

# BUSINESS PAPER



View over Lithgow Valley from Hassans Walls

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 24 February 2025

at 6:30 PM

# ORDER OF BUSINESS

<b>1. Mayoral Minutes.....</b>	<b>5</b>
<b>1.1. Mayoral Minute - Lowther Siding Road, Hampton.....</b>	<b>5</b>
<b>2. Notices of Motion.....</b>	<b>6</b>
<b>2.1. NOM - 24/02/2025 - Councillor M Ticehurst - Lithgow City Council's Model Code of Conduct and Code of Meeting Practice.....</b>	<b>6</b>
<b>2.2. NOM-24/02/2025 - Councillor M Ticehurst - Music in the Community Program .....</b>	<b>8</b>
<b>2.3. NOM - 24/02/2025 - Councillor M Ticehurst - Bells Line of Road .....</b>	<b>10</b>
<b>2.4. NOM - 24/02/2025 - Ruled Unlawful.....</b>	<b>12</b>
<b>2.5. NOM - 24/02/2025 - Parking in Short Street.....</b>	<b>13</b>
<b>3. Questions with Notice.....</b>	<b>14</b>
<b>3.1. QWN - 24/02/2025 - Monthly Duty Councillor .....</b>	<b>14</b>
<b>3.2. QWN- 24/02/2025 - Councillor M Ticehurst - Lithgow Greyhound Track.....</b>	<b>16</b>
<b>3.3. QWN - 24/02/2025 - Councillor S Ring – Expert Advice of Pumped Hydro Proposal .....</b>	<b>17</b>
<b>3.4. QWN - 24/02/2025 - Councillor S Ring – Waste to Energy .....</b>	<b>19</b>
<b>3.5. QWN- 24/02/2025 - Councillor S Ring – Pumped Hydro.....</b>	<b>21</b>
<b>4. Administration Reports.....</b>	<b>23</b>
<b>4.1. GM - 24/02/2025 - Correspondence from Energy Australia .....</b>	<b>23</b>
<b>4.2. GM - 24/02/2025 - Policy 9.5 Councillor Expenses and Facilities.....</b>	<b>26</b>
<b>4.3. EXEC - 24/02/2025 - ALGA's National General Assembly (NGA) Conference 24-27 June 2025 .....</b>	<b>29</b>
<b>4.4. F&amp;G - 24/02/2025 - Smart Places RoadMAP .....</b>	<b>32</b>
<b>4.5. F&amp;G - 24/02/2025 - December 2024 Quarterly Budget Review.....</b>	<b>35</b>
<b>4.6. P&amp;P - 24/02/2025 - 6 Month Progress Report July - December 2024 .....</b>	<b>40</b>
<b>4.7. P&amp;P - 24/02/2025 - Re-Establishment of Alcohol Free Zones.....</b>	<b>42</b>
<b>4.8. P&amp;P - 24/02/2025 - Caretaker Deed - Lake Lyell.....</b>	<b>46</b>
<b>4.9. I&amp;E - 24/02/2025 - Notification of Playground renewals .....</b>	<b>49</b>
<b>4.10. I&amp;E - 24/02/2025 - Specialist Services for Wolgan Road Reconstruction Project .....</b>	<b>52</b>
<b>4.11. WWW - 24/02/2025 - TEN 01/24 Lithgow City Council Waste Management Services Tender.....</b>	<b>58</b>
<b>5. Council Committee Reports .....</b>	<b>65</b>
<b>5.1. I&amp;S - Strategic Review Committee Meeting Minutes .....</b>	<b>65</b>
<b>5.2. I&amp;E - TALC Minutes - 6th February 2025 .....</b>	<b>65</b>
<b>5.3. I&amp;E - 24/02/2025 - Sports Advisory Committee .....</b>	<b>68</b>
<b>6. Business of Great Urgency.....</b>	<b>70</b>

## Acknowledgement of Country

---

### Acknowledgement of Country

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

### Declaration of Webcasting

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

## Present

---

## Apologies

---

## Declaration of Interest

---

### Ethical Decision Making and Conflicts of Interest

#### *A guiding checklist for Councillors, officers and community committees*

#### Oath or Affirmation of Office

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

#### Ethical decision making

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

#### Conflict of interest

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

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

#### There are two types of conflict:

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

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

### Identifying problems

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

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

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

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

### Confirmation of Minutes

---

Confirmation of the Minutes of the Ordinary Meeting of Council held 24 February 2025.

### Commemorations and Announcements

---

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

### Public Forum

---

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

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

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

## 1. Mayoral Minutes

### 1.1. Mayoral Minute - Lowther Siding Road, Hampton

**Report by** Mayor – Councillor Cassandra Coleman

#### Commentary

Recently I travelled the Lowther Siding Road in Hampton, which is in very poor condition. I understand that its current condition is the result of the impacts of several natural disasters. I was recently advised the following:

1. That the Road condition inspections in 2021 indicated that the road was assessed to be Condition 2, or 'Good', for its full length of 3.3 kilometres.
2. Today, its life has been entirely consumed, and surface defects are prevalent along its full length. Hence, the pavement of Lowther Siding Road must be subject to complete reconstruction, such significant deterioration takes 15 – 20 years to occur.
3. This damage to have been sustained in such a short period, expert staff can only attribute these impacts to recent natural disasters.

Lithgow Council applied to Transport for NSW for disaster relief funding at a cost of \$1,350,000 on 26 June 2024. While several of Council's applications have been assessed (with varying degrees of success, which Council continues to negotiate), **this claim is still outstanding.**

The Council has recently submitted a claim for an additional \$825,000 just for the landslip area, on top of the road repairs that would be required to remediate the road. A geotechnical report has been produced and submitted to support both claims.

I ask that Transport for NSW urgently, and favourably to assess this claim and issue Council with advice confirming the eligibility of this work.

If further information is required, I ask that Transport for NSW make this request of the administration promptly.

#### Attachments

Nil

#### Recommendation

THAT Council write to Transport for NSW and Minister for Regional Roads, the Hon. Jenny Aitchison, asking for their urgent consideration and response to Lithgow's claim for reconstruction costs to Lowther Siding Road, associated with disaster event AGRN 1034.

## 2. Notices of Motion

---

### 2.1. NOM - 24/02/2025 - Councillor M Ticehurst - Lithgow City Council's Model Code of Conduct and Code of Meeting Practice

**Report by** Councillor Martin Ticehurst

---

#### Commentary

Under Part 8 – Access to Information and Council Resources of the Lithgow City Council's Model Code of Conduct adopted 22 August 2022, it indicates in part under the following sub-sections that:

- 8.1 The General Manager is responsible for ensuring that Councillors and Administrators can access information necessary for the performance of their official functions.
- 8.2 The General Manager must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to exercise their official functions and in accordance with Council Procedures.

I propose recommending that references to sub-sections 8.1; 8.2; and 8.3. of the Lithgow City Council's Code of Conduct now be included as Questions under 'Business of Great Urgency' in the Lithgow City Council's Code of Meeting Practice.

#### Attachments

Nil

#### Recommendation

THAT Council include the following Questions under 'Business of Great Urgency' in the Lithgow City Council's Code of Meeting Practice:

1. Can the General Manager / Acting General Manager publicly confirm, that before and during this Ordinary / Extra-Ordinary Meeting of the Lithgow City Council, that they have provided all Councillors with full access to all available information necessary for the performance of their official functions and necessary to effectively discharge their official functions?
2. That the General Manager / Acting General Manager is aware that Council Staff Members have provided full and timely information to all Councillors, sufficient to enable them to exercise their official functions and in accordance with Council Procedures?

#### Management Comment

#### Policy Implications

The adopted Councillor & Staff Interaction Policy supplements the provisions of Part 8 of the Code of Conduct (Access to Information and Council Resources).

The provision of information to Councillors usually relies upon a request from a Councillor, as stated in the preface to the policy:

*Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.*

*However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.*

Further, Part 5 of the policy states:

*5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.*

*5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision making on because of a conflict of interest, unless the information is otherwise publicly available.*

Ross Gurney  
General Manager

## 2.2. NOM-24/02/2025 - Councillor M Ticehurst - Music in the Community Program

**Report by** Councillor Martin Ticehurst

### Commentary

As the Council and now elected Councillors may already be aware, prior to last year's Lithgow Council Elections, I announced a proposal for a new Lithgow City Council 'Spring / Summer Sunday Music in the Park' programme.

Whilst this was originally only for the Queen Elizabeth Park in Lithgow, following further discussions with very interested musically-minded ratepayers and residents, I am now seeking the expansion of my original proposal into now establishing the Lithgow City Council Music in the Community Program.

It is proposed that this new Council Music in the Community Program will be initially established with the sum of \$20,000 added to the Council's current community Financial Assistance Grants program, specifically for application by our community organisations and groups to engage our local musicians and Bands to play at their Community Events.

It is proposed that the Council's \$20,000 be divided up into 30 Grant financial packages consisting of 10 x \$1,000 for Bands (3 or more members) and 20 x \$500 for Sole or Duo performers. It is proposed that all Bands and performers should hold an ABN as it is recommended that all Council payments to be paid direct to the Bands and performers and not through the successful applicant community organisation or group.

Additionally, it is proposed that this Music in the Community Program would be available for application by all community organisations and groups in Lithgow, Portland, Wallerawang and all Villages, with the proviso that all their Program Event applications must be open to the public either by an entry fee or a free event and must be expected to attract more than 100 patrons.

Financial Implications:

\$20,000 be provided in the 2025/26 Lithgow City Council Budget for consideration of the new Music in the Community Program.

### Attachments

Nil

### Recommendation

THAT Council provide for \$20,000 to be included into the 2025/26 Lithgow City Council Budget for consideration of the new Music in the Community Program under their Financial Assistance Grants Program and if successful, develop defined Application Guidelines for the Council's Music in the Community Program.

### Management Comment

#### Financial Implications

"Living within our means" has resulted in the Financial Assistance program being reduced in real terms over the past 5 years, with no annual CPI related budget increase available for the community grants program.



A funding source, or budget reallocation, for the Music in the Community Program would be required to deliver this proposal. If resolved by Council, a likely source for the reallocation of prioritised funding is PJ 600071 Community and Culture Events.

Council has a 24/25 FY budget allocation (excluding salary) of \$53,000 for the delivery of Community and Culture Operational Plan actions including critical community development functions. This budget also includes the delivery of Australia Day, International Day of People with Disability, NAIDOC, Mayors Xmas appeal, International Women's Day, Seniors Festival, Volunteer Week and Youth Week.

A reallocation of funds from this budget will reduce the delivery capacity of other Community and Culture functions within Council.

Shaun Elwood  
Director, People and Places

**2.3. NOM - 24/02/2025 - Councillor M Ticehurst - Bells Line of Road**

**Report by** Councillor Martin Ticehurst

---

**Commentary**

As the Council and elected Councillors would be aware, the 2025 Australian Federal Election is to be held on or before 17 May 2025 to elect members of the 48th Australian Parliament.

This Notice of Motion urgently seeks on behalf of this Council's own 11,000 plus ratepayers and residents, the Council's full support for the future planning and major construction of the Bells Line Expressway across the Blue Mountains.

It further seeks in writing, the full public support from the Central NSW Joint Organisation (CENTROC); The Western Sydney Regional Organisation of Councils Ltd (WSROC) and the Blue Mountains City Council, for immediate planning and future major construction of the Bells Line Expressway across the Blue Mountains.

Additionally, it also seeks in writing, the full public support from all the major political parties and all of the various Calare Electorate Candidates, for the immediate planning and future major construction of the Bells Line Expressway across the Blue Mountains.

Attached to this Notice of Motion are various Bells Line Expressway Media Report from 2005 to 2022; the original Bells Line Expressway Group's Submission to a NSW Parliamentary Inquiry in 2011 and that same NSW Parliamentary Inquiry Report on their findings on the Bells Line Expressway.

**Attachments**

1. Bells Line Expressway - Media Reports 2005 - 2022 [2.3.1 - 9 pages]
2. Bells Line Expressway Group - Submission to NSW Parliamentary Inquiry - 2011 [2.3.2 - 21 pages]
3. NSW Parliamentary Inquiry - 2011 - Report findings on Bells Line Expressway [2.3.3 - 21 pages]

**Recommendation**

THAT Council:

1. Notes the impending 2025 Australian Federal Election is to be held on or before 17 May 2025 to elect members of the 48th Australian Parliament.
2. Fully supports on behalf of this Council's own 11,000 plus ratepayers and residents, the future planning and major construction of the Bells Line Expressway across the Blue Mountains.
3. Seeks in writing, the full public support from the Central NSW Joint Organisation (CENTROC); The Western Sydney Regional Organisation of Councils Ltd (WSROC) and the Blue Mountains City Council, for immediate planning and future major construction of the Bells Line Expressway across the Blue Mountains.
4. Seeks in writing, the full public support from all of the major political parties and all of the various Calare Electorate Candidates, for the immediate planning and future major construction of the Bells Line Expressway across the Blue Mountains.

