should have detailed and specific delegations for the Mayor and General Manager which includes a list of all relevant Acts. The Mayoral delegation should include urgent expenditure, allocating a specific amount that the Mayor can approve.

The Administration has programmed the development of draft detailed delegations for the Mayor and the General Manager for early consideration of the new Council.

Policy

As outlined in the report.

Legal

Council is limited in the functions that can be delegated. This is provided for in Section 377 of the New South Wales Local Government Act 1993.

Risk Management

These additional functions are practical delegations which assist the smooth functioning of the Council. Such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

Financial

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

Consultation and Communication

Nil.

3.2. EXEC - 28/10/24 - Establishment of General Manager Performance Review Panel

Strategic Context for this matter:

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

Author: Sarah Lewis – Executive Assistant

Responsible Officer: Ross Gurney - General Manager

Executive Summary

The purpose of this report is to seek a Councillor delegate to participate on the General Manager Performance Review Panel.

Administration's Recommendation

THAT Council determine their nominated Councillor for the General Manager Performance Review Panel.

Attachments

1. Guidelines-for-the-appointment-and-oversight-of-general-managers [3.2.1 - 20 pages]

Reference to any relevant previous minute

Min. No. 24-124 Ordinary Meeting of Council held on 24 June 2024.

Background and discussion

The OLG Guidelines for the Appointment and Oversight of General Managers (2022) state that the governing body must establish a performance review panel led by the Mayor, and delegate the task of undertaking the general manager's performance reviews to the panel. The guidelines recommend that full responsibility for the performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken, and determining the performance agreement.

The panel should report back to the governing body of the Council in a closed session on the findings and recommendations of performance reviews as soon as practicable following any performance review. This should not be an opportunity to debate the results or revisit the General Manager's performance review.

Performance review panels should comprise of the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the General Manager's contract. This timeline was not achieved by the previous Council in the limited period between the General Manager commencing on 1 July 2024 and the September Council election.

Local Government NSW (LGNSW) have been engaged to provide facilitation and advice to the Panel. LGNSW provide specialist employment services to Councils. The proposal includes an independent observer on the panel.

The General Manager had previously nominated Cr Mahony to participate in the Panel. The General Manager has indicated that he will re-nominate Cr Mahony for the reconvened Panel.

There is a vacancy for the Council nominated Councillor on the Panel, following the September election.

Consultation and Communication

N/A

Policy

N/A

Legal

The requirements of the Local Government Act 1993 are set out in the OLG Guidelines for the Appointment and Oversight of General Managers which are included as an attachment.

Risk Management

N/A

Financial

N/A

3.3. EXEC - 28/10/2024 - Councillor Delegate - LGNSW Annual State Conference

Strategic Context for this matter:

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

Author: Sarah Lewis – Executive Assistant

Responsible Officer: Ross Gurney - General Manager

Executive Summary

This purpose of this report is to seek a Councillor delegate nomination for the upcoming LGNSW Annual Conference.

Administration's Recommendation

THAT Council nominate one Councillor to attend the LGNSW Annual Conference with the Mayor, Deputy Mayor and General Manager.

Attachments

Nil

Reference to any relevant previous minute

Min. No. 24-172 Ordinary Meeting of Council held on 22 July 2024.

Background and discussion

At the 22 July 2024 Ordinary Meeting, Council resolved as follows:

24 -172 RESOLVED

THAT Council:

1. Endorse the proposed motions for the LGNSW Annual State Conference.
2. Authorise the registration of the Mayor and Deputy Mayor (to be elected at the 8 October 2024 meeting) and one other Councillor.

The LGNSW Annual Conference provides an opportunity to share ideas, advocate for our priorities, seek inspiration, and help determine our sector's policy directions for the coming year.

Tamworth Regional Council is the destination host for the 2024 Annual Conference from Sunday 17 to Tuesday 19 November 2024 at Tamworth Regional Entertainment and Conference Centre.

As a member of Local Government NSW, Lithgow City Council is able to nominate three voting delegates to the conference and three voting delegates for the Board election.

Four registrations have been made for the conference and accommodation has been booked.

Consultation and Communication

The proposed LGNSW conference motion submissions were discussed at the 8 July 2024 Councillor Information Session. Motions were lodged in August 2024.

Policy

Policy 9.5 Councillor Expenses and Facilities allows for a separate budget for State and National Local Government conferences.

Legal

N/A

Risk Management

N/A

Financial

- Budget approved - separate budget provided for State and National Local Government Conferences.
- Cost centre - 800154-8130-63205
- Expended to date - nil
- Future potential impact - nil

3.4. EXEC - 28/10/2024 - Councillor Delegates to Upper Macquarie County Council

Strategic Context for this matter:

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

Author: Sarah Lewis – Executive Assistant

Responsible Officer: Ross Gurney - General Manager

Executive Summary

The purpose of this report is to seek the appointment of two Council delegates to the Upper Macquarie County Council (UMCC) for the term of Council.

Administration's Recommendation

THAT Council elect two delegates to the Upper Macquarie County Council for the term of Council.

Attachments

1. Councillor delegate UMCC Form [3.4.1 - 1 page]

Reference to any relevant previous minute

N/A

Background and discussion**UMCC Legal Basis**

The Local Government Act 1993 empowers the Governor to establish County Councils by proclamation. The proclamation is the constitution of the County Council.

The County Council must have a governing body which is responsible for managing the affairs of the County Council. The members of the governing body are elected from among the Councillors of the constituent Councils (Section 390).

The functions of the County Council are set out in the proclamation and may comprise “any one or more of the functions of a council under” the Act.

With limited exceptions, including the power to make and levy an ordinary rate, the Local Government Act applies to general purpose County Councils and members of County Councils in the same way as it applies to Councils and Councillors.

The method of constitution of a County Council is no different to that of other Councils. Only the method of election of Councillors and the particularity of the functions of County Councils differentiates them from general purpose Councils. The method of election is similar to collegiate voting and provides indirect election.

The role of a member of a County Council is the same as that of a Councillor as set out in Section 232 of the Local Government Act which, because Section 400 of the Act, also applies to members of a County Council. Members of the governing body of the County Council represent the interests of the constituent Council by which they are elected to the County Council.

UMCC is the weeds authority for the council areas of Bathurst, Blayney, Lithgow and Oberon. The UMCC has four principal program areas -

- Weed Biosecurity Compliance Program,
- Business Management Program,
- Landholder Support Program, and
- Roadside Weed Control program.

As a member, the Council is entitled to appoint two Councillors as delegates on the UMCC. The election of appointment of delegates to the UMCC is for the term of the Council. The role carries a small annual stipend. The UMCC typically meets on 6 weekly cycles, generally in the afternoon. The first meeting of the UMCC will establish the meeting arrangements.

UMCC currently trades as Central Tablelands Weeds Authority (CTWA).

Central Tablelands Weeds Authority (CTWA)

Central Tablelands Weeds Authority's core function is to detect priority weeds and actively encourage landholders to correctly manage the identified priority weed in accordance with the Central Tablelands Local Lands Services Strategic Weed Management Plan. CTWA believes in cooperating with all landholders to achieve the best results in managing priority weeds. If we all work together, we can reduce the impact of priority weeds.

However, in some instances it is faced with uncooperative landholders whereby an escalation in the compliance process is required. This can result in the issuance of Penalty Infringement Notices or Court Prosecution. Although these methods are not in the spirit of the Authority and its Weeds Biosecurity Officers, they are nonetheless, necessary on limited occasions. CTWA derives such enforcement powers from the Biosecurity Act 2015 (NSW).

Nominations for Councillor Delegates

Schedule 9 of the Local Government (General) Regulation 2021 applies. The nomination:

- (a) may be made without notice by any councillor of the Council,
- (b) is to be in writing delivered or sent to the returning officer, and
- (c) is not valid unless the nominee has indicated consent to the nomination in writing

Election of Delegates

The Local Government (General) Regulation 2021, Schedule 9, prescribes how a councillor is to be elected as a member of a county council. If there are more than two nominees, then an election is to be held by way of preferential ballot. A Nomination Form will be separately distributed to the Councillors. Councillors are to return the form to the General Manager, or it is to be handed to the General Manager at the commencement of the meeting.

The procedure for the election will be:

1. The General Manager will be the Returning Officer.
2. The General Manager will call for further nominations.
3. Nominations will be closed.
4. The Returning Officer will announce the names of the nominees.
5. If more than two nominations are received, an election will be held.
6. The election is to be conducted by preferential ballot.
7. The election is to be declared at the Council meeting at which the ballot is held.

Consultation and Communication

N/A

Policy

N/A

Legal

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

Risk Management

N/A

Financial

Nil financial implications arising from this report.

3.5. EXEC - 28/10/2024 - Returns of Disclosures of Designated Persons 2023-2024

Strategic Direction:	Responsible Governance & Civic Leadership To develop community confidence in the organisation by the way it is directed, controlled and manage
Author:	Trinity Newton – Executive Assistant
Department:	Office of General Manager & Mayor
Responsible Officer:	General Manager

Executive Summary

There is the potential for a public official to have personal interests which create an actual conflict with their official responsibility, or the perception of such a conflict. It is important that these personal interests are disclosed and held in a public register. The act of doing this establishes the foundation from which appropriate procedures can then be followed to avoid that private interest influencing or encroaching on the official's formal duties. This is a key transparency mechanism for promoting community confidence in Council decision making, whether by Councillors or by staff or others under delegation.

All designated persons are required to lodge a return of interests with the General Manager by 30 September each year. Council has identified 36 designated persons including councillors, as at 30 September 2024. 33 people have lodged a return. Cr Cassandra Coleman, Brendan Livingstone and Paul Minett did not lodge a return. Mr Livingstone has left Council's employment and ongoing follow-up will occur to obtain the two outstanding returns.

The purpose of this report is to table the Disclosures of Pecuniary Interests and Other Matters returns for the period 1 July 2023 to 30 June 2024.

Administration's Recommendation

THAT Council note the tabling of Disclosures of Pecuniary Interest and Other Matters by designated persons lodged for the 12 months ending 30 June 2024.

Attachments

1. Current 2024 Disclosures by Councillors and Designated Persons - Returns [3.5.1 - 1 page]

Reference to any relevant previous minute

Nil.

Background and discussion

Clause 4.21 of the Model Code of Conduct states that officials are required to disclose their personal interests in publicly available returns of interest. These operate as a key transparency mechanism for promoting community confidence in Council decision making, whether by Councillors or by staff or others under delegation.

All designated persons are required to lodge their return with the General Manager by 30 September each year. Council has identified 36 designated persons including councillors, as at the 30 September 2024. Returns must be tabled at the first Council meeting after the last day that the return was required to be lodged and are thereby being tabled at the 28 October 2024 Ordinary Council Meeting.

Policy

N/A

Legal

Council must make all returns of interests publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the NSW Information Commissioner.

The Information and Privacy Commission's (IPC) Information Access Guideline 1 on the disclosure of information states that, generally, the returns should be made publicly available on the Council's website free of charge. Lithgow Council publishes Disclosures for Designated Persons on its website with personal information (e.g. signatures and residential addresses) removed to ensure privacy.