**Management Comment**Strategic Implications

The following information is provided to Councillors with regard to advocacy for the Bells Line Expressway:

- The Mayor has recently advocated for funding for the Bells Line Expressway with the Minister for Regional Roads, the Hon. Jenny Aitchison, including at the Joint Organisation meeting with NSW Government Ministers and the Premier on 14 November 2024.
- The Bells Line Expressway is included in the Central NSW Joint Organisation's Transport Infrastructure Advocacy Plan which is currently under review.

Ross Gurney  
General Manager

**2.4. NOM - 24/02/2025 - Ruled Unlawful****Report by** Ross Gurney – General Manager**Summary**

A notice of motion was received by the General Manager. It has been determined that the business proposed by the notice of motion is (or the implementation of that business would be) unlawful. Pursuant to clause 3.20 of the Code of Meeting Practice the General Manager has excluded the matters from the agenda for this meeting. This requires that the exclusion be reported to the next council meeting.

**Commentary**

Clause 3.10 of Council's Code of Meeting Practice (the Code) provides that a councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion.

Notices of motion are not able to be included in the business paper if they are unlawful (Clause 3:20 of the Code). It has been determined that the business proposed by the notice of motion is (or the implementation of that business would be) unlawful. Clause 3.20 is reproduced below for ease of reference.

*3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.*

**Policy Implications**

This report ensures compliance with the adopted Code of Meeting Practice.

**Attachments**

Nil

**Recommendation**

THAT Council note the decision of the General Manager to determine a notice of motion to be unlawful and on that basis to not include the Notice of Motion in this business paper pursuant to Clause 3.20 of Council's Code of Meeting Practice.

## 2.5. NOM - 24/02/2025 - Parking in Short Street

**Report by** Councillor Elizabeth Fredericks

### Commentary

For a few years, Council and Local Police have been made aware of issues surrounding parking in Short St Lithgow, during the school week, usually during the mornings, 8:45- 9:10 am and the afternoons from 2:35-3:10 pm. It generally consists of motorists not following signage, such as parking in **No Stopping zones** and parking in the **Loading, no parking zones**. Since school has returned, this behaviour has begun again, to the point of cars parking less than a metre from the corner of Short St and Eskbank St, partially covering the footpath slope on the corner of Short and Eskbank Streets.

Since I posted on social media about this, I have been informed it isn't isolated to Lithgow Public but is also happening at Zig Zag Public with motorists blocking driveways in Victoria Ave and motorists parking in areas around Coerwul Public that they shouldn't be.

As most will understand, our Primary schools were not built in a time where parking would have been an issue.

### Attachments

Nil

### Recommendation

THAT Council:

1. Organise meetings with the Public Schools to discuss alternative parking solutions.
2. Possibly involve the Department of Education as funding may be needed in creation of safe parking areas.
3. Have Council Ranger/s alternate between the mentioned schools, during the mentioned time frames, to issue fines to motorists ignoring the signage.

### Management Comment

Council's Ranger will be undertaking a compliance program across the key schools over coming weeks, amending the current program that is being conducted.

Council has been advised that warnings do not have to be issued as the NSW Government have issued a "no warnings" edict for school zones in relation to parking infringements.

Ross Gurney  
General Manager

### 3. Questions with Notice

#### 3.1. QWN - 24/02/2025 - Monthly Duty Councillor

**Report by** Councillor M Ticehurst

#### Commentary

Can the General Manager / Senior Executive Officers provide a Management Comment update on:

- A.** Lithgow City Council Resolution 24 -209 made at the Ordinary Meeting of the Lithgow City Council on 28 October 2024:

**THAT:**

1. 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.
2. The proposed monthly duties may include:
  - 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 honorary young mayors at the monthly council meeting.

- B.** Lithgow City Council Resolution 24 -210 made at the Ordinary Meeting of the Lithgow City Council on 28 October 2024:

**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 Council events on behalf of the Lithgow City Council.

- C.** Lithgow City Council Resolution 24 -211 made at the Ordinary Meeting of the Lithgow City Council on 28 October 2024:

**THAT** the Mayor and Council invite students, selected by their own School, Teachers and Students from 15 years of age 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

Min. No. 24 -209 - Ordinary Meeting of the Lithgow City Council on 28 October 2024

The role of Monthly Duty Lithgow City Councillor will be filled as a rotating assignment by alphabetical order of last name for each monthly meeting.

The Monthly Duty Lithgow City Councillor role will commence from the 24 February 2025 Ordinary Meeting.

After each of 8 Councillors (excluding the Mayor) have undertaken the role in 2025, the trial of the role will be assessed with input from Councillors.

In terms of the duties to be undertaken, it is proposed to proceed organically, by obtaining input from the Duty Councillor on commencement of the trial, developing a list of duties and then building on the list as required.

Min. No. 24 -210 - Ordinary Meeting of the Lithgow City Council on 28 October 2024

A report will be provided to the 24 March 2025 Ordinary Meeting of Council on the process for calling upon ratepayers and residents to come forward and nominate their most worthy and deserving community members to formally represent the Mayor at selected Council events on behalf of the Lithgow City Council.

Initial thoughts are that ratepayers and residents would be invited to nominate worthy and deserving community members to formally represent the Mayor.

Min. No. 24 -211 - Ordinary Meeting of the Lithgow City Council on 28 October 2024

The Director People and Place will write to each of the schools asking them to select students to act in a Trial of the Honorary position of 'Young Mayor' at Lithgow City Council's Ordinary Meetings commencing ASAP during 2025.

Ross Gurney  
General Manager

**3.2. QWN- 24/02/2025 - Councillor M Ticehurst - Lithgow Greyhound Track**

**Report by** Councillor Martin Ticehurst

---

**Commentary**

Has the General Manager / Senior Executive Officers received any advice from Greyhound Racing NSW, the apparent current owners of the Lithgow Greyhound Track, on when they are going to undertake immediate, very much needed major ground maintenance at their Greyhound Track?

This media report link appears to be the latest public update: "The Lithgow Greyhound Track upgrade is progressing, with a business case for funding now submitted."

**Attachments**

Nil

**Management Comment**

No update on the current upgrade plans or project schedule for Lithgow Greyhound Racing Track works has been received from Greyhound Racing NSW. The Administration has approached Greyhound Racing NSW for a current project status update which will be advised to Councillors when received.

Council was approached by Greyhound Racing NSW in April 2024 for initial discussions on an upgrade project and was subsequently advised in July 2024 that the project was on hold while awaiting a direction on the project from senior management of Greyhound Racing NSW.

Shaun Elwood  
Director, People and Places



**3.3. QWN - 24/02/2025 - Councillor S Ring – Expert Advice of Pumped Hydro Proposal****Report by** Councillor Steve Ring**Commentary**

At the Ordinary meeting of Council on the 30 January 2024, the following Resolution was carried:

**24 -17 RESOLVED**

THAT

1. Council ask the administration to look at obtaining appropriate independent specialist advice once any proposal from EnergyAustralia in relation to the pumped hydro is put forward to Council.
2. The administration bring back a report to the next meeting advising the role of Council in reviewing State significant projects and the potential costs of bringing in experts.

**MOVED:** Councillor S Ring **SECONDED:** Councillor A Bryce**CARRIED**

With respect to this resolution can the Administration please respond to the following questions:

Have funds been allocated for an independent review of any proposal by Energy Australia for pumped hydro at Lake Wallace?

When will a report be brought back to Council in relation to Item 2 of the above resolution?

Why has the Administration taken no action on implementing this resolution?

If the independent review doesn't support Councils formal opposition to the proposed pumped hydro project – is the advice disregarded?

**Attachments**

Nil

**Management Comment**

The EIS for the proposal by Energy Australia for pumped hydro at Lake Lyell is due to be released in the 2025/26 financial year. Consideration will be made in the current business planning process for the allocation of funds for independent review advice in 2025/26 FY. No funds been allocated or approved by Council for an independent review of any proposal by Energy Australia for pumped hydro at Lake Wallace.

A report will be tabled at the March 2024 Council meeting in relation to on the role of Council in reviewing State Significant Projects and the potential costs of engaging respective technical experts. A report has not been presented to Council to date due to vacancies in 2024 of planning staff familiar with this process.

If an independent review of the EIS released for the Lake Lyell Pumped Hydro identifies elements of the proposal that do not align with the Council's position on the project, further guidance will be sought from the Council at that time.

Jonathon Edgecombe,  
Director Infrastructure & Economy

Ross Gurney,  
General Manager

**3.4. QWN - 24/02/2025 - Councillor S Ring – Waste to Energy**

**Report by** Councillor Steve Ring

**Commentary**

At the Ordinary meeting of Council on the 28 October 2024, the following Resolution was carried:

**24 -207 RESOLVED**

THAT Lithgow City Council opposes an energy from waste facility within our local government area.

**MOVED: Councillor T Evangelidis SECONDED: Councillor E Fredericks**

**CARRIED**

With respect to this resolution can the Administration please respond to the following questions:

Can the Administration please advise on the potential impacts of the above resolutions with respect to:

What technology and or processes are covered by this blanket ban?

*Anything that enables converting waste and its by-products into an energy source would be excluded. Most methods for energy from waste relate to thermal treatment, however, there are other treatment process that are non-thermal. Some methods are listed below:*

- *Anaerobic digestion of food waste,*
- *Incineration,*
- *Gasification,*
- *Pyrolysis,*
- *Plasma arc technologies,*
- *Fermentation and distillation of biomass, and*
- *Landfill gas to energy.*

*The technology can utilise biosolids and waste as fuel depending upon which process is selected.*

Does the blanket ban exclude Council from investing in biogas production from green waste?

*Yes, the Council must operate in accordance with this resolution.*

What impact has the blanket resolution had if any on Lithgow Councils reputation as an organisation that is transitioning its economy?

*Any impact is unknown or has not been communicated to the Council. If Councillors wish, the Administration can design and arrange for a survey to be undertaken at an appropriate level of statistical relevance to make an informed assessment of that matter.*

When will the LEEP document be amended to remove any mention of Waste to Energy any from its action plan and foundation documents?

*The LEEP Report is independent expert advice prepared for the NSW Government and the Council. It is not for Council to seek to change that advice but to respond to it by either adopting or not adopting its findings and recommendations. Council does this by adopting an annual LEEP Action Plan. The LEEP Action Plan makes no mention of waste to energy and there is*

*no specific reference to 'Waste to Energy' technology contained within the publicly available LEEP report located at <http://www.leep.lithgow.com/transition-plan/>.*

**Attachments**

Nil

Jonathon Edgecombe,  
Director Infrastructure and Economy

### 3.5. QWN- 24/02/2025 - Councillor S Ring – Pumped Hydro

**Report by** Councillor Steve Ring

#### **Commentary**

At the Ordinary meeting of Council on the 28 October 2024, the following Resolution was carried:

#### **24 -208 RESOLVED**

That Lithgow City Council oppose any pumped hydro project facilities within our Local Government area.

**MOVED: Councillor M Ticehurst SECONDED: Councillor E Fredericks**

#### **CARRIED**

With respect to this resolution can the Administration please respond to the following questions:

Can the Administration please advise on the potential impacts of the above resolutions with respect to:

The relationship between Energy Australia and Lithgow City Council?

*There is a General Manager's report in this business paper on correspondence received from Energy Australia. The correspondence includes the following statements:*

*EnergyAustralia acknowledges the recent motions carried by the Lithgow City Council in meetings on 25 November 2024 and 28 January 2025 in opposition to the Lake Lyell Pumped Hydro Energy Storage project (the project).*

*Given our productive working relationship, our significant commitment to the Lithgow community, and our substantial contribution to the economy we are very disappointed by the opposition of the Lithgow City Council.*

*We are disappointed too that this position has been formed despite three years of engagement with Council, and prior to briefings with experts and the release of over 20 detailed studies which form the Environmental Impact Statement for the project.*

*We remain open to providing information and briefings to the Lithgow City Council in a formal way that may assist understanding of our contribution and activities.*

Does the resolution preclude staff providing support or advice to affected landowners with respect to compensation packages from Energy Australia?

*Min. No. 24-208 states "That Lithgow City Council oppose any pumped hydro project facilities within our Local Government area". The resolution is broad and the Administration would seek guidance from the Council via a report to a Council meeting prior to staff providing any support or advice to affected landowners with respect to compensation packages from Energy Australia.*

Are Council staff precluded in engaging with Energy Australia on aspects of the proposal that may have direct impact on Council assets?

*Energy Australia had requested the Council to commission boundary surveys along Sir Thomas Mitchell Drive, to allow for heavy vehicle access during construction of the pumped hydro (if and when that occurs). Following input from Councillors, Council responded that it would consider the matter at such a time that approvals were in hand and the project was set*

*to proceed. Until that time, Council advised that it does not wish to pursue any survey works to better define the corridor boundaries. Again, depending on the level of direct impact on Council assets, further guidance would be sought from the Council before engaging with Energy Australia.*

With 6 to 9 billion dollars of energy infrastructure proposals in the pipeline are Council staff excluded from discussing potential worker accommodation with Energy Australia and the expansion of such accommodation for use by other infrastructure projects?

*The Administration has ceased discussions with Energy Australia on potential worker accommodation and any future use of the accommodation for the benefit of the community.*

Is Council excluded from investigating other potential sites in Lithgow LGA for pumped hydro projects inclusive of using former mine sites?

*The resolution is clear that Council opposes any pumped hydro project facilities within our Local Government area.*

What impact has the blanket resolution had if any on Lithgow Councils reputation as an organisation that is transitioning its economy?

*Any impact is unknown or has not been communicated to the Council. If Councillors wish, the Administration can design and arrange for a survey to be undertaken at an appropriate level of statistical relevance to make an informed assessment of that matter.*

When will the LEEP document be amended to remove any mention of Pumped Hydro from its action plan and foundation documents?

*The LEEP Report is independent expert advice prepared for the NSW Government and Council. It is not for Council to seek to change that advice but to respond to it by either adopting or not adopting its findings and recommendations. Council does this by adopting an annual LEEP Action Plan. The LEEP Action Plan makes no mention of pumped hydro.*

## **Attachments**

Nil

## **Management Comment**

Jonathon Edgecombe  
Director Infrastructure and Economy

## 4. Administration Reports

### 4.1. GM - 24/02/2025 - Correspondence from Energy Australia

#### Strategic Context for this matter:

Responsible Governance & Civic Leadership

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

**Author:** Ross Gurney - General Manager

**Responsible Officer:** Ross Gurney - General Manager

#### Executive Summary

Nicole McKechnie, Energy Australia's Chief Corporate Affairs and Sustainability Officer, has provided a letter to the Council in response to the Management Comment on Item 2.6 NOM - 28/01/2025 - Cr R Smith - Council request that EA amend their documents by omitting the Lake Lyell Hydro Project.

#### Administration's Recommendation

THAT Council note the correspondence received from Energy Australia.

#### Attachments

1. 20250206 LCC Jan Council Meeting - EA Letter [4.1.1 - 3 pages]

#### Reference to any relevant previous minute

Min. No. 25-5 Ordinary Meeting of Council held on 28 January 2025.

#### Background and discussion

The correspondence received from Energy Australia is copied below (in full). The original letter is included as an attachment to this report.

#### ***Re: Recent motions carried by the Lithgow City Council***

*As you are aware, when the business papers were circulated ahead of the Lithgow City Council meeting on 28 January 2025, EnergyAustralia sought a correction to the management comments within the papers and we provided a right of reply statement to you ahead of the meeting to be tabled or read in the Chamber. Whilst I appreciate your correspondence this week, in which you have indicated that you did not find my email in your inbox prior to the meeting, and that you have since circulated it to Councillors, it was disappointing that this matter was not dealt with, transparently during the public meeting.*

*As a result, I would request that this letter, by right of reply, be circulated to all Councillors and tabled in the next council meeting scheduled for 24 February 2025.*

*EnergyAustralia acknowledges the recent motions carried by the Lithgow City Council in meetings on 25 November 2024 and 28 January 2025 in opposition to the Lake Lyell Pumped Hydro Energy Storage project (the project).*

*Given our productive working relationship, our significant commitment to the Lithgow community, and our substantial contribution to the economy we are very disappointed by the opposition of the Lithgow City Council.*

*We are disappointed too that this position has been formed despite three years of engagement with Council, and prior to briefings with experts and the release of over 20 detailed studies which form the Environmental Impact Statement for the project.*

*We remain open to providing information and briefings to the Lithgow City Council in a formal way that may assist understanding of our contribution and activities.*

***We want to ensure Lithgow continues to light the way.***

*For more than 70 years, Lithgow has generated electricity to illuminate, warm, cool and power millions of homes across the state and the country.*

*We are proud of the contribution our assets and our workforce make to the economic prosperity of Lithgow.*

*Since 2015, our purpose has been to 'lead and accelerate the clean energy transformation for all'. This ambition is both a challenge and an opportunity for Lithgow.*

*This is why we were a constructive contributor to the development of the Lithgow Emerging Economies Plan (the Plan), and despite the Council's opposition, we are continuing our participation in the implementation of this long-term vision through our role on the Lithgow Jobs and Investment Committee.*

*As we prepare for the future of the Mount Piper Power Station, it is prudent that we explore how our existing assets can evolve as part of the energy transition and thereby ensure Lithgow continues with a workforce that delivers reliable clean electricity into the future.*

***We value and invest in Lithgow as the host community for our energy assets.***

*Our current operations and workforce inject more than \$40 million a year into the local economy along with our grant program benefiting schools, events and community organisations.*

*As we have advised Council previously, formal Shared Benefit Programs that operate over the long-life of energy assets can take the pressure off local councils to find sustained and substantial funding for critical community needs or worthy initiatives.*

*We have a deep understanding of the needs and ambitions of the Lithgow community that has matured over our 15 years of operations and interactions.*

*We are part of the Lithgow community too and we share the desire to address critical community needs and community led initiatives that can make a meaningful difference to the lives of Lithgow residents.*

*We are grateful to the Lithgow community for asking us how we can help, and we will continue to honour our enduring relationship with the community by delivering the Shared Benefit Program. Many Shared Benefit Programs are already making an impact in communities across Australia by providing regular funding to community projects, local infrastructure upgrades, cultural heritage and addressing social challenges such as housing and health.*

*It is our intention to continue our existing Community Grants programs and enhance how benefits are shared with the community through a new multi-million-dollar Shared Benefit Program, developed with the community, for the community, and implemented by the community.*



*We look forward to continuing to contribute to the economic prosperity of Lithgow and to delivering the Shared Benefit Program which will form part of our new energy projects, and our final investment decisions.*

***We are committed to providing accessible and accurate information to the community.***

*To support these multi-billion-dollar activities in Lithgow, our communication and engagement approach is comprehensive and tailored to meet the needs of different participants.*

*As discussed prior to the 28 January 2025 council meeting, I assure you, our public information materials undergo a rigorous internal review and approval process prior to publication and circulation.*

*At a meeting with council officers earlier in January, EnergyAustralia indicated it was comfortable with the factual accuracy of the latest newsletter it had issued, however acknowledged the concerns raised and indicated it would consider specific language in future. It is disappointing that this was not corrected at the Council meeting on 28 January.*

*Additionally, should there be matters specific to our activities which the community are seeking to raise or clarify they can do so through the Energy Australia Lithgow Community Consultative Committee which is independently chaired with participation from the Lithgow City Council and community representatives.*

*We will continue to inform the community with accessible and accurate information online, in print and in person. You can find information about our activities or engage with us directly online, in person at local community events, at our Project HQ on Main St, through 1800 574 947 or via email [community@energyaustralia.com.au](mailto:community@energyaustralia.com.au).*

## **Consultation and Communication**

N/A

## **Policy**

Nil.

## **Legal**

N/A

## **Risk Management**

N/A in relation to this matter.

## **Financial**

N/A

## 4.2. GM - 24/02/2025 - Policy 9.5 Councillor Expenses and Facilities

### 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:** Vanessa Browning - Director Finance & Governance

**Responsible Officer:** Ross Gurney - General Manager

### Executive Summary

Under the Local Government Act, Councils must adopt a new policy on the payment of expenses and the provision of facilities to the Mayor and Councillors within 12 months of the election. The purpose of this report is to provide Council with a revised Policy 9.5 Councillor Expenses and Facilities (Policy) to Councillors and to seek endorsement to place the Policy on exhibition for 28 days for public comment.

### Recommendation

THAT:

1. Council endorse the revised Policy 9.5 Councillor Expenses and Facilities for public exhibition and comment for 28 days.
2. Following the exhibition period, Policy 9.5 Councillor Expenses and Facilities be returned to Council for further consideration with details of any submissions.

### Attachments

1. Policy 9 5 Councillor Expenses and Facilities V 9 TJN reviewed Draft [4.2.1 - 17 pages]

### Reference to any relevant previous minute

Min. No. 22-121 Ordinary Meeting of Council of 27 June 2022.

### Background and discussion

#### Basis of Policy 9.5

The Policy was developed with reference to the Office of Local Government (OLG) template Councillor Expenses and Facilities Policy. The OLG template policy is provided as a suggested format for Councils as guidance on best practice. The template is compliant with the Local Government Act 1993 and Local Government (General) Regulations 2021. There have been no changes to the OLG template policy since Version 8 of the policy was adopted by Council in 2022.

#### Revised Policy 9.5

The main expenses and facilities are summarised in the table below. Maximum amounts are reviewed each year as part of the development of the Operational Plan.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$12,500 pooled total for all Councillors	Total per year
Interstate, overseas and long-distance intrastate travel expenses	Requires a Council resolution including a vote of funds	
Accommodation and meals	As per the NSW Local Government (State) Award 2023, adjusted annually	Per meal/night
Professional development	\$18,000 pooled total for all Councillors \$50,000 pooled total for all Councillors at the commencement of each Council term for induction and training	Total per year
Conferences and seminars	\$9,000 pooled total for all Councillors Separate budget provided for State and National Local Government Conferences	Per year
ICT expenses	\$100 per Councillor	Per year
Carer expenses	\$1,800 per Councillor	Per year
Postage stamps	Use of Council's postage facilities for official communications	
Council vehicle and fuel card	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office	Provided to the mayor	Not relevant

The key changes to the Policy are:

- \$50,000 pooled budget for all Councillors at the commencement of each Council term for induction and training.
- 6.35 added: *support is provided to Councillors who are elected to Executive positions with recognised local government associations as a professional development activity, e.g. LGNSW, ALGA, ALGWA. Support includes reimbursement of travel and accommodation expenses, within the total expenses budget.* This provision would currently provide support to the Mayor, who has an Executive position with ALGWA.

The Policy also covers legal assistance for Councillors.

There have been no changes to the relevant legislation or the OLG Template Policy. The revised Policy 9.5 includes minor typographical changes and rephrasing to assist with readability.

### Consultation and Communication

Following the 28-day exhibition period, the results of the public exhibition will be reported to Council and the Policy will be returned to Council for adoption.

### Policy

This is a review of the Policy 9.5 Councillor Expenses and Facilities, as required by the Local Government Act 1993 and Local Government Regulations 2021.

**Legal**

The subject matter of this report is a function of Council conferred by the Local Government Act 1993 and the Local Government Regulations 2021. The reviewed Policy complies with Local Government Act 1993 and the Local Government Regulations 2021.

**Risk Management**

Policies are prepared to assist in decision making and may provide further guidance regarding statutory obligations.

**Financial**

- Budget approved – \$200,140
- Cost centre - 800154
- Expended to date - \$104,616
- Future potential impact – It is not projected that the adoption of the reviewed Policy will have a material financial impact.

### 4.3. EXEC - 24/02/2025 - ALGA's National General Assembly (NGA) Conference 24-27 June 2025

#### **Strategic Context for this matter:**

Responsible Governance & Civic Leadership

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

**Author:** Trinity Newton – Executive Assistant

**Responsible Officer:** Ross Gurney - General Manager

#### **Executive Summary**

The purpose of this report is to inform Council of the 31st National General Assembly of Local Government (NGA) 2025 Conference being held from Tuesday 24 June to Friday 27 June 2025 in Canberra and for Council to determine its delegates to the event.

The report also recommends two motions for the NGA. Motions may also be proposed by Councillors.

#### Administration's Recommendation

THAT Council:

1. Appoint the Mayor and Deputy Mayor as attendees to the 2025 NGA Conference.
2. Authorise the General Manager to also attend the 2025 NGA Conference.
3. Endorse the proposed motions to the 2025 NGA Conference, which are due to be submitted by 31 March 2025.

#### **Attachments**

1. 2025- NG A- Discussion- Paper [4.3.1 - 24 pages]

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

Min 24-66 Ordinary Meeting of Council held on 25 March 2024.

#### **Background and discussion**

The Australian Local Government Association (ALGA) is convening the 31<sup>st</sup> National General Assembly of Local Government (NGA), to be held in Canberra in June 2025. The NGA is held at the National Convention Centre.

The cost per delegate to attend this event (incorporating the Regional Forum) is \$979 if registered and paid prior to 23 May 2025. Accommodation from Monday 23 June to Friday 27 June is estimated at \$1,200 each for a four-night stay. The approximate total cost is \$2,179 per delegate plus reasonable expenses.

Based on past delegations to the National General Assembly Conferences, Council has sent two delegates (typically the Mayor and Deputy Mayor) and the General Manager. The total cost of this would be a minimum of \$6,537. Funding is available in the Councillor expenses / recurrent operating budgets.

Councils can send as many delegates as they wish to the National General Assembly, however councils must select **one voting delegate only** to vote on behalf of their council.

The 2025 National General Assembly of Local Government (NGA) incorporates the Regional Cooperation and Development Forum.