Risk Management

In accordance with the Model Code of Conduct, if a council official becomes aware of any new interests that need to be disclosed, the Council official must submit a new return within three months of becoming aware of the interests.

Financial

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

Consultation and Communication

Completed returns of Councillors and designated persons have been included in Council's register of returns. All returns will be available for public viewing via the Lithgow City Council website and, upon request, at the Council administration building customer service desk.

3.6. P&P - 28/10/2024 - Onsite Sewage Management Policy

Strategic Context for this matter:

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

Author: Paul Minett – Acting Team Leader Environment

Responsible Officer: Shaun Elwood - Director People and Places

Executive Summary

This Report seeks Council's consideration to adopt the amended Compliance Policy 5.9 - Onsite Sewage Management.

Council considered the Draft Policy at its meeting on 24 June 2024 and resolved to place it on public exhibition in accordance with Section 160 of *the Local Government Act 1993*, seeking public comment and feedback on the proposed amended Policy (Min. No. 24-128).

Administration's Recommendation

THAT

1. Council adopt draft Compliance Policy 5.9 - Onsite Sewage Management, provided as an attachment.
2. The annual Onsite Sewage Management charge applicable, already adopted for 2024/25 remain. In addition, the fee structure provided in the Draft Policy apply from the 2025/26 financial year, being \$70 annual fee for all domestic systems and \$346 for commercial systems.
3. From 2025/26, a risk-based inspection program be implemented based on Council's resource capabilities.

Attachments

1. Draft Compliance Policy 5.9 - OSSM [3.6.1 - 26 pages]

Reference to any relevant previous minute

Minute 24-128 – Ordinary Meeting of Council held on 24 June 2024 (Review of Onsite Sewage Management Policy).

Background and discussion

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

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

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

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

The Draft Policy has addressed the above issues as follows –

1. The Approval to Operate period.

Onsite sewage management systems (OSSMS) are subject to an initial approval to install under Section 68 of the *Local Government Act* 1993 (LGAct) and after installation the “operator” (which can be the owner or the occupant) must apply to obtain an approval to operate that system. This approval is also under Section 68 of the LGAct and can be issued by Council for periods of between one (1) and five (5) years. The initial approval to operate is issued after successful completion by Council of a final inspection of a newly installed system.

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

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

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

The consequence of this approach is that invariably there is a period where operators, through no fault of their own, do not have an approval to operate (even though they are still operating an OSSMS) and are non-compliant with the legislation. Administratively, Council can also not be confident that the owners of all systems, where approvals have expired, have been notified of a requirement to renew. The process also creates a situation where only “existing” OSSMS are continually inspected and renewed within Councils resource capabilities whilst it is suspected that there are many OSSMS that have never been issued with approvals nor have been subject to the inspection process.

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

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

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

To address the current staggered and variable time periods applicable to approvals to operate, it is proposed that all Approvals to Operate for onsite sewage management systems be for a **12-month period from 1 July to 30 June each year** and that approvals be automatically renewed without the need for renewal applications or inspection prior to the issuing of renewals.

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

LOCAL GOVERNMENT ACT 1993 - SECT 107A

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

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

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

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

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

The charging of an annual fee through the rates notice (as is currently the case) is considered to be a written notice or invitation to renew an approval. The payment (or presumed payment) of the applicable fee through the rates notice enables an approval to operate to be renewed under the same terms as previously issued without the requirement for a written application for renewal to be made nor inspection prior to reissuing the approval.

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

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

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

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

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

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

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

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

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

It is proposed that paper copies of approvals to operate be issued to the owners of all systems for 2025/26 but in subsequent years these be only issued, with appropriate adjustments, upon request or after a change of ownership. Council may also amend or revoke an approval to operate at any time where it is considered necessary.

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

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

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

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

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

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

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

Inspections have been carried out on a mixture of high, medium and low risk systems as renewal applications have been received. The inspection program has not been based on a strategic

approach to prioritise the identification of potentially polluting systems but has been a reactive program based on the demand to renew approvals to operate.

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

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

This is an essential approach to ensure that constrained inspection resources are used in the right places. The current key performance indicator for OSSM inspections is 20 inspections per month and it is intended to utilise these inspections by addressing high systems in sensitive catchments, as a priority. The inspection process can also focus on specific areas in concentration and will also identify properties that have never held an approval for an OSSMS – an aspect of the inspection program that has been lacking in the past as it focused on inspection of known systems where approvals have lapsed, whereas a property right next door may not hold an approval to operate at all.

It is envisaged that in the initial few years of the risk-based inspection program, the focus will be on smaller lot subdivisions and locations where OSSMS are installed close to waterways.

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

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

Summary of Draft Compliance Policy 5.9 - Onsite Sewage Management

The Draft Policy was placed on public exhibition for 28 days from 5th August 2024 no submissions were received.

The Draft Compliance Policy 5.9 - Onsite Sewage Management is included as an attachment.

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

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

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

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

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

- The process of issuing "approval to operate" renewals,
- The structure of the risk-based inspection program, and

- The fee structure applicable to approvals.

Consultation and Communication

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

Accordingly, the Draft Policy has been placed on exhibition in accordance with the requirements of Section 160 of the *Local Government act 1993* to seek community feedback prior to Council's adoption to any change in Policy. No Public submissions were received during the exhibition period nor for 42 days afterwards as required by the Act.

Internal consultation has also occurred with stakeholders including Finance and Information and Technology staff with the proposed changes being well received, particularly as the amendments to process will remove much of the administrative burden of ensuring the correct fees are levied and invoices forwarded for approval renewals.

Policy

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

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

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

Legal

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

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

Risk Management

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

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

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

Financial

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

- Future potential impact – administrative cost savings

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

Total revenue from the annual charge is currently \$200,383 per annum.

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

Type of system	number	Adopted Fee (2024/25)*	Collected amount(\$)
AWTS (aerated waste water treatment)	560	\$51.50	29,521.50
High Risk	317	\$114.50	39,960.50
Medium Risk	692	\$76.50	55,615.50
Low Risk	1,125	\$51.50	62,830.00
Commercial	35	\$346.00	12,456.00
Totals	2,729		\$200,383

*Note: Fees as adopted in 2024/25 fees and charges. Total fees projected in rate notices may vary due to other charges

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

Revenue from OSSM annual charges recovers Council's related administration costs, including processing approvals to operate and staff costs associated with the inspection program. It is proposed to sustain the same level of total revenue to support the OSSM program.

In order to maintain the current income generated by OSSM fees, it is estimated that an annual fee in the vicinity of \$70 per year for all domestic Onsite Sewage Management Systems be applied and be levied through the rates notice with no additional fees applicable. As the fees and charges for 2024/25 have already been adopted, this change in fee structure would apply from 2025/26.

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

For reference, the following annual fees apply (as at June 2024) to approvals to operate Onsite sewage management systems at neighbouring Councils:

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

The proposed annual charges would place Lithgow Council's fees in the mid-range compared with surrounding Councils.

3.7. P&P - 28/10/2024 - DA150/23 13 Lot Subdivision- 265 Portland Sunny Corner Road, Portland

Strategic Direction:

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

Author:	Lauren Stevens – Development Planner
Department:	Planning
Responsible Officer:	Shaun Elwood - Director People and Place
Property Details	Lot 1 DP 129563, Lot 3 DP 836482, 265 Portland Sunny Corner Road Portland.
Property Owner	The Trustee for Peace Perpetual Trust
Applicant	Mr A Ashraful

Executive Summary

This report has been submitted to the Council for consideration of Development Application DA150/23 for the Torrens title subdivision of two allotments into thirteen (13) rural-residential allotments, including the construction of an internal access road and stormwater drainage works. The applicant originally sought consent for twelve (12) rural-residential allotments, however, on 17 June 2024 the development application was amended pursuant to section 37 of the Environmental Planning and Assessment Regulation 2021 to increase the number of allotments to 13.

The subject site is zoned R5 Large Lot Residential pursuant to the *Lithgow Local Environmental Plan 2014* (LLEP). The proposed development is characterised and defined as ‘*Subdivision*’ and is permissible with consent in R5 zone. The existing dwelling on the site will be retained and incorporated into Lot 13. No dwellings are proposed on the remaining 12 allotments; however, indicative building envelope and effluent disposal system locations have been nominated on the proposed allotments. The proposed allotments all exceed 2ha in area (see Attachment 2 - Assessment Report) and therefore, the development complies with the allotment size requirements of clause 4.1 of the Lithgow Local Environmental Plan.

The development is categorised as ‘integrated development’ within the meaning of section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and requires separate approval under section 100B of the *Rural Fires Act 1997* (RFA) as the site is mapped as bushfire prone land and involves subdivision of land for the purpose of rural-residential development.

The application was referred to the NSW Rural Fire Service (RFS) pursuant to section 4.46 of the EP&A Act and section 100B of the RFA. The RFS has assessed the application and provided its general terms of approval (GTA) on 17 October 2023. However, Council referred the amended application back to the RFS as its GTA only pertained to 12 allotments. The RFS response was received 26 July 2024.

The application was referred to Water NSW pursuant to section 6.5 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (BC SEPP). Water NSW requested that the applicant provide additional information in relation to stormwater drainage and wastewater

management. The applicant has adequately addressed Water NSW's concerns in revised civil engineering plans and wastewater documentation and Water NSW subsequently issued concurrence conditions on 9 September 2024.

The key environmental planning issues arising from the assessment of the proposal include land contamination, biodiversity impacts, stormwater management, access and wastewater management, which have been satisfactorily addressed and can be appropriately managed through the recommended conditions of consent.

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 5 September 2023 and concluded 28 September 2023. No written submissions were received during the notification period.

Council's Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land requires any application that proposes to dedicate land or an asset to Council is to be considered and determined by Council if the recommendation is for approval of that application. Given that the proposed road is to be dedicated to Council as a public road, the application is to be determined by the elected Council.

The purpose of this report is to assess and recommend determination of Development Application DA150/23 for a thirteen (13) lot Torrens title subdivision, associated civil works including an internal road on land known as Lot 1 DP 129563, Lot 3 DP 836482, 265 Portland Sunny Corner Road Portland.

Administration's Recommendation

THAT

1. Development application DA150/23 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

Attachments

1. Attachment 1 - Plan of Subdivision [3.7.1 - 1 page]
2. Attachment 2 - Assessment Report [3.7.2 - 52 pages]

Reference to any relevant previous minute

Nil

Background and discussion

The subject site consists of two allotments with frontages to the eastern side of Portland Sunny Corner Road and the southern side of John Mackey Drive within the Portland locality. The site is irregular in shape with an area of approximately 27.91ha and is zoned R5 Large Lot Residential pursuant to the Lithgow Local Environmental Plan 2014.

The site contains a dwelling house and ancillary residential structures within the south-western corner of the site. The remainder of the site comprises grassland vegetation, numerous dams and pockets of remnant forest vegetation.

The site slopes away from the north and west towards the eastern boundaries, representing an average slope between 5-10 degrees.