### Proposed Motions

The theme for the 2025 NGA will be “National Priorities Need Local Solutions”. ALGA is seeking motions that align with this theme and identify opportunities for new federal programs and policies that will support councils to build trust, both in our communities and as a local delivery partner for the Australian Government.

The 2025 NGA Discussion Paper is included as an attachment. The paper includes the criteria for motion, such as motions must be relevant to the work of local government nationally.

This year’s call for motion focusses on twelve priority areas:

- Intergovernmental relations;
- Financial sustainability;
- Roads and infrastructure;
- Emergency management;
- Housing and homelessness;
- Jobs and skills;
- Community services;
- Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation;
- Data, digital technology and cyber security;
- Climate change and renewable energy;
- Environment; and
- Circular economy.

Many advocacy items, e.g. increasing the federal Financial Assistance Grants, are already included in ALGA's national policy position. Two proposed new motions are as follows:

- Natural disasters - better support for local government - That ALGA requests the Federal Government to make improvements to better support local government in the context of an operating environment characterised by climate change and an increase in natural disasters.
- Regional water security and access to grant funding - That ALGA calls for improved grant funding opportunities to ensure that regional areas are catered for with water and sewer services.

### **Consultation and Communication**

N/A

### **Policy**

Policy 9.5 Councillor Expenses and Facilities.

### **Legal**

N/A

**Risk Management**

N/A

**Financial**

- Budget approved – Councillor expenses / recurrent operating budgets. A separate budget is provided for State and National Local Government Conferences
- Cost centre – PJ 800154
- Expended to date - nil for the National General Assembly Conference 2025.
- Future potential impact – N/A

**Consultation and Communication**

N/A

#### 4.4. F&G - 24/02/2025 - Smart Places RoadMAP

##### **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.

##### **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:** Ally Shelton – IT Manager

**Responsible Officer:** Vanessa Browning - Director Finance and Governance

##### **Executive Summary**

The purpose of the report is to seek Council's endorsement of the Lithgow City Council Smart Places RoadMAP, an initiative that was developed from Council's collaboration with Department of Regional NSW, The University of Sydney, and UNSW Sydney for the Smart Regional Spaces project.

The Lithgow City Council Smart Places RoadMAP provides a strategic framework to guide the development and management of smart public open spaces across the Lithgow Local Government Area.

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

THAT

1. Council adopt the Smart Places RoadMAP, and
2. That it be placed on Council's website as a strategic plan.

##### **Attachments**

1. Lithgow Smart Places RoadMAP [4.4.1 - 75 pages]

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

Nil

##### **Background and discussion**

The Lithgow City Council Smart Places RoadMAP is designed to enhance the management and development of smart public open spaces within the Lithgow Local Government Area (LGA). These public spaces include parks, playgrounds, nature reserves, gardens, campgrounds, rest areas, outdoor malls, and historical or cultural sites.

This initiative was developed as part of the Council's collaboration with the Smart Regional Spaces: Ready, Set Go! project, led by the Department of Regional NSW, The University of Sydney, and UNSW Sydney. For over 16 months, Council worked closely with the Smart Regional Spaces team to explore opportunities to transform public open spaces into smart places. This collaborative effort



involved studying the Lithgow LGA and its communities to identify both opportunities and challenges. This resulted in the creation of a framework with a clear vision and guiding principles for future smart public open space projects.

The RoadMAP takes a strategic approach, building upon the Lithgow City Council Smart Region Blueprint 2020 and the Community Strategic Plan 2035. It outlines four key principles that will guide the enhancement of public open spaces:

- **Capacity Building:** Strengthening the knowledge and skills of both Council and the community to drive technological change, implement solutions, and use new technologies.
- **Social Experience:** Enhancing the social, emotional, and physical interactions of individuals with a place, focusing on how technology can improve these experiences.
- **Environmental Monitoring:** Leveraging technology to monitor and assess the natural conditions and assets of a place.
- **Asset Management:** Using technology for the design, operation, and maintenance of public infrastructure.

For each principle, the Smart Places RoadMAP outlines specific goals and identifies potential smart projects that could be implemented, whether by location, type, or by building on existing initiatives.

The Smart Regional Spaces: Ready, Set Go! project has won the 2024 Australian Institute of Planning NSW: Award for Planning Excellence – Technology and Digital Innovation. This came on the back of the project winning an AILA NSW Landscape Architecture award earlier in the year.

## Consultation and Communication

The Smart Regional Spaces team conducted workshops and meetings with community groups, key stakeholders in community infrastructure, Councillors, and Council staff. These engagements provided valuable insights into the Lithgow LGA, helping to identify both smart opportunities and challenges.

## Implementation

The Smart Places RoadMAP has been developed to guide Lithgow City Council in driving the transformation of public spaces and the implementation of smart projects. It serves several key purposes, including:

- Fostering discussions and building collaborative partnerships within the Council.
- Evaluating and prioritising the delivery of identified smart places and projects.
- Advocating for smart places and projects at the local, state, and federal government levels.
- Supporting grant applications and attracting investment.
- Facilitating collaboration between the Council and external stakeholders, such as state and federal governments, businesses, academia, and the community.
- Informing the development of plans, policies, strategies, and masterplans.

## Legal

Nil legal implications

## Risk Management

Risk assessments will be undertaken on any future projects that are proposed for future Operational and Delivery plans.

**Financial**

- Funding for proposed projects identified by the Smart Places RoadMAP will be considered as part of the development of annual Operational Plans and Delivery Programs and any available grant funding.

#### 4.5. F&G - 24/02/2025 - December 2024 Quarterly Budget Review

**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:** Vanessa Browning – Director Finance & Governance

**Responsible Officer:** Ross Gurney - General Manager

**Executive Summary**

This report provides the Quarterly Performance Report on the 2024/25 Operational Plan for the period of 1 October 2024 to 31 December 2024 with a recommendation that variations to income, expenditure and capital budget estimates are adopted and that the revised financial result of a (\$1.2M) consolidated operating deficit (before capital grants) be noted.

The Director Finance & Governance, as Responsible Accounting Officer, has reviewed the report and advises that Council's projected financial position at 30 June 2025 will be unsatisfactory compared with the original budget.

The report also provides an update on the capital expenditure budget, cashflow and reserve balances.

**Administration's Recommendation**

THAT Council:

1. Note the contents of the report and the projected consolidated operating result (before capital) of (\$1.2M) deficit for the 2024/25 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 October 2024 to 31 December 2024.
2. Note the commentary on the capital expenditure budget, cashflow and reserve balances.
3. Adopt the income, expenditure and capital budget variations to the 2024/25 Council budget as outlined in the attached Quarterly Budget Review Report.

**Attachments**

1. 2024-25 December Quarterly Report [4.5.1 - 19 pages]

**Reference to any relevant previous minute**

N/A

**Background and discussion**

N/A

**Commentary**

The Director Finance & Governance, as Responsible Accounting Officer, has stated in the Quarterly Performance Report that Council's projected financial position at 30 June 2025 will be unsatisfactory, having regard to the original budget position.

Council's projected position at 30 June 2025 has changed from an operating result (before capital) of \$749K surplus (original budget) to an expected (\$1.2M) deficit (Quarter Two review). The following factors were considered in determining Council's projected financial position at 30 June 2025 to be unsatisfactory:

1. The main reason for the change in Council's projected operating result (before capital) from original budget \$749K surplus to (\$1.2M) deficit relates to a change in accounting treatment for the Local & Regional Roads Repair Program (LRRRP) grant, as advised by the NSW Audit Office. It has resulted in a \$700K reduction in revenue which was required to be recognised upon receipt in the 2023/24 Financial Year with a cash reserve to be expensed over 2 years. The expenditure program has also been increased by \$2.2M in 2024/25 to bring forward necessary works. Council has spent \$3.5M of the total \$4.0M program.
2. Progress is being made towards achieving Council's 2024/25 employment cost savings target of \$1M with \$455K (45% YTD) net of savings taken in the Quarter Two Review.
3. Council has received additional grant funding, with \$1.9M of budgeted works on Brown Gap Road, Glen Davis Road and Wolgan Road, and a further \$360K for the Adaptive Skills Hub. This has offset the impact of the LRRRP grant.

The unsatisfactory projected financial position relates to the timing of grant receipts (in 2023/24) while most of the expenditure is being recorded in subsequent years (2024/25 onwards). Without these impacts, the projected financial position would be an **operating surplus of \$1.7M** and therefore would be satisfactory. This is necessary to scale the LRRRP over several years, whilst the grant was paid in full at the start of the program. It does not indicate a deterioration in Council financial sustainability.

Council will continue to undertake detailed review of budgets, with the aim of identifying savings and/or additional income to reduce the projected budget deficit.

### Summary of the October to December Quarterly Budget Review Report

Details of the October to December Quarterly Budget Review Report are provided in the attachment to the Business Paper. Below is a summary table:

Budget	Operating Result (incl. Capital)
	\$'000
Original Budget	10,673
September Review	13,030
December Review	14,662

### Reasons for Changes in Revenue and Expenditure Projections (Including Capital)

Projected total revenue to 30 June 2025 has increased by \$3.1M during Quarter Two, mainly due to the following reasons:

- \$360K grant funding from National Priority Fund for the Adaptive Skills Hub.
- \$801K natural disaster funding budget added for Wolgan Road.
- \$650K natural disaster funding budget added for Glen Davis Road, Capertee.
- \$414K natural disaster funding budget added for Browns Gap Road.
- \$239K grant funding budget added from Resource for Regions for Main Street & Cupro Street Stormwater Improvements.

- \$387K grant funding budget added from Resource for Regions for Main Street Footpath Revitalisation.

Projected total operating expenditure to 30 June 2025 has increased by \$1.5M during Quarter Two, mainly due to the following reasons:

- \$1.4M increase in the LRRRP delivery (Pothole Repair).
- \$96K budget for the asbestos removal project.

The net effect of the increase in projected total revenue, together with the increase in projected total expenditure is a change in the expected consolidated operating result from a surplus of \$10.7M (original budget) to a surplus of \$14.7M as at 30 June 2025 (including capital grants and carryovers).

### **Projected End of Year Result (Before Capital)**

The operating result before capital grants is a key Office of Local Government performance measure with a benchmark of a balanced operating result (i.e. nil surplus / deficit). Capital grants are excluded from the performance measure as they do not contribute towards funding Council's operations. Council's revised consolidated operating result (before capital grants) as at 30 June 2025 is projected to be a (\$1.2M) deficit, which is below the OLG benchmark. The deficit amount is largely due to a change in accounting treatment for the LRRRP grant, as advised by the NSW Audit Office. It has resulted in a (\$700K) reduction in revenue which was required to be recognised upon receipt in the 2023/24 Financial Year with a cash reserve to be expensed over 2 years. Council will continue to review its budget to move towards the benchmark in Quarter Three.

At the end of Quarter Two 2024/25, it is projected that as at the 30 June 2025:

- The General Fund will have a deficit operating result (before capital grants) of (\$1.3M);
- The Water Fund will have a deficit operating result (before capital grants) of (\$20K); and
- The Sewer Fund will have a surplus operating result (before capital grants) of \$114K.

### **Capital Expenditure Budget**

The original budget for the 2024/25 Capital Works Program was \$29.4M. \$3.0M of carryovers and \$4.4M of Quarter One variations were added to bring the total program to \$36.8M.

The Quarter Two review of the Capital Works Program has resulted in a further net increase in the program of \$5.9M, resulting in a total of \$42.7M.

The key changes to the Capital Works Program in Quarter Two are:

- \$673K budget added for Portland Central Park Project in line with projected delivery.
- \$1.9M budget added for Main Street Footpath Revitalisation in line with projected delivery
- \$1M budget added for Browns Gap Road natural disaster recovery.
- \$800K budget added for Wolgan Road Alternative Alignment Study under natural disaster recovery.
- \$281K budget added for Glen Alice Road natural disaster recovery.
- \$791K budget added for Main Street & Cupro Street Stormwater Improvements in line with projected delivery.

### **Capital Expenditure Budget Savings**

Savings of \$241K have been taken up at the Quarter Two review for completed 2024/25 capital works projects.

Savings of >\$50K have been achieved on 2 projects:

- Watermain Renewal - \$211K.

- Waste watermain renewal - \$210K.

### Cash and Investments / Reserve Balances / Cashflow

The Cash and Investments Statement as at 31 December 2024 is shown in the table below.