The site is mapped as being bushfire prone and is partially flood affected. Pipers Flat Creek runs through the site from north-east to west. The site is burdened by a transmission line easement that intersects the site centrally in an east-west direction.

Surrounding land comprises of predominately rural and rural-residential development. Located adjacent to the site to the west is the Portland Cemetery (identified as local archeological site A107), while the Portland town centre is located approximately 2 kilometres (km) to the north.

The applicant seeks development consent for the Torrens title subdivision of two allotments into 13 rural allotments including the provision of a new access road via the eastern side of Portland Sunny Corner Road. The existing dwelling house and ancillary structures on the site will be retained and incorporated into Lot 13.

New dwellings and on-site wastewater systems on Lots 1-12 are not proposed under the subject application. However, indicative building envelopes, effluent disposal locations and Asset Protection Zones (APZ) are provided on these allotments.

The proposed allotments contain the following dimensions:

- Lot 1: 2.18 hectares (ha)
- Lot 2: 2.19ha
- Lot 3: 2.08ha
- Lot 4: 2.07ha
- Lot 5: 2.06ha
- Lot 6: 2.02ha
- Lot 7: 2.01ha
- Lot 8: 2.03ha
- Lot 9: 2.04ha
- Lot 10: 2.05ha
- Lot 11: 2.01ha
- Lot 12: 2.17ha
- Lot 13: 2.10ha.

Ancillary components of the development involve civil works and road construction including:

- Construction of a new 8m wide internal road via the eastern side of Portland Sunny Corner Road with a turning head to provide vehicular access to Lots 5-12. Vehicular access to Lots 1-4 will be provided via John Mackey Drive and will be subject to future development applications for the individual residences on each site, while vehicular access from Lot 13 will be maintained from Portland Sunny Corner Road.
- Provision of dams on Lot 5, Lot 6 and Lot 8.
- Construction of a table drain along the new internal road. Treatment devices will be connected in the drainage system and will be designed to produce an effecting treatment train in reducing concentrations of nutrients exiting the site. The following treatment devices outline the order which stormwater will flow:
 - o rain garden, and
 - o grass swales.

Consultation and Communication

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners and occupiers were notified of the proposal. The submitted documents were placed on public exhibition for twenty-one (21) days in accordance with the Participation Plan commencing 5 September 2023 and concluding on 28 September 2023.

No written submissions were received during the notification period.

Policy

Lithgow Community Participation Plan

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners and occupiers were notified of the proposal. The submitted documents were placed on public exhibition for twenty-one (21) days in accordance with the Participation Plan commencing 5 September 2023 and concluding on 28 September 2023.

Policy 7.6 Development Application by Councillors and Staff or on Council owned Land

Council's Policy 7.6 Development Application by Councillors and Staff or on Council owned Land states that any application that proposes to dedicate land or an asset to Council is to be considered and determined by Council if the recommendation is for approval of that application. As such, this application is being referred to an Ordinary meeting of Council for consideration and determination.

Legal

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

The proposed development requires consent in accordance with the Environmental Planning and Assessment Act 1979 and under the Lithgow Local Environmental Plan 2014. In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the Act. These are addressed in the attached Planning Assessment Report. The application is recommended for approval and has been assessed as achieving compliance with relevant regulatory requirements.

Risk Management

N/A

Financial

- Budget approved - N/A for the assessment of the development application.
- Cost centre - N/A for the assessment of the development application.
- Expended to date - N/A for the assessment of the development application.
- Future potential impact - N/A for the assessment of the development application.

3.8. P&P - 28/10/2024 - DA101/24 Eco-tourism - 51 Atkinson Street Morts Estate

Strategic Direction:

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

Author:	Jessica Ramsden
Department:	Development Planner
Responsible Officer:	Shaun Elwood - Director People and Places
Property Details	Lot 152 DP 659519, 51 Atkinson Street Morts Estate NSW 2790.
Property Owner	Experience Oz Pty Ltd
Applicant	Mr Benjamin Harris

Executive Summary

This report has been submitted to the Council for information on Development Application DA101/24 for an Eco-Tourist Development at 51 Atkinson Street, Morts Estate, 2790.

This Development Application was 'called in' on 26 August 2024 by Councillor Coleman. Clause 3 of Council's Policy 7.7 Calling In of Development Applications requires that the application be reported to the 'next available Ordinary Meeting for the information of Council' and therefore, the purpose of this report is to inform the elected Council of the 'called in' Development Application.

A subsequent report will be provided once assessment has been completed in accordance with the *Environmental Planning & Assessment Act 1979* (EP&A Act).

The subject site is zoned C3 Environmental Management pursuant to the *Lithgow Local Environmental Plan 2014* (LLEP). The proposal is for an Eco-Tourism Facility which is permissible under the Land Use Table for C3 Environmental Management, subject to development consent.

The site is approximately 2ha with scattered vegetation and State Mine Creek running through the western section of the site. Existing buildings are to be demolished and direct access provided at the end of Atkinson Street. New accommodation and associated buildings will be developed. The site is surrounded by residential development to the south and west and a rail corridor and State Mine Museum to the east and north respectively.

The development is categorised as 'integrated development' within the meaning of section 4.46 of EP&A Act and requires separate approval under section 100B of the *Rural Fires Act 1997* (RFA), section 22 of the *Coal Mine Subsidence Compensation Act 2017* and section 91 of the *Water Management Act 2000*. As such the application has been referred to NSW Rural Fire Service (RFS), NSW Subsidence Advisory and Water NSW.

Further, the proposal requires referral to Water NSW pursuant to section 6.5 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (BC SEPP) and to NSW Transport (Sydney Trains) & Endeavour Energy pursuant to Section 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

As per the Lithgow Community Participation Plan, to meet the minimum 21 day exhibition period, the Application was notified to adjoining and adjacent landowners on 6 August 2024 and closed 29 August 2024.

Administration's Recommendation

THAT

1. Information on Development Application DA101/24 be noted.
2. A report on the final assessment and recommendation be furnished to a future Council meeting for determination of DA101/24 for an Eco-Tourist Facility at 51 Atkinson Street Morts Estate.

Attachments

1. ATTACHMENT 1 - DA 101-24 Eco- Tourist Facility Plans [3.8.1 - 18 pages]
2. ATTACHMENT 2 - DA 101-24 Eco- Tourist Facility Statement of Environmental Effects [3.8.2 - 127 pages]

Reference to any relevant previous minute

Nil.

Background and discussion

Development Application DA101/24 is for an Eco-Tourist Facility at Lot 152 DP62951, 51 Atkinson Street Morts Estate which includes:

- Proposed dwelling – managers residence,
- Nine, two-bedroom cabins,
- Eight, one-bedroom units in three buildings,
- A common room (bushfire safe refuge),
- A check-in building, and
- Driveway, car parking and water tanks.

The definition of Eco-Tourist Facility under LLEP is as below:

eco-tourist facility means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note— See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

*Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.*

A maximum of 44 guests are proposed for the site plus the manager's residence which is a 3-bedroom dwelling. The common room is to be utilised for gathering, cooking and as a bushfire refuge. The check in building is for front of house reception and information. Attachment 1 – Eco-Tourist Facility Plans provides plans of the development as originally submitted.

Consultation and Communication

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners and occupiers were notified of the proposal for a period of 21 days.

Policy

Lithgow Community Participation Plan

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

Policy 7.7 Calling In of Development Applications by Councillors

Council's Policy 7.7 is applicable as the application was 'called in' on the 26 August 2024 by Councillor Coleman. The purpose of this report is to satisfy Clause 3 which requires an information report be furnished to the next Council Meeting. A subsequent report will be provided once assessment is finalised by all government authorities and internal staff.

Legal

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

The proposed development requires consent in accordance with the Environmental Planning and Assessment Act 1979 and under the Lithgow Local Environmental Plan 2014. In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the Act. This will be addressed for a subsequent Council meeting.

Risk Management

N/A

Financial

- Budget approved - N/A for the assessment of the development application.
- Cost centre - N/A for the assessment of the development application.
- Expended to date - N/A for the assessment of the development application.
- Future potential impact - N/A for the assessment of the development application.

3.9. I&E - 28/10/2024 - Hampton Roads Civil Works Tender

Strategic Context for this matter:

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

Author: Paul Creelman- Transport Manager
Responsible Officer: Jonathon Edgecombe- Director Infrastructure and Economy

Executive Summary

This report summarises the tender evaluation process that has been undertaken for road rehabilitation works on Hampton Road, Hampton, between the North and South intersections of Norman Lee Road and Hampton Road.

The scope of works covers a distance of approximately 4 kilometres. Large sections of the road will require full remediation while other sections will require patching to varying degrees. The area of full rehabilitation measures approximately 4,800 square metres. Multiple areas of heavy patching measure approximately 1,400 square metres.

The tender includes a request for a schedule of rates for any additional works that may be required as a result of unearthing unsuitable road building material whilst the works progress. The rehabilitation works are fully funded by Transport for NSW under a grant provided as part of the Fixing Local Roads - Round 4 funding.

The tender was sent to the approved contractors as per resolution 24-160 of the Council meeting held on 22 July 2024, and 3 responses were received. At the end of the tender process, Gracey's Earthmoving and Excavation are the recommended tenderer.

Administration's Recommendation

THAT Council:

1. Appoint Gracey's Earthmoving and Excavation Pty Ltd to undertake the rehabilitation of Hampton Road for a cost of \$230,000 ex GST, and
2. Accept the schedule of rates provided by Gracey's Earthmoving and Excavation Pty Ltd for additional works as may be required for the rehabilitation of Hampton Road.

Attachments

1. Confidential - Hampton Road rehabilitation Tender Evaluation Sheet [3.9.1 - 1 page]
2. Confidential - Gracey's Schedule Of Rates [3.9.2 - 25 pages]

Confidential Tender Evaluation Sheet.

Reference to any relevant previous minute

The tender was opened to the approved contractors as per resolution 24-160 of the Council meeting held on 22 July 2024.

Background and discussion

The Tender Process

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

Name	Position	Role on TEP
Paul Creelman	Transport Manager	Chair
James McGee	Engineering Officer	Member

The tender was assessed on the following criteria:

1. Relative Value for Money (60%)
2. Requisite insurances held (15%)
3. Prior experience (15%)
4. Availability to start (7.5%)
5. Local Preference policy (2.5%)

The process followed was a closed tender using the Civil Works Panel of five civil works and pavement stabilisation contractors which was approved by Council at the 22 July 2024 meeting (resolution 24-160) and was run via Local Government Procurement. Included were several specifications addressing the scope and conditions the successful applicant will be required to follow. See below:

1. An area of 4,800 square meters of the road will require full remediation.
2. Other sections amounting to approximately 1,400 square meters will require patching to various degrees.
3. The areas of full remediation shall be stabilised with lime to a depth of 300mm at a 3-4% ratio.
4. Once the areas of works are exposed, there may be the requirement to remove unsuitable material and replace with roadbase (DGB20 or DGB40, depending on the depth of the heavy patch).
5. Where rehabilitation of the road occurs, the road formation shall be a minimum of 8 metres wide with a 1 metre shoulder on each side.
6. Roadside drainage lines are to be cleared for the full 4,000 lineal metres with the inlets and outlets armoured with terrafirma/jute mesh and 200mm+rock. There should be an allowance for 14 outlets and a schedule of rates for additional outlets.
7. The road should be prepared to seal with a 2-coat bituminous seal, Council will organise the sealing of the site in accordance with the outcomes of previous tender, also resolved by Council in July 2024.

Tender Evaluation

Council received 3 responses to the tender request. They were from:

1. Dukes Earthmoving Pty Ltd,
2. Gracey's Earthmoving and Excavations
3. Gracey and Son Earthmoving.

Tender evaluation was carried out and the following scores were tabulated.

Contractor	Gracey and Son Earthmoving	Gracey's Earthmoving and Excavation	Dukes Earthmoving and Excavation
Total score	44.9%	96.3%	93.5%

Gracey's Earthmoving and Excavation are the preferred tenderer. Works would commence prior to the end of October 2024, subject to weather and contractor availability.

Consultation and Communication

Residents in the local area will be advised of the project in writing and further direct communication will be issued once the works are scheduled to commence.

Policy

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

Legal

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

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

Risk Management

All the ranked applicants have good work health and safety systems, quality control measures and environmental management systems, with most having ISO 14001 and 45001 accreditations. Similarly, the preferred tenderer has the required Public Liability Insurance to work for Lithgow Council.

Financial

The funding for these works has been provided from Transport for NSW under a grant provided as part of the Fixing Local Roads: Round 4, funding.

- Budget approved – Hampton Road Reseal - \$2,355,180.
- Cost centre - 100857
- Expended to date - \$1,717
- Future potential impact – Full expenditure of \$2,355,180 budget. The preferred quote is under budget for this phase of the project, however, it is anticipated that bitumen seal/reseal, vegetation control and repair of any latent site defects will result in expenditure of the full project value.

3.10. I&E - 28/10/2024 - Naming of the Burton Street Causeway

Strategic Context for this matter:

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

Author: Jonathon Edgecombe – Director Infrastructure and Economy

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

This report presents an asset naming proposal related to the new causeway currently being installed over Farmers Creek, in the vicinity of Burton Street, Lithgow.

Administration's Recommendation

THAT Council advertise the proposed naming of the Farmers Creek Causeway (immediately adjacent to Burton Street) as the "George Pearce Memorial Crossing" for a period of 28 days prior to returning the matter to Council for a final determination.

Attachments

Nil

Reference to any relevant previous minute

Nil.

Background and discussion

Since June 2023, the Council has been working with the Pearce family to develop a road naming proposal to recognise the contribution made by George Pearce to the local community. George Pearce passed on 28 February 2022 and was a prominent local businessman, significantly contributing to the local economy and supporting several community groups during his tenure as a local resident.

The Pearce family originally reached out to Council in June 2023 to rename Inch Street Lane (between Inch Street and the Blast Furnace site) "Pearce Lane". Unfortunately, upon referring the matter to the Geographical Names Board (**GNB**), it was found that the name could be considered to directly refer to the name of a local business or be construed to be promoting it. The business referred to here is *Pearce's Furniture One* located at 1 Railway Parade, Lithgow.

The administration advised the Pearce family of this outcome. They suggested an alternative name of "George Lane." However, with the administration's knowledge of the GNB naming guidelines (referring to Section 6.7 Principles of Road Naming in particular), it was clear that this name would also be rejected due to its similarity with other roads within the LGA, including George Coates Avenue (Lithgow), George Parade (Portland) and Geordie Street (Lithgow). Similar names are not permissible due to the confusion that may be caused during emergency events.

Council's Director Infrastructure and Economy recently met with the Pearce family again to work through an alternative proposal that would recognise George Pearce's contribution to the

community but also relieve Council of the requirement to comply with the strict GNB naming conventions. At this time, the administration advised the Pearce family that the GNB requirements only related to roads, but the naming of any other community infrastructure was purely a Council and community decision.

The causeway crossing Farmers Creek is nearing completion. The culverts are in place and the footpath was poured early in the morning of 11 October 2024. At the time of authoring this report, all that remained to complete the project were some minor ancillary items discussed with adjacent landowners. Weekly meetings have been held with nearby residents to ensure they remained up to date on progress, and confident that Council had their interests front of mind.

Subject to the results of a 28-day community consultation period and final decision of Council thereafter, it is suggested that the causeway be named the "George Pearce Memorial Crossing". Should this proposal move forward, alongside a standard blade-style naming sign, it is also suggested that the Administration work closely with the family to obtain a brief biography of George Pearce's life, for the development of a small interpretive sign to be placed somewhere within a 5-metre radius of the causeway and its footpath.

Consultation and Communication

Per Council's Policy 10.3 - Naming of Council Facilities, asset naming requests should follow the following process:

1. Referral to the Council's Community Development Committee.
2. Should the Council resolve to proceed with the request, advertise the proposed name for a minimum period of 14 days.
3. Report the results of this process to the Council.
4. The Council, at its ultimate discretion, will form a final position on the matter.

Due to the caretaker period of the outgoing Council and time required to endorse and set up new Council committees, Step 1 (referral to the Community Development Committee) has been skipped in the interests of resolving this matter as quickly as possible. However, should the Council wish, this matter can be deferred pending a recommendation of the Community Development Committee.

It is also suggested that a longer consultation period of 28 days be applied to mirror the notice often given to the community for policy reviews and development applications, for example.

Policy

This proposal relates to Policy 10.3 - Naming of Council Facilities. Deviation from the policy is proposed by referring the matter directly to the Council rather than to the Community Development Committee in the first instance.

Legal

Not applicable.

Risk Management

Not applicable.

Financial

- Budget approved (for Burton Street Causeway) - \$141,102
- Cost centre - 100738
- Expended to date – \$2,050 (with remainder of budget committed).
- Future potential impact – Full expenditure of budget with minor overspend of \$3,300, to be addressed through the reallocation of funds from an underspent project.

3.11. I&E - 28/10/2024 - Aquatic Centre - New Service - Fees and Charges

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: David Anderson – Building & Recreation Facilities Manager

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

Staff at the J.M. Robson Aquatic Centre continue to investigate opportunities to improve services offered to the community. Swim Squad services currently exist at four tiers, as follows:

1. Mini Squad.
2. Development Squad.
3. Intermediate Squad.
4. Advanced Squad.

Council's services currently cease at the Development Squad level. This report seeks Council's endorsement of additional fees and charges to offer Swim Squad services up to the Advanced Squad level.

Administration's Recommendation

THAT Council:

1. Endorse the proposed additional fees and charges to enable the JM Robson Aquatic Centre to introduce coaching services at the Intermediate and Advanced Squad level, to be placed on public exhibition for 28 days.
2. If no material submissions are received during the public exhibition period, endorse the proposed additional JM Robson Aquatic Centre fees and charges to be added to Council's 2024/25 Fees and Charges Register.
3. Note that any material submissions received during the public exhibition period will be reported to Council for further consideration.

Attachments

Nil

Reference to any relevant previous minute

Nil.

Background and discussion

Currently, Swim Squad services are offered by the Aquatic Centre staff up to the Development Squad Services. Patrons seeking to continue their development must register with an alternative provider, usually enrolling at an alternative Aquatic Centre.

This proposal seeks to increase services levels to the public in the form of higher-level swim squads through the introduction of swim coaching at the Intermediate and Advanced level. Other

similar Aquatic Centres offer higher levels of coaching for those swimmers who would like to compete at higher levels, or for the everyday swimmer. Currently Lithgow does have local swimmers who are striving for these levels of coaching services and must look outside the LGA to find this service to increase their competitive ability.

The proposed program is an extension of our current Learn to Swim program, leading to a more formalised coaching program, refining existing skills, to thus enable swimmers to compete at higher levels. The proposed fee structure outlined below will cover coaching costs and increase the Centre's income stream.

1. Mini squad – 1 hour training – unlimited entry through the week - \$25 per week.
2. Development squad – 1 hour training – unlimited entry through the week - \$30 per week.
3. Intermediate squad – 1.5 hour training – unlimited entry through the week - \$35 per week.
4. Advanced squad – 2 hour training – unlimited entry through the week - \$40 per week.

Note:

- *Registration to the Swim Club (run as an external service to Council) would be an additional cost.*
- *All prices are inclusive of entry.*

A quick comparison was made of other Aquatic Centres around the region, returning the following results.

All prices are per week	J M Robson Aquatic Centre Proposed Fee Entry Included	Bathurst Swim Academy Entry included	Manning Aquatic Centre Bathurst Entry included	Orange Aquatic Club Entry not included	Mountain Swim Entry not included
Mini Squad	\$25.00	\$26.90			
Development Squad	\$30.00	\$35.00	\$29.20		\$31.00
Intermediate Squad	\$35.00	\$37.00	\$31.50	\$31.15	\$34.00
Advanced Squad	\$40.00	\$39.00	\$33.80		\$37.00

Existing employees at the JM Robson Aquatic Centre have the required expertise and qualifications to deliver this service. This proposal seeks to ensure that Lithgow offers a comprehensive service that results in patrons continuing their swim journey locally rather than having to seek this service elsewhere.

Consultation and Communication

Council has previously been approached by the Lithgow Swimming Club to investigate the possibility to offer these services as they did not have the ongoing capacity to carry out higher level squad coaching. Council already has higher level trained instructors to be able to provide these services.

Staff at the Aquatic Centre have been liaising with the current Swim Club board to discuss this proposed new service prior to presenting it to Council, with the aim of working collaboratively to recruit participants to the program, in turn also resulting in more participants within the Swim Club ranks.

All new fees and charges must be placed on public exhibition for at least 28 days (Section 610F of the Local Government Act 1993).

Legal

Section 610F(3) of the Local Government Act 1993 states:

(3) However, if, after the date on which the operational plan commences—

(a) a new service is provided, or the nature or extent of an existing service is changed, or

(b) the regulations in accordance with which the fee is determined are amended, the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.

Risk Management

N/A

Financial

This service is income producing, these fees & charges will increase revenue to cover related staff wages.

3.12. I&E - 28/10/2024 - Exeloo - Supply and Install at Queen Elizabeth Park, Lithgow

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 Edgecombe – Director Infrastructure and Economy

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

This report seeks Council's endorsement of the purchase of a Single Unit Exeloo for Queen Elizabeth Park, at a value of \$271,708, including delivery to site.

Administration's Recommendation

THAT Council:

1. Approve the purchase of an Exeloo for Queen Elizabeth Park, Lithgow, at a value of \$271,708 (excluding GST), utilising the provisions of Section (3) (i) of the Local Government Act (1993) as a sole provider of Exeloo systems.
2. Approve a budget variation of \$51,708 for the addition of an adult change table, an extra-wide door and other inclusions to account for disability access.

Attachments

1. Confidential - Exeloo quote for Queen Elizabeth Park, Lithgow [3.12.1 - 1 page]

Reference to any relevant previous minute

Nil

Background and discussion

Lithgow City Council have had great success with Exeloo, who are the sole provider of the newest technology in public toilet amenities.