<b>Cash and Investments Statement (\$'000)</b>			
	<b>30 June 2024 Position</b>	<b>30 September 2024 Position</b>	<b>31 December 2024 Position</b>
<b>Externally Restricted</b>			
Developer Contributions	1,851	1,741	1,937
Special Purpose Grants	44,441	42,429	37,213
Water Supplies	4,712	4,913	4,525
Sewerage Services	6,419	5,505	4,943
Domestic Waste	8,261	9,774	9,660
Unexpended Loans	1,342	754	241
	<b>67,027</b>	<b>65,117</b>	<b>58,520</b>
<b>Internally Restricted</b>			
Land & Buildings	2,184	2,184	2,184
FAGS	5,410	4,260	4,245
Plant & Equipment	643	643	297
Bonds, Deposits & Retentions	539	523	477
Works in Progress	637	637	637
Carry Over Works	407	117	76
Commercial Waste	1,405	306	681
ELE	668	754	754
Election	175	175	175
Other	2,332	2,332	2,018
	<b>14,401</b>	<b>11,933</b>	<b>11,542</b>
<b>Unrestricted (working capital)</b>	<b>-</b>	<b>3,302</b>	<b>118</b>
<b>Total Cash and Investments</b>	<b>81,428</b>	<b>80,251</b>	<b>70,180</b>

There is sufficient cash and investments to fund Council's external and internal restrictions.

The \$37M balance of the special purpose grants reserve includes \$31.9M of advance payments for natural disaster grants, \$1.6M for Resources for Regions Round 9 and \$1.0M in advance payments for the LRRRP. Cashflow continues to be carefully managed to ensure that Council has sufficient liquid funds available to make payments on time. The action taken by management has ensured that cash inflows can match cash outflows.

### Consultation and Communication

N/A

**Policy**

Nil

**Legal**

The Local Government Act 1993 and Local Government (General) Regulation 2021 sets out the requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

**Risk Management**

The Quarterly Performance Report provides assurance that Council has effective financial management practices in place.

**Financial**

As detailed in this report.

**4.6. P&P - 24/02/2025 - 6 Month Progress Report July - December 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:** Deborah McGrath – Manager Organisation Performance and Communications

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

**Executive Summary**

During the July – December 2024 reporting period, the Administration has balanced delivery of the projects and programs for 2024/25 whilst strategically positioning the Council and the local government area for the future, as well as dealing with emerging issues.

**Administration's Recommendation**

THAT Council note the following draft documents for review with the intent to raise for endorsement at the March 2025 meeting of Council:

- 2024-2025 July – December Progress Report - Summary; and
- 2024-2025 July – December Progress Report.

**Attachments**

1. 6 month report summary [4.6.1 - 37 pages]
2. 6 month report [4.6.2 - 115 pages]

**Reference to any relevant previous minute**

Min No. 24-130 Ordinary Meeting of Council 24 June 2024

**Background and discussion**

The 2024/25 July to December 6-month report highlights the Council's progress towards completing our Delivery Program / Operational Plan priorities.

Key projects commenced, progressing, or completed include:

- Concept design and environmental assessment for Wolgan Valley access while we await the funding application outcome.
- Endorsement of a 12-month action plan for the economic transition (LEEP).
- The Clarence to Wallerawang Pipeline project to ensure future water security.
- \$16.6M spent on the 2024/25 capital works program, more than would be spent in a usual full year.
- The Halloween and Christmas events.
- Induction and training of the new Council from October to December.

This report acknowledges the commitment to the community by the Mayor and Councillors as well as our teams for their dedication to delivering outcomes that matter. The highlights, stories and challenges provided in the 6-month report are only a small representation of the many services and projects delivered over July to December 2024.



**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 s404(5)

**Risk Management**

Nil

**Financial**

- As detailed in this report.

## 4.7. P&P - 24/02/2025 - Re-Establishment of Alcohol Free Zones

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

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

### Executive Summary

This report recommends that following the completion of a public exhibition period, Council re-establishes Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further four years until April 2029.

### Administration's Recommendation

THAT Council:

1. Establishes Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further four years until April 2029 in accordance with Section 644 of the Local Government Act 1993 and the advertised proposal.
2. Advises the Police and all affected liquor licensees of the establishment of the Alcohol Free Zones in these areas.
3. Advises the general community of the establishment of the Alcohol Free Zones in these areas by way of publishing a notice to that effect.
4. Installs appropriate signage.

### Attachments

1. Lithgow Alcohol Free Zone Map [4.7.1 - 1 page]
2. Portland Alcohol Free Zone Map [4.7.2 - 1 page]
3. Wallerawang Alcohol Free Zone map [4.7.3 - 1 page]
4. Police submission redacted [4.7.4 - 1 page]
5. Warrabinga Submission redacted [4.7.5 - 1 page]

### Reference to any relevant previous minute

Min 24-271 from Ordinary Meeting of Council 25 November 2024

### Background and discussion

At the Ordinary meeting of Council held 25 November 2024 (Min 24-271), Council resolved as follows:

THAT Council:

1. Consult with the Police, all affected liquor licensees, First Nations organisations and the general community on the proposal to re-establish Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further 4 years until April 2029 in accordance with Section 644 of the Local Government Act 1993.
2. Publish a notice of the proposed re-establishment of the Alcohol Free Zones in these areas calling for comment by end of January 2025.
3. Note that the matter, with community comments, will then be brought back to Council in 2025 for further consideration.

### **Alcohol Free Zone Proposal**

The proposal was placed on exhibition until 31 January 2025. The proposal was advertised by way of a media release and the Police, liquor licensees, Chambers of Commerce and local indigenous organisations were also advised and invited to make submissions. This report recommends that with completion of the exhibition period, the proposal be adopted by Council without amendment.

Council has powers under Sections 644 of the local Government Act 1993 to establish Alcohol Free Zones on roads, footpaths and public carparks. The establishment of an Alcohol Free Zone gives powers to the Police to seize, tip out or otherwise dispose of open containers of alcohol. The Police may also issue a warning or where a person does not cooperate with the Police, they can be charged with obstruction under Section 660 of the Local Government Act 1993. Council Enforcement Officers also have limited powers under these relevant sections of the Local Government Act 1993.

### **Alcohol-free zones and alfresco dining**

Alfresco dining areas for cafés and restaurants etc may operate within an Alcohol Free zone where licensed by Council, subject to conditions about the requirements of the zone, including clear delineation and control of the licensed area from the alcohol-free zone.

### **Alcohol Prohibited Areas**

Council has separate powers under Section 632A of the Local Government Act to establish Alcohol Prohibited Areas in public places (other than roads, footpaths and public carparks) such as parks. Alcohol Prohibited Areas are established by Councils through erection of signage without the need for public exhibition and may operate without time limit. Offences and penalties are consistent with those that apply in Alcohol Free Zones. This report does not deal with the establishment of Alcohol Prohibited Areas.

### **Lithgow Alcohol Free Zone**

The public areas included in this proposal are as follows:

- Main Street (from Bridge Street to Laurence Street).
- Main Street Lane and Burns Lane between Bridge Street and Bank Lane.
- Tank Street (from Bridge Street to Read Avenue).
- Bridge Street (from Tank Street to Main Street Lane).
- Railway Parade (from Tank Street to Sandford Avenue and including Gray and Station Streets).
- Eskbank Street (from Mort Street to Railway Parade).
- Cook Street Plaza.
- Bank Lane.
- Tatts Lane.
- Collins Laneway.
- Exchange Walkway.
- Bank Street between Main Street and Gray Street.
- Mort Street between Bridge and Lithgow Streets.
- Bridge Street between Mort Street and Main Street Lane.
- Cook Street between Mort Street and Main Street Lane.
- Eskbank carpark.
- Burns Lane carpark.
- Bank Lane between Mort Street and Main Street Lane.
- Naomi Street.
- Lithgow Street between Mort Street and Main Street.

### **Portland Alcohol Free Zone**

The public areas included in this proposal are as follows:

- Williwa Street from Lett Street to Saville Street.
- Lett Street from Vale Street to Williwa Street.
- Scheidel Lane.
- Cox Street from Villiers Street to Vale Street.

- Vale Street from Lett Street to Wolgan Street.
- Wolgan Street from Villiers Street to Williwa Street.
- Villiers Street from Lett Street to Wolgan Street.
- Wallerawang Road from Cullen Street to Wolgan Street.
- Cullen Street from Wallerawang Road to Williwa Street.

### **Wallerawang Alcohol Free Zone**

The public areas included in this proposal are as follows:

- Main Street between Pipers Flat Road (Black Bridge) and the Royal Hotel including Daintree Lane, Blackberry Lane and Doggett Lane.

### **Community Submissions**

A submission was received from Inspector Sammut of Chifley Police District as follows:

*Alcohol Free Zones are imperative to our Policing arsenal in the fight against alcohol related crime. These zones contribute in restricting the behaviour of people and their consumption of alcohol which in turn assists in reducing violence and anti social behaviour in and around Lithgow, Portland and Wallerawang CBD's.*

A further submission in support of the proposal was received from Warrabinga Wiradjuri Native Title Claimants Aboriginal Corporation.

A submission was received from a community member stating:

*While I agree in principle with the idea of alcohol-free zones, I don't agree that it should be solely a police enforcement matter. While police are busy with car accidents, break and enters, assaults and the like, we can't expect them to be also responsible for the sole enforcement of this as well.*

*Does Lithgow Council have an Enforcement Officer (as outlined in Section 642 of the Local Government Act)? If not, why not? I think if local government want to propose these laws, local government should go some way to enforcing them.*

*The draft proposal states that the police are the sole enforcement agency. I think that Council should have an enforcement officer as well.*

### **Adoption of Proposal**

The re-establishment of the Alcohol Free Zones will come into effect 7 days after Council resolves to adopt the proposal, publishes a notice to that effect and once the areas included in the zones are adequately signposted.

### **Consultation and Communication**

The proposal was placed on exhibition until 31 January 2025. The proposal was advertised by way of a media release and the Police, liquor licensees, Chambers of Commerce and local indigenous organisations were also advised and invited to make submissions.

### **Policy**

Nil.

### **Legal**

Local Government Act NSW 1993.

**Risk Management**

Nil.

**Financial**

There will be minimal cost in altering the dates of operation on existing signage.

#### 4.8. P&P - 24/02/2025 - Caretaker Deed - Lake Lyell

##### **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:** Sandra Politi – Development Manager

**Responsible Officer:** Ross Gurney - General Manager

##### **Executive Summary**

This report seeks Council's approval to enter a Caretaker Deed with Lake Lyell Recreation Park Pty Ltd (ACN 162 566 547) (**the Caretaker**) for the provision of caretaker services at Lake Lyell Recreation Park, Magpie Hollow Road, Bowenfels (**Lake Lyell Recreation Park**).

Lake Lyell Recreation Park is a popular destination for tourists and locals alike for the enjoyment of picnicking, swimming, boating, fishing, kayaking, water skiing and camping. Due to the popularity of the park and the broad nature of recreational activities available, it is prudent that the park is always supervised.

The Caretaker Deed documents the Caretaker Services to be provided by the Caretaker, which includes generally overseeing and supervising the conduct of visitors and maintaining good order throughout the Lake Lyell Recreation Area, in a timely, diligent, competent and proper manner, as well as maintaining the park area.

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

THAT Council:

1. Enter a Caretaker Deed with Lake Lyell Recreation Park Pty Ltd.
2. Authorise the General Manager to execute the Caretaker Deed and do all things necessary to give effect to the Caretaker Deed.

##### **Attachments**

1. Caretaker Deed - Lake Lyell Recreation Area [4.8.1 - 25 pages]

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

N/A

##### **Background and discussion**

The Council Administration and the Caretaker have negotiated a Caretaker Deed for the provision of Caretaker Services and a licence of community land for a period of 5 years commencing (retrospectively) from 28 February 2023 and concluding on 27 February 2028 (**Caretaker Deed**).

This report seeks Council's approval to enter the Caretaker Deed which continues the caretaking arrangement at Lake Lyell.

##### **Key terms of the Caretaker Deed**

The key terms of the Caretaker Deed are as follows:

Term (clause 2) - Five years, concluding 27 February 2028.

Purpose (clauses 6 and 7) – The Caretaker Deed comprises a contract for Caretaker Services and a licence to occupy the Lake Lyell Recreation Area for that purpose. The Caretaker services include maintaining all internal roads, collecting rubbish, operating the kiosk, mowing and maintaining the area as required in a clean and tidy condition including (but not limited to) maintenance of trees, fencing, garbage bins, structures and lighting, provide firewood, maintain the amenities buildings in a clean and tidy condition, ensuring potable water is available, generally overseeing and supervising the conduct of visitors to the Lake Lyell Recreation area, and maintaining good order throughout the Lake Lyell Recreation Area, in a timely, diligent, competent and proper manner.

Payment (clause 6) – In return for the Caretaker Services, the Caretaker shall retain all entry fees to the Premises and takings from the kiosk and reside in the Caretaker cottage. Council shall pay to the Caretaker the sum of \$20,000 plus GST per annum for the maintenance of the facilities in addition to payment for work performed by the Caretaker to internal roads.

Insurance (clause 5) – The Caretaker is required to maintain insurances covering public liability, plant and equipment, accident or injury to employees, workers compensation cover for its employees.

Primitive camping ground (clause 2.1) – The Caretaker Deed acknowledges that Council is in the process of arranging for a development application for a primitive camping ground, and Council indemnifies the Caretaker against any claim by a third party directly arising from the non-existence of approvals for a primitive camping ground provided the Caretaker is operating within the limits of the Caretaker Deed.

No assignment (clause 2.9) – The Caretaker Deed must not be assigned to another party without Council's prior written consent.

## **Community land**

Lake Lyell Recreation Park is classified 'community land' as identified in Council's 2013 Generic Plan of Management.

Section 45 of the *Local Government Act 1993 (the Act)* sets out what dealings councils can have in community land.

The rules applicable to entering this Caretaker Deed are as follows:

1. Exclusive occupation or exclusive use of 'community land' is prohibited, except in accordance with a lease or licence (section 47D). The Department of Local Government's publication 'Practice Note 1: Public Land Management' provides the comment "*Council may only grant exclusive occupation of community land through a lease, licence or other estate. Council cannot bypass the Act by signing a "management agreement" for example (s.47D)*".

*This requirement will be satisfied upon entering the Caretaker Deed.*

2. A lease or licence of 'community land' can only be granted in accordance with an express authorisation in a plan of management (section 46(1)(b)).

*Council's 2013 Generic Plan of Management expressly authorises leases, licences and other estates to be entered in relation to recreational activities and community activities. The services to be provided under the Caretaker Deed are directly related to recreational activities at the Premises and therefore point 2 can be satisfied.*

3. Public notice and exhibition requirements apply to a proposed lease or licence (section 47(1) and 47A(2)).

*The proposed Caretaker Deed was placed on public exhibition from 20 December 2024 to 11 February 2025 and no submissions were received during this time. Therefore point 3 is satisfied.*

### **Consultation and Communication**

The proposed Caretaker Deed was placed on public exhibition on Council's website, sign posted at the premises, advertised in the local paper and placed in customer service. No submissions were received.

### **Policy**

The Caretaker Deed incorporates a licence for the Caretaker to occupy community land. The Caretaker Deed complies with the elements of Council's Leasing and Licensing Policy that apply to community land.

### **Legal**

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

The Act includes strict procedural requirements for entering licences of community land. The procedural requirements have been satisfied and accordingly there is no legal impediment arising from entering the Caretaker Deed.

### **Risk Management**

By entering the Caretaker Deed, Council is ensuring that there is full-time supervision at Lake Lyell Recreation Park, thereby managing its risk.

### **Financial**

- Budget approved - \$40,000 per annum for Caretaker maintenance of facilities and internal roads.
- Cost centre – PJ 800062
- Expended to date - \$40,000 per annum from 28 February 2023.
- Future potential impact - \$40,000 per annum until 28 February 2028.



#### 4.9. I&E - 24/02/2025 - Notification of Playground renewals

**Strategic Direction:****Caring for Our Community**

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

**Developing Our Built Environment**

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

**Author:** David Anderson – Building & Recreation Facilities Manager

**Responsible Officer:** Jonathon Edgecombe - Director Infrastructure & Economy

**Executive Summary**

This report provides an update on the supply and installation of new play equipment at both Lake Lyell and Glen Davis recreation grounds.

**Administration's Recommendation**

THAT Council note the engagement of Moduplay for the supply and construction of playground equipment identified in the approved Operational Plan for 2024 / 25.

**Attachments**

Nil

**Background and discussion**

Lithgow City Council have been proactively focusing on improvements to playgrounds in the Lithgow Local Government Area, ensuring our playgrounds are challenging, appealing, and bring the community together in the interest of activity, play making health and wellbeing.

Council's primary focus is ensuring the supply and installation of safe and compliant play equipment for all levels of the community to enjoy.

Council's Asset Inspection team, along with Parks and Recreation team, continually assess and monitor installed playground equipment to ensure it remains in a safe state of play and compliance.

During 2024, Council engaged a suitably qualified and experienced independent company to undertake a comprehensive Level 3 inspection of the playground equipment in the Local Government Area.

With assessment reports compiled both internally and through an external audit on each of these public assets, collectively Council has formulated a strategic replacement plan according to the age and condition of the equipment located throughout the Local Government Area

As part of the Operational Plan for 2024/2025, an allocation of \$367,985 has been budgeted for play equipment replacement. This budget has been supplemented with Special Rate Variation income.

To ensure value for money, Council Officers have followed a selective quotation process through VendorPanel for the design and installation of replacement equipment at both the Lake Lyell and Glen Davis recreation grounds, totalling \$356,601 (within the allocated budget).

This selective quotation process occurred through use of the Local Government Procurement (LGP) panel LGP308-3 which prequalifies contractors and suppliers for services related to 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, LGP Customers do not need to independently tender for items purchased under this supply arrangement.

Through this selective quotation process, Moduplay has been engaged by Council to supply and construct both playground projects. Moduplay brought forward great designs fitting for each site and were competitive in price.

Council's General Manager approved this engagement through use of their delegated authority afforded to them by Council as follows:

### **18 – 195 RESOLVED**

#### **THAT:**

1. Council delegate the General Manager authority to accept Council tenders with a Contract value of up to \$500,000 where all other tender requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005 are met; and
2. The Council delegate the General Manager authority to execute the resulting contract and any associated documentation under this delegation; and
3. If required, the relevant amendments to Policy 1.4 – Tendering be adopted and implemented immediately.
4. The General Manager report to each Council meeting on the tenders that he has authorised and that the Mayor be advised of each tender determined by the General Manager. This be carried out for a trial period of 6 months.

Manufacturing of the approved designs has commenced, with the play equipment expected to be installed by June 2025.

### **Consultation and Communication**

Council has begun a consultation process with the community on a proposed venture to consolidate and renew playground assets.

Prior to installation commencement, Council will be notifying the community and relevant stakeholders of the proposed schedule for replacement.

### **Policy**

The purchasing process was undertaken in accordance with Standard Working Procedure 4.5 Purchasing and Contracting 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 Clauses 163 to 179 of the Local Government (General) Regulation 2021.

**Risk Management**

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

**Financial**

- Budget approved - \$367,985
- Cost centre - 100958
- Expended to date - \$358,478 (including commitments)
- Future potential impact - \$0

## 4.10. I&E - 24/02/2025 - Specialist Services for Wolgan Road Reconstruction Project

### 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:** Christopher Wassef - Project Manager (Slope Stability)  
**Responsible Officer:** Jonathon Edgecombe - Director of Infrastructure and Economy

### Executive Summary

This report summarises the tender evaluation process that has been undertaken for three (3) projects relating to the Wolgan Road Reconstruction project. The Wolgan Road Reconstruction Project is funded under a Tripartite Agreement (advance payments) with NSW Reconstruction Authority, Transport for NSW and Lithgow City Council and remains a high priority for Council.

#### Administration's Recommendation

THAT Council:

1. Note the tender evaluation process conducted for the following Wolgan Road Reconstruction Project sub-projects:
  - Aboriginal Cultural Values Study and Aboriginal Heritage and Community Advisor,
  - Estimating, Risk, and Schedule Specialists, and
  - Constructability and Value Management Specialists.
2. In accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2021, accept the tender submission from Artefact Heritage and Environment Pty Ltd with an upper limiting fee of \$271,099.85 excl GST (contingency inclusive) for the Aboriginal Cultural Values Study and Aboriginal Heritage and Community Advisor services for the Wolgan Road Reconstruction Project.
3. In accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2021, accept the tender submission from North Projects Pty Ltd with an upper limiting fee of \$324,012.50 excl GST (contingency inclusive) for Estimating, Risk, and Schedule Specialists services for the Wolgan Road Reconstruction Project.
4. In accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2021, accept the tender submission from Bellwether Consulting Services Pty Ltd with an upper limiting fee of \$107,410.00 excl GST (contingency inclusive) for Constructability and Value Management Specialists services for the Wolgan Road Reconstruction Project.
5. Authorise the General Manager to execute the three (3) contracts on behalf of Council under delegated authority.

### Attachments

1. CONFIDENTIAL - Wolgan Road - Overall Weighted Scores [4.10.1 - 2 pages]

A confidential *Tender Evaluation Plan* (TEP) will be distributed to the Council no later than Friday 21 February 2025. In the interests of a timely assessment of this tender however, this report should contain sufficient information for a standalone assessment.

## Reference to any relevant previous minute

- Min. No: 24-188 Ordinary Meeting of Council held 26 August 2024 (I&E – 26/08/24 - Continuation of the Wolgan Road Reconstruction – Interim budget allocation)
- Min. No: 25-36 Ordinary Meeting of Council held 28 January 2025 (I&E – 28/01/25 - Approval of Specialist Services for Wolgan Road Reconstruction Project)

## Background and discussion

After carrying out an extensive procurement process in consultation with Council's project management consultants, the nominated Tender Evaluation Committee is now able to make a recommendation to award three (3) contracts related to the Wolgan Road Reconstruction Project.

The Wolgan Road Reconstruction Project is a critical initiative to restore access for the community and ensure long-term infrastructure resilience. To support its successful delivery, the following six (6) specialist tenders were identified to address technical, environmental, and stakeholder engagement requirements among others. The status of each is shown below.

1. Estimating, Risk, and Schedule Specialists – Assisting in accurate cost estimation, risk management, and schedule planning (*included in this tender evaluation report*)
2. Constructability and Value Management Specialists – Reviewing designs and methodologies to optimise construction feasibility, minimise risks, and ensure value for money outcomes. (*included in this tender evaluation report*)
3. Aboriginal Cultural Values Study and Aboriginal Heritage and Community Advisor - Conduct studies to preserve Aboriginal heritage sites and engages with Aboriginal communities to integrate their input into the project (*included in this tender evaluation report*)
4. Technical Subject Matter Experts (SMEs) – Providing specialised technical expertise to address project-specific challenges and peer review the work of the PSC (*previously awarded at the Ordinary Meeting of Council held 28/01/25*)
5. Environmental & Sustainability and Community and Stakeholder Specialists – Ensuring adherence to environmental standards, sustainable practices, and robust community engagement (*previously awarded at the Ordinary Meeting of Council held 28/01/25*)
6. Property Acquisition Specialists – Managing property acquisition to support project development (*tender valuation currently being assessed*)

Three (3) separate Request for Tender processes were undertaken in accordance with Council's procurement guidelines, advertised publicly on Council's VendorPanel platform, with two (2) tenders (Estimating, Risk, and Schedule Specialists and Aboriginal Cultural Values Study and Aboriginal Heritage and Community Advisor) requiring supplier prequalification under the Transport for NSW Technical Services Registration Scheme (SCM8661). This scheme streamlines engagement with a pre-qualified pool of suppliers registered to work on road infrastructure projects, ensuring a consistent and efficient approach.

Regarding the Constructability and Value Management Specialists procurement, tenderers were asked to display similar experience to the Wolgan Road Reconstruction Project to be able to tender. This measure was included for this procurement as there was no relevant category under the Transport for NSW Technical Services Registration Scheme (SCM8661).

The high priority Wolgan Road Reconstruction Project is funded under a Tripartite Agreement (advance payments) with NSW Reconstruction Authority, Transport for NSW and Lithgow City Council. Awarding these contracts will provide essential expertise, mitigate risks, and ensure the project continues to progress efficiently and effectively.

## Probity Advisor's Recommendation

The independent Probity Advisor, Charles Kendall Australia, has participated in the tender process and confirms that the process was conducted in accordance with probity principles and the Tender Evaluation Plan. The recommended contracts for awarding represent the value-for-money outcomes, with no tenderer being unfairly advantaged or disadvantaged. The Probity Advisor has endorsed the procurement processes.

Probity Measures included:

- Conflict of Interest Management: All Evaluation Committee members disclosed any conflicts of interest.
- Transparency and Fairness: Council provided equal and early access to information for all tenderers, ensuring a level playing field. The evaluation focussed on assessing responses received against the approved evaluation criteria and score definitions, without consideration of prior knowledge any incumbent supplier.
- Probity Plans: The Tender required incumbent and recent Contractors for Council to submit a Probity Plan to demonstrate existing practices that ensure separation of personnel, information, and influence to uphold probity principles. This requirement was relevant in three instances:

- *Estimating, Risk, and Schedule Specialists:* An incumbent Contractor submitted a Probity Plan that demonstrated separation of project team and bid team personnel and information to an acceptable level to manage the conflict-of-interest risk.
- *Estimating, Risk, and Schedule Specialists:* A recent Contractor did not submit a Probity Plan or contact the Probity Advisor during the Tender period. The Contractor personnel submitting the Tender also worked on the Council project. Although the Contractor subsequently provided a Probity Plan in response to Council clarification during the tender evaluation, the controls for separation of bid team and project team personnel described in the Probity Plan had not been applied for this Tender. The Tender Evaluation Committee (TEC) determined that the conflict-of-interest risk were significant enough to compromise probity principles due to:
  - ♣ A perceived conflict of interest because a recent supplier was tendering for new work on the same project, and
  - ♣ An actual conflict of interest because the project personnel were directly involved in the tender process.

The TEC removed this tender from further evaluation and will provide feedback to the tenderer as part of a tender debrief.