Council have obtained several Exeloo units, strategically located throughout the LGA, and to date have been a huge success. These units have proven to be reliable, easy to maintain, and customers have provided positive feedback on these amenities.

For operational purposes, so long as it is reasonably practicable, it is suggested that the Council continue to install local toilet amenities from the same provider. This ensures consistent maintenance and management practices and allows the Council to enact a single service agreement for more significant operational requirements. They are also the most widely used facility in the state.

The Exeloo amenities provide a self-cleaning mode which assists in keeping the facilities clean, which enhances customer satisfaction. The amenities also have an electronic timer mode to control opening and closing times minimising vandalism after operating hours, whilst also reducing the requirement for amenities to be physically locked by staff or contractors.

As approved by Council through their endorsement of the 2024/25 Operational Plan, this project involves the installation of a new amenities block at the southern end of Queen Elizabeth Park, Lithgow.

The approved budget for this project is \$220,000. However, in response to Councillor and public enquiry, most particularly representations made by Councillor Ring, the addition of an adult change table has been included. This valuable addition has increased the cost of the facility by \$27,800. Combined with an extra-wide door and other inclusions to account for disability access, this has increased the project cost to \$271,708. Additional budget will need to be allocated to the project through a Quarter 1 budget variation, funded either by an underspend project elsewhere, or through use of uncommitted funds from the building reserve.

Given the success of our Exeloo amenities to date, and Exeloo being the sole provider of these units, Council's approval is sought to proceed with a purchase order \$271,708.00. This includes all installation costs. For reference, the quote is included as a confidential attachment.

Consultation and Communication

Written advice will be provided to user groups of the Queen Elizabeth Park and Club Lithgow, alongside adjacent residents and businesses four weeks prior to the Exeloo installation.

Policy

Procurement has been undertaken in accordance with Council's purchasing procedures. Exeloo is on the LG Procurement Contract LGP308-3 Playgrounds, Open Spaces, Modular Structures, Exterior Lighting, Recreational and Associated Infrastructure. As the calling of tenders by LGP meets all requirements of the Local Government Act Regulations (and that LGP has achieved Prescription), LGP Customers do not need to independently tender for items purchased under this supply arrangement.

Legal

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

Under Section (3) (i) of the Local Government Act (1993), tenders for works valued over \$250,000 are not required in cases 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 Council has installed several of these Exeloo units throughout the LGA. To maintain consistency of service provision, maintenance and facility management (including procurement of spare parts, etc.), it is suggested that the Council does not deviate from the purchase of these units.

Noting the above, it is suggested that the Council endorse the raising of a purchase order for the value of \$271,708, thereby purchasing this unit for installation prior to the end of the financial year.

Risk Management

Nil

Financial

- Budget approved - \$220,000
- Cost centre - 100953
- Expended to date - \$0
- Future potential impact – Full expenditure of project budget, alongside a \$51,708 project variation to accommodate bespoke disability access and care solutions.

3.13. WWW - 28/10/2024 - Sewer Mains Relining Tender

Strategic Direction:

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

Author: Samuel Lenkaak - Projects Engineer Water and Wastewater

Department: Water and Wastewater

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

Executive Summary

Under the Local Government Act Tendering Regulation, where a contract is for over \$250,000 it needs to go to both open tender and be considered by Council. The Council has undertaken a formal Request for Tender (RFT) process via Vendor panel in August 2024 to identify suitable contractors to CCTV, clean and reline sewer mains in Lithgow - Birdwood St and Hassans Walls Rd area.

Administration's Recommendation

THAT Council:

1. In accordance with Clause 178(1)(a) of the Local Government (General) Regulation 2021, accept the tender submission and schedule of rates from Interflow Pty Ltd for a lump sum price of \$ 672,420.60 (Ex GST)
2. Authorise the General Manager to execute the contract on behalf of Council under delegated authority, between Council and Interflow Pty Ltd, in accordance with the tender for Sewer Mains Relining.

Attachments

1. CONFIDENTIAL - Evaluation Scoresheet Sewer Mains Relining [3.13.1 - 1 page]

Reference to any relevant previous minute

N/A

Background and discussion

Sewer mains carry sewer from private property along a network of varying size pipework to Council's sewerage treatment plant for processing. This network requires renewal and maintenance works along its lifetime to ensure the various water sources or type of water are separated such as sewer, stormwater and groundwater. The Administration has carried out a tender process for a suitably qualified and experienced contractor to perform a renewal of the sewer mains in the areas of Birdwood Street and Hassans Walls Road Lithgow, via pipeline

relining. The process requires the contractor to install a sleeve or a liner through the existing pipe to create a sealed environment and has minimal disruption to the customers and the environment.

An open tender process was conducted to obtain the maximum number of respondents for evaluation. The documentation was available from 19 August 2024 for any interested parties to download from the VendorPanel E-Tendering system.

Three responses were received electronically by the closing time on 27th September 2024, responses were received from the following parties (in alphabetical order):

- Abergeldie Pty Ltd,
- Interflow Pty Ltd, and
- Underground Experts Pty Ltd.

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

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

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

This allowed the TEC to assess responses by reviewing:

- Value for Money (40% weighting),
- Program Schedule & Design (20% weighting),
- Experience with similar projects (20% weighting),
- Capability and Understanding of Council Requirement (15% weighting), and
- Local Procurement Policy (5% weighting).

Tender Evaluation

The respondents were asked to provide a lump sum price for the project as well as a schedule of rates for a 3-year future undertaking, this pricing was used to calculate a score against other responses to assess the best value for money across the board

Tender Responses	
Tenderer	Value for Money score out of 10
Abergeldie	4.91
Interflow	9.89
Underground Experts	10

As shown above, the pricing scores are based on the Lump Sum prices from each tenderer which accounts for 40% of the total score. A detailed evaluation report has been included with this report for the Councillor's information as a confidential attachment.

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

Organisation Weighed Score out of 100

Tender Responses	
Tenderer	Tender Evaluation Score
Abergeldie	63
Underground Experts	84
interflow	89

As a result of the evaluation, the TEC recommends that Council enter into an agreement with Interflow for Sewer Mains Relining 2024/25 Financial Year, accepting the lump sum pricing and the Schedule of rates provided via the tender process.

Consultation and Communication

N/A

Policy

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

Legal

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

Risk Management

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

Financial

- Budget approved - \$1,530,000
- Cost centre - PJ 300061
- Expended to date - \$70,704 (mainly for replacement of vent shafts).
- Future potential impact – approximately 4km of sewer mains in the area will be lined and renewed. Once the first stage of works is completed through the Birdwood St and Hassans Walls Rd area, further works will be completed using the schedule of rates for other areas in the sewer network.

3.14. F&G - 28/10/2024 - Investment Report 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: Sharon Morley – Finance Officer

Responsible Officer: Jonathon Reid – Responsible Accounting Officer

Executive Summary

The purpose of this report is to advise Council of investments held at 31 August 2024 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy.

The report also provides commentary on the cash and investments balance compared with the funding required for internally and externally restricted reserves. A key aspect of the report is that while Council has total investments and cash of \$82.3M, all but \$78.5M of this amount is restricted (internally and externally, as at 31/8/24). Therefore, those funds are not available for any purpose beyond that for which they have been restricted. The balance of \$3.8M is Council's working capital.

Administration's Recommendation

THAT:

1. Investments of \$79,200,000 and cash of \$3,083,816 (which is mostly restricted for specific purposes) for the period ending 31 August 2024 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

Attachments

1. August Investments Report [3.14.1 - 1 page]

Reference to any relevant previous minute

Min No 24-192 Ordinary Meeting of Council held on 26 August 2024.

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

Council's total investment portfolio as at 31 August 2024, when compared to 31 July 2024, has increased from \$75,800,000 to \$79,200,000. Cash in Council's bank account increased from \$2,353,997 to \$3,083,816.

August is usually a cashflow positive month, with the first rates instalment being the main source of income. In August 2024, there were average cash outflows for Accounts Payable transactions and no significant grant income received.

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

The movements in Investments for the month of August 2024 were as follows:

Opening Balance of cash and investments as 1 August 2024	\$78,153,997
<u>Plus</u> New Investments – August 2024	\$8,129,819
<u>Less</u> Investments redeemed – August 2024	-\$4,000,000
Closing Balance of cash and investments as at 31 August 2024	\$82,283,816

Responsible Accounting Officer comment on the cash and investments balance – there was a \$4.13M increase in cash and investments in August 2024. Cash inflows were offset by \$4.41M in Accounts Payable transactions. Cash outflows continue to be managed to ensure that the timing of grant funding milestones matches the pace of works undertaken.

High value Accounts Payable transactions included \$403k for the West Bowenfels Sewer Pump Station design and construction, \$295k for Lithgow Sewerage Treatment Plant capital works, \$275k for Lake Pillans Reserve upgrades, \$271k for domestic waste collection, \$161k Workers Compensation Premium instalment, \$142k Blast Furnace Park Lighting upgrade, \$136k for construction of the new Stores Building, \$130k playground equipment at Zig Zag Park, \$122k for Maddox Lane Pump Station Lidsdale, \$119k maintenance of Manholes & Pipework Old Bathurst Road South Bowenfels and \$107k for the Wolgan Valley Access Road design and project management.

Funding Requirements for Restricted Reserves

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

Responsible Accounting Officer comment on restricted reserves – Council had sufficient cash and investments at 31 August 2024 to fund \$66.6M of externally restricted reserves and \$11.9M of internally restricted reserves. The \$33.75M advance payment for natural disaster restoration works has been included in the Special Purpose Grants reserve.

The Council restored its working capital position (used to fund outgoing payments) to \$3.8M during the month of August 2024.

Cash and Investments Statement (\$'000)				
	30 June 2024 Position	31 August 2024 Position	31 December 2024 Position	31 March 2025 Position
Externally Restricted				
Developer Contributions	1,851	1,711		
Special Purpose Grants	44,441	43,196		
Water Supplies	4,712	4,851		
Sewerage Services	6,419	5,961		
Domestic Waste	8,261	9,746		
Unexpended Loans	1,342	1,111		
	67,027	66,575		
Internally Restricted				
Land & Buildings	2,184	2,184		
FAGs	5,410	4,266		
Plant & Equipment	643	643		
Bonds, Deposits & Retentions	539	526		
Works in Progress	637	637		
Carry Over Works	407	192		
Commercial Waste	1,405	205		
ELE	668	754		
Election	175	175		
Other	2,332	2,332		
Total Internally Restricted	14,401	11,916		
Unrestricted (working capital)	-	3,793		
Total Cash and Investments	81,428	82,284		

CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

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

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

Jonathon Reid
Financial Services Manager - Responsible Accounting Officer

Consultation and Communication

N/A

Policy

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

Legal

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

Risk Management

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

Financial

- Interest income budget approved – \$3,378,500
- Cost centre - 3259
- YTD Income to date - \$709,683
- Future potential impact – Nil.

Council's budgeted investment interest income for 2024/25 is \$3.4M, approximately \$461k more than 2023/24 actual interest received. Investment returns have remained steady with Council being able to achieve up to 5.40% return on term investments, however, in recent months has dropped to just below 5.00%. Council's average investment balance is \$74M, which is mainly due to the \$5.4M 80% upfront payment of the 2024/25 Financial Assistance Grant, the \$13.8M natural disaster works payment and the \$33.75M advance payment for natural disaster restoration works.

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

3.15. F&G - 28/10/2024 - Investment Report September 2024**Strategic Context for this matter:**

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

Author: Sharon Morley – Finance Officer

Responsible Officer: Jonathon Reid – Responsible Accounting Officer

Executive Summary

The purpose of this report is to advise Council of investments held at 30 September 2024 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy.

The report also provides commentary on the cash and investments balance compared with the funding required for internally and externally restricted reserves. A key aspect of the report is that while Council has total investments and cash of \$80.2M, all but \$77M of this amount is restricted (internally and externally, as at 30/9/24). Therefore, those funds are not available for any purpose beyond that for which they have been restricted. The balance of \$3.2M is Council's working capital.

Administration's Recommendation

THAT:

1. Investments of \$79,500,000 and cash of \$551,483 (which is mostly restricted for specific purposes) for the period ending 30 September 2024 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

Attachments

1. September Investments Report [3.15.1 - 1 page]

Reference to any relevant previous minute

Min No 24-192 Ordinary Meeting of Council held on 26 August 2024.

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

Council's total investment portfolio as at 30 September 2024, when compared to 31 August 2024, has increased from \$79,200,000 to \$79,500,000. Cash in Council's bank account decreased from \$3,083,816 to \$551,483.

September is usually a cashflow negative month, with no significant sources of income. In September 2024, there were average cash outflows for Accounts Payable transactions and no significant grant income received.

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

The movements in Investments for the month of September 2024 were as follows:

Opening Balance of cash and investments as 1 September 2024	\$82,283,816
<u>Plus</u> New Investments – September 2024	\$12,000,000
<u>Less</u> Investments redeemed – September 2024	-\$14,232,333
Closing Balance of cash and investments as at 30 September 2024	\$80,051,483

Responsible Accounting Officer comment on the cash and investments balance – there was a \$2.23M decrease in cash and investments in September 2024. Lower cash inflows were more than offset by \$4.39M in Accounts Payable transactions. Cash outflows continue to be managed to ensure that the timing of grant funding milestones matches the pace of works undertaken.

High value Accounts Payable transactions included \$371k for the West Bowenfels Sewer Pump Station design and construction, \$368k for construction of the new Stores Building, \$272k Flood Damage Rehabilitation - Marsden Swamp Road & Coxs River Road, \$199k for water usage - Fish River system, \$190k Lake Pillans Reserve upgrades, \$177k Blast Furnace Park Lighting Upgrade, \$164k Road Rehabilitation – Glen Davis Road Capertee, \$110k for the Wolgan Valley Access Road design and project management and \$106k Oakey Park Water Treatment Plant Replacement Water Pump.

Funding Requirements for Restricted Reserves

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

Responsible Accounting Officer comment on restricted reserves – Council had sufficient cash and investments at 30 September 2024 to fund \$65.1M of externally restricted reserves and \$11.9M of internally restricted reserves. The \$33.75M advance payment for natural disaster restoration works has been included in the Special Purpose Grants reserve.

The Council's working capital position (used to fund outgoing payments) was \$3.2M at 30 September 2024.

Cash and Investments Statement (\$'000)				
	30 June 2024 Position	30 September 2024 Position	31 December 2024 Position	31 March 2025 Position
Externally Restricted				
Developer Contributions	1,851	1,741		
Special Purpose Grants	44,441	42,429		
Water Supplies	4,712	4,913		
Sewerage Services	6,419	5,505		
Domestic Waste	8,261	9,774		
Unexpended Loans	1,342	754		
	67,027	65,117		
Internally Restricted				
Land & Buildings	2,184	2,184		
FAGs	5,410	4,260		
Plant & Equipment	643	643		
Bonds, Deposits & Retentions	539	523		
Works in Progress	637	637		
Carry Over Works	407	117		
Commercial Waste	1,405	306		
ELE	668	754		
Election	175	175		
Other	2,332	2,332		
Total Internally Restricted	14,401	11,933		
Unrestricted (working capital)	-	3,202		
Total Cash and Investments	81,428	80,251		

CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

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

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

Jonathon Reid
Financial Services Manager - Responsible Accounting Officer

Consultation and Communication

N/A

Policy

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

Legal

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

Risk Management

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

Financial

- Interest income budget approved – \$3,378,500
- Cost centre - 3259
- YTD Income to date - \$1,080,395
- Future potential impact – Nil.

Council's budgeted investment interest income for 2024/25 is \$3.4M, approximately \$461k more than 2023/24 actual interest received. Investment returns have remained steady with Council being able to achieve up to 5.40% return on term investments, however, in recent months has dropped to just below 5.00%. Council's average investment balance is \$74M, which is mainly due to the \$5.4M 80% upfront payment of the 2024/25 Financial Assistance Grant, the \$13.8M natural disaster works payment and the \$33.75M advance payment for natural disaster restoration works.

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

3.16. F&G - 28/10/2024 - Signing of 2023/24 Financial Statements

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 - Acting Director Finance and Governance

Responsible Officer: Acting Director Finance and Governance

Executive Summary

At the 26 August 2024 Ordinary Meeting, the previous Council authorised the signing of the financial statements by Council and management, as required by Section 413(2)(c) of the Local Government Act 1993.

As there have been material changes to the financial statements since late August 2024, the contract external auditors have requested that Council again authorise the signing of the financial statements by Council and management.

Administration's Recommendation

THAT Council:

1. Authorise the signing of the statement on the 2023/24 General Purpose Financial Reports.
2. Authorise the signing of the statement on the 2023/24 Special Purpose Financial Reports.

Attachments

Nil

Reference to any relevant previous minute

Min. No. 24-186 Ordinary Meeting of Council held on 26 August 2024

Background and discussion**Financial Statements Timeline**

Council officers and the external auditors are working 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 2024.

It is planned to present the completed 2023/24 financial statements to the 25 November 2024 Ordinary Meeting, with a representative of the Audit Office of NSW to present a report to Council on the statements and audit.

Signing of the Financial Statements

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 and if there are material changes to the statements arising during the audit.

There have been material changes to the statements, particularly related to the accounting treatment of grant received. Grants are classified as either income or a contract liability, depending on specific performance of the grant funding deed.

Consultation and Communication

N/A

Policy

N/A

Legal

The signing of the financial statements supports the Council in ensuring care and compliance is exercised in financial reporting

Risk Management

N/A

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.

3.17. F&G - 28/10/2024 - Policy 9.21 Councillor & Staff Interaction Policy

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

Author: Raj Singh – Governance & Risk Manager

Department: Governance

Responsible Officer: Acting Director Finance and Governance

Executive Summary

The Model Councillor and Staff Interaction Policy has been developed by the Office of Local Government (OLG) in consultation with Councils.

It provides an exemplar approach, incorporating examples of best practice from a diverse range of NSW Councils. At its core, the policy has three main goals:

- to establish a framework by which Councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between Councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between Councillors and staff.

The new policy is put to Council for immediate implementation.

Administration's Recommendation

THAT Council adopt new Policy 9.21 Councillor and Staff Interaction for immediate implementation.

Attachments

1. Model Councillor Staff Interaction Policy - Draft 17-09-24 [3.17.1 - 14 pages]
2. LCC - Code of Conduct - August 2022 [3.17.2 - 47 pages]

Reference to any relevant previous minute

N/A

Background and discussion

Positive, professional working relationships between Councillors and staff are a key element of any Council's success. If relationships between Councillors and staff are functioning effectively, the Council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk and ultimately the Council's performance will suffer.

A good relationship between Councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993* (the LGA) and the Lithgow City Council Code of Conduct (included as an attachment).

Councillors need access to information about the Council's strategic position and performance to perform their civic functions effectively. The General manager and staff are responsible for providing Councillors with this information to facilitate the decision-making process.

This Model Councillor and Staff Interaction Policy has been developed by the Office of Local Government (OLG) in consultation with Councils.

Enforcement of this policy is via Clause 3.1(b) of the Lithgow City Council Code of Conduct, which provides that Council officials must not conduct themselves in a manner that is contrary to a Council's policies. If adopted by a Council, a breach of the policy may also constitute a breach of the Lithgow City Council's Code of Conduct.

The Model Councillor and Staff Interaction Policy is structured as follows:

Part 1	Introduction
Part 2	Sets out the scope of the policy
Part 3	Describes the policy's objectives
Part 4	Sets out the respective roles and responsibilities of councillors and staff and the principles that should guide their interactions
Part 5	Sets out the administrative framework for a councillor requests system
Part 6	Identifies which staff councillors can contact directly
Part 7	Addresses councillors' entitlement to access council buildings
Part 8	Describes appropriate and inappropriate interactions between councillors and staff
Part 9	Provides advice about who complaints can be made to
Schedule 1	Contains a list of staff councillors can contact directly under Part 6 of the policy

By adopting the policy, Council commits to the following principles to guide interactions between councillors and staff:

- Equitable and consistent access to information;
- Considerate and respectful – working together supportively;
- Ethical, open and transparent interactions;
- Fit for purpose equipment and information; and
- Accountable and measurable support.

Consultation and Communication

Draft Policy 9.21 Councillor and Staff Interaction was presented to the 14 October 2024 Councillor Information Session.

Policy

This policy is read in conjunction with the Lithgow City Council Code of Conduct.

Legal

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

Risk Management

N/A

Financial

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

4. Council Committee Reports

4.1. FIN - Audit Risk Improvement Committee (ARIC) Minutes - 10 September 2024

Strategic Context for this matter:

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

Author: Raj Singh – Governance & Risk Manager

Responsible Officer: Jonathon Reid – Acting Director Finance & Governance

Executive Summary

This report summarises the business considered at the Audit Risk & Improvement Committee (ARIC) meeting held on 10 September 2024 and recommends that Council note the minutes.

For information, the ARIC 2023/24 Annual Report to Council is also provided to the Council.

Administration's Recommendation

THAT Council:

1. Note the minutes of the 10 September 2024 Audit Risk & Improvement Committee Meeting.
2. Note the Audit Risk & Improvement Committee 2023/24 Annual Report to Council.

Attachments

1. Draft ARIC Minutes - 10 September 2024 FINAL [4.1.1 - 16 pages]
2. FINA L- LCC ARIC Annual Report 2023-24 [4.1.2 - 11 pages]

Reference to any relevant previous minute

N/A

Background and discussion

At the ARIC meeting held on 10 September 2024, the following items were presented and discussed:

- **Other Business Arising:** Service Reviews and Business Improvement – gap analysis against findings and recommendations from 'Operation Hector' (ICAC report on Transport for NSW / Inner West Council contracts) to be initiated by Council.
- **Drafts Statements & Referral to Audit:** the final version of the 2023/2024 financial statements for audit, is to be provided to ARIC once available.
- **Audit Timetable:** No major concerns with audit. Final clearance meeting to be held on 11 October 2024. The previous Mayor and Deputy Mayor have signed the paperwork. However, the auditors require the new Council to sign.
- **Internal Controls Checklist:** ARIC noted the plan to complete a first draft of a customised internal controls checklist and provide to the 10 December 2024 ARIC meeting.
- **Financial Management:** From January onwards, process around budgeting requires attention where budgets are moved during the year and not at year end.