- *Constructability and Value Management Specialists:* An incumbent Contractor did not submit a Probity Plan or contact the Probity Advisor during the Tender period. The Contractor personnel submitting the tender also worked on the Council project. The TEC determined that the conflict-of-interest risk were significant enough to compromise probity principles due to:
  - ♣ A perceived conflict of interest because a recent supplier was tendering for new work on the same project, and
  - ♣ An actual conflict of interest because the project personnel were directly involved in the tender process.

The TEC removed this tender from further evaluation and will provide feedback to the tenderer as part of a tender debrief.

## Contingency

The TEC recommends a contingency of 15% be applied for each respective contract due to the pricing structure for these engagements, including a Time Plus Disbursements component. Tenderers were required to submit their hourly rates for each of the roles against hours nominated by Council. It's important to note that payment will be made based on actual hours worked and that the nominated roles provided in the following three (3) schedules is based on estimated hours.

Council shall award these contracts with a lower value than nominated by the Tenderers and monitor the performance of the services prior to increasing the value of the contract, not exceeding the upper limiting fee values nominated by the Tenderers.

## Overall Weighted Scores

A summary of the overall weighted (including price and non-price) scores for each tender. Schedules 5, 7 and 9 relate to methodology, corporate experience and individual experience (CVs, etc.) is included as a confidential attachment.

### Tender Evaluation Results:

#### 1. Aboriginal Cultural Values Study and Aboriginal Heritage and Community Advisor

It is recommended that Council award a contract (using the Construction Consultancy Services, General Conditions of Agreement 2-May-2023) to Artefact Heritage and Environment Pty Ltd up to a maximum value of \$271,099.85 excl GST as outlined below:

Item	Hours/ Item	Rate	Cost Excl GST
Aboriginal cultural values study	LS	\$132,187.00	\$132,187.00
Aboriginal heritage community advisor	400	\$250.00	\$100,000.00
Travel to Principals office	10	\$255.20	\$2,552.00
Accommodation	5	\$200.00	\$1,550.00
<b>Tendered Value</b>			<b>\$235,739.00</b>
<b>Contingency</b>		15%	<b>\$35,360.85</b>
<b>Upper Limiting Value</b>			<b>\$271,099.85</b>

#### 2. Estimating, Risk, and Schedule Specialists

It is recommended that Council award a contract (using the Construction Consultancy Services, General Conditions of Agreement 2-May-2023) to North Projects Pty Ltd up to a maximum value of \$324,012.50 excl GST as outlined below

Item	Hours/ Item	Rate	Cost Excl GST
POM estimating advice memo	100%	\$6,400.00	\$6,400.00
Preferred strategic design estimate	100%	\$13,100.00	\$13,100.00
Initial concept design estimate	100%	\$16,100.00	\$16,100.00
Integration concept design estimate	100%	\$19,800.00	\$19,800.00
100% concept design estimate	100%	\$22,200.00	\$22,200.00
BGR Strategic Design 1	100%	\$8,400.00	\$8,400.00
BGR Strategic Design 2	100%	\$8,400.00	\$8,400.00
Principal estimator	100	\$280.00	\$28,000.00
Lead estimator	150	\$230.00	\$34,500.00

Principal risk/issues specialist	368	\$ 250.00	\$92,000.00
Lead scheduler	92	\$ 300.00	\$27,600.00
Travel	10	\$350.00	\$3,500.00
Accommodation	5	\$350.00	\$1,750.00
<b>Tendered Value</b>			<b>\$281,750.00</b>
<b>Contingency</b>		15%	<b>\$42,262.50</b>
<b>Upper Limiting Value</b>			<b>\$324,012.50</b>

### 3. Constructability and Value Management Specialists

It is recommended that Council award a contract (using the Construction Consultancy Services, General Conditions of Agreement 2-May-2023) to Bellwether Consulting Services Pty Ltd up to a maximum value of \$107,410.00 excl GST as outlined below

Item	Hours/ Item	Rate	Cost Excl GST
Principal Constructability and VM Specialist	180	\$280.00	\$50,400.00
Lead Constructability and VM Specialist	150	\$260.00	\$39,000.00
Travel	10	\$250.00	\$2,500.00
Accommodation	5	\$300.00	\$1,500.00
<b>Tendered Value</b>			<b>\$93,400.00</b>
<b>Contingency</b>		15%	<b>\$14,010.00</b>
<b>Upper Limiting Value</b>			<b>\$107,410.00</b>

### Consultation and Communication

Council has consulted key stakeholders to ensure effective communication and alignment with project objectives. Industry engagement was facilitated through non-compulsory briefing sessions for each of the three subject tenders. Community and stakeholder engagement will be actively managed to ensure transparent communication and robust consultation throughout the Wolgan Road Reconstruction Project.

### Policy

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

### Legal

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

### Risk Management

A detailed risk assessment and mitigation strategy was prepared as part of the funding application to the NSW Government for the Wolgan Road Reconstruction Project. The engagement of the specialist advisors is a critical component of this strategy, as these providers will address technical, environmental, and community-related risks while ensuring project delivery aligns with Council's objectives. Copies of the risk management documents are available to Councillors and the community upon request.



## Financial

Council has received approval from Transport for NSW on the 3 December 2024 to continue works on several strategic planning and investigation initiatives. Those are:

1. *Extension of existing contracts/ engagements for environmental assessments, constructability, cost estimating, value engineering and risk to inform the funding application/ ROI/ RFT*
  - (approximately \$310,000 excl. GST)
2. *Proper procurement and engagement of a property specialist, subject matter experts and asset management*
  - (\$690,000 excl. GST)
3. *Site investigations biodiversity survey*
  - (\$354,398 excl. GST)
4. *Technical Advisor: CD&EA Services*
  - (approximately \$5,955,810 excl. GST)
5. *CD&EA Services Contingency*
  - (\$893,371.50)

The costs for this work are part of the \$690,000 procurement highlighted in red above. An updated estimate has been prepared for the procurement of all Specialist Services of \$2,750,651 excl GST. While this is all included within the scope of the pre-payment made to Council under the tri-partite agreement, Council is seeking written approval from NSW Reconstruction Authority for an additional \$2,060,651 excl GST.

- Budget approved - \$690,000
- Additional approval sought - \$2,060,651 requested from NSW Reconstruction Authority for the six Specialist Services described above. This value also includes an allowance of \$400,000 for Registered Aboriginal Parties (RAPs), refer breakdown below.
- Cost centre - 100982
- Expended to date - \$0.00 (on this scope)
- Future potential impact - Full expenditure of the quoted sum of \$2,750,651 ex GST (detailed breakdown below)

Technical Subject Matter Experts	\$605,749
Environmental & Sustainability and Community and Stakeholder Specialists	\$671,290
Property Acquisition Specialists	\$226,090
Cost, Risk, and Schedule Specialists	\$324,013
Constructability and Value Management Specialists	\$107,410
Aboriginal Cultural Values Study and Aboriginal Heritage and Community Advisor	\$271,100
Asset Management Specialist	\$35,000
Probity Advisor	\$25,000
Legal Review	\$85,000
RAPS	\$400,000
<b>TOTAL</b>	<b>\$2,750,651</b>

#### 4.11. WWW - 24/02/2025 - TEN 01/24 Lithgow City Council Waste Management Services Tender

##### **Strategic Context for this matter:**

##### **Enhancing Our Natural Environment**

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

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

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

##### **Executive Summary**

This report summarises the tender process for *TEN 01/24 Lithgow City Council Waste Management Services* and seeks a determination from Council to accept the tender for the following separable portions:

- *J R & E G Richards (NSW) Pty Ltd* for Part A (Waste Collection Services); and
- *Australian Native Landscapes Pty Ltd* for Part B (Organics Processing Services).

Full details of the tender process are included in the confidential Tender Evaluation Report attached. A summary only is provided in this Council Report with all commercial in confidence details excluded.

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

THAT Council:

1. Receives this report for TEN 01/24 Lithgow City Council Waste Management Services.
2. In accordance with s. 178 of the *Local Government (General) Regulation 2021 (NSW)*, for Part A, accepts the tender from *J R & E G Richards (NSW) Pty Ltd* for the term of 10 years commencing 4 November 2026.
3. In accordance with s. 178 of the *Local Government (General) Regulation 2021 (NSW)*, for Part B, accepts the tender from *Australian Native Landscapes Pty Ltd* for the term of 11 years commencing 4 November 2025.
4. Pursuant to s. 377 of the *Local Government Act 1993 (NSW)*, delegate authority to the General Manager to finalise the contracts for execution and, once finalised, execute the contracts on behalf of Council.
5. As soon as practicable after entering into the contract, notify all unsuccessful tenderers, and Council publishes relevant information, as required by s. 179 of the *Local Government (General) Regulation 2021 (NSW)*.
6. Note a report will be brought to a future Ordinary Meeting of Council, following a community consultation program, to recommend the final collection area and frequency of service under Part A of the Waste Services Tender for Council approval.

##### **Attachments**

1. CONFIDENTIAL - Lithgow City Council Waste Management Services Tender Evaluation Report TEN 0124 Janu [4.11.1 - 62 pages]

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

N/A

## Background and discussion

Lithgow City Council (Council) provides waste management services to the community. Services include kerbside collection services; and the recovery of collected recycling and organics through processing services. These services are managed by Council through service contracts. The current collection and processing service arrangements have been managed through contracts that are due to expire on 3 November 2026 for the waste collection and recycling services, and 3 November 2025 for the organics processing services.

Council invited tenders for the collection services as well as the organics receiving and processing services through a public tender process in July 2024. The tender period closed on 23 October 2024. The services were requested in 2 separable parts relating to waste streams, as follows:

- Part A - Waste Collection Services (including recycling processing); and
- Part B - Organics processing services and management of the Organics Recovery Facility.

The collection services include:

- Bin and kitchen caddy supply;
- Garbage (red bin) – weekly or fortnightly;
- Recyclables (yellow bin) - fortnightly;
- Food & garden organics (green bin) - weekly;
- Bulky clean-up services – twice yearly bulky waste and organics;
- Public place collection services;
- Special event collection services;
- Illegally dumped collection services; and
- Transfer station collection services (240L MGBs).

The Request for Tenders sought services for a service term of:

- Part A (collection services): 10 years from 4 November 2026 with an extension for any period up to 5 years solely at Council's discretion; and
- Part B (organics processing services): 11 years from 4 November 2025 with an extension for any period up to 5 years solely at Council's discretion.

Council invited suitably qualified and experienced organisations to lodge a tender for the proposed services. The offer included draft agreements for the services.

A Tender Evaluation Plan was adopted prior to close of tenders, governing the processes for evaluation. An Evaluation Panel was established to undertake the evaluation in accordance with the Plan.

An independent probity adviser was appointed to oversee the process.

Open Tenders were called under Section 55 of the *Local Government Act 1993* and Section 167 of the *Local Government (General) Regulation 2005*. The Request for Tenders was advertised on 26 July 2024 and closed on 23 October 2024 (more than 12 weeks). A pre-tender meeting was not required.

Full details of the tender process are included in the confidential Lithgow City Council Waste Management Services Tender Evaluation Report TEN 01/24 January 2025 (attached). A summary only is provided in this Council Report with all commercial in confidence details excluded.

## Conforming Tender Options

### *Part A Approved Collection Area*

The tender specified that under Part A the Approved Collection Area would be determined by Council following the evaluation of tenders. The tender called for collection area pricing to include both:

*Collection Area A* including the areas of Lithgow, Rydal, Portland, Wallerawang, Lidsdale, Hartley (and Little Hartley), Cullen Bullen, Clarence, Capertee, Marrangaroo and Dargan; and

*Collection Area B* Collection Area A plus Tarana and Glen Davis/Glen Alice.

Collection Area A is the same as the existing kerbside collection area and was used as the basis for assessing price criteria. Collection Area B was included as an option for Council to extend the kerbside area subject to cost impacts, impact on the Domestic Waste Charge and community consultation.

Conforming tenders included separate prices for Collection Area A and Collection Area B for assessment and determination by Council of the Approved Collection Area. This report does not recommend to Council the Approved Collection Area. This will occur and be put to Council following further analysis and consultation.

#### *Weekly versus fortnightly garbage collection*

The tender specified two options for the frequency of garbage (red bin) collection that would be determined by Council following assessment of tenders:

- Option 1: Weekly garbage (same as existing); or
- Option 2: Fortnightly garbage.

Fortnightly garbage was included as an option for conforming tenders as this is common with a 3-bin kerbside system that includes a weekly organics (FOGO) service. A fortnightly garbage service is an option for Council subject to cost impacts, impact on the Domestic Waste Charge and community consultation. Again, this report does not recommend to Council a weekly or fortnightly garbage service, this will occur and be put to Council following further analysis and consultation.

#### **Tenders Received**

Conforming Tenders from the following organisations were received by the closing time of 5pm on 23 October 2024:

<b>Conforming Tenderer Submissions – Part A Collection Services</b>
Cleanaway Pty Ltd (Cleanaway)
J R & E G Richards (NSW) Pty Ltd (JRR)
Sydney Waste Pty Ltd (SWS)

<b>Conforming Tenderer Submissions – Part B Organics Processing Services</b>
Australian Native Landscapes Pty Ltd (ANL)
Greenlife Resource Recovery Facility Pty Ltd (Greenlife)
Topsoil Organics Pty Ltd (Topsoil)

The tenders were lodged via Council's electronic tender platform (Vendor Panel) consistent with the RFT terms and conditions.

In addition to the confirming tenders, a further two (2) non-conforming tenders were received:

<b>Non Conforming Tender Submissions</b>	<b>Departures from Specifications</b>
Cleanaway Pty Ltd (Cleanaway)	Alternative offer in Part A for an alternative methodology for undertaking the bulky clean up collection services
J R & E G Richards (NSW) Pty Ltd (JRR)	Alternative service frequencies regarding the extended collection area.

## Tender Evaluation Panel

In accordance with Council's Tendering Standard Working Procedure 2.1, a tender evaluation panel was formed to evaluate the tenders, consisting of:

*Scoring Panel Members:*

- Nigel Campbell, Waste & Recycling Manager, LCC
- Raj Singh, Governance & Risk Manager, LCC
- Jemma Houlison, Waste Compliance Officer, LCC

*Probity:*

- Sarah Mullins, Partner, OCM

*Procurement Adviser:*

- Katherine Driscoll, Principal Consultant, Impact Environmental Consulting (IEC)

The Tender Evaluation Panel met at Council's offices and via videoconferencing on a number of dates to undertake the formal evaluation of the tenders and to finalise the evaluation process.

## Selection Criteria

Each tender was evaluated according to the criteria in the Tender Evaluation Plan summarised as follows:

1. Pass and fail criteria
  - insurances required by the Agreement
  - the Tenderer's financial viability is likely to be sufficient
  - that the Tenderer has adequate Work Health and Safety systems
  - that the Tenderer has sufficient systems to meet appropriately accredited quality standards.

2. Weighted non-price criteria (50%)

*Part A – Waste Collection Services*

	Criteria	Weighting
1	Confidence in the Tenderer	20%
2	Service methodologies	10%
3	Service Resources	20%

*Part B – Organics Processing Services*

	Criteria	Weighting
1	Confidence in the Tenderer	20%
2	Facility	20%
3	Environmental Performance	10%

3. Price-criteria (50%)

The prices submitted by the Tenderers were submitted separately. The prices were examined firstly by IEC who presented the price analysis to the Evaluation Panel following the assessment of the non-price components, in accordance with the Tender Evaluation Plan.

## Scoring System

Each company was given a score from 0 – 10 for each selection criteria item using the following scoring system:

10 **Exceptional.** Full achievement of the requirements specified in the documentation, for that criterion. Demonstrated strengths. Meets and exceeds the requirements in all areas. Response demonstrates superior capability, capacity and experience relevant to, or understanding of, the requirements of the evaluation criterion. Comprehensively documented with all service specifications and requirements fully substantiated. Low or no risks, weaknesses or omissions.

9 **Superior/Outstanding.** Requirements are exceeded in most key areas & addressed to a very high standard in all others. Response demonstrates outstanding capability, capacity and experience relevant to, or understanding of, the requirements. Most specifications are fully explained with others very well detailed. Low risk.

8 **Very Good.** Sound achievement of the requirements specified for that criterion. Tender demonstrates very good capability, capacity and experience relevant to, or understanding of, the requirements of the evaluation criterion. Low risk. Some minor errors, risks, weaknesses or omissions, which may be acceptable as offered.

7 **Good.** Specification and requirements met to a high standard overall. Response demonstrates good capability, capacity and experience, relevant to, or understanding of, the requirements and specifications for that criterion. Low to medium risk.

6 **Fair.** Reasonable achievement of the requirements specified which engenders reasonable confidence for that criterion. Some errors, risks, weaknesses or omissions, which can be corrected/overcome with minimum effort. Credible strategies that fully address minimum requirements and exceed requirements in some areas. Tender demonstrates fair capability, capacity and experience, relevant to, or understanding of, the requirements of that criterion. Some minor shortcomings. Most key risks are covered well. Medium risk.

5 **Adequate.** Requirements and specifications addressed to an acceptable standard with no major shortcomings but does not engender confidence in all aspects of the criteria. Response demonstrates acceptable capability, capacity and experience, relevant to, or understanding of, the requirements of that criterion. Some gaps identified which may not be rectified easily. Medium risk.

4 **Marginal.** Minimal achievement of the requirements specified in the documentation, for that criterion. Requirements not fully met. Some errors, risks, weaknesses or omissions, which may be possible to correct/overcome and make acceptable. Tender demonstrates marginal capability, capacity and experience, relevant to, or understanding of, the requirements of that criterion. Some components of the tender unworkable. Medium to high risk.

1 - 3 **Poor to deficient.** No achievement of the requirements specified in the documentation, for that criterion. Specifications poorly addressed or inadequately dealt with in some areas or not at all. Existence of numerous errors, risks, weaknesses or omissions, which are difficult to correct/overcome and make acceptable. Response demonstrates poor capability, capacity and experience, relevant to, or understanding of, the requirements of that criterion. High risk.

0 **Unacceptable.** Totally deficient and non-compliant. Non-compliance either stated or demonstrated by the Respondent or there is insufficient information to assess compliance. Response was not evaluated as it did not provide minimum level of requested information and/or contravened nominated restrictions.

## Evaluation Summary – Final Scores

### *Part A – Waste Collection Services*

	Total Score / 100	Rank
Cleanaway	87.7	2
JRR	92.5	1
SWS	62.8	3

### *Part B – Organics Processing Services*

	Total Score / 100	Rank
ANL	91.0	1
Greenlife	61.2	3
Topsoil	63.2	2

### Non-conforming tenders

Cleanaway included an alternative offer in Part A for an alternative methodology for undertaking the bulky clean up collection services. The Panel discussed this option and determined the approach was not suitable. Given Cleanaway are not the preferred tenderer, this proposal was not assessed further.

JRR included an alternative offer relating to alternative service frequencies regarding the extended collection area. This pricing is available for Council to accept if Council decides to take up the option to extend the collection area.

### Panel Recommendation

The Tender Evaluation Panel recommends awarding the Waste Management Services tender to:

- J R & E G Richards (NSW) Pty Ltd for Part A (Waste Collection Services); and
- Australian Native Landscapes Pty Ltd for Part B (Organics Processing Services).

A recommendation on the Approved Collection Area and weekly or fortnightly garbage collection is to be made following further analysis and consultation.

### Consultation and Communication

N/A

### Policy

The Tender process and evaluation were conducted in accordance with Council's Tendering Standard Working Procedure 2.1.

### Legal

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

Marsdens Law Group are the appointed legal advisor for the tender process. Marsdens Law Group have/will provide the following services:

- Review any nominated departures from the tender requirements and provide advice on assessment of that Schedule to the Evaluation Panel for relevant Tender/s.
- Legal advice during any negotiations, if relevant.
- Legal advice on final contract, as necessary.

### **Risk Management**

A Risk Assessment was undertaken prior to tender in accordance with the Tendering SWP 2.1.

Risks to Council were considered in the tender assessment process as noted in the scoring system.

Comprehensive risk management requirements are built into the contract that will be managed throughout the contract term.

### **Financial**

- Budget approved – to be included in Waste operational budget from 2025/26 for Part B (Organics Processing) and from 2026/27 for Part A (Waste Collection Services)
- Cost centre – 800091, 800093, 800094, 800095, 800096
- Expended to date – n/a
- Future potential impact – costs to be built into the Waste long-term financial plan and funded through the Domestic Waste Charge



## 5. Council Committee Reports

### 5.1. I&S - Strategic Review Committee Meeting Minutes

**Author:** Penny Way - Executive Assistant Infrastructure and Economy  
**Responsible Officer:** Jonathon Edgecombe - Director of Infrastructure and Economy

#### Executive Summary

This report provides details of the minutes of the Strategic Review Committee Meeting held on 4 February 2025.

#### Administration's Recommendation

THAT Council notes the minutes of the Strategic Review Committee held on 4 February 2025.

#### Attachments

1. Approved Minutes Strategic Review Committee 04 02 [5.1.1 - 8 pages]

#### Reference to any relevant previous minute

Nil.

#### Background and discussion

At the Strategic Review Committee held on 4 February 2025, there were several items discussed by the Committee including:

1. Project Update Report.
2. Main Street CBD Footpath Improvements – Stage 2a Update.
3. Plant Replacement Budget Report.
4. Lithgow City Council – Sporting Precinct Master Plan.

The following items were deferred during this meeting to discuss at an extraordinary meeting that has been scheduled for the 18 February 2025:

- 7.1 Strategic Review Committee Terms of Reference.
- 7.3 Infrastructure Asset Management Plans – Update.
- 7.4 Review of Civil Engineering Guidelines – Update.
- 7.6 REF and Part 5 Assessment Improvement Program.
- 7.8 Building Security (Keys and Locks) Policy.

The minutes for the deferred meeting will be included as a late report to this meeting.

#### Financial

- Budget approved - NIL
- Cost centre - NA
- Expended to date - NIL
- Future potential impact - NIL

## 5.2. I&E - TALC Minutes - 6th February 2025

**Author:** Penny Way - Executive Assistant Infrastructure & Economy  
**Responsible Officer:** Leanne Kearney – A/Director of Infrastructure and Economy

### Executive Summary

This report provides details of the Minutes of the TALC Committee Meeting held on 6 February 2025.

### Administration's Recommendation

THAT

1. Council note the minutes of the TALC Committee Meeting held on 6 February 2025.
2. The Committee welcome Deputy Mayor Steven Ring and Councillor Elizabeth Fredericks as the new Council representatives, and Sergeant Steven Chaplin as the new NSW Police representative on the Traffic Advisory Local Committee.
3. Deputy Mayor Steven Ring be accepted as the primary Councillor representative and Councillor Elizabeth Fredericks be accepted as the alternative Councillor representative.
4. Deputy Mayor Steven Ring be elected as the Chairperson of the Committee and Jackie Barry be elected as the Deputy Chairperson; and
5. Committee meetings continue to be conducted at 11.00am on the first Thursday of each month (pending sufficient agenda items).
6. Council note the traffic related matters between August 2024 and January 2025.
7. Council grant permission to conduct the Westpac Ride for a Cure Tour bicycle event travelling through the Lithgow LGA on Monday 10 March 2025, subject to permission being granted by TfNSW and NSW Police Road Events.
8. Council endorse the 2025 Variety 4WD Adventure on local roads in the Lithgow Local Government on 8 March 2025.

### Attachments

1. Minutes TALC Committee Meeting 06 02 2025 [5.2.1 - 7 pages]

### Reference to any relevant previous minute

Nil.

### Background and discussion

At the TALC Committee held on 6 February 2025, there were numerous items discussed by the Committee, however these items were outside the committee's delegations and require council to formally approve the recommendations:

- 8.1 Welcome to New Committee.
- 8.2 Caretaker Period Traffic Matters.
- 8.3 Accessible Parking Space Relocation Request – Main Street, Lithgow.
- 8.4 Tour De Cure Westpac Ride 25.
- 8.5 2025 Variety 4WD Adventure.

**Financial**

- Budget approved - NIL
- Cost centre - NA
- Expended to date - NIL
- Future potential impact - NIL

### 5.3. I&E - 24/02/2025 - Sports Advisory Committee

**Author:** Penny Way - Executive Assistant Infrastructure & Economy  
**Responsible Officer:** Jonathon Edgecombe - Director of Infrastructure and Economy

#### Executive Summary

This report provides details of the Minutes of the Sports Advisory Committee Meeting held on 12 February 2025.

#### Administration's Recommendation

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 12 February 2025.
2. Endorse the draft Terms of Reference for the Sports Advisory Committee.
3. Note that Councillor D Goodwin has been elected as the chair and that Councillor E Mahony has been elected as the deputy chairperson.
4. Provides Charlie Evans with \$300.00 toward the cost of participating in the 2025 National Age Swimming Championships from the sporting financial assistance allocation.
5. Accept Catherine Barbour and Lauren Turner as the Sports Advisory Committee representatives from the Lithgow Netball Association.

#### Attachments

1. Approved Minutes Sports Advisory 13 02 2025 [5.3.1 - 9 pages]
2. Sports- Advisory- Committee Terms of Reference [5.3.2 - 4 pages]

#### Reference to any relevant previous minute

Nil.

#### Background and discussion

At the Sports Advisory Committee held on 12 February 2025 there were numerous items discussed by the Committee including:

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

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

- Item 6 Terms of Reference and Election of Chairperson.
- Item 7 Financial Assistance Requests.
- Item 10 New Members.

#### Financial

- Budget approved - \$2,500.00
- Cost centre – PJ 800158
- Expended to date - \$600.00
- Future potential impact - if the request is approved for \$300.00, the budget remaining will be \$1,600.00



## **6. Business of Great Urgency**

---

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

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