- **ARIC Terms of Reference:** the updated Terms of Reference for the ARIC require finalisation post ARIC meeting.
- **Compliance:** The Committee requested a demonstration of how Council is maintaining compliance with legislative requirements via Pulse to be organised for the next meeting.
- **Internal Audit Charter/Model:** ARIC suggested outsourcing of the Internal Audit function to be reflected in the charter instead of a hybrid model of an In-house and an Outsourced Function. The matter will be considered by management.
- **Internal Audit Provider Expression of Interest:** Outsourced four-year audit plan to be finalised by ARIC by end of September.
- **Rating Review:** Farmland rating is still under review and for a new policy to be created and put to Council.
- **Enterprise Risk Management Framework:** ARIC suggested that the risk registers should be reviewed to ensure that they reflect clear distinction between existing controls that are currently in place / operating and the desired state where additional action is required.
- **Business Continuity Plan (BCP) Review:** ARIC suggested that Council develops a program to undertake an increased level or combined approach to enable scenario testing of all sub-plans.
- **Strategic Planning IP&R Documents:** The Committee raised questions on how Council reports on SRV spending in alignment with IPART approval. The GM advised that regular reports are provided to Council, and the information will be included in Council's Annual Report.

The Terms of Reference for the ARIC require the Committee to provide an annual assessment to Council each year. The report, which is included as an attachment, covers the period of the financial year of 2023/24. Prior to its submission to Council, the report was reviewed and endorsed by the Members of the Committee.

Financial

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

5. Delegates Reports

5.1. EXEC - 28/10/2024 - CNSWJO Board Meeting Delegates Report - 22 August 2024

Strategic Direction:	Responsible Governance & Civic Leadership To develop community confidence in the organisation by the way it is directed, controlled and managed.
Author:	Trinity Newton – Executive Assistant
Department:	Executive
Responsible Officer:	Ross Gurney - General Manager

Executive Summary

This report provides advice from the meeting of the Central NSW Joint Organisation Board held in Canberra on the 22 August 2024. The Minutes from the meeting and action from meetings with federal representatives are included as attachments.

Administration's Recommendation

THAT Council note the report from the General Manager on the Central NSW Joint Organisation (CNSWJO) Board meetings held on 21 and 22 August 2024 and

1. Note a welcome to new Councillors session is under development with a tentative date of 28 November 2024.
2. Note the Return on Investment from the CNSWJO for the 2023/2024 year of 8.3:1 for membership fees.
3. Request a presentation from CNSWJO on its programming.

Attachments

1. 240822__ Delegate Board Report August [5.1.1 - 15 pages]

Management Comment

Advocacy by the Mayor & General Manager in Canberra

Separate to CNWJO meetings with Ministers and advisors, the Mayor and General Manager initiated two meetings to advocate for local issues:

- Senator Deb O'Neill and her Chief of Staff Shane McLeod – meeting to discuss the progress of LEEP actions and to advocate for the Lithgow LGA to be a priority of the Net Zero Economic Authority.
- The Hon. Kristy McBain - Minister for Regional Development, Local Government and the Territories – advocacy included:
 - GWH tunnel Blackheath to Hartley and improved passenger / freight rail to the Central West (relevant following WSI visit),
 - Reinstatement of \$1,938,911 Building Better Regions funding for the Main Street Revitalisation project,

- Need for support for regional development, in the context of Lithgow's economic transition and the Lithgow Emerging Economy Plan,
- Progress of the Inquiry Into Local Government Sustainability, and
- Regional water security and access to funding

Central NSW Joint Organisation Board Meeting – 21-22 August 2024

Please find following advice from the recent meeting of the Central NSW Joint Organisation Board held in Canberra on the 22 August 2024. The Minutes from the meeting and action from meetings with federal representatives are attached.

Board members were welcomed to Canberra by the Chair, Cr Kevin Beatty.

Speakers to the Board were the NSW Auditor General Mr Bola Oyetunji and Mr Simon Grice Senior Director–Energy Transformation, Climate Change and Net-Zero Energy Transformation, Climate Change, Energy and Water, ACT Government – Integrated Energy.

The Auditor General is keen to review red tape for Councils, including asset revaluation, depreciation and Rural Fire Service Assets. He advised he has the support of the Minister for Local Government in this regard and is looking for an audit framework that has impact. Follow-up with both speakers will be undertaken to progress opportunities for this region.

Updates were provided from the Office of Local Government and the Premier's Department. Of note is the recent announcement by the Minister for Local Government, the Hon Ron Hoenig, of funding for trainees and apprentices for Councils.

A Statement was drafted from the Mayors regarding the partial declaration of the headwaters of the Belubula under Section 10 of The Aboriginal and Torres Strait Islander Heritage Protection Act 1984. This Act enables the Australian Government to protect important Indigenous areas and objects under immediate threat, if it appears that state or territory laws have not provided effective protection.

This land in question is the site for the tailings dam of the Kings Plains' gold mine currently finalising the development assessment. While the Statement is directed to Minister Plibersek who made the decision, the Board has also agreed that development assessment in NSW needs to be questioned given the purpose of the Act is to protect a flawed state process

The following day was one of engagement with federal representatives hosted by the Hon Kristy McBain, Minister for Regional Development, Local Government and Territories.

Key themes from the day included the need for good NSW Government engagement at the federal level to assure the outcomes this region is looking for.

Please find the list of actions for follow-up attached to the minutes and request briefing notes.

As this was the last meeting of the Board for this term, four Mayors who were standing down were thanked for their service to the region. These were Councillors Jason Hamling, Mayor of Orange; Mark Kellam Mayor of Oberon; Craig Bembrick Mayor of Weddin and Scott Ferguson, Mayor of Blayney.

Submissions

The following submissions have been lodged since the last Board meeting. All have been at the request of members and/or as part of supporting the advocacy policy of the Board. All submissions can be viewed on the CNSWJO website.

1. Feedback on Draft TOR for Review of NSW Councils Financial Model
2. Submission – Inquiry into Local Government to Funds Infrastructure and Services
3. IPART Dam Safety NSW Levy
4. Feedback on Cemeteries and Crematoria NSW Internment Services Levy
5. MDB Plan V2 and buy-backs-Draft Restoring our Rivers Framework
6. Alternate funding models for water utilities –NSW Productivity Commission

New Integrated Planning and Reporting Group and Community Engagement Support

The Board resolved to create an Integrated Planning and Reporting Group of staff supported by the JO. They will have carriage of projects like Our Placemat previously reported to Council as well developing a program of support for mandatory community engagement.

Memorandum of Understanding (MOU) with Regional Development Australia (RDA) Central West

A critically important relationship for CNSWJO is its relationship with Central West RDA. Every year these, two organisations refresh their MOU. The only one of its kind in the nation, it ensures both organisations are working as efficiently and effectively as possible on the priorities of the region.

This year the renewal of the MoU was signed at Parliament House Canberra overseen by the Hon Kristy McBain, Minister for Regional Development, Local Government and Territories.

Spare Capacity in Housing

Responding to the Statement of Strategic Regional Priority for the CNSWJO, the equivalent of Council's Community Strategic Plan, to deliver advocacy and initiatives on skills and housing shortages; the Spare Capacity in Housing Project has sought to identify short term levers in realising spare bedrooms in Central NSW. With funding from Regional NSW, the project built on work undertaken by Orange 360 working with Cadia Mines. Orange 360 formed a collaboration with Work + Stay and all deliverables are provided below.

An analysis of spare room capacity in the target areas determined that almost 60,000 spare rooms are available, presenting a significant opportunity to address housing shortages. This seems like a big number – but the analysis is robust using ABS data – please go to the Housing Data Report below.

The project also identified a distinct shortage of medical and care worker professionals, worsened by the unaffordability of rental accommodation for most income earners. Inspired by successful models such as the Travelling Nurses and Furnished Finder platform in the USA, which caters to short-term and mid-term rentals for healthcare professionals, this initiative suggests the establishment partnerships between industry bodies, healthcare providers, employers, and homeowners.

The proposed initiative aims to provide a seamless medium for connecting homeowners with prospective tenants, automating contract generation, rent payments, and other necessary processes to streamline the rental experience for all parties involved. However, interviews with homeowners and employers revealed concerns regarding security, safety, and privacy in such arrangements, highlighting the need for targeted communications strategies to address societal norms and perceptions. The solution is a concierge service.

This grant-funded project is now complete with the outputs being as follows.

1. Environmental Scan WA W+S
2. Final Report Spare Capacity in Housing Project
3. Housing Data Report – Bathurst, Orange, Parkes WA W+S
4. Jobs and Skills Analysis Report – WA W+S
5. Space Capacity in Housing Project Implementation Delivery Plan

Disaster Risk Reduction Program

Disaster has varying priority across the region where with climate change there will be more severe storms and longer hotter droughts. Flooding and bushfire have been identified as the two significant disaster challenges for the communities of Central NSW. For some members of CNSWJO the impacts of disasters have been top of mind. For all councils the funding framework for disasters and the challenges of inundated road networks is ongoing.

Using the advocacy strength of eight JOs working together, CNSWJO is seeking to derive systemic change and local outcomes through its collaborative approach to Disaster Risk Reduction.

The Disaster Risk Reduction Fund (DRRF) has funded the below outputs, jointly funded by the Australian and New South Wales governments. DRRF is complete and the Board endorsed the various outputs:

1. Disaster Risk Reduction Integrated Planning and Reporting Framework
2. CNSWJO Evaluation Report Piloting Technology for Enhanced Disaster Risk Reduction: Simtable
3. DRRF Final Project report
4. Regional Resilience Group TOR_DRAFT
5. Recommendations and Actions from the Regional Opportunities Report Spatial Data Scoping Study
6. RRP Evaluation Report
7. RRP Evaluation - Summary Report
8. RRP Project Profiles
9. DRRF Final Report
10. DRRF Acquittal
11. DRRF Income and Expenditure Statement

A funding application for Round 2 of the Disaster Ready Fund has been lodged to continue this program and an announcement was made on 28 August that the CNSWJO was successful. Further advice will be provided in due course on the value of this program to Council.

Water and the Productive Water Policy Lab

The Regional Water Report provided advice on:

- The Regional Water Loss Management Hub project final report
- Practitioner's Toolkit for Transitioning Local Water Utility Strategic Planning into the Integrated Planning and Reporting framework and its promotion across regional NSW;
- work underway by Frontier Economics on the economic analysis of the value of water conservation for inland regional NSW;
- next steps in the rollout of water loss management programming; and
- an update on consultation underway on the Fish River-Wywandly regional water strategy.

CNSWJO and its members continue to be the go-to region for advice and leadership in local water utilities.

Congratulations were given to the team at Central Tablelands Water for taking out this years' Sam Samra award at the Local Government NSW Water Conference in Goulburn on 24 July. The award was for demonstrating significant strategic commitment to improving water security in the Central Tablelands region. Through their regional town water supply investigations, CTW partnered with Cabonne Shire Council, Orange City Council, Forbes Shire Council and Parkes Shire Council with the goal of improving town water security for communities across the Lachlan valley.

Councillors from across the region have asked for more opportunities to meet together and influence policy. Accordingly, the CNSWJO Board and Charles Sturt University have developed

Policy Labs where the region comes together to develop policy around issues that matter to our communities. All Councilors are welcome to attend these events.

The Policy Lab on Productive Water with Charles Sturt University on 30/31 July was well attended by Councillors from across the region, academics and peak agencies such as the Murray Darling Basin Authority (MDBA), the Murray Darling Association, the Australian Water Association and Lachlan Valley Water.

There were two areas of focus for the Productive Water Policy Lab – the value of town water and doing business differently down the Lachlan Valley, given it is a terminal system. The MDBA attendees were very receptive to the thinking at the meeting and a follow-up meeting has been held with them in Canberra. The Board has requested a presentation from the MDBA at its meeting in Sydney in November.

The Board will consider the recommendations from the Policy Lab report at its meeting in November and amend policy and programming accordingly.

Energy

There is a substantial amount of activity being undertaken to address the energy priority of the CNSWJO. Current work includes;

- delivering the cross Joint Organisation Net Zero Accelerator (JONZA) program, funded by the NSW DCCEE's Sustainable Councils program to deliver net zero outcomes to member councils;
- leading the Southern Lights program Southern Lights - Central Joint Organisation where the most recent work has been participating in the Australian Energy Regulator program negotiating better pricing for Councils for street lighting; and
- progressing the implementation Business Case for the Nexus Between Energy Security and Emissions, funded under the Regional NSW Business Case and Strategy Development Fund.

Councils have provided advice that they are interested in doing more about waste emissions. The JO is investigating opportunities here where there is no navigable pathway obvious at present.

Meanwhile, the work across the region in EVs and low emission fleet has seen growing interest from member Councils. The very successful EV showcase coordinated by the JO in Parkes in November 2023 will be repeated later this year – even bigger and better where there has been an offer to bring low emission buses to the region. All Councillors will be welcome to attend and an invitation will be provided in due course.

The AER Determination 2024-2029 process has recently concluded. The outcome is complex and advice has been requested from Essential Energy (EE) as to the impact the pricing, specifically in relation to streetlighting, will have on councils from 1 July 2024. Advice received from EE staff in early June was that the pricing models needed to be sent to external modelers to run the new estimates based on the rate changes. A response has been received from Essential Energy stating the following, where a council specific impact has also now been requested.

“Based on the new public lighting regulatory pricing coming into effect from 1 July 2024, on average a council will save 16.9% in real \$FY25 on their SLUoS bills compared to real \$FY24 bills. This was based on a stagnant inventory as of 1 July 2023 so there will be some fluctuation where councils have had lights upgraded to LEDs throughout the year.”

Support for incoming Councilors and the CNSWJO Statement of Strategic Regional Priority

Under the Local Government Act, Joint Organisations must undertake a review of their Statement of Strategic Regional Priority (SSRP) every new term of Council. This is a similar document to Council's Community Strategic Plan – but from a regional perspective.

Guidance from the Office of Local Government states that the review should be conducted in consultation with all members and state agencies while referencing Council Community Strategic Plans.

The Board received advice about the development of the SSRP including two workshops with councilors from all member councils.

The first workshop will be held in November and will welcome this term of councilors to the region and provide background on CNSWJO. Councilors will have an invitation in their diaries for this event.

The second workshop will focus more on what councilors from across the region want to see in the SSRP and this workshop will be held in March 2025.

CNSWJO would also like to provide a presentation to the new council on its programming and seek feedback on its priorities. This is recommended.

Value to Council

At this meeting the Board resolved to reserve funds of \$100K to support a regional cyber security support resource. The Board updated its contract management plan to include new procurement processes offering value through aggregation. The five-year plan can be requested. In response to the Board's concerns for the price of diesel, a media release has been issued via Mayors and a fuel tax rebate audit for councils has been initiated across the region where over \$500,000 of savings were realized in its last iteration.

80% of CNSWJO resources are dedicated to providing its operational support program. For the 2023/2024 year this program delivered a return on investments of 8.3:1 for every dollar Council spends on its membership fees. This value is made up of grant income, monies saved through the CNSWJO procurement program and public relations value from its tourism marketing.

The work the region does in writing submissions, media, supporting projects and project teams, developing collateral and providing opportunities for members in various forums to represent their views is not included in the above figure of 8.3:1 ROI. However, this value is reported quarterly to the Board. Please go to the CNSWJO website to review past Board agendas or to review last year's Annual Statement.

Grant funded projects for the 2023/2024 year were:

- The Joint Organisation Net Zero Acceleration Program (ongoing);
- Disaster Risk Reduction Fund program (Round One completed, Round 2 application);
- Bridge Assessments (due for completion in 2024/2025);
- A Business Case for Priority Investment in the Nexus between Net Zero and Energy Security (completed);
- A Regional Centre of Excellence in Water Loss Management (due for completion in 2024/2025);
- Transitioning Integrated Water Cycle Management Plans to Integrated Planning and Reporting (completed); and
- A Spare Capacity in Housing Project (completed).

Further applications have been made for programs under the auspices of the Board – please request advice on their status.

This value is delivered primarily by the various operational teams across the region, including the CNSWJO:

- General Managers' Advisory Committee,
- Water Utilities' Alliance,
- Transport Technical Committee,
- Tourism Managers Group,
- Planners' Group,
- Human Resources Managers Group,
- WHS/Risk Management Group,
- Training, Learning and Development Group,
- Net Zero Group,
- Regional IT Group,
- Building Surveyors Skills Shortages Working Group,
- Disaster Risk Reduction Steering Committee,
- Fleet Managers Group (new!), and
- Integrated Planning and Reporting Group (new!).

Conclusion

The CNSWJO continues to deliver very good value to Councils. Please contact the Executive Officer, Ms Jenny Bennett for more information.

5.2. I&E - 24/06/2024 - Bushfire Management Committee - Meetings - 1 October 2024

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: Jonathon Edgecombe – Director Infrastructure and Economy (LEMO)

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Economy

Executive Summary

At the 30 January 2024 Ordinary Meeting of Council, it was resolved that the Administration bring back reports to the Council on the outcomes of Bushfire Management Committee meetings. This report advises of outcomes from the BFMC meeting held 1 October 2024.

Administration's Recommendation

THAT Council note the report on the agenda and decisions from the Bushfire Management Committee meeting of 1 October 2024.

Attachments

Nil

Reference to any relevant previous minute

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

Background and discussion

The Minutes of Bushfire Management Committee meetings are confidential documents that cannot be included as attachments to this report. However, a summary of the matters discussed that are relevant to Lithgow are noted below, for the Councils information.

BFMC Meeting held 01 October 2024

Attendees: Jonathon Edgecombe (no Mayor currently elected at this time).

Matters discussed:

1. Action items:
 - a. One item relates to the work of Council regarding the development of an environmental assessment for Hassans Walls reserve. The RFS are interested in the outcome as it may impact upon future hazard reduction works. This item has been closed out, with the confidential environmental assessment commissioned by Council provided to the RFS in confidence.
2. The Fire Trails Sub Committee report was discussed wherein six priority trails have been discussed as requiring upgrade over the next 2 – 3 years.

3. BFMC Member Reports were presented. Council's report was:
 - a. Roadside hazard reduction program (slashing) is progressing - Council now has a permanent operator appointed to the machine which is a great result of a recent recruitment effort.
 - b. The BFMC were updated on the results from the recent election and advised of Lithgow's new Councillors.
 - c. Servicing and registrations of RFS vehicles are continuing, no recent issues raised regarding the program.
 - d. Browns Gap Road slope stabilisation and risk reduction work is continuing. The road is now open to traffic but remains under a *Trigger Action Response Plan* which will require periodic closure during periods of heavy rainfall. The BFMC and LEMC will receive specific notice should this occur.
 - e. The Wolgan Road recovery project is continuing but is perhaps Council's most complex project to date. LCC suggest that should the BFMC be willing, Council's experts can address the next BFMC and present on the state of the project, including details of what this new road might look like. This is to be arranged for the next meeting.
4. Of the other member reports, the following matters were relevant to the Lithgow LGA:
 - a. RFS have attended 187 incidents through April – September, 92 of these in the Lithgow LGA. Hazard reductions completed in Waigdon, Ben Bullen and Clear Creek, and planned for Ridge Street, Portland, Burruga Dam, Wattle Flat Heritage Lands, Hill End Common and Capertee East.
 - b. NPWS completed 56 APZ treatments through Hill End, but no hazard reduction burns. Plans are scheduled for autumn 2025. Fire trail maintenance ongoing.
 - c. Forestry completed a 6 hectare burn in the Sunny Corner State Forest.
 - d. Transport for NSW has completed 1,500m² of vegetation slashing, 26 trees trimmed, and 11 trees removed across the district. They also provided detail of upcoming major events.
 - e. Defence have conducted work on 18 of the 19 planned fire trails.
5. The RFS annual works program was discussed with the RFS acknowledging that Q1 projects are nearing completion, but moisture is making it difficult to get some hazard reduction burns completed. It was also advised that new hazard complaints are being received and these are being periodically dealt with.
6. Current grant funding opportunities were discussed, acknowledging that slashing and roadside hazard reduction budgets have been approved and reminding Councils to submit invoices for payment quarterly.
7. The RFS gave a brief update on the seasonal outlook and associated risks.
8. Several matters of general business were raised. Those that relate to Lithgow were:
 - a. Abandoned vehicles were discussed in their capacity to potentially start bushfires, noting that the mandatory notice period of 28 days prior to removal can result in heightened risk. Police agreed that the vehicle can be moved on their authority if there is an increased risk, and Council confirmed that it would arrange for storage space in the event of such urgent circumstances.
 - b. Fire trail maintenance funding has been dramatically reduced. Member Councils and the BFMC broadly agreed that this was highly concerning and asked for details of historic funding regimes and a confirmation of strategic priority fire trail maintenance to assist with future advocacy.

Consultation and Communication

N/A

Policy

N/A

Legal

N/A

Risk Management

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

Financial

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

6. Business of Great Urgency

In accordance with Clause 241 of the Local Government Act (General) Regulations 2021 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.

7. Closed Council

13.1. CONFIDENTIAL - I&E - 28/10/2024 - Variation - Wolgan Road Reconstruction Project Management Engagement

Reason for Confidentiality

This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(d) commercial information of a confidential nature that would, if disclosed – prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council.

Administration's Recommendation

THAT Council to move into Closed Council to consider the confidential report as listed in the Business Paper.